

<b>Application Number</b>	16/01167/AS
<b>Location</b>	Former Pledges Mill and South Kent College site, Victoria Road, Ashford, Kent.
<b>Grid Reference</b>	00992/42245
<b>Parish Council</b>	None
<b>Ward</b>	Victoria
<b>Application Description</b>	Full planning application for a superstore (Use Class A1) with associated parking, substation, landscaping and access works
<b>Applicant</b>	HDD Ashford
<b>Agent</b>	Nathaniel Lichfield & Partners
<b>Site Area</b>	0.6ha

(a) 200/10R, 2S, 2X	(b) -	(c) SGN X, KHS X, PROW X, EA X, Stagecoach X, POL X, Network Rail X, KCC (Heritage) X, SW X, KCC (Flooding) X, PO (Drainage) X, SACF X, KCC (Eco) X, EH(EP) X, VBRAG R,
---------------------	-------	---

## Introduction

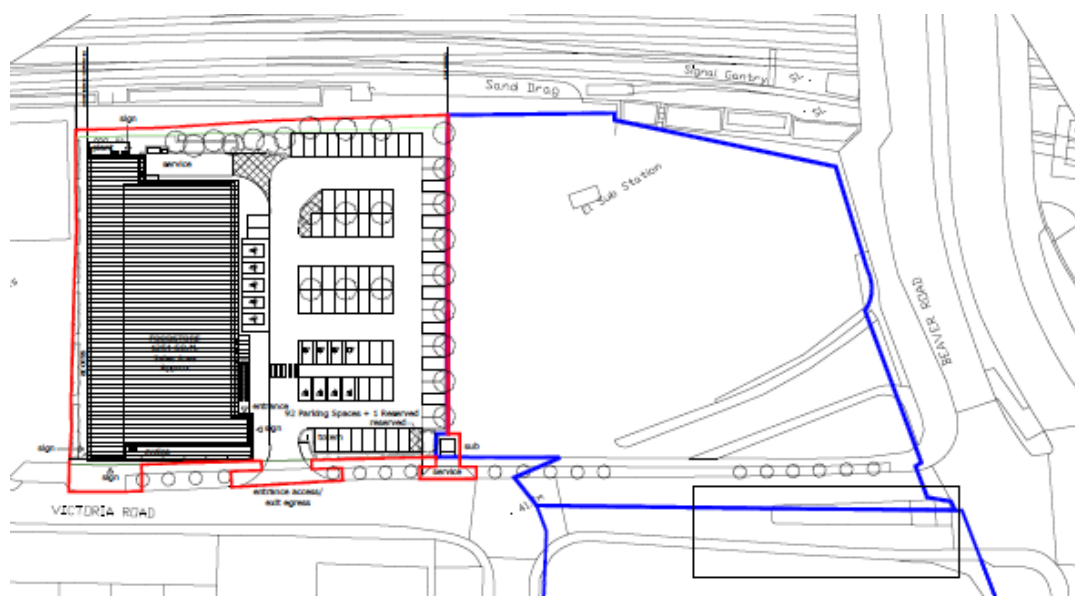
1. This application is reported to the Planning Committee because the application is a major development and, as such, is required to be determined by the Planning Committee under the Council's scheme of delegation.
2. The proposal has been the subject of pre-application discussions helping to refine the appearance and layout to positively respond to the site context and the need for high quality development at the eastern end of Victoria Road as the entrance into the Southern Expansion Quarter defined in the Council's Town Centre Area Action Plan 2010.
3. The proposal, along with the proposals in relation to applications 16/01157/AS (brewery, residential and small commercial units) and 16/01164/AS (hotel) was the subject of Design Review in early 2016. A copy of the Panel's letter is

attached as an Annex to application 16/01157/AS reported on this agenda. How the superstore scheme has evolved since that review is dealt with in the Assessment section of the report.

4. Images further below in this report identify the intended operator's standard approach to superstore design compared with the enhanced design that has been negotiated.

## Site and Surroundings

5. The site comprises a 0.6ha site on the northern side of Victoria Road near to George Street and the Beaver Road bridge. The site surroundings comprise a mixture of business uses, a residential area and the domestic and high speed railway lines. The site is not located in a designated Landscape Character Area. There are no listed buildings within or adjacent to the site. The site is not located in a conservation area.
6. Most of the land involved was previously in industrial use forming part of the former Pledges Mill. It now comprises scrub and rough grassland together with large areas of hardstanding. The site has an 80 metre wide frontage to Victoria Road and is shown in the image below.



7. The domestic and high speed railway lines are located to the north of the site in a transport infrastructure cutting. Further to the north is a surface level car park and the eastern end of Elwick Road where the new college building is currently being constructed.
8. East of the site on the same side of Victoria Road is another area of scrub grassland. The proposal for the erection of a brewery subject of application 16/01157/AS is also reported on this agenda.

9. South of the site on the opposite side of Victoria Road are a number of business premises occupying two-storey 20<sup>th</sup> century metal clad buildings (Watling Tyres / Andrew Sykes Hire / Motor Parts Direct / Kitchens Bedroom Bathrooms / Tyreweb / Rail Training International) set back from the street edge with frontage parking and delivery bays.
10. West of the site is a large 2-storey 20<sup>th</sup> century metal clad warehouse building set back from Victoria Road by a substantial hardstanding. The image below shows this building. It is currently being used by Chapel Down, the proposed occupant of the brewery subject of application 16/01157/AS, for warehouse purposes.



11. There are no trees subject of a Preservation Order. The site is not occupied by any Category A or B Class trees with only 15 Category C trees. This tree cover is characterised by trees with compromised structure, trees with signs of stress, trees of indifferent structural and physiological appearance and or limited amenity value.

## Proposal

12. Full planning permission is sought for the erection of a superstore with associated parking, substation, landscaping and new access to Victoria Road. The applicant identifies that Aldi would be the occupier.

13. Location of the building on the plot
14. The superstore would comprise a single-storey building with a service yard and docking bay located on the rear northern side. It would include back of house operations such as offices, staff facilities and a storage /warehouse element. The gross internal area would be approximately 1725 sq.m. with a sales area of approximately 1254 sq.m. There is no first /mezzanine floor.
15. A large 93 space customer parking area (including 5 spaces for people with disabilities) would be provided on the eastern side of the plot and the foodstore would occupy the corresponding western side of the plot.
16. The dimensions of the proposed building are such that the majority of the depth of the plot would be filled with the building directly abutting the rear of the footway in Victoria Road. The image below shows the proposed site layout.



The scale, architectural style, massing and appearance of the building

17. The building would be 65m deep and 35m in width. The 35m width would provide the built frontage to Victoria Road. The eastern side of the building would be approximately 8m in height with the western side being lower at approximately 5.5m.
18. The architectural style of the building would be modern.

19. The massing of the building involves a rectangular plan form to the differentiated eaves level on the east and west sides with use of a mono-pitch roof sloping in a westerly direction. This would present the highest side of the building (its eastern side) facing towards the customer car park and the proposed brewery to the east subject of application 16/01157/AS with the building mass decreasing to the west. The image below shows the Victoria Road frontage.



20. The customer entrance into the building would also be at the south-eastern (Victoria Road frontage) corner and so would benefit from that importance conferred by enhanced mass and height.
21. The appearance of the building flows from the architectural style. The frontage to Victoria Road is proposed with a grey blockwork solid element at the eastern lower side of the building (which would include a feature textured block-work panel in a similar hue) with a substantial glazed frontage recessed under a colonnade. At ground floor level the recess would be tiled and a number of cycle parking stands would be provided taking advantage of the shelter provided by the colonnade. The image below shows frontage elements in greater detail.



22. As the building does not include a mezzanine, there would be an internal bulkhead reconciling ceiling heights in the different parts of the building. The applicant has supplied a section confirming that this bulkhead would be recessed within a significant distance into the interior of this space. The glazed frontage to Victoria Road is therefore a full height internal atrium approximately 26m in width. The applicant has confirmed that within this area the intention would be to hang advertisements/displays.
23. The overall colour palette would be monochrome with use of grey blockwork (including textured blockwork areas to provide visual interest and variety) as a motif repeated at the building's corners, the use of grey in complementary shades for the frames to glazing as well as fascia elements. A longitudinal grey window is proposed on the eastern elevation of the building facing towards the customer car park. This would allow natural light to penetrate into the sales area interior of the building.
24. Panels are proposed on the remaining areas of the elevations. The application was submitted with plans indicating the use of white panels as a strong contrast to the grey colour palette of the other building elements. Following negotiations during the course of the application in respect of long term maintenance, the cladding section below the aforementioned longitudinal window has been amended to grey panels. This is a minor design evolution of the proposed building and one that, in my opinion, has not required any re-consultation.
25. The applicant's Design and Access Statement charts the design evolution of the proposed building. The image below shows the approach to a standard Aldi with a side entrance.



26. In contrast, the computer generated image below shows the enhanced design that has been negotiated to give greater presence and built enclosure to Victoria Road. Both the colonnade and substantial glazed frontage approach are identified as assisting the proposal to sit well with approach to the brewery building that is proposed located to the east of the site.



#### Hours of opening to the public

27. The applicant's intended hours of opening to customers are stated in the application as follows;-
- (i) Monday to Saturday – 06:00-23:00
  - (ii) Sundays and Bank Holidays – to comply with legislation (i.e. a 6hr period between 10:00 – 18:00)

#### Hours of operation

28. The applicant's intentions in respect of deliveries have yet to be determined. The applicant's pre-application retail scoping note of November 2015 identifies that servicing would be likely to take place between 05:00-24:00 Monday to Saturday and 06:00-23:00 Sundays and Bank Holidays. It is noted that the Noise Impact Assessment (NIA) makes recommendations in respect of an acoustic screen should deliveries be proposed between 23:00-07:00. This is detailed in paragraph NIA3 of the Supporting Documents section of this report. The applicant requests that the details and precise location of this screen fence be the subject of a planning condition should the operator ultimately require servicing within the 23:00-07:00 period.

29. Associated works to Victoria Road

30. When public realm enhancement works were carried out to Victoria Road, a vehicle crossover to the site in high quality materials was created. The proposed location of the superstore building on the western side of the plot means that the access is in the wrong place to serve the development. The proposal is therefore for it to be removed, the area reinstated with high quality matching materials and new street trees in the bound surface element of the footway and a similar vehicular access to be provided to the east.
31. Two existing street trees would be lost to make way for the new access. The applicant has clarified the intention is for the street trees to be removed and replanted in the area subject of reinstatement.

The car park landscaping & boundaries and the substation

32. The eastern boundary to the site forms the common boundary to the proposed brewery parking and secure yard / delivery spaces. The hard landscaping proposal on this boundary is a 2.3m high weldmesh or similar security fence to separate the two sites. A linear belt of trees would be provided within the foodstore site adjacent to this fence to help soften its impact and screen views to parked vehicles. The species of trees is not yet known but can be dealt with by planning condition.
33. The southern end of the fence on the eastern boundary would meet the proposed substation compound on the Victoria Road frontage of the site. The area around the substation is shown on the landscaping plans as shrub planting.
34. The substation forms both part of this application as well as the application involving the brewery. The substation is required to be on the frontage and cannot be located elsewhere. It requires a small layby facility requiring the removal of two existing street trees.
35. The intention is to integrate – as far as possible - the substation with the Victoria Road boundary fence to the brewery and the superstore car park in order to create a visually coherent high quality street boundary for both sites. As originally deposited, the application identified the common use of a 'hit and miss' Corten steel boundary fence together with soft landscaping. Due to excessive cost, this has subsequently been amended to a black timber post and mesh fence complemented by soft shrub and hedge planting. This detailing would continue westwards beyond the sub-station to the entrance into the superstore car park.
36. Within the car park, trees are proposed in two of the three proposed double aisles of parking spaces. The double aisle closest to the entrance into the



building is designed to accommodate comfort spaces for people with disabilities with a central pedestrian walkway leading to a marked crossing point to the store entrance: the applicant identifies that there is insufficient room here to plant trees.

37. A number of trees are proposed on the northern side of the car park boundary with the railway lines as well as the entrance to the delivery area.

## **Application Supporting Documents**

38. The applicant has submitted a comprehensive suite of supporting documents for applications:-

(i) 16/01157/AS (the brewery, commercial units and residential) – described the applicant as ‘Application A’,

(ii) 16/01164/AS (the hotel) – described the applicant as ‘Application B’ and,

(iii) 16/01167/AS (the superstore) – described by the applicant as ‘Application C’.

39. Many of these reports are common to each of the applications. This ‘combined’ approach is taken forward in the majority of the brief summaries below with any issues specifically informing the approach to application 16/01167/AS then identified. Where a report is completely specific to the current application, this is also identified at the start of a paragraph

### Arboriculture Impact Assessment (combined report)

- AIA1. Specific – Tree cover within the site (as opposed to within Victoria Road), involves 15 low quality (Category C) self set trees in derelict ground. These are considered to be unremarkable examples of their type typically with compromised structure, signs of stress, trees of indifferent structural and physiological appearance and of limited transient amenity value and thus are considered to be able to be readily replaced without significant individual impact on the amenity of the area.
- AIA2. Specific – Four Chanticleer Pear trees (T28-T30 in the survey) planted on the northern side of Victoria Road would be required to be removed as a result of the substation layout and the access into the customer car park.
- AIA3. General - The AIA states that by design, the proposals accommodate the (riverside) southern boundary tree cover, which is considered important for integrating application A’s proposals within the wider setting. This is considered practicable subject to future detailed design reflecting the need for

temporary protection and mitigation for permanent development in close proximity to retained trees during construction.

- AIA4. General - The AIA concludes that subject to appropriate mitigation planting, the proposals put forward within application A, B and C, allow for technical confidence in the long-term viability of retained and appropriate tree cover and would not result in harm to the wider treescape, particularly those along the southern boundary within application A. The principles of the proposed developments are therefore considered appropriate from an arboricultural perspective. The adoption of appropriate mitigation planting proposals, arboricultural input during detailed design, and the adoption of future safeguards for protecting trees are all highlighted as being necessary.

Air Quality Assessment (combined report)

- AQA1. General - The Air Quality Assessment report states that the sites are not situated within an Air Quality Management Area (AQMA) and background concentrations of NO<sub>2</sub> and PM<sub>10</sub> are anticipated to be well below the respective national Air Quality Objectives (AQO). The report also states that transport emissions are expected to be the main source of air pollution in the vicinity of the sites.
- AQA2. General - The report states that during the construction phase the proposed development is classed as being 'medium risk' in terms of dust impacts if construction works are progressed on all sites concurrently. The AQA concludes that dust minimising measures during construction should be implemented as detailed in the report.
- AQA3. General - The report identifies that during the operational phase the effect of traffic emissions resulting from the schemes have been judged as 'not significant'.
- AQA4. Specific – Combined Heat and Power Plant technology would be introduced as part of Applications A and C. This has the potential to increase concentrations of NO<sub>2</sub> but as predicated concentrations in operation would be below the ACQ it is considered unlikely that CHP emissions would result in significant impacts at existing or future receptors.
- AQA5. Specific - The report also states that dispersion modelling of CHP emissions may be required depending on size of the proposed plant to ensure no significant impacts at existing or newly introduced receptors.

Archaeological Assessment (combined report)

- AA1. General - The AA states that there are no designated heritage assets such as World Heritage sites, Scheduled Monuments, Historic Battlefield or Historic

Wreck sites that have been identified within the study site or its immediate vicinity. In terms of local designations the site does not lie within an identified area of archaeological potential.

- AA2. General - The report asserts that the site can be considered likely to have a modest potential for the Roman and Post Medieval/Modern periods. Past post-depositional impacts at the study site are considered likely to have been severe as a result of previous development and demolition.
- AA3. General - The report concludes that on the basis of the available information it is anticipated that a requirement for the implementation of a trial trench evaluation exercise will be required for each application site with this secured by a planning condition.

#### Ecological Appraisal (combined report)

- EA1. General - The EA states that an area adjacent to the south of Site A is subject to statutory designation as part of Ashford Green Corridors LNR, whilst the Great Stour river adjacent to this southern boundary forms part of the non-statutory Great Stour Ashford to Fordwich Local Wildlife Site designation
- EA2. General - The Ecological Appraisal report states that the application sites were surveyed in February 2016 (with update work undertaken in July 2016) based around extended Phase 1 methodology as recommended by Natural England. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species. Further survey work is recommended for reptiles and invertebrates across all sites, whilst surveys for bats, Water Vole and Otter are specifically recommended in respect of site A.
- EA3. General - The EA states that the sites support a mosaic of habitats including sparse vegetation, tall herb, scrub, trees and hardstanding. These habitats support only common and widespread species.
- EA4. General - The EA also states that Site A offers some potential opportunities for protected and notable faunal species namely bats, Water Vole and Otter, whilst all three sites support potential opportunities for reptiles and invertebrates. As such, it is recommended that further survey work is undertaken to provide an assessment of these species groups. Common mammal and bird species are also likely to make some use of all three sites. As such, the report sets out recommendations for mitigation measures for faunal species to ensure they are safeguarded under the proposals.
- EA5. General - The EA concludes that the proposals seek to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and

compensatory measures, it is considered unlikely that the proposals individually (or cumulatively) would result in significant harm to biodiversity.

EA6. Specific – The EA identifies that part of sites A and C are considered to support the priority habitat ‘Open Mosaic Habitat’, considered to be of low-moderate ecological value at the local level. Site C includes a 0.23 ha area of this type of habitat. Although both limited in extent and considered to be of relatively low interest, the EA makes a number of recommendations:-

(i) tree and shrub planting for Site C should involve species chosen for their wildlife value and include nectar or pollen rich or fruiting varieties that would help provide a diverse food source and shelter for a range of wildlife, and,

(ii) detailed design work for Site C should be informed by the results of any further invertebrate survey work and incorporate any specific habitat features for interest species.

Desk Top Study Environmental / Contamination (specific)

E&C1. Specific - The report states that in light of the information derived from this desk study it is considered that an intrusive investigation should be undertaken and that soil and ground water contamination testing is required on this site. This investigation should be concluded prior to detailed design.

E&C2. Specific – The report states that a sampling strategy, based on BS 10175, Para 7.6.2.5, should include sampling points randomly positioned within a suitable grid. If groundwater is encountered at shallow depths then water samples should be taken for chemical analysis.

E&C3. Specific – Once findings of intrusive ground investigation are made available, the report details the need for a site remediation strategy involving the following measures:-

(i) Contamination sampling to determine extent of any identified hot spots

(ii) Removal of remaining buildings and site wide vegetation scrape with all material removed from the site

(iii) Decontamination where necessary as a result of investigations

(iv) If perched ground water is found, remedy the water by removing contaminants using specialist on-site receptors with all residual contaminated water tinkered off-site

(v) Capping of the site by the import of clean granular material

E&C4. Specific - The report concludes that the proposed development would provide large areas of impermeable surfaces and cover of the existing site, it is envisaged that all end users of the completed scheme would be at a low risk from any residual contamination.

Economic Benefits Assessment (combined report)

EBA1. The Economic Benefits Assessment summarises the economic and fiscal effects generated by the proposed mixed-use developments at Victoria Road in the table below, with the estimated economic and fiscal impacts of the developments associated with each application also summarised. Application C – the application subject of this report - is highlighted in red.

Economic and Fiscal Effect	Planning Application			Total
	A	B	C	
<b>CONSTRUCTION EFFECTS</b>				
Construction Cost	£45.0m	£8.0m	£2.0m	£55.0m
Construction Period (years)	1.5	0.5	0.5	2.5
Person-Years of Construction Work	500	90	20	610
Temporary Construction Jobs (p.a.)	335	180	45	245
Indirect & Induced Jobs (p.a.)	505	270	65	370
Total Direct & Indirect GVA (p.a.)	£8.6m	£1.5m	£0.4m	£10.6m
<b>OPERATIONAL EFFECTS</b>				
Total Direct Jobs	40	60	60	160
FTE Direct Jobs	35	40	35	110
Direct GVA (p.a.)	£2.4m	£1.0m	£1.5m	£5.0m
Indirect & Induced FTE Jobs (regionally)	15	20	15	50
<b>RESIDENT EXPENDITURE EFFECTS</b>				
'First Occupation' Expenditure	£688,000	-	-	£688,000
Total Gross Resident Expenditure (p.a.)	£6.9m	-	-	£6.9m
Net Additional Resident Expenditure (p.a.)	£3.9m	-	-	£3.9m
FTE Indirect Jobs Supported	40	-	-	40
<b>FISCAL IMPLICATIONS</b>				
New Homes Bonus Payments (set 6 years)	£1.9m	-	-	£1.9m
Council Tax Receipts (p.a.)	£316,800	-	-	£316,800
Business Rates Payable (p.a.)	£89,500	£112,000	£164,100	£365,600

EBA2. The EBA also states that the proposed development scheme at Victoria Road would benefit the local area in Ashford town in a variety of other ways that would enhance the socio-economic profile and prosperity of the community.

EBA3. Some of the key benefits of the proposed developments in wider socio-economic terms include the following:-

- (i) Improve the residential environment in Ashford town by delivering a high quality mixed-use development scheme that would include 216 new residential units, which would increase local housing supply in the area and support a higher share of the local housing requirements in the locality,

(ii) Deliver a large component of the scheme as Build to Rent units, which would help to meet a gap in the local housing market in Ashford and Ashford town where only a limited share of private rental housing is currently offered to meet the needs of a growing group that either prefer the benefits of private renting or simply cannot afford home-ownership,

(iii) Support a mix of household types that would contribute to a more diverse community within the local area including accommodating a higher share of younger professionals and upper tier workers in Ashford town who – it can be assumed – would improve the overall socio-economic profile of the local community,

(iv) Support the local business community in Ashford town by generating increased levels of resident expenditure in the local economy as well as accommodating a range of new commercial uses as part of the mixed-use scheme that would boost the image of the area as a business location,

(v) Activate improvement to the public realm surrounding the proposed sites in the wider Ashford town centre area, which would boost the local area as a mixed-use environment, and potentially act as an important catalyst for further private sector investment and regeneration in Ashford town,

(vi) Support the vitality and viability of Ashford town centre by delivering new retail uses in the area, as well as delivering a new brewery attraction and a new 120 bedroom hotel, which would contribute to the visitor economy in the Borough, and

(vii) Contribute to critical mass in the local area that would support the delivery of new social and community infrastructure provision (i.e. through planning contributions), which would help to increase community cohesion and quality of life in the local area.

#### Energy Strategy Report (combined)

- ES1. General - The report provides a cumulative assessment that addresses the energy consumption and associated carbon emissions and offset payments required of all three applications.
- ES2. General - The report states that the table below concludes the predicted CO2 savings for each Plot and highlights the total development impact.
- ES3. General - The report states that each of the applications will detail the fabric design measures and building services that are proposed to meet the results set out at ES2 above.

- ES4. General - The report concludes that that each proposed development would exceed Ashford's carbon dioxide emission targets through the use of on-site low zero carbon technologies. Surplus CO2 to achieve zero carbon is to be captured through Ashford's Carbon off-setting scheme as no other renewable solution is deemed feasible.
- ES5. Specific – Although the most theoretically feasible option, off-setting the remaining CO2 identified in ES2 above via renewables is not considered to be a viable/practicable option as it would require 433 sq.m. of open roof space. Therefore, the suggested approach is a carbon off-setting payment.

#### External Lighting Report (combined)

- EL1. General – A combination of energy efficient luminaires with control equipment will be used to ensure lighting is appropriate but upward lighting will be minimised reducing light pollution, energy consumption and nuisance to residents. Each scheme would be developed to comply with the Council's Dark Skies' SPD.
- EL2. General - The report provides a cumulative assessment that addresses the external lighting levels achieved for all three applications. The report then goes on to state the average LUX for each plot. It is stated that each plot would be compliant with the relevant recommendations, ensuring the lighting design does not have adverse effects on the residential areas and river corridor
- EL3. Specific – external light fittings would be controlled through a time switch/daylight sensor to prevent unnecessary operation in daylight hours with LED directional luminaires used to minimise glare and adopt a task light approach. The Institute of Lighting Engineers' guidance on the reduction of obtrusive lighting (2005) would be complied with and any required safety and security lighting used between 23:00 and 07:00 would adopt lower levels of lighting. Subject to operational requirements, all other external lighting would be automatically switched off (by time switch) between 23:00 and 07:00. Low height column lighting would be provided throughout the car park.

#### Flood Risk Assessment (specific)

- FRA1. Specific - The FRA states that as a result of consultation with the Environment Agency the site is located outside of the recognised flood zones and is classified as falling within Flood Zone 1 (as defined in the NPPF – Low Probability of Flooding).
- FRA2. Specific – The Agency's maps confirm that there is generally a low risk of surface water flooding on site. A small area of high risk exists in the south-east corner of the application site in the general location of the substation

fronting Victoria Road. There is also an area of low risk that runs along the northern boundary following the railway sidings.

- FRA3. Specific – The FRA goes on to state that the residual risk of flooding to the development is low and that it would have little effect on flooding up and downstream. Overall, the proposed development is considered unlikely to cause significant effects on the environment through flooding.
- FRA4. Specific - The FRA states that the site's previous use made it predominantly impermeable and is assumed to have been served by public sewers.
- FRA5. Specific - The FRA concludes that the use of infiltration based SUDs is not suitable due to the nature of the proposed development and the unsuitable ground conditions. However, surface water attenuation is proposed to be provided utilising below ground tanks or oversized pipes. Suggested considerations are green roofing (although this is not taken forward in the detailed design) and permeable paving.

#### Landscape Design Statement (combined report)

- LDS1. General - The Statement suggests that the landscape proposals would create an attractive, formal, and robust 'urban type' landscape scheme across the three application sites that would reflect its town centre location, and reinforce the existing Victoria Road 'boulevard' character. The proposed material palettes would, through a consistent approach, create a unified public and semi-public realm, and would include 'Kentish Landscape' design elements that would create a strong 'sense of place'.
- LDS2. General - 'Water' and 'landscape orientated SUDs' elements are suggested as providing visual and physical links to the Great Stour riverside.
- LDS3. General - The Statement concludes that the contrast of the river frontage is reflected in the softer and greener design approach to this area where amenity and ecology aspects would be reinforced in order to maximise the value of the riverside environment in this area.
- LDS4. Specific – A hit and miss boundary fence is proposed along the customer car park Victoria Road frontage to the site. The detailing would be common with that provided along the majority of the Victoria Road frontage involved with the brewery proposal immediately to the east of the site.

#### Noise Impact Assessment (combined report)

- NIA1. General - The report states that the applications have been considered separately and cumulatively and recommendations have been made for noise mitigation. Details of mitigation would need to be finalised post grant of



permission once scheme details are finalised but calculations using worst case assumptions have been made and appropriate noise mitigation has been presented. It is considered that this demonstrates that noise can be effectively controlled under such worst case conditions such that appropriate criteria will be met.

- NIA2. General - The cumulative noise impact of the three schemes would be acceptable when considered against planning policy, with appropriate mitigation in place.
- NIA3. Specific - The report states that noise from night time (i.e. between 2300 and 0700 hours) servicing of the food store could be controlled by construction of screening, if such servicing is required by the operator. A 3.0m high acoustic screen of suitable design in the location shown below is cited as being a reasonable approach taking into account the specific context of the site and closest noise sensitive premises being 140m to the north on Elwick Road beyond the railway lines.



- NIA4. Specific – In respect of the customer car park related to noise receptors, there would be no adverse impacts requiring mitigation to reduce noise in use either during the day or at night.
- NIA5. Specific – Mechanical plant and equipment (such as refrigeration and condenser units, air handling units, extract fans and boilers) is not yet known but it is considered reasonable to approach this by planning conditions

establishing a dB limit. A draft condition is proposed for the Council's consideration.

Odour Impact Assessment (combined report)

OIA1. General - The Assessment report states that the brewery that is proposed nearby would have a negligible impact on identified existing and proposed receptors (including the proposed superstore) and the overall significance of effects is judged to be 'not significant'.

Planning Statement (combined report)

- PS1. General - The PS sets out the rationale for the redevelopment of the three sites and the key principles of the development alongside policies set out within national policy and the statutory development plan.
- PS2. General - The PS states that the proposals are considered to follow the principles of the allocation within the adopted Town Centre Area Action Plan 2010 and have been informed by the previous planning permission for the site's redevelopment.
- PS3. General - The proposed development would deliver a mix of market and Built to Rent (BtR) housing and a number of wider benefits for the town centre.
- PS4. General - The PS states that the development would create a number of benefits for Ashford town centre, the local community and the wider Borough. These include:-
- a. Approximately 160 extra jobs,
  - b. An injection of around £55m of private sector investment into Ashford,
  - c. An enhanced town centre evening economy through the introduction of additional town centre residents (and their spending) and a new brewery with an evening economy offer,
  - d. Improved consumer choice by providing a new superstore not currently represented within Ashford,
  - e. Improved vitality and viability of the town centre through increased (£3.8million a year) net additional resident expenditure in local shops and services in Ashford town centre,
  - f. Improved mix of housing within Ashford. BtR would be new to Ashford and would widen housing choice by filling a gap for high quality rental

- g. Assist the retention of local people who want to stay in Ashford but who cannot afford to buy a home
  - h. Appeal to a younger demographic attracted by town centre living, excellent transport connections and high quality rental accommodation and public realm
  - i. Give rise to an additional £50million in economic output (GVA) over 10 years
  - j. Represent an efficient use of urban land helping to reduce pressure to develop in other areas
- PS5. General - The PS concludes that overall, the proposals would enable the comprehensive regeneration of an important town centre site which is currently vacant and provides a poor gateway and sense of arrival to Ashford and the town centre. The proposals are considered to be in accordance with national and local planning policy and guidance and therefore planning permission should be granted.

Statement of Community Views (combined report)

- SC1. General - The report states that the U+I Group promoted 4 days of public exhibition / consultation events which were held close to the site – 2 days at the McArthur Glenn Designer Outlet Centre and 2 days at the County Square Shopping Centre – through a variety of methods: an advertisement in the Kentish Express; newspaper articles; launching their own website; a door drop to 300 local homes and businesses; working with the Council to promote through their webpage; and by holding a preview of the consultation for invited local stakeholders.
- SC2. General – The report identifies that the public exhibition / consultation materials consisted of a very large display which featured CGI images of the different aspects of the proposed Victoria Road developments.
- SC3. General - The report states that over the 4 days of public exhibition / consultation events, 339 people completed the iPad questionnaire. It should be noted that very often the person conducting the questionnaire was often speaking to couples and small family groups; therefore it is believed that the total number of people engaged with the proposals was actually a higher number than the recorded 339 total.
- SC4. General - The report concludes that analysing the data provided about postcodes, the highest representation was from people living within the postcodes starting TN23 and TN24, i.e. close to the sites. From outside the

“TN” postcode area, the highest representation was from those living within the “CT” postcode area.

Transport Assessment (combined report)

- TA1. General - The TA describes the access arrangements and states that the proposals will be accessed by several priority T-junctions at different locations along Victoria Road and George Street. The developments have been designed so as to be permeable to pedestrian and cycle access, as well as to be accessible to service vehicles including those carrying out refuse collection.
- TA2. General - The TA then goes on to describe the parking standards and states that the proposed vehicle and cycle parking provision for each of the three development sites would comply with the relevant local parking standards.
- TA3. General - The TA describes non-car access and asserts that the sites are within walking distance of a wide range of facilities including supermarkets, schools, leisure destinations, employment areas and the centre of Ashford. There are further facilities within the cycling catchment of the site, allowing further opportunities in terms of education and employment and a choice in terms of leisure and shopping facilities.
- TA4. General – The TA identifies that a large residential catchment is within walking distance of the proposal site, providing opportunities for any staff to walk to work. All three sites are considered accessible by public transport, with 26 bus services serving bus stops local to the site and up to 17 domestic rail services per hour in each direction from Ashford International Station. The development sites are all accessible to the local and strategic road network.
- TA5. General - The TA states that in relation to road safety statistics no pattern of accidents has been identified within the study area which might have a negative bearing on the acceptability of the proposed development.
- TA6. General - The TA identifies that in relation to traffic assessment and capacity modelling, the assessment of development impacts is considered robust in its conclusion that:-
- (i) the proposed traffic increases arising from the developments would be modest,
  - (ii) the impact of the proposed development on the operation of local junctions would be modest,
  - (iii) the proposed site access junctions would all operate within capacity, and

(iv) the three applications are acceptable from a transport perspective both individually and cumulatively.

Ventilation and Air Exhaust Discharge Strategy (specific)

- V&AED1. Specific - The Strategy states that the exact nature of the ventilation and air exhaust requirements of the future occupants of the proposed superstore are currently unknown. However, ventilation would be required for occupant comfort, health and wellbeing purposes
- V&AED2. Specific - The Strategy identifies that food preparation areas would need to incorporate suitable exhaust system from catering equipment in those areas. It goes on to describe all the different measures that should be taken into consideration for the occupant comfort, health and well-being, toilet/washroom, car park, kitchen / food preparation areas, flues, chimneys etc.
- V&AED3. Specific - The Strategy concludes that all ventilation system will require to be designed in compliance with the requirements of Part 'F' of the building regulations and the Council's environmental health officer (HDSS&D comment: assumed to be via consideration of scheme fine detail pursuant to a planning conditions).

Sequential Site Assessment (specific)

- SSA1. Specific - The SSA identifies that although the proposed superstore site falls within the boundary covered by the Council's Town Centre Area Action Plan 2010 (and the allocation for redevelopment pursuant to Policy TC11 of that Plan), Policy TC2 of the same document establishes the 'Town Centre Core' further to the north as the main focus for new comparison and convenience retail, leisure and residential uses' within Ashford. Furthermore, saved Policy SH1 of the Ashford Borough Local Plan 2000 identifies that proposals in Ashford for additional comparison and convenience shopping on sites in edge of centre locations will be permitted providing that there are no more suitable sites for such development within the town centre or, if not available, on the edge of the town centre.
- SSA2. Specific - It is noted that Policy TC11 does also promote some small scale retail development and that the June 2016 consultation version local plan confirms the application site as being 300m from the proposed Primary Shopping Area boundary. Reference is therefore made to the status of the application site as an edge of centre location and the resultant SSA in order to establish the suitability and potential to accommodate a retail development of town centre and other edge of centre sites. A total of sixteen sites are identified and assessed.

- SSA3. Specific – The SSA suggests that whilst there are a number of vacant retail units within the County Square and Park Mall Shopping Centres, these are too small for the proposed development. Even where vacant units could be combined, the floorspace would amount to less than 1,500sq.m and therefore could not accommodate the proposed development.
- SSA4. Specific – The SSA concludes that there are no sites or units which are suitable and/or available for the proposed development within or on the edge of the town centre. On this basis, it is considered that the proposals accord with the requirements of the NPPF and development plan policy in terms of the sequential approach.

#### Utilities Report (combined)

- UR1. General - The report states that investigations into the relevant utility companies' apparatus in the vicinity of the site have been undertaken. Applications to these utility companies for new connections has and will be carried out for the diversion of existing utility infrastructure in or affecting proximity to proposed development.
- UR2. General - The report then goes on to say that from various infrastructure sources has been provided and summarised for the following below ground mechanical and electrical engineering services: water, electricity, telecommunications, and gas.
- UR3. General - The report also asserts that an underground services radiography survey is carried out prior to any construction works to assist in verifying the precise location of buried underground services as the accuracy of the information from the statutory authorities cannot be relied upon.
- UR4. General - The report then concludes that consultations need to be undertaken with local utility asset owners who may have apparatus in and around each plot. This allows strategies to be developed which can ensure each application can be accommodated within the local infrastructure network in order defined scopes of work can be prepared with associated costs.

## **Planning History**

98/01373/AS      Outline application for mixed use development comprising an hotel, associated A3 and leisure uses, offices, housing and car parking and new access road

This application was granted 15/03/99 and was not implemented.

04/02195/AS Outline application (with all matters reserved) for mixed use development incorporating up to 355 residential units (of which up to 261 dwellings will be provided on Block C) comprising a mix of 1 and 2 bed units, retail food and drink (A1, A2, A3, A4, A5) up to 1731m<sup>2</sup>, business or education - 19285m<sup>2</sup>, with an additional 1595m<sup>2</sup> of business/leisure floor space, and hotel/leisure up to 119 bedroom hotel with facilities (6169m<sup>2</sup>)

This application was granted 16/04/2008 and was not implemented.

## Consultations

**Ward Members: One of the Ward Members is a member of the Planning Committee** .No comments have been received.

**UK Power Networks:** No objection

**Southern Gas Networks:** Identify that records show that there are low/medium/intermediate pressure gas mains near the site and that the applicant should confirm the position using and dug trial holes and adopt safe digging practices in accordance with Health & Safety Executive guidance.

**Kent Highways & Transportation:** Raise no objection subject to planning conditions. Comment as follows:-

'The Highway Authority is satisfied that the submitted Transport Assessment has been prepared in accordance with previously agreed scoping for development within this locality, and I can concur with the conclusion made regarding the impact that traffic from this proposal will have on the highway network. The TA predicts that the local highway network would experience a modest increase in traffic volume, and computer modelling of the nearby junctions likely to be affected has demonstrated that they would experience minimal impact. It should be noted that the impact has been assessed on the basis of the combined traffic expected to be generated from all 3 separate planning applications made concurrently by the Applicant, covering their 3 sites over the larger development area. Additionally, I would confirm that the current planning application in respect of the former Powergen site, application reference 15/01671/AS, also considered these 3 development proposals as a sensitivity test within its assessment of the highway network. This concluded that the planned highway improvements to the junctions of Beaver Road and Victoria Way, and Beaver Road and Elwick Road, which are to be funded through S106 contributions, would have capacity to accommodate all of the proposed developments.

With regard to the detailed layout of the current application, I consider that the level of parking proposed to serve this foodstore is appropriate, and is laid out in an acceptable manner. Swept path analysis shows that delivery vehicles can adequately manoeuvre within the site confines, and the access onto Victoria Road is

sufficient for this traffic. I note that the proposed access is in a different location to the existing access that was formed in anticipation to serve this site. I will expect the proposed development to bear the cost of removing this existing feature that is going to be made permanently redundant by the construction of the proposed building. The design of the replacement footway and verge will need to match the surrounding environment and materials, and this can be approved in due course through the S278 process that will be needed to facilitate the provision of the 2 new accesses shown on the submitted plans.'

**KCC PROW:** No comments

**Environment Agency:** No comments

**Stagecoach:** No objection and welcome the proposal to develop the site (along with the adjacent sites).

Identify that the present pattern of bus stops is not ideally suited for serving the development due to various constraint which means that not all buses passing Beaver Road Bridge stops at certain times can actually stop in them due to the need to then change lanes in a very short distance before traffic signals. A contribution is requested for creation of a bus shelter on the outbound Beaver Road Bridge Stop G and a suggestion is made of a new bus layby with shelter (also to be funded through a contribution) at the entrance to Beaver Road.

**Kent Police:** No objection. Make reference to the need to incorporate measures to minimise the risk of crime.

**Network Rail:** No objection. Recommend a number of conditions are attached to ensure that the proposals have no adverse impact on Network Rail (High Speed) Assets.

(HDSS&D comment: As per the approach that I adopted with application 15/01195/AS for Elwick Place I proposed that these conditions are combined into a single condition that ensures that the applicant reaches agreement with Network Rail on all matters to do with ensuring that the proposal has no adverse impact on the rail asset and its safe functioning.)

**KCC Heritage:** No objection subject to a planning condition and state;-

'This proposed development is located on the site of the former Victoria Flour Mills complex, identifiable on the 2nd Ed OS map. Remains associated with this 19th century industrial complex may survive on site. This site may also contain River Terrace Gravels along the southern boundary. These have potential for early prehistoric remains.'

**Southern Water:** Raises no objection. Identifies that foul sewage disposal to service the proposal can be provided subject to a public sewer connection agreement being entered into. A note to any permission issued is requested in this respect.



In respect of surface water, infrastructure would require upgrading and this is requested to be dealt with by planning condition and note attached to any permission issued.

**KCC Flood and Water Management:** No objection following the receipt of further information and clarification from the applicant. Identify as follows;-

‘The indicated discharge of 5l/s to the surface water sewer for this site should be acceptable given the relative small size of the site and is likely to provide a betterment to any existing discharge. Whilst the site is relatively flat, gradually falling southwards, the strategy illustrated is reliant on pumping. This is presumably due to the depth of the attenuation tank in relation to the invert level of the surface water sewer. It may be possible in the detailed design stage to optimise the on-site network levels such that a gravity discharge can be utilised. A pump should only be used if it can be expressly demonstrated that a gravity outfall is not possible.

We would expect to see the inclusion of SuDs source control features in the detailed design as far as is reasonably practicable (e.g. permeable paving to parking bays) which could assist with achieving a gravity outfall and benefit water quality to a greater degree than a conventional pipe, slot drain and interceptor solution with appropriate detailing.

Notwithstanding the above we are satisfied the development will be able to adequately control flood risk and the above matters can be considered during production of the detailed proposals. Should your Authority be minded to grant permission to this development, we would recommend that...conditions are attached.’

**Project Delivery Engineer:** Following an initial request for further information, its subsequent receipt and discussions with KCC’s Flood Risk Project Officer raises no objection (subject to a planning condition) and states;-

‘The 5l/s discharge rate is considered acceptable and compliant with the Ashford Borough Council Sustainable Drainage SPD due to the reduction in runoff compared to the existing site. I support the comments made by KCC, in particular in relation to the use of pumps on the site and the request for consideration of optimising the local onsite gravity network at detailed design stage. This will not only be a more sustainable solution, but would potentially have additional wider benefits, which could include a reduction in on going operational and maintenance costs for the end user.’

**South Ashford Community Forum:** Indicate support for this brownfield site as one of the three current applications for redevelopment. Make detailed comments in respect of related applications 16/01157/AS and 16/01164/AS.

**KCC Ecology:** Make a number of comments on the applicant’s Ecology Appraisal. and request further surveys are carried out.

(HD&SSD comment: The applicant has carried out further surveys and will submit an

Addendum report shortly for KCC's review. KCC hope to be able to report with an assessment prior to the Planning Committee. My proposed Recommendation takes this into account)

**Environmental Health (Environmental Protection Manager):** Makes a number of detailed comments with reference to the nearby residential, hotel and brewery proposals. These are set out below in four separate sections.

(A) In respect of noise issues in relation to the superstore element of the scheme (with additional reference to the brewery subject of application 16/01157/AS), comments as follows:-

'The proposed servicing to the food store and brewery, give noise levels at Elwick Road as existing noise sensitive premises.

The noise from servicing will however significantly impact on the vacant plots along Elwick Road which I understand are scheduled in local planning policies for mixed use development including residential, and also impact on the residential proposed by this application. Both these aspects have not been adequately assessed through the acoustic report, and as such I would recommend that further surveying is conducted with reference to the impact of servicing noise on the proposed residential development and also on the vacant plots scheduled for residential development.

Ignoring the potential impact on the vacant plots on Elwick Road it is noted that with no mitigation, night-time servicing of brewery and store gives a BS4142:2014 level of +23dB, and with mitigation via 11dB barrier gives BS4142:2014 level of +11dB. The report asks that this level is taken into context and assumes that with existing noise levels around LAeq 54dB that the residents will have closed windows of a night time. Such an assumption may not be correct, and these residents may not have alternate acoustic and mechanical ventilation. Even with mitigation provided by the proposed barrier, a level of +10dB or more is likely to be an indication of a significant adverse effect.

Draft CIEH/ANC/IOA Planning and Noise Professional Guidance also states;

*'It should be noted that the acoustic performance of the building envelope will be reduced in the event windows are opened for ventilation or cooling purposes, typically reducing the insulation to no more than 10 to 15 dB(A). Most residents value the ability to open windows at will for a variety of reasons and LPAs should therefore normally expect designers, through the use of good acoustic design, to achieve the internal noise level guidelines in all noise-sensitive rooms with windows open. Only exceptionally should the LPA agree to assess the proposal assuming windows will be closed. Where exceptional circumstances are found that would justify the use of non-openable windows, special care must be taken to design the accommodation so*

*that it provides good standards of acoustics, ventilation and thermal comfort without compromising other aspects of the living environment.'*

I do not find that this case warrants exceptional circumstance to justify that these residents should in effect be forced to keep windows closed to avoid being exposed to an increased background noise level generated by this development. As such we would recommend that if the development is permitted a condition along the following description is provided in order to protect amenity;

- *Servicing to the Brewery development and Aldi store shall be prohibited outside of the hours of 0800 hours and 2200 hours Monday – Saturday, and 0900 hours and 1800 hours on Sundays or Bank Holidays.*

With regard to daytime servicing of these units, we note limited noise data for the Elwick Road measurement point. With the mentioned barrier providing an LAr of 51dB the level according to BS4142:2014 will be within the region of +3 and -11dB. I request that further detail is provided on representative noise levels at the existing residential on Elwick Road prior to determination.

It is however likely that conditions including a barrier scheme, and level loading dock will be required for daytime servicing. Alternatively the scheme could be altered to provide servicing internally via purpose built service bays for both Brewery and Aldi store, both with level loading docks. Such building provides additional opportunity to mitigate the noise effects of this activity, and may allow for 24 hour delivery in accordance with best practice, and limits the potential detriment to on air quality by having lorries on the road during busier and peak traffic hours.'

(B) In respect of air quality during construction phase, construction management plan and outdoor lighting comments as follows;-

'We ask that in accordance with the mitigation measures suggested by the submitted Air Quality Assessment, the following conditions are applied;

- *Details of a dust management plan for the construction phase, in full compliance with recommendations of the submitted air quality report (Ref:AQA-19852-16-95), shall be submitted to the Local Planning Authority for written approval. Once approved the scheme shall be implemented in full prior to the commencement of construction works.*
- *Details of a construction logistics plan for the construction phase, in full compliance with recommendations of the submitted air quality report (Ref:AQA-19852-16-95), shall be submitted to the Local Planning Authority for written approval. Once approved the scheme shall be implemented in full prior to the commencement of construction works.'*

The Officer concludes that due to the proposed operating hours, and likely need for lighting systems, these should be the subject of planning condition as well as planning conditions that will ensure prevention of pollution.

The Officer identifies that residual contamination from previous uses of this site should be anticipated and agrees with the applicant's specialist report in this respect. Requests a planning condition requiring a full site investigation.

**Victoria Residents' Business and Recreation Action Group:** Object and state a number of objections, general comments and concerns as follows:-

1. It is accepted that parcels of waste land will be developed in the future and it would be nice to see them cleared, properly utilised and developed. However the local residents who will be directly affected by the current proposals have expressed serious concerns and worries and fears in respect of the applications 16/01157/AS, 16/01164/AS and 16/01167/AS.

2. Concerns relate to the height and scale of the buildings planned, particularly those for the site south of Victoria Road and the effect that that proposal would have on the lives of existing residents.

3. There are already many difficulties and pressures on the local road system with residents having to plan journeys leaving extra time in order to exit the immediate road system. Jams at the signalised crossroads are mentioned. With the development plans for 600 homes at the nearby Powergen site already passed, the proposals would only worsen the situation considerably. There are also live planning applications for 59 flats involving the former Travis Perkins site nearby. The road system would, as a consequence, be overloaded. Despite road surveys suggesting the effects would be 'modest' the impacts of so many proposals cannot be fully estimated and are considered to be highly significant. The planned superstore would add considerably to vehicular movements in the area alongside the hotel and commercial units.

4. There are concerns about parking which despite the permit system is likely to be affected since the on-site parking proposals for the scale of development are insufficient.

5. The proposed storey height would totally dominate the existing mainly two-storey buildings, dwarfing them and their existence. A scaling down of the proposed development in both height and size would improve this situation and would be favoured by local residents.

6. There are serious concerns regarding the construction phases and the effects of construction traffic, noise and dust and how this would be controlled during an expected lengthy construction period.

7. Concerns are expressed in relation to the lack of doctors' surgeries and dental practices in the area and the implications of a significant increase in the number of people living in this part of town on these everyday community services.

**Neighbours: Residents: 201** neighbours consulted **10** letters of objection and **2** letter of support and **2** general comments received. Comments are summarised below:

### Objection comments

#### Parking & road network

- The amount of traffic using the Victoria Way junction will increase and cause problems during the rush hour and at weekends when it is already busy.
- Increased traffic will make it harder for residents to get in and out of Victoria Crescent.
- The development will impact upon the free movement of traffic.
- Construction traffic should not be allowed to enter or exit Victoria Crescent from the school end during carrying out of works. It should enter and exit via Beaver Road or George Street.

#### Environment

- There are protected reptiles on the site.
- The construction phases of the planned developments are likely to be lengthy which will have a significant impact on locals in particular in terms of dust. Construction should be limited to Monday to Friday day times only.

[HDSS&D Manager Comment: Should Members resolve to grant planning permission a condition is proposed that would require details of a construction code of practice which would seek to militate against such issues occurring.]

#### Amenity implications

- The development would result in more traffic noise.
- The area will become saturated with flats and apartments.
- It is felt that residents have little or no way forward in influencing changes to the plans as these large scale developments already appear to have the 'green light' from the Council.
- Concerns that all local residents (those living within Victoria Crescent and Victoria Road) were not specifically consulted.

[HDSS&D comment: I have raised the matters set out in the last two bullet points specifically with the applicant. The Statement of Community Involvement details the public exhibitions that were held enabling residents to view, ask questions and leave comments helping shape the proposals.

The applicant confirms that an invitation to these events went to over 300 households including all of those on Victoria Crescent in March 2016.

Additionally, a preview session prior to those public events was held and local residents' groups including Victoria Road Business and Residents' Action Group, were invited.]

Support comments:

- The developers provided a good public consultation and have shown a willingness to take on board comments of local residents.
- The development is well placed for access to local transport links.
- The development is well located in relation to the town centre.
- The site is a prime location that is long overdue for redevelopment.

General comments:

- There should be restrictions on opening and servicing hours and noise levels in order to protect existing and proposed residential developments from noise pollution -

[HDSS&D Manager Comment: It is recommended that a condition is attached to any grant of planning permission restricting opening and servicing hours to protect residential amenity alongside acoustic fence mitigation where necessary.]

## **Planning Policy**

40. 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.
41. The relevant policies from the Development Plan relating to this application are as follows:-

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

SH1 -Tenterden & Ashford town centres (comparison and convenience shopping)

TP6 – Cycle parking

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

CS1 – Guiding Principles

CS2 – The Borough Wide Strategy

CS3 – Ashford Town Centre

CS7 – The Economy and Employment Development

CS8 – Infrastructure contributions

CS9 – Design Quality

CS10 – Sustainable Design & Construction

CS11 – Biodiversity and Geological Conservation

CS15 – Transport

CS18 – Meeting the Community's Needs

CS19 – Development and Flood Risk

CS20 – Sustainable Drainage

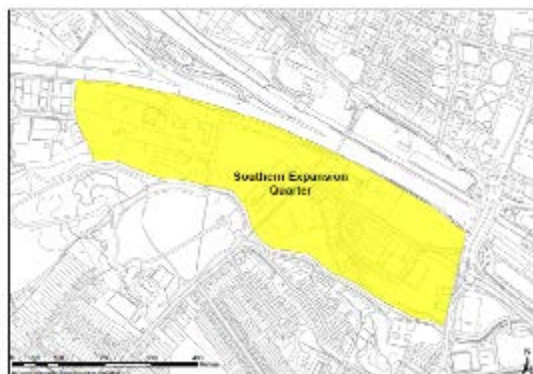
CS21 – Water Supply and Treatment

### **Ashford Town Centre Area Action Plan 2010**

TC1 – Guiding Principles

TC2 – The Town Centre Core

TC10 – The Southern Expansion Quarter



'The Southern Expansion Quarter should accommodate a large amount of new development with the primary focus on residential development, the proposed Learning Campus and a 500 space multi-storey car park all served by the new Victoria Way. Also within this Quarter, limited retail, leisure, commercial and community-related uses would be acceptable in principle.

Redevelopment proposals in this Quarter must enable the delivery of the vision for Victoria way as an urban boulevard. All proposals must demonstrate that they would produce a well-proportioned street based on the relationship between building heights and street width. East of Gasworks Lane, redevelopment proposals shall ensure the delivery of a street 24 meters wide between building frontages. To the west of Gasworks Lane, redevelopment proposals shall ensure that the width of the street shall be based on the scale of building heights proposed along either side of the street.

Developments fronting Victoria Way would be required to deliver a finished quality of public realm to the quality set in the Town Centre Design SPD. This may involve improvements to the first stage construction standard of this space.

A new public urban space (Victoria Square) would be created at the intersection of the Learning Link route and Victoria Way in line with the Public Realm Strategy. Developments that would front or surround Victoria Square and/or the Learning Link would need to show how they complement their roles in terms of their use, scale and design. A design brief for this area would need to be agreed by the Council before detailed proposals are considered.

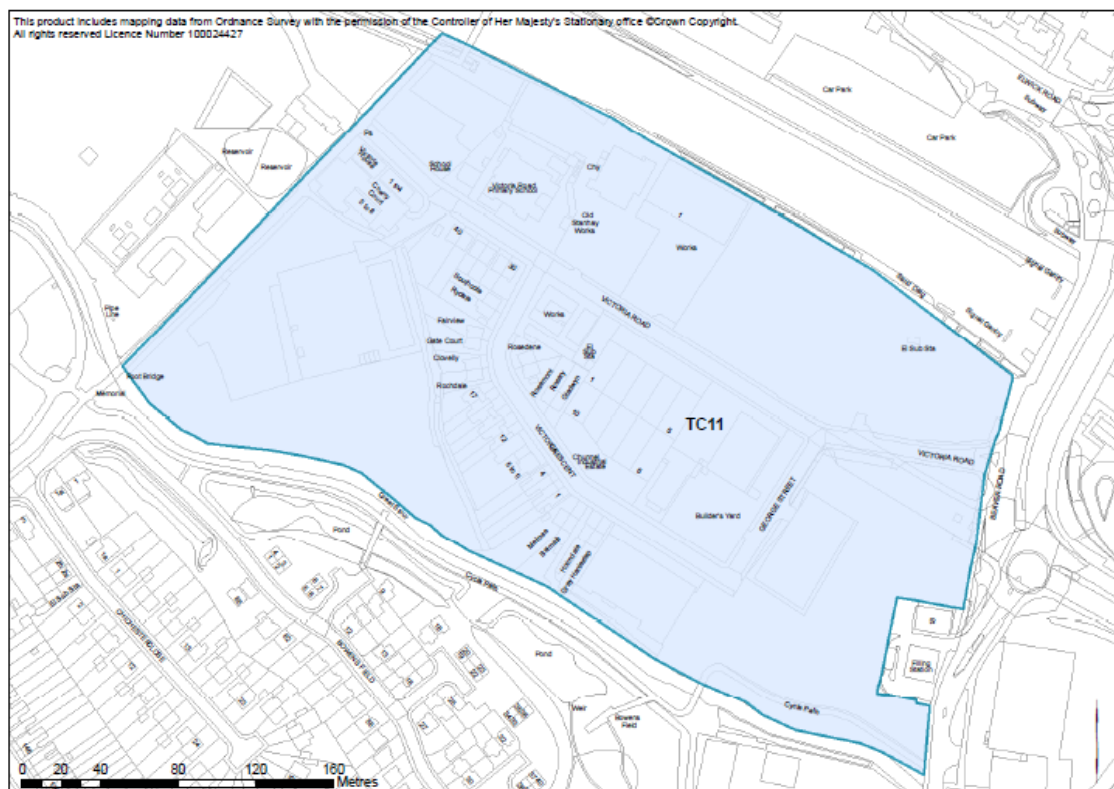
A replacement footbridge / cycleway shall be delivered to provide an improved crossing of the railway lines and link between Victoria Square and Elwick Square.

Development adjacent to the footbridge / cycleway must demonstrate how it would respond to the change of levels between Victoria Square and the footbridge in a way that assists in the delivery of a high quality public realm along any resultant ramped, terraced or stepped solution.

All proposals in this Quarter will need to demonstrate that they will create an attractive urban neighbourhood set in high quality public realm, based around Victoria Way and pleasant and easy access to the town centre core and riverside spaces. In doing this, proposals will need to respect the relationship with existing residential properties in this Quarter, the riverside landscape and its ecology and the Victoria Road primary school.'

TC11 – Victoria Way East





### **Policy TC11 – Victoria Way East**

**Redevelopment in the Victoria Way East area should deliver a mix of residential, office and education uses complemented by active street frontages at ground floor level fronting Victoria Way comprising small scale retail and other consumer services, eating and drinking places.**

**The part of this site where planning permission has been granted for the Learning Campus will be protected for that or similar education use unless other suitable alternative provision has been made.**

**The scale of development along this section of Victoria Way shall be between 4-6 storeys fronting the highway. Building scale should step down towards the riverside.**

**The built form and layout of development in this area should provide enclosure to the street-scene with occasional breaks in the building line to enable glimpsed views northwards to the town centre core and southwards towards the river corridor. Any new building adjacent to the railway line will need to present a positive frontage to the railway and views from the north.**

**Where new development is close to existing residential properties it must avoid creating an overbearing impact or adversely affecting residential amenities.**

**Proposed development adjacent to the river corridor shall provide a built frontage to the corridor whilst ensuring there is adequate space between the building line and the river bank to improve the riverside environment in terms of its appearance and biodiversity.**

TC 22 – Officer, Retail and Leisure Parking Standards

TC24 – Town Centre Cycle Parking Standards

TC 25 – Commuted Parking

TC26 – Green Corridors in the Town Centre

**Local Plan to 2030**

SP1 – Strategic objectives

SP3 – Strategic approach to economic development

SP4 – Delivery of retail and leisure needs

SP5 – Ashford Town Centre

SP6 – Promoting high quality design

EMP1 – New employment sites

EMP9 – Sequential Assessment and Impact Test

TRA3(b) – Parking standards for non-residential development

TRA4 – Promoting the local bus network

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

TRA7 – Road network and development

TRA8 – Travel plans, assessments and statements

ENV1 – Biodiversity

ENV6 – Flood risk

ENV7 – Water efficiency

ENV8 – Water quality, supply and treatment

ENV9 – Sustainable drainage

ENV11 – Sustainable design and construction (non-residential)

ENV12 – Air quality

ENV15 – Archaeology

COM1 – Meeting the community's needs

IMP1 – Infrastructure provision

IMP2 – Deferred contributions

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

**Supplementary Planning Guidance/Documents**

Landscape Character Assessment SPD 2011

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

**Government Advice**

National Planning Policy Framework 2012

43. 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 states that less weight should be given to the policies above if they are in conflict with the NPPF.

44. The NPPF is designed to facilitate positive growth – making economic, environmental and social progress for this and future generations and delivering sustainable development without delay. It sets out a 'pro-growth' agenda. Paragraph 21 of the NPPF highlights some crucial points in this respect, including:

(i) investment in business should not be over-burdened by the combined requirements of planning policy expectations,

(ii) policies should be flexible enough to accommodate needs not anticipated in the plan and allow a rapid response to changes in economic circumstances, and

- (iii) local plans should identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.
45. Paragraph 23 of the NPPF requires that planning policies should be positive and promotes competitive town centre environments. It identifies that town centres lie at the heart of their communities and that they should provide customer choice and a diverse retail offer and reflect the individuality of town centres.
46. Paragraph 24 of the NPPF sets out the 'town centre first' sequential approach which is crucial in achieving these aspirations. This spatially based test is required to be applied for applications for main town centre uses that are not in an existing town centre and are not in accordance with an up to date Local Plan. The test sets out the following sequentially preferable locational approach;-
- (a) Main town centre uses to be located in town centres,
- (b) Failing that, such uses to be located in edge of centre locations, and
- (c) Only if suitable sites are unavailable should out of centre sites then be considered.
47. In respect of (b) and (c) above, the NPPF requires preference to be given to accessible sites that are well connected to the town centre and advises that applicants and local planning authorities should demonstrate flexibility on issues such as retail format and scale.
48. Pursuant to paragraph 26 of the NPPF, whether there will be likelihood that a retail proposal that is not in accordance with an up to date Local Plan and over either a locally set threshold, or, in the absence of such a threshold, in excess of 2.500 sq.m would have a significant adverse impact on existing town centres. This is the impact test. The applicant is required to produce an assessment of;-
- (i) the impact of the proposal on existing investment, committed investment and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (ii) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area up to five years from the time the application is made (or, in the case of major schemes where the full impact will not be realised within five years an assessment, an assessment based on a 10 year period from the date an application is made).
49. The key theme of Government policy is one of promoting sustainable development with the planning system defined as a key mechanism of

achieving its delivery. There are three accepted dimensions to sustainable development;-

(a) an economic role – contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure,

(b) a social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being, and

(c) an environmental role – contributing to protecting and enhancing the natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving towards a low carbon economy.

50. Government policy attaches great importance to the design of the built environment as set out in paragraph 56 of the NPPF. Good design is a key component of sustainable development ('indivisible from good planning') and contributes positively to making places better for people.
51. Paragraphs 173 to 177 deal with 'ensuring viability and deliverability' and are pivotal in seeking to ensure that the scale of obligations and policy burdens included in local plans does not threaten the viability of potential development sites that would contribute towards the planned housing delivery targets and thereby prevent sustainable development from being carried out.
52. Of note in regard to development viability is the second half of paragraph 173, that states:-

'To ensure viability, the costs of any requirements likely to be applied to development, such requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'
53. Optimising overall, locally appropriate outcomes is a consistent theme throughout policy.
54. The NPPG provides a general overview but focuses on viability in the context of both plan making and individual application sites. The site specific guidance covers a number of areas including different development types, brownfield sites, considering planning obligations in viability, values, costs and land

value, but in particular expands upon paragraph 173 of the NPPF in regards to 'competitive returns to developers and landowners'.

55. Paragraph 24 of the NPPF states:-

'A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the landowner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy.'

56. Paragraph 173 of the NPPF (and the NPPG thereafter) introduces financial viability into Government planning policy and guidance including the concept of a competitive return as a material consideration in the determination of planning applications.

57. Paragraph 173 of the NPPF highlights that local plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. In light of this, the Council should in my view be mindful that that application site specific policy and other related policies were developed prior to the financial crash of 2008 and as such the deliverability of this site and any obligation need to be considered in light of current market conditions.

58. In terms of design, Central Government advocates that local planning authorities should not seek to dictate architectural style particular tastes and should not seek to stifle innovation, originality. Decisions should focus on the overall scale, density, massing, height, landscape, layout, materials. Decisions should also seek to promote or reinforce local distinctiveness wherever possible.

#### National Planning Policy Guidance (NPPG)

59. Paragraphs 23 – 28 set out those aspects of design that local authorities should consider as a minimum. These are:

- layout – the way in which buildings and spaces relate to each other
- form – the shape of buildings
- scale – the size of buildings
- detailing – the important smaller elements of building and spaces
- materials – what a building is made from

60. Government advice goes on to highlight that the quality of new development can be spoilt by poor attention to detail. Careful consideration should be given to items such as doors, windows, porches, lighting, flues and ventilation, gutters, pipes and other rain water details, ironmongery and decorative features. It is vital not only to view these (and other) elements in isolation, but also to consider how they come together to form the whole and to examine carefully the 'joins' between the elements.
61. In terms of materials they should be practical, durable, affordable and attractive. It is noted that choosing the right materials can greatly help new development to fit harmoniously with its surroundings. They do not have to match, but colour, texture, grain and reflectivity can all support the creation of harmony in the townscape.

## Assessment

62. The main issues for consideration are as follows;-
- (a) The principle of the proposals i.e. how the redevelopment of the site would fit with both existing local and national planning policies (and emerging local policy) in terms of the proposed uses
  - (b) The sequential test
  - (c) The design quality of the superstore proposal and its contribution to the character of Victoria Road
  - (d) The impact of the brewery on the amenity of the area in terms of noise and lighting
  - (e) Whether the proposals are acceptable in terms of contamination, flooding, approach to managing surface water drainage and ecology
  - (f) Sustainable design and construction
  - (g) Car parking serving the superstore and associated commuted parking payments
  - (h) The acceptability of the traffic impacts arising from the development
  - (i) Mitigating the impacts of proposed development through contributions secured by s.106 agreement
63. I deal with these in each of the sub-sections below.

(a) The principle of the proposals i.e. how the redevelopment of the site would fit with both existing local and national planning policies (and emerging local policy) in terms of the proposed uses

64. The approaches in the NPPF in respect of the importance of sustainable development in urban areas, the need to support town centres, and the need to help deliver vibrant communities with facilities supporting a variety of employment and leisure needs are all mirrored in the Council's planning policy documents dealing with the area in which the application falls.
65. The site falls within the overarching Southern Expansion Quarter identified in Policy TC10 of the TCAAP 2010. The primary focus is identified as being residential with limited retail, leisure, commercial being identified as being acceptable in principle. The importance of all development proposals enabling the delivery of the vision for Victoria Road as an urban boulevard (termed 'Victoria Way') is stated. All proposals are required to demonstrate that they will produce a well-proportioned street relating to building heights and street width. East of Gasworks Lane, a street width of 24m is identified. Development fronting Victoria Road will be required to deliver a high quality finished public realm. All proposals in this Quarter are identified as needing to demonstrate that they will create an attractive urban neighbourhood set in high quality public realm based around Victoria Way and pleasant easy access to the town centre core and riverside open spaces, respecting relationships with existing residences and the riverside landscape.
66. I consider that the proposal follows this overarching steer on an acceptable redevelopment in this Quarter. In my opinion the proposal;-
- would provide an appropriate commercial use
  - would deliver replacement linear tree planting where necessary
  - would be easily accessible for existing and future residents of the locality
  - would help create a high quality and attractive urban neighbourhood
  - would not have an adverse impact on the amenities of existing residents
  - would represent an acceptable scale of redevelopment to Victoria Road
67. Where appropriate, I deal with aspects of the above in further detail in topic based sub-sections further below in this Assessment especially the scale of retail use proposed.
68. Policy TC11 of the TCAAP 2010 focuses on a specific element of the overall Quarter, termed 'Victoria Way East'. The application site falls directly within this area. The Policy identifies that redevelopment here should deliver a mix of uses including residential and office uses complemented by active street frontages at ground floor level fronting Victoria Way comprising small scale retail and other consumer services, eating and drinking places. The scale of development along this section of Victoria Way is identified as being between 4-6 storeys fronting that street.



69. The Policy requires built form and layout to enclose the street scene and avoid any overbearing impacts/adverse impacts on existing residences.
70. I consider that the proposal follows this more detailed policy steer on the eastern end of the Quarter. In my judgement the proposal;-
- would provide active frontage to the street
  - would deliver an appropriate scale of frontage to Victoria Road (north side)
  - would create reasonable enclosure to Victoria Way on its north side
  - would, in conjunction with the proposed brewery, create a layout that would maintain glimpsed views to the town centre core
  - would have an acceptable design relationship with the railway and beyond
  - would have an acceptable amenity relationship with nearby homes
  - would, through soft landscaping and other means, enhance biodiversity
71. Where appropriate, I deal with aspects of the above in further detail in topic based sub-sections further below in this Assessment.
72. Policies TC10 and TC11 seek to achieve attractive, well-designed and appropriate development helping support the town centre environment. These general planning objectives are also identified as 'guiding principles' in Policy TC1 of the TCAAP 2010. The approach in all three policies flows directly from the Borough-wide strategic 'umbrella' policies contained within the Core Strategy 2008 such as Policy CS1 (Guiding Principles), CS2 (Borough-wide Strategy), CS3 (Ashford Town Centre), CS7 (Economy and Employment development) CS9 (Design Quality). It therefore follows that proposals in accordance with the provisions of the TCAAP policies are also in accordance with the overarching general planning policy provisions of the Core Strategy.
73. Turning to emerging local policy in respect of the principle of development, this does not form part of the adopted development plan, and cannot be weighted as such, but clearly is still a material consideration.
74. Policies SP1, SP2, SP3, SP4, SP5 and SP6 of the June 2016 draft Ashford Local Plan are all relevant. They seek to;-
- promote high quality design (including use of review by a Design Panel)
  - focus development in acceptable locations
  - make best use of suitable brownfield opportunities
  - create well designed attractive places
  - promote access to a wide choice of sustainable transport modes
  - provide a range of employment opportunities
  - maximise town centre employment opportunities
  - meet the need for retail/leisure development within the town centre
  - provide scope for range of retail, office, leisure, hotel and residential uses
75. In conclusion, I consider that the uses that are proposed in the application and the way in which they are proposed to be delivered would be in accordance with Policies CS1, CS2, CS3, CS7 and CS9 of the Core Strategy 2008 and

Policies TC1, TC10 and TC11 of the TCAAP 2010 in the main. In addition, the proposal would accord with emerging planning policies SP1, SP2, SP3, SP4, SP5 and SP6 of the June 2016 draft Ashford Local Plan.

(b) The sequential test

76. I have considered the applicant's Sequential Site Assessment (SSA). This is required by the policies in the NPPF.
77. Although the proposal falls within the boundary of the TCAAP (and is allocated for redevelopment purposes in Policy TC11 for purposes that include small scale retail) the application site represents an 'edge of centre' location outside of the town centre core identified in Policy TC2 of the TCAAP. Moreover it is for more than small scale retailing.
78. Saved Policy SH1 of the Borough Local Plan 2000 identifies that additional comparison and convenience shopping will be permitted on the proviso that there are no more suitable sites within the town centre or in edge of centre locations. Proposed Policy EMP9 of the Ashford Local Plan requires the same approach.
79. The applicant has identified and assessed a total of 16 such sites in the SSA and the conclusion is that whilst there are a number of vacant retail premises these are too small to accommodate the proposed operator's requirements even if units were amalgamated.
80. I accept the applicant's conclusion of the SSA that there are no sites or units which are suitable and/or available for the proposed development either within or at another edge of town centre site. That being the case, the proposal would be in accordance with the provisions of the NPPF in terms of the sequential approach.
81. I am mindful that the site is within a short 300m distance from the Primary Shopping Area identified in the draft Ashford Local Plan 2016 and also that proposed Policy SP5 of the Ashford Local Plan identifies that a range of principal uses including retailing will be acceptable in the Ashford Town Centre as shown on the policies map in the Plan. Clearly, a superstore goes beyond the small scale retail in this part of the Quarter as envisaged in Policy TC11. However, Policy CS3 identifies the need to provide 94, 000 sqm of new retail/leisure floorspace within an expanded Town Centre area to stem the leakage of shoppers to competing centres. Given the increases in Town Centre occupants, the need for further convenience floorspace is in my opinion evident, and there are no better sequentially preferable sites. Accordingly, I consider the proposed use is acceptable and the departure from the scale envisaged by Policy TC11 would not represent a departure from the development plan as a whole.

(c) The design quality of the superstore proposal and its contribution to the character of Victoria Road

82. The proposed superstore follows pre-application negotiations on the importance of the building strongly addressing Victoria Road, having an intimate relationship with the rear edge of the existing footway to that Road and adopting an architectural style that would provide both an active frontage to the street and would, in conjunction with the proposed brewery, create a coherent design to Victoria Road. The applicant has identified the operator's standard store as a comparison of the enhanced store that has been achieved through negotiations.
83. The glazed frontage atrium with colonnade would sit well with the similar architectural feature proposed for the brewery frontage. The applicant has confirmed that this area would be full height and that the internal bulkhead stepping down the ceiling height internally would be set back well inside the atrium. I support this approach. Whilst I would have no objection to the use of some well-deigned hanging sign adverts through the atrium these would need to be similarly recessed and kept to a sensible number as part of an internal layout that does not undermine the purpose of the atrium as a full height space with a strong uncluttered dialogue with Victoria Way. Conditions would also be required to prevent advertisements (or obscured film or internal panels or other objects) being applied to the inside of glazing, thereby undermining the visual quality of the frontage and rendering parts of it inactive.
84. The proposed materials and colour palette are supported. The monochrome colour scheme is acceptable and would blend well with the darker colour palette for solid cladding at the adjacent brewery. The use of textured block-work feature panels as part of key corners would work well in creating visual richness. The amended plans reduce the extent of some cladding panels originally proposed in white which I consider would help provide a stronger slightly darker base to the elevations.
85. The location of the building on the plot renders the vehicle crossover installed at the time that public realm enhancement works were carried out as superfluous with an alternative access to the east now being required. On the proviso that the new access to the superstore car park would utilise the same high quality palette (and thus would match the intended approach to be taken for the new vehicular access to the brewery) and the superfluous access would be paved to match the footway materials with acceptable tree species (and specification) to complete the gap in the linear street tree planting scheme then I consider the proposed implications for the local highway acceptable in design terms. I note that these matters will be covered by an s.278 agreement with the local highway authority.
86. The comments that I set out in my report on 16/01157/AS dealing with the frontage to the brewery along Victoria Road and the integration of the sub-station with that design, colour and soft landscaping palette equally apply to

this application (the substation is included within both applications in case one proceeds faster than the other in terms of on-site commencement). The same stout square section metal post fence with mesh applied to the inner (rear) face with soft landscaping behind is proposed for the superstore car park frontage. This approach would create a strong, visually coherent boundary to Victoria Road helping stitch the brewery and the superstore together visually. A lesser quality boundary treatment will not be acceptable.

87. As a result of pre-application discussions, the applicant has provided a greater level of on-site tree planting compared with the original proposition. This is supported. Besides a relatively low number of trees between car park bays, most trees are proposed on the northern boundary of the site as well as the eastern boundary with the proposed brewery. The latter is important to soften the view eastwards along Victoria Road towards the western flank of the brewery. Should an acoustic fence be required either to both the brewery and superstore or just the superstore as a requirement of night time servicing, I would not wish to lose tree planting on this boundary in particular.
88. The nature of the superstore and the adjacent brewery is such that they cannot form a more continuous urban frontage to the northern side of the street. A combined single vehicle access for both uses was explored at pre-application stage but found not to prove an acceptable proposal for both uses, particularly the brewery in terms of having a secure access for HMRC purposes. Whilst that is disappointing, the location of the superstore on the western side of the plot would have the visual advantage of allowing greater views from new development on the southern side of Victoria Road towards the town centre core and, at the same time, would help shield the large warehouse on the site further to the west from view.
89. In conclusion, I consider that the design quality of the superstore is acceptable and accords with development plan policies identifying the importance of high quality design and place making and, in particular, Policy EN14 of the Ashford Borough Local Plan 2000, Policies CS1 and CS9 of the Core Strategy 2008, Policies TC1, TC10, TC11 and TC 26 of the TCAAP 2010.

(d) The impact of the brewery on the amenity of the area in terms of noise and lighting

90. I deal with noise issues first. The applicant has confirmed the following anticipated hours of opening and operation;-
- (i) Monday to Saturday – 06:00-23:00
  - (ii) Sundays and Bank Holidays – to comply with legislation (i.e. a 6hr period between 10:00 – 18:00)
91. In respect of hours of operation, the applicant's intentions in respect of deliveries have yet to be determined. The applicant's pre-application retail scoping note of November 2015 identifies that servicing would be likely to

take place between 05:00-24:00 Monday to Saturday and 06:00-23:00  
Sundays and Bank Holidays.

92. I note that the Noise Impact Assessment (NIA) makes recommendations in respect of an acoustic screen should deliveries be proposed between 23:00-07:00. This is detailed in paragraph NIA3 of the Supporting Documents section of this report. The applicant requests that the details and precise location of this screen fence be the subject of a planning condition requiring agreement with the Council should the operator ultimately require servicing within the 23:00-07:00 period. I agree with the approach.
93. Similar to the proposed brewery subject of application 16/01157/AS, there are two issues here.
94. First, the noise that would arise from the superstore in operation. The supporting NIA identifies that subject to detailed mitigation to be finalised and agreed pursuant to a planning condition any noise produced by plant and equipment would be able to be effectively controlled to an acceptable level. I have noted comments from the Environmental Health Officer (Environmental Protection) (EHO) and the suggestion that limited noise data has been presented in relation to a measurement point on Elwick Road. I consider that this is a matter that can be dealt with by planning conditions.
95. Second, the supporting NIA submitted with the application suggests that should night time servicing be required, an acoustic fence would be a reasonable approach on northern and western boundaries of the brewery in order to ensure against any adverse impacts of this activity on noise sensitive receptors such as homes. I agree with that approach.
96. I also agree with the EHO that the nearest noise sensitive premises to the north could be the subject of change should the application for homes on Elwick Road subject of a live application be granted and implemented and that the existence of that proposal appears not to have been taken into account in the NIA. That being the case, the need for an acoustic fence is made more compelling should night time servicing be proposed by the proposed superstore operator.
97. I also agree with the EHO that approaching the matter of the increased background noise level that would be generated by nighttime servicing of both the superstore and brewery on the basis of residential occupiers (existing and proposed) being forced to keep windows closed would be an inappropriate way of dealing with the noise impacts of any nighttime servicing. The EHO's suggested condition in respect of hours of servicing is noted. I take it as the starting point for discussion with a superstore operator both in terms of the need for any acoustic fence and the need to balance operational efficiency with the context of the location and existence of noise sensitive receptors to night time servicing.

98. I consider that this approach would be a reasonable safeguard to help protect sensitive receptors from noise through night time servicing and agree to the proposal.
99. In terms of lighting, this will need to be appropriate balancing operational matters and any servicing that might be agreed alongside the need to avoid harm to the amenities of residents, light pollution generally and avoid harm to any protected species specifically. I agree with the EHO that fine details should be agreed through planning condition.

(e) Whether the proposals are acceptable in terms of contamination, flooding, approach to managing surface water drainage and ecology

100. Similar to the brewery proposal, in respect of any necessary site remediation through historic pollution, the applicant's proposals are acceptable. The matter can be controlled by planning conditions.
101. The proposal is located outside of the areas at high/medium risk from flooding.
102. In respect of surface water drainage, the applicant has clarified the proposals since deposit to the point where both KCC as Lead Local Flood Authority and the Council's Project Delivery Engineer are now able to withdraw initial objections and support the proposals. The scheme is likely to better the site's existing discharge rate and is considered capable of being refined further (through potential to optimise use gravity discharge instead of pumping and the use of porous paving as part of source control). The proposals will not create or add to flood risk. A detailed condition dealing with surface water drainage is therefore proposed.
103. In respect of ecology, KCC Ecology has requested further survey work be carried out to inform assessment of the applicant's proposed mitigation. Phase II survey work has recently been submitted by the applicant together with an Addendum Report to the Ecological Appraisal deposited with the application. My Recommendation takes into account the unresolved outcome of this aspect of scheme assessment at the time of report preparation. I hope to be able to provide Members with an update at the Committee meeting.
104. In conclusion, I am satisfied that subject to resolution of outstanding matters involving ecology the proposal would be acceptable and would not conflict with Policies CS1, (Guiding Principles), CS11(Biodiversity and Geological Conservation) and Policy CS20 (Sustainable Design & Construction), Policy TC26 (Green Corridors in the Town Centre Corridors in the Town Centre) and emerging Ashford Local Plan Policies S1 (Strategic Objectives), ENV1 (Biodiversity) , ENV2 (Ashford Green Corridor), ENV6 (Flood Risk) and ENV9 (Sustainable Drainage).

(f) Sustainable design and construction

105. In respect of applications for all major non-residential development, the approach set out in Policy CS10 and the associated SPD continues to apply. The commercial units and brewery will be required to achieve a minimum 'very good' BREEAM (or equivalent quality assured scheme) standard. This can form a planning condition.
106. The applicant's supporting documents indicate that in respect of viable renewable technologies, the use of roof mounted turbines and photovoltaic tiles were the most appropriate candidates but on detailed investigation have been discounted for the following reasons;-
- (i) turbines – low wind speed, considered adverse aesthetic impact on the building and potential detrimental impact on wildlife
- (ii) solar photovoltaic – to meet the terms of Policy CS10, 223 sq.m of suitable orientated and shadow free roof space would be required and this amount of PV would not physically fit on the building and would also restrict other mechanical plant needed on the roof.
107. The applicant therefore proposes that any remaining carbon emissions arising from the development in use should be dealt with by a carbon off-setting payment as per part (C) of Policy CS10.

(g) Car parking serving the superstore and associated commuted parking payments

108. The starting point is the standards as set out in Supplementary Planning Guidance Note 4 (SPG4) to the Kent and Medway Structure Plan 2006 as adopted by KCC. The standards are maximum based.
109. The proposal is for 93 parking spaces (and includes x 5 parking bays for disabled people) to serve a 1,750 sq.m foodstore.
110. Using SPG4 maximum based Parking Standards of 1 parking space per 14 sq.m (in relation to food retailing over 1,000 sq.m.) the maximum parking provision that could be sought would be 125 spaces. The applicant's proposal would therefore be 32 spaces short of that maximum based approach.
111. However, Policy TC22 of the TCAAP identifies that retailing will apply a stringent maximum standard of 1:30 before multi-storey and park & ride is operational. That is the present position. If Policy TC22 is strictly applied in this manner then it would suggest the following maximum car parking approach to a 1,750 sq.m foodstore;-
- max 58 spaces

112. I consider that 93 spaces represent an appropriate balance between the two standards. It is likely that the store will be used by people living and working in the Town Centre and thus able to walk to it. Customers will also have access to adjacent Town Centre car parks. Subject to controls secured by a planning condition to make sure that the significant on-site car parking resource is only used as a short stay resource for superstore customers (either through tickets the cost of which is recouped at the checkout or through a camera number plate based enforcement system) I consider this acceptable.
113. However in addition to this issue of numbers, it is important to consider that Policy TC22 does not, seek to differentiate between the different types and scale of retailing. Superstore retailing would ordinarily be likely to come forward on sites enabling a reasonable on-site car parking presence as part of an operator's business model as opposed to 50% of provision being off-site as required by the policy.
114. I consider that it would therefore be reasonable to take into account the applicant's proposed on-site provision in calculating the number of spaces for payment of any commuted sum pursuant to related Policy TC25 towards development of off-site parking. The required approach should therefore be 50% of 58 spaces i.e. 29 spaces for the purposes of commuted sum calculation.
115. Policy TC25 of the Town Centre Area Action Plan sets out the approach for via commuted payments. Park and Ride (mentioned in the Policy at £5,000 per space at 2006 prices) is not proceeding in Ashford for the foreseeable future but multi-storey car parking is mentioned at £10,000 per space at 2006 prices.
116. Policy TC25 takes the following 70/30 split in relation to the required 29 spaces:-

Multi-storey commuted	= 70% x 29 = 20 x £10,000 = £200,000
Park and ride commuted	= 30% x 29 = 9 x £5,000 = <u>£ 45,000</u>
Total	£ 245,000

(h) The acceptability of the traffic impacts arising from the development

117. The application includes a Transport Assessment and has been considered by Kent Highways & Transportation. The conclusion reached is that the findings of the Assessment are accepted and that the local highway network would experience a modest increase in traffic volume with minimal impact on the nearby junctions likely to be affected by that volume.
118. Furthermore, the impact has been assessed on the basis of the combined traffic expected to be generated from all 3 separate planning applications made by the same applicant covering the redevelopment of part of Victoria Way East.



119. The application in respect of the former Powergen site (15/01671/AS) also considered these 3 development proposals as a sensitivity test within its assessment of the impacts on the local highway network and it concluded that with the planned highway improvements to the junctions of Beaver Road/Victoria Road, and Beaver Road/Elwick Road, would have capacity to accommodate all the proposed developments.
120. I confirm that funding for these planned highway improvements – and restrictions on the quantum of development that can be delivered prior to their completion available for use - will be secured in full by a combination of s.106 agreement and a planning condition attached to the permission for the redevelopment of the former Powergen site. Planning conditions can be used to restrict the quantum of development in this part of the Southern Expansion Quarter that might be able to be beneficially occupied before those highway works are fully open and available for use.
121. Subject to the local highway improvements being carried out, my conclusion is that the proposal is acceptable in traffic impact terms and therefore would be in accordance with Policies CS1, CS2, CS8 and CS15 of the Core Strategy 2008 as well as Policy TRA7 of the draft Ashford Local Plan.

(i) Mitigating the impacts of proposed development through contributions secured by s.106 agreement

122. Policy CS18 of the Core Strategy requires that infrastructure and facilities to meet the needs generated by the development should be provided. The same approach is taken in proposed policies IMP1, IMP2 and COM1 of the draft Ashford Borough Local Plan.
123. As identified in my report on 16/01157/AS, the viability case specifically proffered with that application is accepted. Therefore, it is accepted that the brewery, small retail units and residential scheme proposed by the applicant cannot make the contribution towards the outbound bus shelter improvements that are requested by Stagecoach.
124. However, these facilities – providing shelter from inclement weather - would help superstore customers and employees consider bus use as a viable transport choice. The same holds true for employees of the proposed hotel subject of application 16/01164/AS and I therefore propose to apportion the £25,000 sought between the applicant's superstore and the hotel proposal (when that separate application is brought before the Committee).
125. Carbon-off setting is accepted by the applicant as being necessary in this instance due to impracticalities of providing sufficient PVs on the roof of the proposed superstore. The amount requires to be captured through an obligation in a s.106 agreement to accord with the provisions of the Policy CS10 of the Core Strategy 2008 and the associated SPD.

126. Given the relatively low number of contributions, I propose a one-off low monitoring fee to enable monitoring for compliance with the terms of the agreement.

## **Human Rights Issues**

127. 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**

128. 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**

1. The proposal involves the redevelopment of an important brownfield site near the eastern entrance to Victoria Road known as Victoria Way East, forming part of the Southern Expansion Quarter. The redevelopment of this area for a mixture of uses, including commercial, forms an important part of the Council's TCAAP 2010. Policies TC10 and TC11 of the TCAAP indicate that an urban development appropriate to the upgraded and enhanced Victoria Road is appropriate with an emphasis on strong urban enclosure to the street.
2. I consider that the design quality of the superstore proposal is acceptable and would accord with development plan policies identifying the importance of high quality design and place making and, in particular, Policy EN14 of the Ashford Borough Local Plan 2000, Policies CS1 and CS9 of the Core Strategy 2008, Policies TC1, TC10 and TC11 of the TCAAP 2010.
3. The impact of the superstore on the amenities of the area has been considered. Matters of noise are capable of being controlled through planning conditions relating to plant and equipment and hours of servicing (and any necessary measures related to night-time servicing such as an acoustic fence). Lighting can be controlled by condition to reduce light pollution and disturbance.
4. The proposals are acceptable in relation to contamination, sustainable urban drainage and flooding. My recommendation deals with the need to resolve the

proposal in respect of ecology.

5. The proposals perform acceptably in relation to the Council's Sustainable Design and Construction requirements for non-residential uses. Carbon off-setting is acceptable.
6. On-site car parking provision for the superstore is acceptable alongside commuted payments towards off-site enhancement.
7. The proposals would not have any adverse impacts on the amenities enjoyed by residents of Victoria Crescent. Matters of hours of operation and servicing and any necessary acoustic fencing can be addressed through conditions. I consider that the scale relationships between that which is proposed and that which exists are acceptable given the intensity of redevelopment envisaged by adopted local planning policy for this area over many years.
8. The traffic impacts of the proposal (and others on adjacent sites) have been considered by the local highway authority and have been found to be acceptable. Improvements to the local highway network in terms of capacity are proposed by others. Planning conditions can be used to restrict the quantum of development in this part of the Southern Expansion Quarter that might be able to be beneficially occupied before those highway works are fully open and available for use.

## **Recommendation**

- (a) Subject to receipt of proposals from the applicant in respect of ecological mitigation that, following consultation with KCC Ecology, are considered acceptable, and**
- (b) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
  - a. Carbon off-setting in relation to the superstore**
  - b. contribution towards nearby outbound bus shelters**
  - c. commuted sum contribution of £245,000 towards off-site car parking provision**
  - d. monitoring fee of £500**

**as detailed in Table 1, in terms agreeable to the Head of Development Strategic Sites and Design in consultation with the Corporate Director (Law & Governance), with delegated authority to the Head of Development Strategic Sites and Design to make or approve changes to the planning obligations and planning conditions (including adding**

**additional planning conditions/obligations or deleting planning conditions/obligations as necessary), as she sees fit**

**(c) Grant planning permission**

Subject to the following conditions and Notes;

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Materials

2. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

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

Compliance with approved plans

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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

4. The development shall be made available for inspection, at a reasonable time, by the local planning authority to ascertain whether a breach of planning control may have occurred on the site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

**Reason:** In the interests of ensuring the proper planning of the locality and the protection of amenity and the environment, securing high-quality development through adherence to the terms of planning approvals, and ensuring community confidence in the planning system.

5. Prior to any above ground construction commencing a programme for community consultation/communication setting out how the developers intend

to liaise with and keep members of the public informed about the development for the duration of the construction period shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the details shall be implemented and maintained for the duration of the construction otherwise agreed in writing by the Local Planning Authority.

**Reason:** To secure a coordinated, comprehensive form of development that delivers the envisaged form of place making and in the interest of public engagement.

### Contamination

6. Prior to the commencement of development, a detailed remediation scheme to ensure that that part of the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols.

The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation.

The development within the relevant plot shall thereafter be carried out in accordance with the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

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

7. If, during development, contamination not previously identified is found to be present at the site then no further development within the affected plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy for the relevant plot detailing how this unsuspected contamination shall be dealt with. The

remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

**Reason:** To ensure the protection of controlled waters.

#### Fine detail

8. Prior to any construction above ground level, unless specified to the contrary, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-
- (a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
  - (b) rainwater goods

**Reason:** Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

#### Parking/Highways

9. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

**Reasons:** To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

10. Prior to the works commencing on site details of parking for site personnel / operatives /visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

**Reasons:** To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

**Reasons:** In the interests of highway safety and convenience.

12. The access details shown on the approved plans, including off-site footway works to replace the redundant vehicle access, shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any buildings hereby approved, the use of the site being commenced, and the access shall thereafter be maintained.

**Reasons:** In the interests of highway safety.

13. The area shown on the submitted layout as vehicle parking or turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

14. No building shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety.

15. The pedestrian visibility splays shown on the approved drawings shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained with no obstruction over 0.6 m above the access footway level.

**Reason:** In the interests of highway safety.

#### Use

16. The premises/site shall be used for the purposes specifically applied for and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

**Reason:** In order to preserve the amenity of the locality.

17. Opening hours

18. Servicing & necessity for acoustic fence

Landscaping

19. No development shall commence until full details of the soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

- a) The full details of the soft landscape works to be submitted to the Local Planning Authority for its approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of the planting that is designed to create year round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.
- b) The soft landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. Also, to ensure that ecological functionality and protected species population are not impacted by the proposed development and foraging and dispersal routes remain open and connected throughout construction and occupation.

20. If any trees and/or plants whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 5 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

**Reason:** In the interests of the amenity of the area

21. Prior to the commencement of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for the landscape areas and the timing of provision of management and maintenance of such areas shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the landscape management plan shall be carried out in accordance with the details approved by the Local Planning Authority unless previously agreed otherwise in writing by the Local Planning Authority.



**Reason:** To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

Sustainable construction

22. The development hereby approved shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' standard comprising the following minimum credit requirements:-

'Excellent' standard in respect of energy credits,

'Maximum standard in respect of water credits,

'Excellent standard in respect of materials credits, and

under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 20% reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 3 months of work commencing on a given phase:-

A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements),

Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed,

A BREEAM 'Design Stage' report and related certification produced by a registered assessor, and

Details of the measures, LZC and other technologies to be used to achieve the BREEAM standard and credit requirements specified above.

Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, within three months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts 0 and 0 below by the Local Planning Authority for that building:

SBEM calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions, and a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

**Reason:** In order to (a) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (b) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (c) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and NPPF.

#### Environmental Health

23. Full details of all measures to be taken to deal with the emission of dust, odours or vapours arising from the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use of the premises. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

**Reason:** To prevent transmission of dust, vapours and odours into neighbouring premises to protect amenity.

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

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

25. Any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

**Reason:** To prevent pollution of the water environment.

26. No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

The submitted system shall be designed to

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010.
- (iv) promote biodiversity,
- (v) enhance the landscape,
- (vi) improve public amenities,
- (vii) return the water to the natural drainage system as near to the source as possible and
- (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

If the proposed surface water discharge point is to be the existing public sewer the applicant must provide written confirmation from Southern Water of their agreement to the proposals.

**Reason:** In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20

Code of construction practice

27. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). unless previously agreed in writing by the Local Planning Authority.

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

**Reason:** To protect the amenity of local residents in accordance with Policy EN1 of the Local Plan.

28. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the residential amenity of the area.

### Archaeology

29. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

**Reason:** To ensure that features of archaeological interest are properly examined and recorded.

### Other

30. Prior to commencement of development the applicant shall provide written evidence to the Local Planning Authority that a formal process of approvals between the applicant and Network Rail/HS1 has been entered into and commenced. The approvals process shall accord with the processes set out in the Network Rail (High Speed) Outside Parties Development Handbook Document Reference C/05/OP/32/3002.

**Reason:** The planning application does not contain the detail needed to identify potential effects upon the integrity, safety, security, operation, maintenance and liabilities of HS1 and HS1 Property.

## **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 provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme and address issues raised.
- The application was dealt with/approved without delay.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### Highways

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

### Network rail

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Asset Protection Kent [AssetProtectionKent@networkrail.co.uk](mailto:AssetProtectionKent@networkrail.co.uk) prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at [www.networkrail.co.uk/aspx/1538.aspx](http://www.networkrail.co.uk/aspx/1538.aspx).

## **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 16/01167AS.

**Contact Officer:** Roland Mills

**Telephone:** (01233) 330334

**Email:** [roland.mills@ashford.gov.uk](mailto:roland.mills@ashford.gov.uk)