

Application Number	16/00986/AS
Location	Former Travis Perkins Trading Co Limited, Victoria Crescent, Ashford
Grid Reference	00854 / 42134
Parish Council	Victoria
Ward	Ashford
Application Description	Demolition of existing buildings and erection of 28 flats with car parking, access and associated landscaping
Applicant	Carrington Group
Agent	DHA Planning
Site Area	0.24ha

(a) 101/ 6R	(b) -	(c) EHM (EP) X, POL X, KCC (DCU) X, SSOS X, PO Drainage X, KCC Drainage X, SW X, KHS X, SACF X, VBRAG R
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Introduction

1. This application is reported to the Planning Committee because the application is a major and significant development and, as such, is required to be determined by the Planning Committee under the Council's scheme of delegation.
2. The site involves part of Travis Perkins timber and builders' merchant former business premises on Victoria Crescent. The application involves the southern part of the premises with the other part involving land on the northern side of Victoria Crescent and being the subject of application 16/00981/AS also reported on this agenda. Travis Perkins has relocated to new premises on Beaver Road. The application is shown on the site Plan forming **Annex 1**.
3. The land forms part of the Southern Expansion Quarter as defined in the Council's Ashford Town Centre Area Action Plan (TCAAP) 2010 and is located to the west of redevelopment proposals subject of application 16/01157/AS (reported to the Planning Committee in October 2016).

4. During the course of dealing with the application, a Viability Report was submitted dealing with the inability of the development to make the full range of s.106 contributions to mitigate scheme impacts pursuant to the provisions of the adopted development plan and provide affordable housing. The applicant has funded an expert independent review of the case proffered. The Assessment section of the report sets out;-
- (i) the policy starting point in relation to developer contributions,
 - (ii) the outcome of the viability review,
 - (iii) negotiations with the applicant in relation to partial contributions, and
 - (iv) recommended prioritised apportionment

Site and Surroundings

5. The site surroundings comprise a mixture of business uses (predominantly on the southern side of Victoria Road and on Victoria Crescent further to the north west), a residential area further to the west (comprising Victoria Crescent and homes on Victoria Road opposite the primary school), Victoria Road itself a short distance to the north and brownfield land cleared of buildings to the east. The land to the east is subject of two applications for redevelopment comprising homes and small commercial units (application 16/01157/AS) and a hotel (application 16/01164/AS): the former was resolved to be granted planning permission at the October 2016 Committee Meeting and the latter is reported elsewhere on this agenda. A Copper Beech tree is located outside of the application site on its eastern side.
6. The application site comprises a total 0.24ha site involving land on the southern side of Victoria Crescent. The site is bounded to the street by a chain link fence. To the rear of this is a narrow concreted yard and beyond that are vacant industrial pitched roof sheds in modern material and currently a poor state of repair. These are shown in the image below.



7. To the rear of the buildings is a narrow section of overgrown scrub land with the southern boundary formed by the River Stour and associated mature

trees. The site falls gently southwards from Victoria Crescent towards the riverbank.

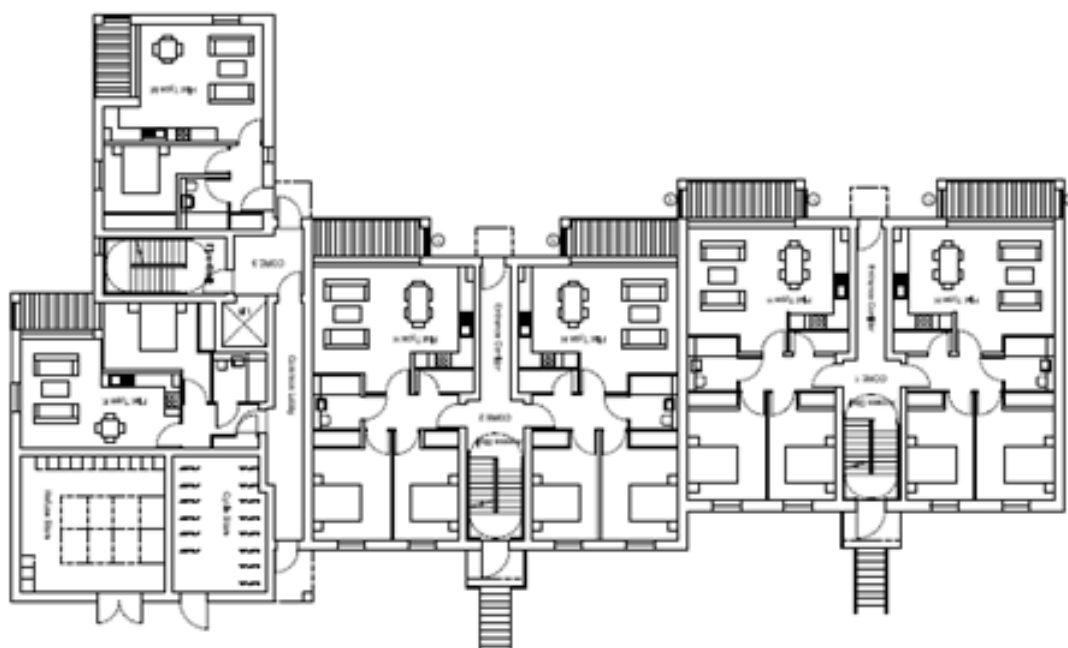
8. The site is not located in a designated Landscape Character Area. There are no listed buildings within or adjacent to the site. The site is not located in a conservation area.
9. To the north of the site is a yard which is the subject of redevelopment application 16/00981/AS reported on this agenda. Watling Tyres on Victoria Way is located further to the north. To the north east of the site is George Street. To the south of the site is the River Stour. To the north west of the site is a brick warehouse building (known as the Old Bakery/Silcocks) that is in ground floor commercial use with apartments on upper floors). Further to the west are business premises (on the northern side of Victoria Crescent) and 2-storey terraced and semi-detached homes (on the southern side of the same street). There is restricted parking on Victoria Crescent with parking bays for residents with permits or 2 hours together with double yellow line restrictions.
10. The annotated aerial image below shows the application site ('North Site') marked with a solid green line.



Proposal

11. Full planning permission is sought for the development of 28 apartments with car parking, associated access and landscaping. The accommodation split would be as follows:-
 - (i) 14 x 1-bed apartments
 - (ii) 14 x 2-bed apartments
12. As deposited, the application made reference to current adopted development plan policy requiring 30% of the units to be affordable homes in order to comply, the reduction from that starting point due to the vacant building credit as well as the Council's preference for shared ownership rather than social rented tenure. Nevertheless, the applicant cites the Council's emerging Local Plan as not requiring any affordable housing at Town Centre flatted developments. The potential requirement for developer contributions is highlighted as is the possible need to submit a viability assessment. As such, the applicant acknowledged that whether to have any affordable housing would be a matter of balancing adopted planning policy with emerging policy and financial viability.
13. Post deposit, once the situation in respect of policy compliant developer contributions was clarified, the applicant submitted a viability case and funded its review by the Council's expert viability consultants. This is detailed further on in this report but in respect of affordable housing the proposal before the Council is now for zero provision at the development.
14. A total of 28 on-site parking spaces are proposed. These would be located in a parking court located to the rear of the apartments with vehicular access from George Street alongside the western flank of the proposed building. This access would create a gap of 8m between the proposed building and the adjacent semi-detached property named Gray Hanistep.
15. The ground floor of the building would have an integral communal refuse bin store with double doors and a separate cycle store on the northern elevation.
16. The proposed would have the following dimensions:-
 - (i) 8m high (at the western end) rising to 13.5m high (at the eastern end),
 - (ii) 41m wide fronting Victoria Crescent, and
 - (iii) 11.5 m deep (at the eastern end) and 22.5m (at the eastern end).
17. The building would be broadly rectangular in plan form and would comprise a series of modules each with a different storey height. The western-most module would be 3-storeys in height. The central module would be 4-storeys in height and the eastern-most module would be 5-storeys in height and have

a return frontage to the parking court proposed to serve the adjacent development site (application reference 16/011657/AS). Moving west to east, each module would have a progressively closer relationship to the street i.e. a building that steps up in height moving eastwards along its length and a building that has a stepped frontage to the street. The images below show the elevations and the related ground floor plan.



Victoria Crescent

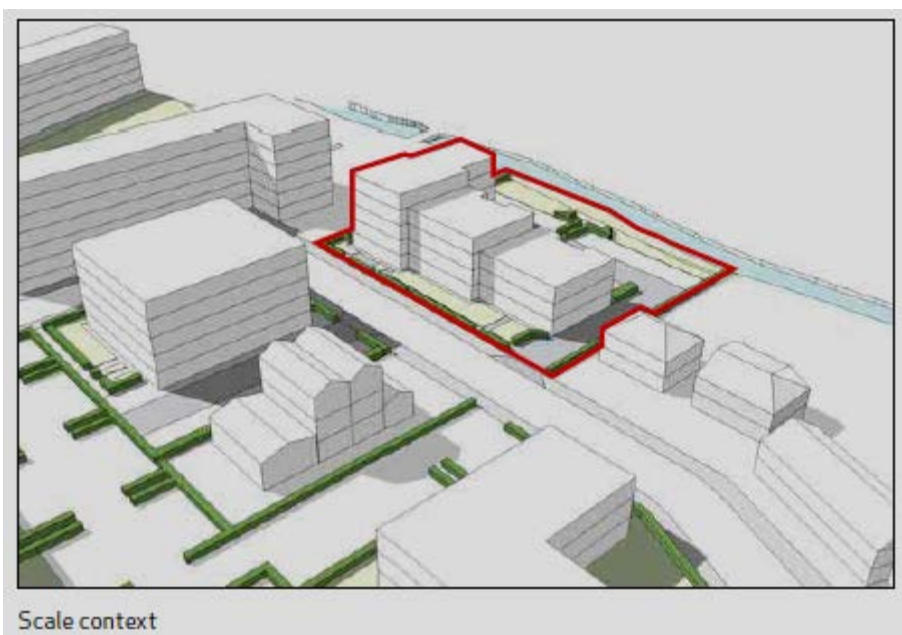
18. Each module would have a front and rear entrance a central rising core containing stairs. The eastern-most module would also contain a lift. The front entrances to the eastern-most and central modules provide for a small flight of entrance steps with level access being available via the rear access from the parking court.
19. The ground floor level would contain flats each with full height glazing to private terraces located on the east and south facing elevations. On upper

floors, balconies would be recessed. They would wrap around the north eastern corner of the building onto the east facing elevation as well be provided on the south facing elevation. The massing of the building would be consistent for each module with small parapet walls at roof level.

20. The factors underpinning the applicant's design approach are set out in the Design and Access Statement. Key drivers are as follows;-

Scale

21. The site faces to the river and while a 4-storey building would match planning policy aspiration, 2-storey houses are located to the west with 6-storey development being proposed on the redevelopment site to the east (application reference 16/01157/AS). Accordingly, the approach taken to vertical scale is for the development to form a transition between the two scales of development either side of the site by stepping up gradually to east. 3-storey development is considered appropriate in relationship terms with the 2-storey houses located to the west.

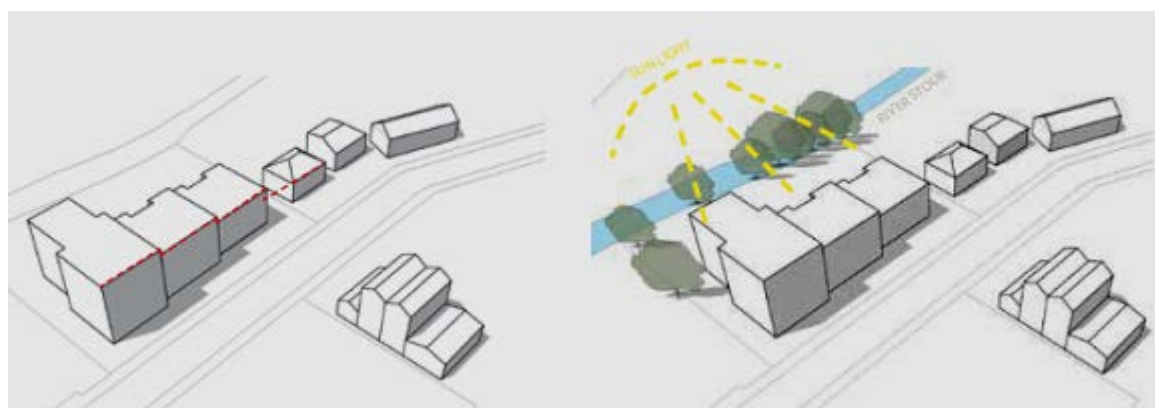


Layout

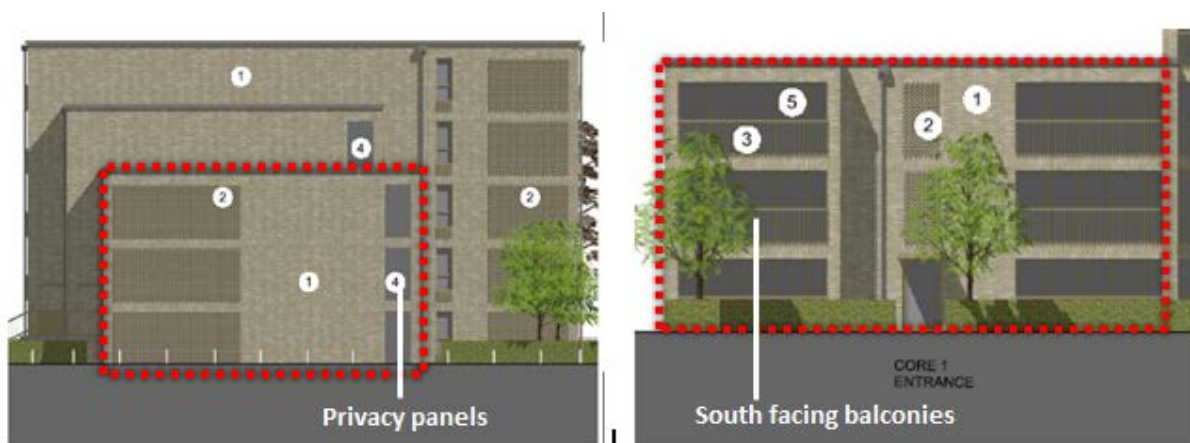
22. The site lends itself to a linear terrace continuing the building line of the existing homes on Victoria Crescent. This helps create a generous green frontage to Victoria Crescent that works with the stepped approach to plan form.
23. Providing the parking area at the rear of the block would leave the public realm frontage free of cars and allow the building to be viewed across the landscaped frontage. The access to the parking court is located on the

western side to create a gap between the development and the house to the west. The gap to the boundary would be 6m with the distance between flank walls being 8m.

24. Matching the building line to existing houses and the access gap allow the step transition from 2 to 3-storeys to be made while respecting the existing environment. The building design opens up to the south elevation to benefit from the warmth of the sun to rooms and recessed balconies and to give good views out to the river, river landscaping and open land further south.

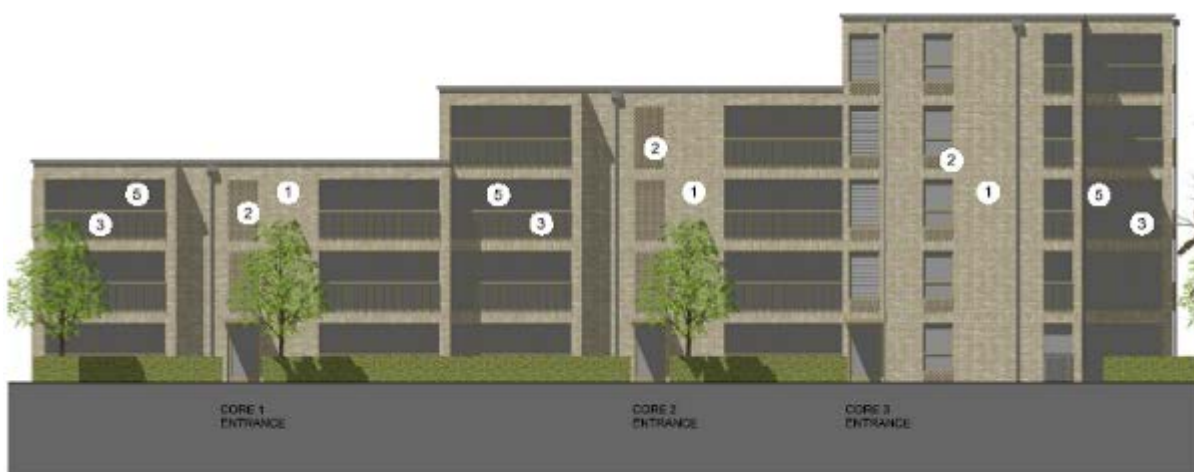


25. The garden of the 2-storey house to the east of the site (Gray Hanistep) would be protected from overlooking by the design approach to the west facing flank elevation of the 3-storey module. This would not have windows and would be visually enlivened through a series of textured brick panels with the neighbour's privacy maintained by the provision of a translucent sand blasted glass privacy screen to the western return to the recessed south facing balcony. The annotated image below shows the flank wall to the 3-storey flank wall together with the southern elevation.



Appearance

26. The building would have a contemporary clipped edge appearance. Recessed balconies would wrap around onto the eastern elevation and be provided on the southern elevation: the southern elevation facing the River Stour is shown below.



27. The palette of materials would be limited to good quality warm buff facing brick, bronze coloured windows frames/flashings/spandrel panels, bronze painted balustrades/railings/timber balcony soffit and decks.
28. The use of brick is considered contextually appropriate to the area. The success of the clipped appearance of the building would be in the brick detailing and for this reason the applicant has included features (see images below) to give further visual interest such as;-
- taking brickwork along balcony edges
 - recessing balconies behind facades
 - 75mm steel blades at 75mm centres for balcony balustrades
 - providing brick soldier courses to make floor levels on elevations
 - use of textured brick panels
 - use of sandblasted glass privacy screens



Hard and soft landscaping

29. Paving throughout the site would be grey block paviours which would highlight the approach to soft landscaping (comprising a mixture of grass, hedge and trees) intend to provide a soft green edge so that the building would be viewed sitting in a landscaped base.
30. A 0.9m high hard boundary would be provided to the street edge of the proposed building formed of a brick wall to 0.45m with 0.45m of railings over and a series of 0.9m high brick piers. A 0.9m clipped hedge is proposed to be planted immediately to the rear of this boundary. Ornamental trees would be provided along the boundary and along with the hedge would give height to the landscaping. Between the proposed hedge and the building, the space would be turfed with grass.
31. Parking courts would also be softened with hedge and tree planting to help soften the visual impact of parked cars. The image (below top) shows the site with proposed tree planting and grass in light green and hedge behind wall in darker green.



32. The CGI below shows the north elevation to Victoria Crescent and the landscaping approach of boundary wall, clipped hedge, grass and tree planting.



33. As the CGI above shows, the hard and soft landscaping approach to the boundary is identified as returning along part of the eastern boundary and then changing to railings in order to minimise impacts on the off-site Copper Beech tree subject of a Tree Preservation Order (shown far left in the image).

Open space

34. This is considered appropriate for the anticipated residents' demographic (unlikely to attract families) with private recessed balconies. An area of open

space is shown on the plans between the edge of the parking court and the river bank with access into this area via a gap between parking spaces. Two benches are shown. The applicant proposes appropriate planting in this area.

35. Proximity (and access) to the riverside and the green corridor is cited as providing a significant open space asset within a short distance. The image below shows the site annotated yellow related to this public open space.



Sustainability

36. The main windows would be set behind balconies which would provide shade from the high summer sun. Water usage would be restricted through flow regulators and use of dual flush WCs.

Post-submission additional information and changes to the scheme

37. In response to matters raised by KCC Ecology, the applicant has supplied an Addendum Bat Survey Report which has been further reviewed.
38. In respect of concerns from the Environment Agency (EA), the applicant has supplied amended detail in respect of the riverside space and confirmed that the two benches would remain unfixed to help facilitate EA access for maintenance.

Supporting Documents

Arboricultural Impact Assessment (AIA)

- AIA1. The AIA states that most of the site is laid to a concrete base with the existing building over. To the rear, there is a thin strip of land and boundary trees. The 'Great Stour' river is then beyond the rear (southern) boundary.
- AIA2. The AIA states that the proposal encroaches slightly in to the Root Protection Areas (RPAs) of T1, T2 & T6. Tree T1 is subject of a Tree Preservation Order.

- AIA3. The AIA identifies that T1 (Copper Beech) is the most significant tree associated with the site but is located on third party land. Concerns expressed at pre-application stage regarding the impact of the scheme on this tree have led to minor amendments: parking initially proposed immediately below the tree canopy has been relocated and the building moved further from the tree.
- AIA4. The AIA also states that works would still take place within the RPA of T1 but they would be located within the area currently occupied by the reinforced floor slab of the existing building. The proposed redevelopment is considered to deliver a better balance between development and the tree.

Asbestos Report

- AR1. The report states that several forms of asbestos in various quantities and in different materials have been detected on the site.

EA Flooding Report & Flood Risk Assessment (FRA)

- EA1. The report states that the site is within an area benefiting from flood defences. Areas benefiting from flood defences are defined as those areas which benefit from formal flood defences specifically in the event of flooding from rivers with a 1% (1 in 100) chance in any given year, or flooding from the sea with a 0.5% (1 in 200) chance in any given year.
- EA2. The Report states that if the defences were not there, these areas would be flooded. The flood defences currently in place for Ashford store water in upstream reservoirs on the Great Stour (Hothfield flood storage reservoir) and East Stour (Aldington flood storage reservoir). These reservoirs store water upstream of the town during times of high flows and then release it downstream at a controlled rate. This regulates the amount of flow in the Great Stour and East Stour, thus reducing the likelihood of flooding in the surrounding area. The reservoirs are maintained and managed by the Environment Agency and provide a combined 1 in 100 year standard of protection.
- EA3. The Report concludes that there are currently no immediate flood risk management improvements planned for Ashford.
- EA4. The FRA states that the Great Stour provides the principal source of flooding in the locale, however, no evidence has been found to suggest that the site has been historically affected by fluvial flooding. Based upon the best available information, the majority of the Site lies within Flood Zone 1, with only the very south western fringe of the Site falling within Flood Zone 2 and Flood Zone 3a from Main Rivers (in this case the Great Stour).

- EA5. The FRA states that taking into account future potential climate change effects, and worst-case future fluvial flood level data, the majority of the site (including the entire proposed built-development area) remains within Flood Zone 1 over the anticipated lifetime of the development.
- EA6. The FRA states that the proposed built-development would be sited outside of the predicted future flood extents, and elevated significantly above predicted future flood levels associated with the Great Stour. Due to the elevated terrain and sloping topography of the locale, the potential exists for surface water from higher ground to the north to progress overland in a south-westerly direction onto Victoria Crescent. The site has the potential to receive overland flow from Victoria Crescent, as the highway is located at a greater elevation than the site. Careful profiling of external areas would be undertaken to ensure that potential overland flow pathways would be directed around the proposed built development, in a generally southerly / south westerly direction along the proposed access road. This route provides a preferential flow path for excess surface water floodwater on Victoria Crescent and replicates (and improves) the pre-development situation.
- EA7. The FRA goes on to describe how deliverable flood mitigation and management measures would be integrated within the development proposals and layout in order to reduce the probability and consequence of flooding at the site by the following:-
- a. Raised finished flood levels,
 - b. Provision of overland flow paths around buildings, and
 - c. Cut-off drainage system running parallel to, and immediately adjacent to, the north east of the north eastern face of the built development to direct excess surface water around proposed buildings.
- EA8. The FRA also states that habitable accommodation will be provided at ground floor level (and above) within the proposed dwelling well in excess of 600mm above the modelled 1% AEP (1 in 100 year return period) flood level taking into account climate change effects over the anticipated lifetime of the development.
- EA9. The FRA identifies that a sequential approach to flood risk management has been adopted, and potential effects from flood risk would be appropriately managed and mitigated across the proposed development to ensure that development would be safe throughout its lifetime without increasing flood risk elsewhere.
- EA10. There would be a net reduction in the overall hardstanding area draining to local sewers, and the Great Stour as a result of the proposed redevelopment

of the site. Management of surface water from the proposed development would closely mimic the existing drainage regime and existing drainage connections and outfalls would be utilised where practical to do so.

- EA11. In line with national and local policy and guidance, it is proposed that the 'post development' discharge rates would be restricted to less than those generated by the 'predeveloped' site, for up to and including the critical 1% AEP (1 in 100 year return period) storm event incorporating the impacts of climate change allowances throughout the lifetime of the development.
- EA12. The FRA states that careful and appropriate incorporation of 'on-site' SuDS measures within the indicative development layout will provide a means of source control of surface water and promote improvement in water quality. It is suggested that the proposed surface water management regime would be sustainable and in line with the national and ABC's SPD and policy CS20 of the adopted Core Strategy.
- EA13. The report concludes that the technical assessment of flood risk presented within this FRA demonstrates that flood risks and residual flood risks are manageable over the lifetime of the development and the development proposals are deemed to be 'safe' and sustainable in flood risk terms.

Habitat Survey and Bat Building Assessment

- HS&BBA1. The Assessment states that in relation to Protected Species Assessment, no further surveys for GCN (Great Crested Newts), reptiles, water vole or dormice have been recommended. Precautions have been made for clearance of vegetation and the removal of the warehouse in relation to breeding birds.
- HS&BBA2. The Assessment identifies that evidence of a brown long-eared night roost has been found within the warehouse but the amount suggests it is an infrequently used. An emergence survey has been undertaken and a peak of eight soprano pipistrelle bats and a single common pipistrelle bat were recorded emerging from features on the southwest elevation of the building. An EPS (European Protected Species) licence would be required to legally demolish the warehouse. It is identified that a second survey is required to confirm the status of the bat roosts but it is considered that the design of the scheme would allow for these roosts to be compensated for in an appropriate manner.
- HS&BBA3. The report concludes that recommendations for enhancing the site in regard to the NPPF have been provided. An addendum report is identified as to be prepared following a second survey and that would include a detailed mitigation plan.

- HS&BBA4. Following the comments from KCC Ecology, an additional Bat Survey Report has been provided setting out mitigation measures.

Stage 1 Desk Study Report

- DSR1. The report states that there are two commercial areas separated by Victoria Crescent. The 'northern area' is the subject of the application and comprises a concrete yard with no buildings. The 'southern area' subject of application 16/00986/AS contains four joined buildings with a concrete yard and hardstanding and abuts the Great Stour River.
- DSR2. The report identifies that the northern site used to feature a saw mill and then a builders' yard with the southern site last comprising a depot.
- DSR3. The report states that the geology of the site includes mudstones of the weald clay formation, overlain by river terrace deposits of sand and gravel.
- DSR4. The report states that the hydrogeology of the site contains bedrock aquifer Designation "Unproductive Strata". Sand and gravel deposits are "Secondary A" aquifer. No groundwater abstractions are located within 1km.
- DSR5. The report on to describe the hydrology stating that a river is adjacent to the southwest and that the whole site is at risk of groundwater flooding. Furthermore, the south west margins are at risk of flooding.
- DSR6. The report also states that there are no protection measures required for radon and no landfills within 250m, therefore landfill gas measures are unlikely to be required.
- DSR7. In relation to ground conditions, the report states that a site investigation is required. It also suggests that possible 'made ground' could include overlying sand and gravel, over weathered (clay-bearing) mudstone.
- DSR8. The report suggests that there is potential contamination from made ground surface material and the former site use. There is asbestos in existing buildings on the southern side of the street and therefore a ground investigation is required.
- DSR9. Finally, the report concludes that excavations may be unstable and wet and that excavation depths should be minimised as far as possible.

Planning Statement

- PS1. The Planning Statement states that in line with paragraph 14 of the NPPF, determination of this application should be based on the presumption of sustainable development and whether any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

- PS2. Thorough analysis of the site constraints and opportunities and an appropriately designed scheme, it is considered that there would be no adverse impacts that would arise as a result of the proposal that would significantly and/or demonstrably outweigh the benefits of the development.
- PS3. The statement suggests that the provision of housing has a clear economic role by means of stimulating the local construction industry, through household expenditure and by providing for financial contributions to local community infrastructure and services through S106 contributions. The proposal would have a social role through provision of residential accommodation on a highly sustainable site, which is within easy walking distance of the International Station and the Town Centre.
- PS4. The Statement identifies that in this respect, the benefit of creating 28 residential units in a town centre location on a sustainable, previously developed site, which has been identified by the Council in adopted development plan documents as part of an area in need of regeneration, is considerable and would contribute significantly to the Council's vision for the Town Centre and specifically the Victoria Way East section of the Southern Expansion Quarter. The applicant has been keen to engage with the Council at an early stage in the planning process to ensure that the Council's aspirations are reflected in the current scheme and that the context of the site in the light of other development opportunities is fully understood. As a result of this early engagement, the scheme design has been modified to address the issues raised at pre-application stage. Consequently, it is considered that the redevelopment of the site for residential purposes and the proposed design of the building on the site comply with local planning policies in all respects.

Transport Statement

- TS1. The Transport Statement states that parking would be accessed from Victoria Crescent with an additional parking area accessed from George Street.
- TS2. The Statement identifies that a review of current road safety conditions within the local area has raised no concerns in respect of incidents resulting from human error. As such, the proposed development is considered unlikely to exacerbate road safety issues.
- TS3. The Statement suggests that the site is considered to accord with all levels of transport policy. It is situated within an inherently sustainable location within the Southern Expansion quarter of Ashford Town Centre. As such, the site enjoys good access to public transport with local bus facilities and Ashford

International train station all within easy walk distance of the site. In addition, due to the town centre location, a number of everyday services could also be accessed without the need for private vehicle ownership, reducing future residents' reliance on private vehicle usage.

- TS4. The Statement suggests that utilising the TRICS database to provide a residual trip assessment shows that the proposed development would result in a net reduction in vehicle movements with a reduction of 66 trips across the 12-hour day. Whilst a slight increase is noted within the PM period, this is not considered significant given the urban location of the site and its accessibility to the wider highway network. Therefore, the overall impacts of the site are not deemed to be severe, in accordance with the NPPF.
- TS5. The Statement concludes that from the above information, the proposed development should not result in significant detrimental impacts in transport terms and therefore there should be no transport objection to the proposals.

Utilities Statement

- US1. The Statement states that the location, size, depth, and identification of existing services that may be shown or referred to in this report have been assessed from non-intrusive investigations, record drawings and the like. Any contractor shall safely carry out intrusive investigations, trial holes or sounding prior to commencing any works to satisfy 'himself' that it is safe to proceed and that the assessments are accurate.
- US2. The Statement concludes that with the exception of the foul sewers passing through the southern site (which will need diverting) the other main factor to consider is the gas supply to the northern site. The disposal of the surface water is another item that must be determined: infiltration methods may have to be relied upon, as there is no surface water sewer serving the southern site.

Planning History

39. There is no relevant planning history.

Consultations

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

Environmental Health Manager (Environmental Protection): No objection subject to condition.

Kent Police: No objection

KCC (Developer Contributions): Raise no objection. Request a contribution towards library book stock at Ashford of at a capital cost of £1,344.44 in order to meet the additional demand to borrow library books generated by the people who would occupy the new dwellings. Also request a condition to deal with the provision of Superfast Fibre Optic Broadband.

ABC Street Scene and Open Spaces Team: Request £138,964.00 towards outdoor sport, informal/natural, play, allotments, strategic parks and cemeteries.

KCC (Flooding): No objection subject to condition,

Project Office Delivery Engineer: Comment that clear consideration has been given to balancing 'less appropriate' and 'more appropriate' (as defined in the Council's SPD) SUDs techniques. The proposed development would achieve betterment in terms of reducing and managing surface water run-off in comparison to the existing surface water regime for the site. No objection subject to a condition requiring approval of a detailed design stage SUDs scheme.

Southern Water: No objection

Kent Highways and Transportation: No objection subject to conditions

KCC (Ecology): Following the receipt of additional information, raise no objection and;-

- identify that due to the presence of bats roosting at the site, a licence will be required to be obtained.

- mitigation in terms of bird and bat boxes together with a sensitive lighting scheme and construction environment management plan will all need to be secured by planning condition.

Environment Agency (EA): Confirm no objection on flood risk grounds but initially raised objection due to concerns about the treatment of the riverside environment. Through the submission of amended plans, the objection is overcome. (HDSS&D note: the sketch images below are my own seeking to work with the EA to help inform the detail of an acceptable green corridor improvements balanced against the EA's need for access pursuant to byelaws)

(In terms of the byelaw zone) the EA confirm the following;-

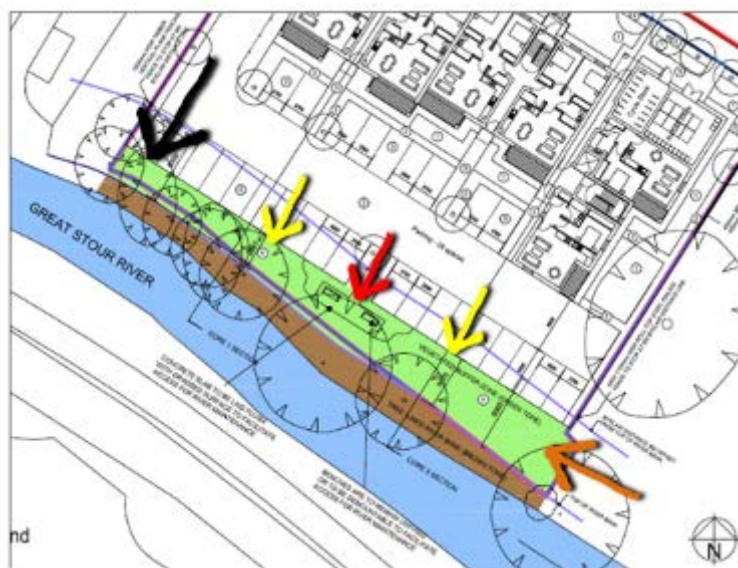
'Our 8 metre byelaw margin does not preclude all development within 8 metres of the top of the bank of main rivers; but it does mean that our consent (via a Flood Risk Activity Permit (FRAP)) is required for such development in addition to planning permission. That said, we do try to keep the byelaw margin clear of obstructions to enable us to gain access to the river for maintenance or in an emergency – such as

to clear blockages or to deal with pollution incidents. An unobstructed margin is also important to enable flood flows. The margin also provides a 'deposition area' on which we can stack cut weed etc. In addition, the 8 metre byelaw margin generally ensures that the river corridor is preserved for nature and for people.

We only have 'permissive powers' to maintain the river. The duty / responsibility for maintenance rests with the riparian owner. So it is usually in the site owner's interest to keep access to the river clear. We do look specifically at each site when considering whether we would grant a FRAP or not. In this instance, given the town centre location, it is considered a high-risk location. That said, we do have reasonable access to the site from the opposite (Victoria Park) side. We also currently cut the in-channel weed by hand, so do not need to regularly access the area with a machine. The river is over-wide in this stretch and suffers from silt deposition. There may be occasions when we need to bring in large machines to de-silt. It is likely that we would de-silt from the opposite bank should we need to.'

(In terms of EA access into the byelaw zone), the EA state as follows:-

'We always like to be able to 'track' parallel to the river if possible – i.e. via the orange arrow. A single access point at right angles to the river – with enough room to manoeuvre a large tracked vehicle parallel to the river - should suffice. This could be at any of the locations indicated by the black, yellow or red arrows. This access point would also enable ourselves or others to take away arisings from river operations (cut weed, debris etc.).'



(In terms of the planting enhancements to the green buffer zone and brown river bank zones shown in the image above) the EA comment as follows:-

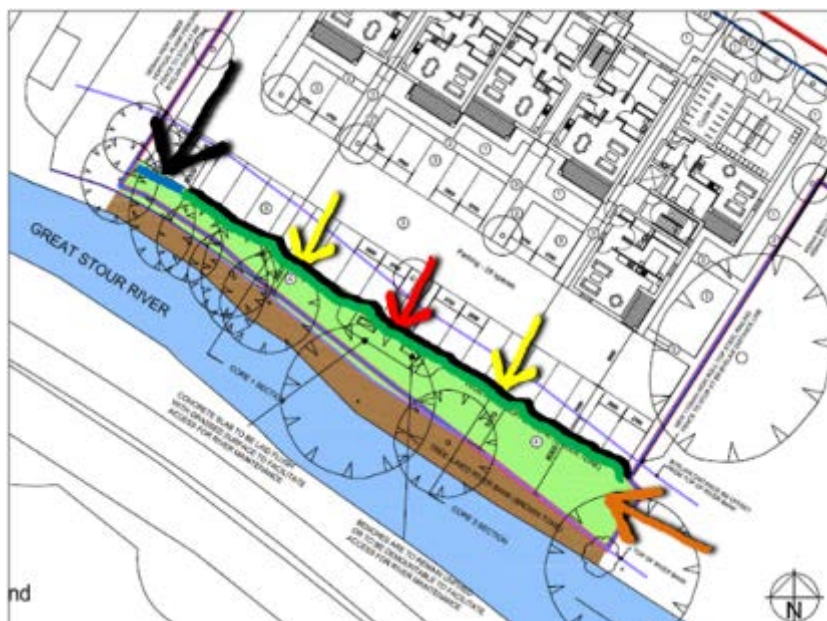
'We are only likely to track along the left bank of the river in this location on very rare occasions; therefore the planting regime will rarely, if ever, be disrupted. The fact that we may access the site should not be seen as an excuse for reducing the quality of the riverside treatment. (We are) happy to discuss a 'desired vision' for this length that can inform a planning condition.'

(In terms of the boundary to the southern edge of the parking court) the EA suggest:-

'Given the urban context of this location I can see that an 'estate type' fence would be appropriate. Gates giving 3 metre wide access at designated locations should be provided.



The provision of a native hedge along the riverward side of the fence would help with security, screening and providing habitat, and would be welcomed. I suggest a minimum distance of 3 - 4 metres be allowed between the top of the bank and the riverward face of the hedge be provided.



The area between the hedge and the top of the bank could be sowed with a wild flower mix to promote pollinators. This would only require an annual cut. We wouldn't

oppose the positioning of the occasional bench / seat within this area providing they could be removed fairly easily should access be required.'

Victoria Residents' Business and Recreation Action Group: Object and state the following;-

'The Victoria Residents' Business and Recreation Action Group (VRB&RAG) has examined the proposals in the documents available on the Ashford Borough Council website relating to the above named application and the general consensus and objections from local residents on these proposals were as follows:-

1. Height of Proposed Development

The proposed height and number of storeys for the building in this development is not in keeping with the local area. The proposed five storeys is excessive and not at all in keeping with the immediate area. We believe that the very maximum height of this development should be 3 storeys as the land which this development will be sited upon rises making any higher building look even bigger and more dominant when viewed from the existing 2 storey residences in Victoria Crescent.

2. Building Blocks and Density

The proposed density of the development is too high. In essence the proposed development will create a large number of apartments which will totally saturate the area with many similar residential units, especially in light of the fact that the nearby permitted development of the former Powergen site will be providing hundreds of similar style residential units. It was felt by local residents that it would be far better to build standard residential 3 or 4 bedded quality houses on this piece of land rather than flats.

3. Building Construction and Design

The design representations of the proposed development submitted by the applicant indicate a very straight sided rectangular development block with standard building materials which do not give the appearance of being particularly attractive. We believe that the design of the block should be more varied in both shape and form in order to enhance the overall look of the development as this will help to set a local precedent for other nearby plots in the future.

4. Parking Provision (within Development)

The parking provision for the proposed development are inadequate with just 1 space allocated to each flat, there is no provision for additional vehicles since many flats may be occupied by couples with a car each. Also, there appears to be no provision for visitors parking.

5. Parking Provision (Public Street)

There are currently approximately 8 parking spaces in the street immediately adjacent to the proposed developments which are available to local residents holding a parking permit. It is not clear how these will be affected, if they are no longer available to local residents this is likely to create a severe impact for existing local residents. Consideration of providing parking for existing residents could be made within the new development if they are indeed lost from the street.

6. Demolition and Construction Noise and Dust Pollution

During all phases of development access to the construction site should be made only via George Street with both demolition and building construction taking place daytime hours on weekdays only.

7. Road Safety and Traffic Issues

Currently there are some serious traffic issues with the Victoria Road traffic light controlled junction leading out onto Beaver Road. This results in traffic queuing back to and beyond Victoria Road school at busy times, and also impacts the right turn exit from George Street into Victoria Road. Any significant increase in vehicular traffic, which this development is likely to bring, will have a very severe negative effect on this area and needs careful consideration. A significant reduction in the numbers of proposed residential flats, or a change in building type to standard houses, would be beneficial in reducing these impacts.

Whilst the VRB&RAG are pleased to see proposals coming forward for this site they have some serious concerns related to them. We trust that these comments will be given full consideration and taken into account when this planning application is presented to the planning committee.'

South Ashford Community Forum: No objection. State the following:-

'General Comments

We have concerns regarding the appearance of the vertical downpipes on the face of the building. We note that the Planning Statements indicate that no affordable housing is to be included in the developments, according with the Draft Local Plan, but the Trip calculation in Section 5 of the Transport Statement is based on 28% of accommodation being affordable, reducing the calculated trips.

The transport statement refers to existing usage and calculates a net negative number of vehicle movements. We note that the site has been empty for a considerable period and believe that in reality there is potential for the site to have considerable impact on the highway network in the immediate locality of the site.'

Residents: 101 neighbours consulted. **6** letters of objection. In summary, the following points are raised;-

- (i) The proposals would not be in keeping with the surrounding area.
- (ii) The building is too high: a lower building is favoured in order to fit in. Most existing buildings are 2-storey houses with one 3-storey building (The Old Bakery). 3-storeys should be the maximum.
- (iii) The building, as a result of its height, would result in overlooking of all properties.
- (iv) Vehicular access is unsuitable for the number of flats proposed (in conjunction with those proposed under application 16/00981/AS). The proposals would cause a significant deterioration to road safety.
- (v) The design is ugly, bland, rigid and lacks imagination. It should be a more attractive shape with more interesting and attractive materials.
- (vi) The proposed density is too great.
- (vii) There are too many flats being proposed for the area: townhouses with gardens would be preferred and would give the area high class style or Warden controlled premises for elderly people could be considered..
- (viii) 1 space per flat parking is too little. Where would visitors park? Concern is expressed about implications on the residents' parking scheme and a loss of on-street parking resource to those residents.
- (ix) During construction, no traffic should be permitted to enter or exit Victoria Crescent at the school end or go any further into Victoria Crescent than the end of the site adjacent to Gray Haniestep.
- (x) Construction would give rise to noise and dust and so pollution and hours of construction would need strict control if planning permission is granted.
- (xi) Bats are present in the area and may well have taken over the Travis Perkins buildings.

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, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June

2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016. At present the policies in this emerging plan can be accorded little or no weight.

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

Ashford Borough Local Plan 2000

EN13 – Green Corridors

EN14 – Land adjoining the Green Corridors

EN31 – Important habitats

EN32 – Important trees and woodland

TP6 – Cycle parking

LE5 – Equipped public open space

LE6 – Off-site provision of public open space

LE7 – Play facilities

LE8 – Play facilities

LE9 – Maintenance of equipped public open space

CF6 – Standard of construction of sewerage systems

CF8 – Renewable energy

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS2 – The Borough Wide Strategy

CS3 – Ashford Town Centre

CS8 – Infrastructure contributions

CS9 – Design Quality

CS10 – Sustainable Design & Construction

CS11 – Biodiversity and Geological Conservation

CS 12 – Affordable Housing

CS13 – Range of Dwelling Types and Sizes

CS15 – Transport

CS18 – Meeting the Community's Needs

CS19 – Development and Flood Risk

CS20 – Sustainable Drainage

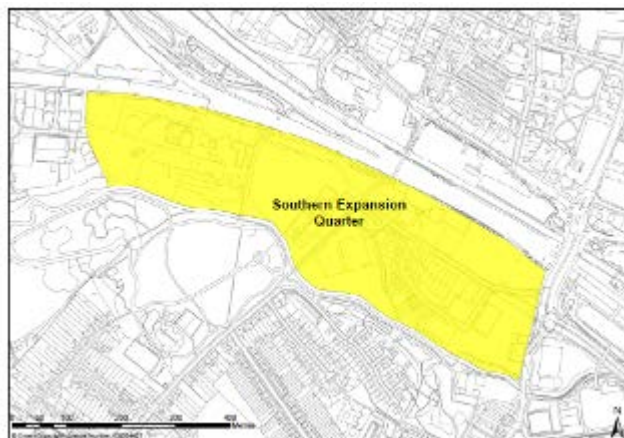
CS21 – Water Supply and Treatment

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.

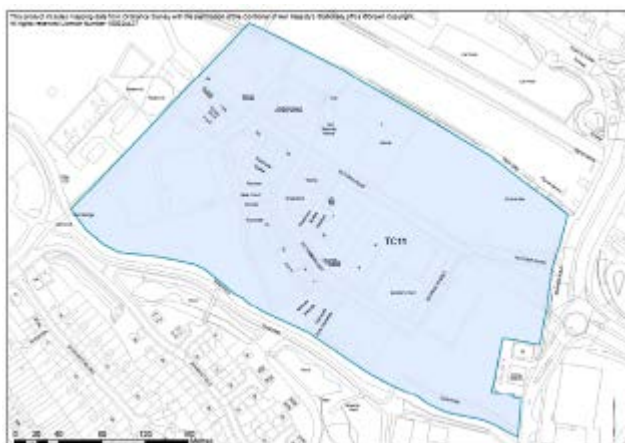
A new public urban space (Victoria Square) would be created at the intersection of the Learning Link route and Victoria Way in line with the Public Realm Strategy. Developments that would front or surround Victoria Square and/or the Learning Link would need to show how they complement their roles in 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.

TC24 – Town Centre Cycle Parking Standards

TC26 – Green Corridors in the Town Centre

Local Plan to 2030

SP1 – Strategic objectives

SP2 – Strategic approach to housing delivery

SP3 – Strategic approach to economic development

SP4 – Delivery of retail and leisure needs

SP5 – Ashford Town Centre

SP6 – Promoting high quality design

HOU1 – Affordable housing

HOU3 – Residential development in Ashford urban area

HOU12 – Residential space standards (internal)

HOU14 – Accessibility standards

HOU15 – Private external open space

EMP6 – Fibre to the Premises

TRA3(a) – Parking standards for 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

ENV2 – Ashford Green Corridor

ENV6 – Flood risk

ENV7 – Water efficiency

ENV8 – Water quality, supply and treatment

ENV9 – Sustainable drainage

ENV15 – Archaeology

COM1 – Meeting the community's needs

COM2 – Recreation, sport, play and open spaces

IMP1 – Infrastructure provision

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011(now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Government Advice

National Planning Policy Framework 2012

42. 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.
43. 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.
44. 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.
45. Paragraph 24 of the NPPF sets out the ‘town centre first’ approach which is crucial in achieving these aspirations.
46. Paragraph 47 of the NPPF states that local planning authorities should use their evidence base to ensure that any Local Plan produced meets the full,

objectively assessed needs for market and affordable housing in the housing market area in order to significantly boost the supply of housing.

47. Paragraph 50 of the NPPF states that local planning authorities should seek to deliver a wide choice of high quality homes with the specific aim of widening opportunities for home ownership. Where local planning authorities identify that affordable housing is needed, they should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.
48. It is clear that Government advice is that affordable housing policies should be sufficiently flexible to take account of changing market conditions over time. This is of particular importance given the Core Strategy was adopted in 2008.
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. The NPPF encourages local authorities to approach affordable housing delivery pragmatically. In an environment of significant downward pressure on the availability of grant funding for the development of new affordable housing, local authorities are being challenged to deliver value for money of Government funding, their own funding and developer subsidy, whilst responding innovatively and effectively to local priority needs.

54. Optimising overall, locally appropriate outcomes is a consistent theme throughout policy.

55. 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’.

56. 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.’

57. 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.

58. Further to this, the NPPF sets out the changes affecting the ability of local planning authorities to deliver affordable housing, which, for example, includes the introduction of the ‘Affordable Rent’ product (whereby rents of up to 80% of Market Rent can be charged), the reduction of grant funding for affordable housing and the introduction of the Community Infrastructure Levy.

59. 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 some 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.

60. 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)

61. 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
62. 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.
63. 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.

DCLG: Accelerating Housing Supply and Increasing Tenant Choice in the Private Rented Sector: A Build to Rent Guide for Local Authorities

64. ‘Build to Rent housing can help to fix the country’s broken housing market by providing another source of good quality housing supply which can also accelerate the speed of housing delivery. The Government has introduced a

number of initiatives to kick-start the sector but ultimately, it needs to stand on its own two feet without fiscal support. Local Authorities are critical to the establishment of Build to Rent housing over the long-term. They have the powers to support the sector's development under the National Planning Policy Framework and on its own land and there are an increasing number of Local Authorities who are actively supporting its development. Dialogue between Local Authorities is encouraged. This guide aims to help Local Authorities to develop their understanding of this housing sector. It also seeks to provide a further catalyst for a sustainable supply of Build to Rent housing schemes. This will not only meet the growing demand from long-term institutional investors but it will meet the needs of tenants who are the ultimate beneficiaries of the Government's Build to Rent initiatives.'

DCLG: 2010 to 2015 government policy: rented housing sector

65. 'There are 1.8 million households on waiting lists for social housing. We must ensure people can get accommodation that meets their needs both in terms of quality and cost.'

'Appendix 9: private rented sector - The private rented sector has grown and improved enormously in recent years and accounts for approximately 16.5% of all households, or nearly 3.8 million homes in England.

The private rented sector offers a flexible form of tenure and meets a wide range of housing needs. It contributes to greater labour market mobility and is increasingly the tenure of choice for young people.

The government wants to see a bigger and better private rented sector and believes that the most effective way to make rents more affordable is to increase the supply of new homes.

In addition, a new model tenancy agreement is being developed, which will provide tenants with a clear guide to rental contracts. This will enable tenants to identify which clauses in their agreement are optional or unique to that property, helping them to negotiate longer fixed-term tenancies and demand greater certainty over future rent rises.'

Assessment

66. The main issues for consideration area 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 design quality of the proposed homes

(c) Whether the proposals would provide sufficient on-site space to meet the needs of residents

(d) Whether the proposals are acceptable in terms of dealing with contamination, flooding, approach to managing surface water, refuse collection and ecology

(e) Car parking: quantum and implications on the existing residents' parking scheme

(f) The acceptability of the traffic impacts arising from the proposal

(g) Impacts on the amenities of existing residents

(h) Mitigating the impacts of the proposed development: the policy starting point including contributions to be secured by s.106 agreement

(i) The applicant's viability case: assessment, conclusion and negotiated s.106 contributions

67. I deal with each of these in 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

68. The approaches in the NPPF in respect of the importance of sustainable development in urban areas, the need to support town centres, the need to facilitate growth through delivering necessary new homes 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.

69. 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. 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.

70. I consider that the proposal follows this overarching steer on an acceptable redevelopment in this Quarter. In my opinion the proposal;-

- would be primarily residential,
- would provide easy access for scheme residents to the town centre core,
- would help create a high quality and attractive urban neighbourhood,
- would create new homes in a location with connection to the river corridor,

- would not have an adverse impact on the amenities of existing residents, &
- would represent an acceptable scale of redevelopment intensity, given;-

(a) the physical separation with the nearest existing 2-storey homes in Victoria Crescent located to the west,

(b) the physical separation with apartments on the upper floors of the 3-storey converted building in Victoria Crescent (The Old Bakery),

(c) the physical separation with the 6-storey (and partial 7-storey) apartments resolved to be granted planning permission on the eastern side of George Street (application 16/01157/AS).

71. Where appropriate, I deal with aspects of the above in further detail in topic based sub-sections further below in this Assessment.
72. 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. The scale of development along Victoria Way is identified as being between 4-6 storeys fronting that street with a 'step down' towards the riverside.
73. The Policy requires built form and layout to enclose the street scene with occasional breaks in the building line to enable glimpsed views northwards to the town centre core and southwards to the river corridor. Development is required to avoid any overbearing impacts/adverse impacts on existing residences.
74. I consider that the proposal follows this more detailed policy steer on the eastern end of the Quarter. In my judgement the proposal;-
- would deliver residential development as part of a mixture of uses deemed appropriate to the envisaged Quarter
 - would deliver an appropriately varied max 5-storey scale of building
 - would have a site layout allowing glimpsed views to the town centre core
 - would have a layout allowing views south to the riverside
 - would visually connect a number of new homes with the river corridor
 - would have an acceptable amenity relationship with nearby homes
 - would, through soft landscaping and other means, enhance biodiversity
 - would protect and enhance the green corridor
75. Where appropriate, I deal with aspects of the above in further detail in topic based sub-sections further below in this Assessment.
76. 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) and 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.

77. 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.
78. Policies SP1, SP2, SP5 and SP6 of the June 2016 draft Ashford Local Plan are all relevant. They seek to;
- promote high quality design
 - 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
 - meet changing housing needs including affordable homes
 - focus the majority of new homes in around and Ashford
 - provide scope for flexible approach to contributions where these would represent a barrier to delivery of development that would accord with the Plan's vision
79. 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 addition, the proposal would accord with emerging planning policies SP1, SP2, SP5 and SP6 of the June 2016 draft Ashford Local Plan.

(b) The design quality of the proposed homes

80. I consider that the plan form of the proposed building is appropriate and works well given the rectangular shape of the site. It would help create a strong frontage to Victoria Crescent and help frame the riverside parking court to the east forming part of application 16/01157/AS. It would also enable the creation of relatively uniform soft landscaped green frontage to the highway which would help soften the street scene.
81. The vertical scale of the building was altered at pre-application stage from a uniform 4-storey height approach to 3-storeys high at the western end and 5-storeys high at the eastern end. I consider that this would provide a sensible transition in scale between the existing homes on the southern side of the street and the 6-storey high proposed development to the east. The varied height building would be within the scale parameters for redevelopment

identified in Policy TC11 of the TCAAP 2010 and the scale approved in relation to application 16/01157/AS. The 5-storey element of the building is confined to a single module of the building with the remaining modules being lower in height (including being lower in height than the 5-storey building proposed on the opposite side of the street subject of application 16/00981/AS.

82. The massing of the building would be consistent for each module as the building would gain height. In conjunction with the rectangular plan form, the resulting building would have a 'stout / blocky' three dimensional character. The breaking down of the building into distinct 3 modules would help counteract the horizontal emphasis that would result were the building uniform in height and uniform in plan form. In my opinion, the resultant building would create a more visually interesting building for the site whilst at the same time avoiding visually jarring with proposed nearby development.
83. The use of brick is supported as a durable material that will weather consistently over time. The applicant's approach to textured brick panels, brick soldier courses, balustrades and colour palette are all supported: planning conditions dealing with fine detail will be required. The approach to the street boundary is welcome: it would provide an attractive mix of hard and soft landscaping providing visual interest to the street.
84. In respect of the design of balconies, the applicant's approach to balustrades (75mm deep blades at 75mm centres will) is supported as it would provide closely spaced deep section vertical structure to the balconies with the net result that a clear view into the balcony from the outside would only be available directly in front of the balcony with the view from other angles being obscured due to the deep section blades. I agree with the applicant that this design will help privacy of the occupiers and still let air and light in through the balcony structure helping daylight to rooms beyond. The translucent sand blasted panels proposed for the balcony ends on the western elevation would sensibly manage the relationship with the nearest existing dwelling (Gray Hanistep).
85. I deal with the issue of residents' only amenity space in the sub-section further below.
86. Accordingly, my conclusion is that the design quality of the proposed homes is acceptable and would be in accordance with Policies CS1 and CS9 of the Core Strategy 2008, Policies TC1, TC10 and TC11 of the Town Centre Area Action Plan 2010 and would accord with Policies SP1 and SP6 of the draft Ashford Local Plan.

(c) Whether the proposals would provide sufficient on-site space to meet the needs of residents

87. The TCAAP policies derived from the Core Strategy identify a more intense urban development of the Quarter as being appropriate. I consider that the approach to balconies works well and is appropriate as are the ground floor apartment terraces. It would, in conjunction with the soft landscaped green edge also help provide visually different detailing compared with the proposed apartments on the eastern side of George Street thus avoiding a visual monotonous addition to the neighbourhood.
88. Despite a small amount of riverside space to the rear of the parking court, the site is too small to be able to provide additional communal residents' only space. However, it is located close to the green corridor public open space leading towards Victoria Park a short walk away and so the ability for the development enhancements to that key space is a matter that has been taken into account by the Street Scene and Open Spaces Team in application of the Public Green Spaces and Water Environment SPD 2012. I deal with the ability of the development to fully fund the requested contribution enabling enhancement of that key space further below.

(d) Whether the proposals are acceptable in terms of dealing with contamination, flooding, approach to managing surface water, refuse collection and ecology

89. The use of the premises over time in relation to business use means that there could be contamination. The applicant is aware of this and the need to carry out appropriate remediation to facilitate an acceptable change of use of the premises to residential use. This can be secured by condition.
90. The majority of the site is located with Flood Zone 1 being the lowest flood risk area and would have a ground floor sitting on elevated land above predicated future flood levels associated with the River Stour with the site layout providing for safe access routes and linkages to the public highway. The Environment Agency do not object to the proposal in terms of flooding.
91. Discussions with the EA and the applicant have led to the submission of amended plans and the withdrawal of the EA's objection. The EA's consent will be required for works in the river bank area and I consider that the suggestions made in terms of agreeing access, providing estate fencing and hedge planting and agreeing a planting regime can be taken further through a detailed planning condition. The works would meet the enhancements of the nature identified in Policy TC26 of the TCAAP 2010 and Policies EN13 and EN14 of the Ashford Borough Local Plan 2000.

92. I agree with KCC as the Lead Local Flood Authority and the Project Officer Engineer that the scheme would perform acceptably in respect of managing surface water. A detailed scheme can be secured by planning condition.
93. The communal bin store is, in my opinion, reasonably sized to accommodate the needs of the occupiers and is acceptably located within a short distance from the public highway and so would be in accordance with the Council's Informal Design Guidance Note 1 that deals with refuse storage and collection issues.
94. I agree with the conclusions reached by KCC Ecology following the submission of further ecological information in respect of bats. A European Protected Species Mitigation Licence will be required to be obtained by the developer. Mitigation measures can be secured through planning condition including bat and bird boxes as well as planting species that will assist biodiversity and be appropriate to the riverside location. I agree with the suggested Construction Environment Management Plan to ensure that appropriate measures are put in place for the duration of construction before any works start. The applicant is aware of the need to ensure that a sensitive lighting strategy is devised for the site to avoid detriment to bats in the river corridor and this can be secured by planning condition.

(e) Car parking: quantum and implications on the existing residents' parking scheme

95. 28 parking spaces are proposed. This level of provision meets the required quantum set out in the Council's adopted Residential Parking and Design Guidance SPD 2010. The site is a 'Central Location' for the purposes of the SPD with a maximum based parking approach of 1 parking space whether a 1-bed or 2-bed apartment.
96. Furthermore, the proposal provision now meets the approach being advocated by the Council in Policy TRA3(a) of the draft Ashford Local Plan as the norm i.e. a minimum '1 space per residential unit' with all provision being 'on-site'.
97. There are small spaces that are also capable of accommodating parking for powered two-wheel vehicles should these be needed. An acceptable level of secure cycle parking is provided within the communal integral cycle store at ground floor level.
98. Members will recall that the issue as to whether new residents of apartments in the Victoria Way East part of the Southern Expansion Quarter would be eligible for residents' parking scheme permits (thereby allowing use of facilities in Victoria Crescent outside of the maximum non-resident short stay restrictions) was covered in my report on application 16/01157/AS to the

October 2016 Planning Committee in which I confirmed that new residents would be ineligible to join the scheme. The same would hold true for the occupants of the apartments proposed in this application as well as application 16/00981/AS.

99. Accordingly, my conclusion is that the car and cycle parking proposal is acceptable and would accord with Policies TP6 of the Ashford Borough Local, Policy TP15 of the Core Strategy 2008, Policy TC24 of the Town Centre Area Action Plan 2010 and would comply with the draft standard in Policy TRA3(a) of the Ashford Local Plan.

(f) The acceptability of the traffic impacts arising from the proposal

100. The application includes a Transport Assessment that refers to both the current application and the proposal subject of application 16/00981/AS.
101. This has been considered by Kent Highways & Transportation. The conclusion reached is that the findings of the Assessment are accepted. The impact of the two development proposals on the local highway network would be a net reduction in vehicle trips across a 12 hour period and during the PM period there would be a net increase of 12 trips which, in the opinion of Kent Highways and Transportation, would not create a severe impact on the highway network.
102. In terms of the upgrades to the local highway network as a result of other development proposals, the application in respect of the former Powergen site (15/01671/AS) took into account the 3 development proposals at Victoria Road (superstore ref 16/01167/AS, hotel ref 16/01164/AS and brewery/commercial/residential ref 16/01157/AS) as a sensitivity test within its assessment of the impacts on the local highway network.
103. It concluded that with the planned highway improvements to the junctions of Beaver Road/Victoria Road, and Beaver Road/Elwick Road, there would be sufficient capacity to accommodate all of the proposed developments. Kent Highways and Transportation accepted that conclusion. The 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 combinations of s.106 agreement and a planning condition attached to the permission for the redevelopment of the former Powergen site.
104. In itself, and with those local highway improvements also 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.

(g) Impacts on the amenities of existing residents

105. I do not consider that the proposal would have an adverse impact on the amenities of residents. I have covered concerns about impacts on the existing on-street residents' only parking scheme further above: there would be no adverse impact in those terms.
106. The nearest 2-storey home in Victoria Crescent would be 8m to the west of the flank wall of the western-most 3-storey module of the building. The reduced scale of this end of the building, coupled with the provision of the translucent sand blasted privacy panels to the balcony ends, would in my opinion satisfactorily protect the amenities of the occupiers of the adjacent property (Gray Hanistep). The relationships with existing apartments (The Old Bakery) and proposed apartments (application 16/00981/AS) on the opposite side of the street and proposed apartments to the east (application 16/01157/AS) would all be acceptable in my opinion.
107. In terms of impacts during any construction, such as hours of work, parking of vehicles and routes for construction traffic and deliveries of materials these are all matters that can be addressed through planning conditions.
108. My conclusion is therefore that the proposal would be acceptable in terms of its impact on the amenities enjoyed by existing residents would be in accordance with Policies CS1 and CS9 of the Core Strategy 2008 as well as Policies TC1, TC10 and TC11 of the TCAAP 2010 and would accord with Policies SP1, SP6 of the draft Ashford Local Plan.

(h) Mitigating the impacts of the proposed development: the policy starting point including contributions to be secured by s.106 agreement

109. 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.
110. The starting point in terms of s.106 contribution requests pursuant to development plan policy is as follows (ranked in magnitude per organisation):-
- KCC – library book-stock (£1,344.44)
 - ABC – x2 affordable shared ownership apartments (taking into account the reduction form adopted development plan policies as a result of the vacant building credit)
 - ABC – sports/informal natural space/play/allotments/strategic parks/cemeteries (£138,964.00)
 - ABC - voluntary sector capacity building (£8,300)

- ABC –s.106 monitoring fee (£500)

(i) The applicant's viability case: assessment, conclusion and negotiated s.106 contributions

111. As deposited, the application identified that the development might not be unable to bear the costs of developer contributions likely to be sought by the Council.
112. The applicant has submitted a viability case in relation to provision of affordable housing and s.106 contributions and has funded its independent expert review. Commercially sensitive and confidential information has also been provided. A single viability case has been submitted covering this application and that subject of application 16/00981/AS also reported on this agenda.
113. The advice received from the Council's viability consultant, Bespoke PC, is that the applicant's viability case is accepted: the development would not be viable if it is required to meet the normal range of s.106 contributions and provide affordable housing in accordance with provisions of the adopted development plan.
114. In a similar manner to the recent development proposals for the land on the opposite side of George Street (application 16/01157/AS reported to the Planning Committee October 2016) I consider that is appropriate to look at a planning justification for recommending approval of a scheme that would not meet its full share of developer contributions. It is an imperative for the Council that regeneration schemes in the town centre come forward as quickly as possible, as reflected in the Head of Planning and Development's Report to Cabinet 10/09/2015 ('Helping to deliver key investments in the town centre'). The site forms part of the eastern end of 'Victoria Way East' as set out in Policy TC11 of the TCAAP: development of this part of the wider Southern Expansion Quarter is therefore important.
115. The town centre has suffered a decline in the past few years and the retail market is unlikely to be strong enough on its own to generate investment in the short term. A way of increasing the amount of money spent in the town centre is to increase the number of people using it. The application site, with easy pedestrian access directly into the town centre core has potential in residentially redeveloped form to improve the spend in the town centre. In so doing, the development has the potential alongside other sites to attract further inward investment in terms of facilities and attractions in the light of that increased spend.
116. To date, new housing development, particularly in the town centre, has been slow to come forward and the continuation of housing growth is a significant

material consideration particularly given the guidance in the NPPF.

117. In the light of the conclusion of the Council's expert viability consultant and the aforementioned Cabinet Report, I consider that there are appropriate material considerations in this instance to forego affordable housing and to recommend approval of the proposal notwithstanding that it cannot meet the full range of requested contributions.
118. Members will be aware that Policy SP5 (Ashford Town Centre) in the draft Ashford Local Plan states;-
- 'Where a development proposal comes forward that clearly demonstrates it would meet the vision and design quality set for the town centre but is of marginal viability, the Council (taking specialist advice) will explore a flexible approach to seek to reduce the costs of contributions to infrastructure and affordable housing, providing the resulting proposal does not create a serious and unacceptable level of impact.'
119. Furthermore, although it is not yet part of the development plan and so can only be afforded only minimal weight, the Council's draft Ashford Local Plan Policy HOU1 (Ashford town) identifies that in respect of town centre apartments no affordable housing in any form will be sought.
120. It is important to emphasise that the lack of full s.106 contributions would not come at the expense of the quality of the development. My assessment further above concludes that the design approach is considered to be an acceptable one.
121. Notwithstanding the disappointing outcome of the viability review, I have negotiated the payment of limited s.106 contributions as a gesture towards Ashford's regeneration.
122. KCC's request for funding additional library book stock is relatively limited and as it would enhance borrowing choice for residents of the scheme the applicant has accepted its funding.
123. The request from the Council's Street Scene and Open Spaces Team involves a far larger total of £292,817 for the total development of 59 flats proposed by the applicant (28 in the current application and 31 in application 16/00981/AS).
124. I have indicated to the applicant that I would be prepared to consider a considerably reduced sum that would have genuine benefit to the scheme occupants. At the Planning Committee 19/10/2016, Members' resolved to agree a gesture from the applicant (ref 16/01157/AS) of £150,000 on the basis of 216 apartments at the Victoria Way East site with the contribution being specifically targeted towards enhancements to Victoria Park given its proximity and accessibility to the new homes proposed. This remains equally

the case with the proposals subject of the current application. Using this as a proxy, £292,817 / 216 = £694 per apartment.

125. Applied to application 16/00986/AS, this would suggest a total of £19,432 towards enhancements to Victoria Park. The applicant has accepted this proposition and has also accepted the payment of a reduced s.106 monitoring fee of £300. In summary, the s.106 approach that forms the basis of my Recommendation is as follows;-

- KCC – library book-stock	£ 1,344.44
- ABC - No affordable homes	
- ABC – enhancing Victoria Park (28x£694)	£ 19,432.00
- ABC - monitoring fee	<u>£ 300.00</u>
Total	£ 21,076.44

126. Similar to my approach in respect of application 16/01157/AS, the early implementation of a permission would allow the market to continue to strengthen thus having very positive benefits for the town as a whole. My recommendation therefore takes the following approach to achieving early implementation and realisation of those benefits;-

(a) a planning condition that defacto requires early commencement of the development within 2 years of the date the permission is granted,

(b) a s.106 obligation that requires that the completion (to available for occupation standard) of the development south of Victoria Road within 5 years of commencement, and

(c) notice of commencement of development to be served on the Council pursuant to a s.106 obligation.

127. My conclusion is therefore that in the circumstances of the case there is a planning justification for recommending the grant of permission with significantly reduced s.106 contributions. The proposed planning conditions set out in the report represent a first draft and I propose to share these with the applicant in accordance with good practice.

Human Rights Issues

128. 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

129. 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 a brownfield site in the area known as Victoria Way East, forming part of the Southern Expansion Quarter. The redevelopment of this area for a mixture of uses, including residential, forms an important part of the Council's TCAAP 2010. The TCAAP identifies that urban scale and urban form would be appropriate for new development and the proposal responds to that objective.
2. I consider that the design quality of the proposed homes is acceptable. The building would be sited on the plot in a manner that would create an attractive green landscaped edge to Victoria Crescent and, at the same time, help shield the majority of on-site car parking from immediate street scene view. The proposed building would have a scale, massing and external appearance that would sit well with existing and proposed neighbours through the stepping down of development from 5-storeys to 3-storeys at the building's western end. The scale of the building would fall within the scale parameters set out in Policy TC11 of the TCAAP 2010.
3. The site is too small to provide the required associated open space on-site: the funding of enhancements to Victoria Park as a key public open space within an easy walking distance is proposed,
4. The proposal would be acceptable in terms of flooding risk. Maintenance access to the riverside and the fine detail of the riverside area to be enhanced as well as the detail of the southern edge of the parking court can be considered in further detail pursuant to a planning condition involving liaison with the EA. In terms of managing surface water, the applicant acknowledges the need to develop a detailed sustainable urban drainage system and this can also be secured by planning condition as can ecological mitigation. Refuse collection arrangements would accord with the Council's Informal Design Guidance.
5. Car parking provision for residents accords with and exceeds adopted Council policies. Occupiers of the development would be ineligible for on-street parking permits and so the proposal would not adversely impact on the

residents' parking scheme in operation in Victoria Crescent.

6. The traffic impacts of the proposal 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 being proposed by others.
7. The proposal would not have an adverse impact on the amenities of existing residents. In this respect, the design approach taken has specifically positioned the building away from Gray Hanistep, limited the vertical scale of the western module of the building, avoided the need for any windows in the flank western elevation and proposed translucent opaque glass privacy panels to balcony ends.
8. The application cannot meet the full range of contributions that would normally be expected pursuant to Policy CS18 of the adopted Core Strategy. The applicant has submitted a viability case which has been the subject of expert independent scrutiny. The inability of the proposal to fully meet requested contributions and any affordable housing is accepted. The applicant proposes s.106 contributions as a gesture which is proposed to be split between this Council and KCC and to be used for key priorities (increased library book stock and the enhancement of Victoria Park as a key public open space near to the site). The inability of the proposal to meet contributions in full and provided affordable housing would represent a departure from the provisions of Policy CS18 but not the provisions of the development plan as a whole. The benefits of the proposal to town centre regeneration are significant and in the light of national planning advice I consider that planning permission should be granted with the suggested approach of conditions and obligations being used to secure early delivery of the proposals.

Recommendation

- (a) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
- a. contribution to KCC to enhance library book stock**
 - b. contribution to ABC towards enhancing Victoria Park**
 - c. contribution to ABC for s.106 monitoring**
 - d. completion (to available for occupation standard) of the development within 5 years of commencement**
 - e. service on ABC of notice of commencement**
- as detailed in the Table forming Annex 2, 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

(b) Grant planning permission

Subject to the following conditions and Notes;

Implementation

1. The development hereby permitted shall be begun before the expiration of 2 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.

Compliance with approved plans

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

3. 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.

4. 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), no windows shall be created in the 3-storey west elevation.

Reason: In order to satisfactorily protect the privacy of the residents of the Gray Hanistep.

Contamination

5. 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 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 the first residential occupation of any part of the apartment 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.

6. If, during development, contamination not previously identified is found to be present at the site then no further development within the site (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority for, an updated remediation strategy for the site detailing how this unsuspected contamination will be dealt with. The updated remediation strategy shall thereafter be implemented as approved, verified and reported to the satisfaction of 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.

Information to local residents during the construction phase

7. Prior to any above ground construction commencing, details of how the developer intends to liaise with and keep local residents 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: In the interests of public engagement.

Construction phase(site set up and operation): construction traffic route, construction compounds, hours of operation, wheel washing to be agreed, construction environmental management plan

8. Prior to development commencing, details shall be submitted to and approved in writing by the Local Planning Authority which show;-
 - (i) the location of the proposed site compound, and,
 - (ii) route of construction delivery vehicles to and from the site via George Street from the local highway network only and associated measures to be put in place to ensure that deliveries are in accordance with that route.

Thereafter, unless any variation is agreed in writing by the Local Planning Authority, the approved site compound and delivery vehicle route shall be implemented in accordance with the approved details and shall be retained and maintained as such for the duration of the works hereby approved.

Reason: In the interests of highway safety and the amenities of neighbouring residents by using George Street.

9. Prior to development commencing, the following details shall be submitted to and approved by the Local Planning Authority in writing;-
 - (i) details of parking for site personnel and any visitors during construction,
 - (ii) details of access points, loading / unloading and turning areas for all construction traffic,
 - (iii) details of proposed dust suppression, odour suppression and vapour suppression methods,
 - (iv) details of proposed surrounding fencing / hoardings to any compounds,
 - (v) details of proposed structures to be located within compounds and any

proposed lighting (including measures to limit light spillage to the public highway and to nearby residents), and

(vi) details of any plant, equipment and machinery to be installed as part of the compound including details of hours of operation and noise during operation

shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the local highway authority) and thereafter the approved details shall be provided prior to the commencement of development and retained for the duration of the construction of the permitted development unless the Local Planning Authority has agreed otherwise in writing.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

10. Before any demolition on-site clearance commences, a Scheme of Minimum Environmental Requirements for Demolition (SMERFD) shall be submitted to and approved in writing by the Local Planning Authority in writing. Thereafter, demolition and on site clearance works shall be implemented in accordance with the SMERFD. The matters to be addressed in the SMERFD shall include the following;-

(i) Code of Construction Practice, and

(ii) Hours of working for demolition and noisy activities and details of the installation of any large equipment such as cranes relating to those works.

Reason: To ensure that the impacts of demolition on adjoining areas are minimised for the benefit of the local environment and the amenities of nearby residents.

11. Before any construction commences a Scheme of Minimum Environmental Requirements for Construction (SMERFC) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall be implemented in accordance with the SMERFC. The matters to be addressed in the SMERFC shall include the following;-

(i) design, implementation and protection of any landscaping to be retained to relevant British Standards,

(ii) Considerate Contractors / Code of Construction Practice,

(iii) methodology of protecting existing and new trees to the relevant British Standard during construction, and

(iv) a method statement for any piling or other noisy construction activities, or the installation of any large static construction equipment such as cranes.

Reason: To ensure that the impacts of construction on adjoining areas are minimised for the benefit of the local environment and the amenities of nearby residents.

12. 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 any subsequent change has been agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy CS1 of the Local Development Framework Core Strategy.

13. Prior to the commencement of development, details of facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. Unless any subsequent change has been agreed in writing by the Local Planning Authority, the approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works

Reason: To ensure that no mud, spoil, surface water or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

14. No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- (a) Timings of the implementation of the mitigation measures that corresponds with the construction works;
- (b) Risk assessment of potentially damaging construction activities;
- (c) Precautionary mitigation measures for reptiles;
- (d) Precautionary mitigation measures for breeding birds;
- (e) Precautionary survey of the tree (T1) showing bat potential.
- (f) Mitigation measures for bats as outlined in the bat report
- (g) Identification of 'biodiversity protection zones' as well locations of temporary roost measures;
- (h) The times during construction when specialist ecologists need to be present on site to oversee works;
- (i) Responsible persons and lines of communication;
- (j) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (k) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved

details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to satisfactorily mitigate the impacts of construction on protected species.

Building materials, fine details & boundary walls with railing

15. Prior to usage in the approved apartment building, written details including source/ manufacturer, and samples of bricks, tiles, glass privacy panels 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.

16. 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, the 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 and the depth of recess of window and door frames in brick reveals (1:20),

(b) sections, elevations and colour finish of external rainwater goods (1:20)

(c) elevations sufficient to show the extent of proposed textured brickwork areas and use of brick soldier course detailing (1:50) and typical sections sufficient to illustrate the depth of any projection or recess (1:20)

(d) elevations, materials and external colour of entrance canopies to the circulation core (1:20)

(e) sections, elevations and colour finish to proposed balconies to shown handrail and balustrades (1:10)

(e) surfacing treatment and intended demarcation of private terraces serving ground floor apartments.

(f) elevations and sections of brick boundary walls (including piers) and railings affixed thereto including specification, finials and colour finish

(g) full details of the proposed translucent sand blasted privacy panels to recessed balconies on the western flank of the building

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

Bin store & cycle store detail

17. No apartment shall be occupied until the details identified below have been submitted to and approved by the Local Planning Authority in writing and subsequently provided (in accordance with the approval) available for use by the occupiers of the apartment block:-

(a) details of secure access arrangements to the integral bin store, including opening / closing hardware (FB1 or FB2), stays or catches to lock double opening doors back in an open position at collection time, amenity lighting and hose down/cleaning facilities, and

(b) details of secure access arrangements to the integral cycle store, nature of secure storage racks & anchoring points and amenity lighting.

Thereafter, unless the Local Planning Authority has given written approval to any variation, the approved arrangements in relation to (a) and (b) above shall be retained in working order.

Reason: No such fine details have been provided. The fine detail of these stores is important to ensure that the spaces are secure and safe for use.

Hard & soft landscaping and tree pits

18. No development shall commence until full details of the soft landscaping (including tree planting) works have been submitted to and approved in writing by the Local Planning Authority. The details of the soft landscaping (including tree planting works) to be submitted to the Local Planning Authority for approval shall include the following:-

(a) the planting plans;

(b) written specifications (including cultivation and other operations associated with plant and grass establishment);

(c) details of the planting that is designed to create year round colour;

(d) schedules of plants noting species, plant & tree sizes and proposed numbers/densities/girth where appropriate;

(e) full tree pit details (including surface level plan detailing, below ground sections and dimensions and fill specification)

(f) 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.

The soft landscaping (including tree planting) works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority unless written approval has been given by the Local Planning Authority to any subsequent variation.

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 green corridor protected species populations are acknowledged in the design approach to soft landscaping.

19. If any trees and/or plants whether new or retained which form part of the soft landscaping scheme 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

20. Prior to the first occupation of any apartment in the building, 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 that the landscaped areas are properly maintained in the interests of the amenity of the area.

Sustainable urban drainage system

21. (A) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals within the SLR Flood Risk Assessment Ref. 408.06248.00001 June 2016 and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk.

(B) The apartment building hereby permitted shall not be first occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details unless the local planning authority has agreed to any variation in writing. Those details shall include:

(i) a timetable for its implementation, and,

(ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions and ensure compliance with the National Planning Policy Framework.

Water efficiency

22. The apartment building hereby permitted shall achieve the minimum optional requirement set out in the Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.

Reason: In order to carefully manage water supply given the level of household demand relating to available resource.

Parking

23. The area shown on the submitted layout as vehicle parking and associated 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 parking spaces or prevent turning.

Reason: Development without provision of adequate accommodation for the on-site parking of vehicles – and associated turning movements - is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, no additional structural posts, fences or walls shall be created within the partial undercroft parking area without the prior permission of the Local Planning Authority in writing.

Reason: Additional structural posts/fences/walls have the capacity to obstruct the opening of car doors and bring the minimum internal dimensions below that which enables use for the purpose designed thereby reducing the usability of the partly covered parking spaces leading to the displacement of off-site car parking and subsequent inappropriate car parking to the detriment of the neighbourhood.

Riverside boundary, landscaping treatment, bird and bat boxes & lighting scheme

25. No development shall commence until the following details have been submitted to and (following consultation with the Environment Agency) agreed in writing by the Local Planning Authority in writing;-

(a) proposed fencing/railings and soft landscaping forming the southern boundary to the parking court,

(b) the location and width of secure access gates within the southern boundary to the parking court sufficient to enable access to the river bank for maintenance purposes,

(c) details of proposed benches including ability to be removed as required during river bank maintenance, and

(c) a river bank planting / wildflower mix scheme.

Thereafter the development shall be carried out in accordance with such details unless the Local Planning Authority has agreed in writing to any such variation.

Reason: In order to ensure byelaw access into the river bank area for the Environment Agency in order to maintain the River Stour and ensure its continued free flowing. In order to provide a visually and functionally appropriate boundary treatment to the parking court. In order to ensure that the proposed planting enhancements to the river bank are ecologically appropriate.

26. Prior to the first occupation of the apartment building hereby approved, full details of a bird and bat box scheme for the site (including location, height and specification) shall have been submitted to and approved by the Local Planning Authority in writing. Thereafter, the scheme shall be installed in accordance with the approved details and subsequently retained unless the Local Planning Authority has agreed to any variation in writing.

Reason: In order to ensure that the scheme properly incorporates opportunities to enhance riverside biodiversity.

27. Details of the lighting strategy (including specification, form, lux levels and location) outlined in the Bat Survey Addendum (July 2016) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the apartment building hereby approved. The strategy shall be implemented and maintained in accordance with the approved details unless the Local Planning Authority has agreed to any subsequent variation in writing. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, no other external lighting attached to the building or located within its common grounds and parking areas shall be installed.

Reason: In order to ensure that external lighting is sensitive and not to the detriment of bat species.

Note to Applicant

1. A European protected species mitigation licence (EPSML) will be required to derogate from offences against bats and their roosts.
2. 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,

- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme to address issues.

- The applicant submitted a viability case during the course of dealing with the application
- Upon conclusion of the assessment of the applicant's viability case and related negotiations, 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.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (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 16/00986/AS.

Contact Officer: Roland Mills

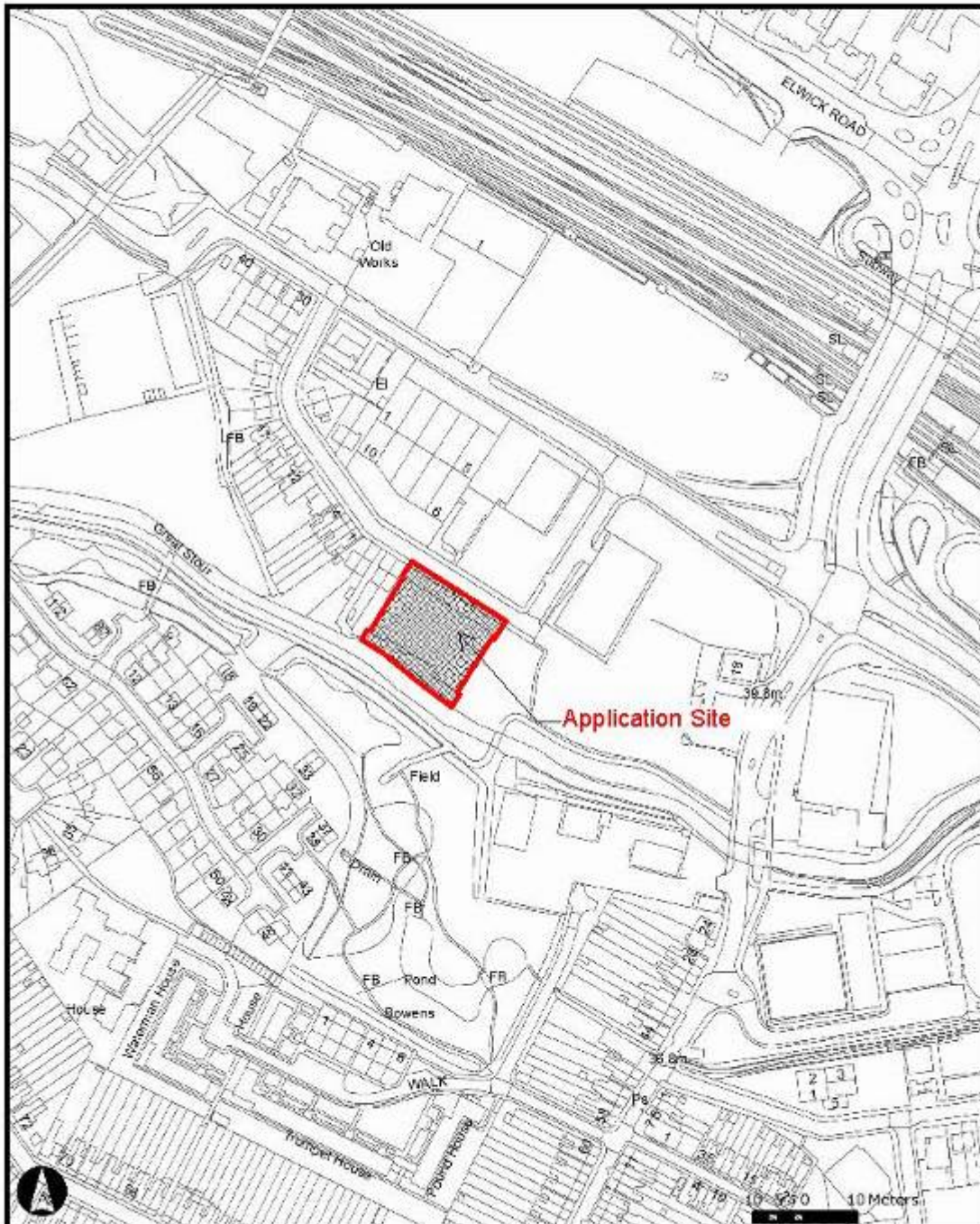
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Annex 1



16/00986/AS - Planning Committee Site Plan



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ANNEX 2 – application 16/00986/AS				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	KCC enhancements to Ashford library book-stock	£1,344.44	On occupation of 75% of the dwellings	<p>Necessary as no spare library space available to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
2	Public open space enhancements at Victoria Park contribution Towards the Victoria Park improvement project	£19,432	On occupation of the first dwelling	<p>Necessary as improvements to Victoria Park are required to help meet the demand that would be generated and Victoria Park must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, policy TC27 of the TCAAP 2010, Public Green Spaces and</p>

ANNEX 2 – application 16/00986/AS				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use Victoria Park and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>
3	<p>Monitoring fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£300	First payment upon commencement of development	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the proposed planning</p>

ANNEX 2 – application 16/00986/AS				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				obligations.
4	<p>Notice of commencement of development</p> <p>To be served on the Council in relation to the development</p>	N/A	On commencement	<p>Necessary to give legal certainty as to the start date of the development for which the Council has agreed to forego contributions on the basis of early delivery of development with agreed regeneration benefits to the town centre.</p> <p>Directly related to the application before the Council and the applicant's viability case in relation to the ability of the development to be delivered.</p> <p>Fairly and reasonably related in scale and kind to the development for which permission is sought.</p>

ANNEX 2 – application 16/00986/AS				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
5	<p>Completion of development</p> <p>In the event construction of the residential development starts, the dwellings must be completed and ready for occupation within 5 years</p>	N/A		<p>Necessary to give certainty as to the date by which the development for which the Council has agreed to forego contributions on the basis of early delivery of development with agreed regeneration benefits to the town centre is required to be completed if construction starts.</p> <p>Directly related to the application before the Council and the applicant's viability case in relation to the ability of the development to be delivered.</p> <p>Fairly and reasonably related in scale and kind to the development for which permission is sought.</p>
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				