

Application Number	17/00354/AS
Location	South Kent College, Jemmett Road, Ashford, Kent, TN23 4RJ
Grid Reference	600298/141637
Wards	Beaver (Ashford), Victoria (Ashford)
Application Description	Reserved Matters application for the development of 160 dwellings together with access roads, footpaths, drainage, associated car/bicycle parking provision, groundworks, landscaping, open space and infrastructure (pursuant to outline approval 11/00405/AS)
Applicant	Chartway Group Ltd & Orbit Homes
Agent	N/A
Site Area	4.09ha

(a) Xx/10R, 2S	(b) -	(c) EA X, KCC (Flood) X, P.O. X, KCC (Ecol) X, KBG X, NE X, SW X, KCC (PROW) X, KH&T X, SACF X
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Introduction

1. This application is reported to the Planning Committee because it is a major application, and it has been called in by one of the Ward Members for Victoria (Ashford) Ward, Cllr Dara Farrell in accordance with the scheme of delegation.
2. In April 2007 the Planning Committee approved a scheme – proposed by the then ‘South Kent College’ – to establish a modern learning and skills campus at a site at the junction of Victoria Road and the Beaver Road bridge (opposite the Ashford International Station). Two applications, 07/00116/AS (for the new campus) and 07/00117/AS (an outline application for residential development for the redevelopment of the college’s existing site on Jemmett Road) were approved by the Planning Committee. Each application was subject to a S106 legal agreement and those agreements reflected the financially ‘tight’ funding situation surrounding this project, in terms of the contributions that could be provided whilst still allowing for the delivery of the new campus.

3. However, this particular project did not come to fruition and following on from a merger between the South Kent College and the former West Kent College two applications were submitted in 2011 for the provision of a new campus on the corner of Elphick Road and Station Road (11/00757/AS) and for the redevelopment of the existing campus site (11/00405/AS) which were both heard at the Planning Committee meeting on the 21 September 2011. The agreed resolution for 11/00405/AS was to resolve to grant permission subject to the completion of a s.106 agreement. This moved forward gradually and was completed at the end of 2016 allowing the permission to be issued.
4. Members were advised that the applicant's case was that without a residential redevelopment of the Jemmett Road site the overall project to deliver a well-designed new college befitting an important town centre location would fail as the overall funding for the project remained extremely delicate. This interrelationship also had a direct impact upon the level of developer contributions that the residential development of the site being vacated could afford to carry – which was reflected in the reduced heads of terms within the S106 legal agreement.
5. The importance of the scheme's delivery was further highlighted with reference to the Council's Town Centre Area Action Plan (2010) which identifies at paragraph 2.134 that a campus is central to delivering the economic agenda for Ashford, helping to provide a wider skills base locally, especially in the younger adult population. Likewise paragraph 2.144 of this document identifies that delivery of a campus is a key project to address the skills deficit in the town and to create an educational base in this location – thus the delivery of a campus within this central location is a key development to be delivered within the Plan period.
6. As Members are aware, the College has now constructed part of the new college within the Elwick Road site, with occupations ready to begin in the new academic year. However, part of the site remains unfinished, and the funding that the residential development of Jemmett Road will bring is required in order to allow for works to be completed to Phase 1A to the north of the new building.
7. This reserved matters application therefore follows on from the outline planning permission that was granted, and seeks to allow the site to be sold to a housing developer to address the matters raised above. If approved, the applicant's plans identify that the development would be phased north to south thereby allowing for a controlled full departure of Ashford College from the Jemmett Road site (as buildings still in educational use occupy the southern half of the site).

Site and Surroundings

8. The application site is located approximately 1km to the south of Ashford Town centre, with the extent of the application illustrated in figure 1 below.
9. The site is currently the campus for Ashford College (formerly South Kent College) which offers a range of courses on both a full and part time basis.
10. The site tapers at the northern-most end where the public right of way (AU38), an access drive leading to Ashford South Community Primary School (ASCPS) and Jemmett Road all meet. At this junction there are two storey pitched roof dwellings on either side of Jemmett Road. This part of the site is largely overgrown scrub together with a number of trees (although it was also once occupied by buildings in educational use). The long disused nature of this part of the site means that it has potential for a degree of ecological value, and for this reason the applicant has submitted the appropriate surveys in order to demonstrate the impact of the development.

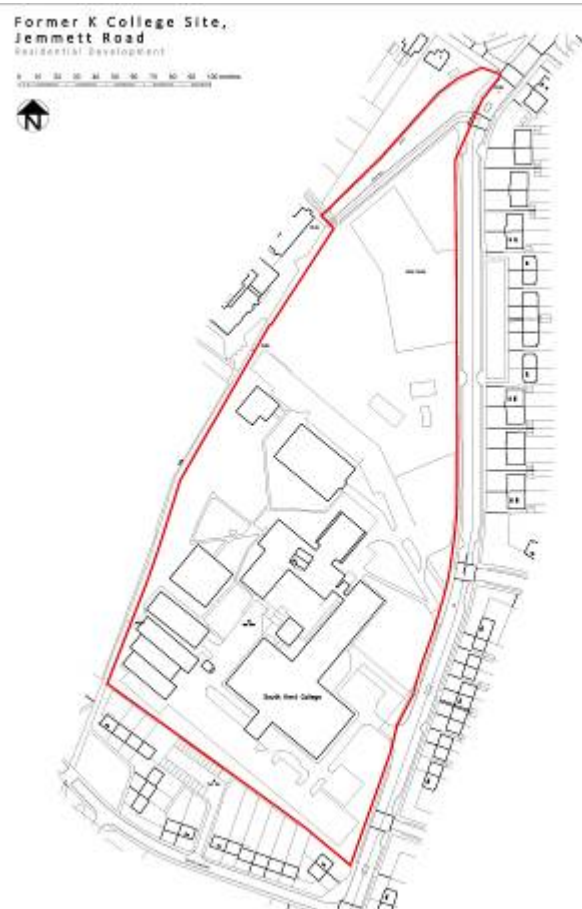


Figure 1: Site Location Plan

11. Public right of way AU38 runs immediately to the west of the application site boundary. It is of a limited width at present, but does allow both pedestrian and cycle movements along its length. The right of way ceases to be demarcated on the ground where it meets the aforementioned access serving the primary school and at the southern end it passes close to houses arranged around a small green on Noakes Meadow. Immediately to the west are the ASCPS buildings, playgrounds and associated playing fields, which are separated from the public right of way by a concrete post and chain link fence. ASCPS is proposed to be allocated for residential redevelopment as Policy S13 of the draft Ashford Local Plan 2030. Oak Tree Primary School also is located to the west of AU38.
12. To the east of the application site is Jemmett Road. This is a well-used road that links Beaver Lane to the south (becoming Brookfield Road a short distance further to the east) with Christchurch Road to the north. Jemmett Road contains traffic calming measures as well as on-street parking bays along much of its length. There are vehicular accesses from the college site on to Jemmett Road, and there is a bus stop (with real time bus information) close to the northern-most access. The dwellings within Jemmett Road are predominantly two storeys in character with pitched roofs, with amenity grass set-backs of between 5 metres and 20 metres from the edge of the highway (as one heads northwards, the set-backs become greater) thus creating an open layout character.
13. The surrounding area is generally residential in character. Victoria Park lies further to the north, and this provides a good range of recreational facilities including children's play areas, a MUGA and an indoor bowls centre. Noakes Meadow is located to the south and contains an open green space together with some play equipment.

Proposal

14. This is a reserved matters application which follows on from the approval of outline planning application. Eleven of the conditions attached to this outline planning approval also require information to be submitted to the Local Planning Authority at the same time as with the Reserved Matters application and these are which are: Condition 6 – bike storage; Condition 7 - motor vehicle parking including PTW; Condition 11 – landscaping design; Condition 19 – landscaping specification; Condition 26 – foul drainage design; Condition 27 – surface water drainage design; Condition 28 – ecology mitigation, management & monitoring; Condition 29 – biodiversity protection & enhancement; Condition 33 – refuse strategy; Condition 39 – water-butt provision; Condition 43- level threshold details.
15. Details of the submissions for each of these are set out in more detail below:

- Condition 6 - Bike Storage

The applicant has submitted plans that demonstrate that 'cycle parking can be provided within the application site.

- Condition 7 – Vehicle Parking

The applicant has submitted plans which show that the parking provision within the development accords with the local parking standards.

- Condition 11 – landscaping design

The applicant has submitted full landscaping details for both the open space to the west of the application site as well as the internal planting within the development. At this stage the Council have not received full details of the hard landscaping however, and as such this element of the condition cannot be discharged.

- Condition 19 – landscaping specification

The applicant has included this information in the landscaping plans described above.

- Condition 26 – foul drainage design

The applicant has submitted a drainage report with the application that has been assessed by KCC flood and water management.

- Condition 27 – surface water drainage design

The applicant has submitted a drainage report with the application that has been assessed by KCC flood and water management as well as the Council's Project Delivery Engineer.

- Condition 28 – ecology mitigation, management & monitoring

The applicant has submitted an ecological report and a further reptile survey in order to address the requirements of this condition.

- Condition 29 – biodiversity protection & enhancement

The applicant has submitted an ecological report and a further reptile survey in order to address the requirements of this condition.

- Condition 33 – refuse strategy

The applicant has submitted plans which demonstrate how each unit can be provided with refuse storage, and access to this – both in respect of the flats and the dwellings.

- Condition 39 – water-butt provision

Plans have been submitted that show the position of water butts within the development.

- Condition 43- level threshold details

Plans have been submitted that show the relevant levels and thus thresholds of the proposed development.

16. The outline planning application sought detail in terms of the proposed housing mix within the development which is outlined below. The proposal forming this application would see a slight increase in overall numbers, as well as a variation in mix from that previously approved.

	Outline Application	Reserved Matters Application
One Bedroom Flat	7	10
Two Bedroom Flat	21	32
Two Bedroom House	25	22
Three Bedroom House	40	53
Four Bedroom House	61	43
Total	154	160

17. The proposal would now seek a slight uplift in the number of two bedroom flats and a more marked uplift in the delivery of three bedroom houses, but a reduction in four bedroom houses, and a small reduction in the number of two bedroom houses. Whilst there is a deviation, the applicant considers that the proposal would provide for a suitable housing mix that would meet local housing needs, both in terms of private and affordable housing. 75 units of affordable housing, with a mix of 50 shared ownership units and 25 in affordable rent is proposed. This proposal would bring about a density across the site of 39 dph, which is an uplift from 38 dph from the last scheme that was approved, but a shift downwards from the original outline application maximum 241 dwelling scheme which was as high as 59 dph.

18. The proposal would include two vehicular accesses into the site from Jemmett Road. These would be 5.5metres wide (excluding footpaths). The first of these accesses would be located approximately 140metres from the southern boundary of the site, and the other a further 130metres northwards. The

northern most access has been designed to allow for future access into the adjacent site being considered for development located further to the east directly from the application site, although at present this is shown as being closed off for parking/use.

19. Internally, the layout of the development has been developed in a regular perimeter block pattern, with properties designed to be outward facing, to ensure wherever possible there is an active frontage to streets and spaces. The design would also see the use of outward facing properties along Jemmett Road, and these would be a mixture of two and three storey dwellings, as well as three and four storey flats (at the northern end of the site).
20. The proposal would see the use of private drives within the development, which would be demarcated with different surface materials. These have been designed, however, to allow for the movement of refuse vehicles throughout, in order to ensure that the carry distances are appropriate for collection.
21. The highest density area of the development would be the northern portion of the site, which would see the erection of three and four storey flatted development, and associated car parking. These flats would have gable features, as well as projecting oriel windows, and the use of differing materials to provide articulation. Again, these flats would be outward looking, either facing on to Jemmett Road, or onto the internal access roads and towards a linear open space being provided on site and would turn the corner where necessary.
22. In terms of the house types, these would have a contemporary design, utilising cladding, projecting feature bands of brickwork and projecting windows as well as clean eaves detailing. Roofs would be in a traditional pitched form. Where the properties rise to three storeys, they also include a two storey element, so as not to appear too bulky as an overall composition.
23. The applicant has also submitted detailed landscape plans, which address the open space to the west of the site, as well as the planting schedule for the remainder of the site. This linear space would have, for most of its length, public right of way AU38 in a widened form on its western side (part of the so-called 'Learning Link') and have a park frontage street on the majority of its eastern side. The applicant is proposing the provision of a total of 0.72ha of publically accessible open space here, which is a shortfall of the requirement within the S106 agreement. This matter is addressed later in the report.
24. Negotiations have taken place since the submission of the application, and the applicants have been requested to ensure that the development contains more soft landscaping than was initially shown, both in terms of the public open spaces, but also within the private gardens of the dwellings. This has led

Figure 3: Block A Elevations



Figure 3: Block B Elevations



Figure 4: Corner Block Elevations



Figure 5: Typical House Type Elevations





Planning History

There is significant planning history related to this application site. That set out below is considered to be the most relevant to the determination of this planning application:

- | | |
|-------------|--|
| 07/00117/AS | Outline planning application for the residential redevelopment of the site for up to 241 dwellings. Granted (8 April 2008). |
| 11/00405/AS | Outline planning application for the demolition of the existing buildings and construction of up to 241 dwellings, and associated access and landscaping. Granted (9 December 2016). |

Consultations

Ward Members: One of the Ward Members for Victoria Ward, Cllr Dara Farrell requested that this application be considered by the Planning Committee.

Environment Agency (EA): State that this proposal falls outside of its remit and as such do not comment on the application. It is noted that the EA did object to the outline application, but that the matters for objection were addressed within the report, and by the imposition of suitable planning conditions.

Kent County Council (KCC) Flood and Water Management: Raise no objections to this proposal as they will undertake further detailed review of the proposed drainage system pursuant to the discharge of condition 27 of 11/00405/AS.

Note that the proposed swales are indicated to be connected into the site drainage system. Identify that it is possible that the sewerage undertaker could object to this arrangement if considers the swales to be land drainage features contributing to the public surface water sewer. Comment that the applicant has assumed that there is scope for a controlled outlet to the ditch on the north western corner of the site and if issue is raised with such approach it should be able to be resolved without effect upon the site layout.

Ashford Borough Council (ABC) Project Delivery Engineer: Raise no objections to the drainage proposals, and concur with the views raised by KCC Flood and Water Management as the LLFA.

Kent County Council Ecological Advice: Initially raised some concerns with regards to the information submitted, with a request that further reptile surveys be provided. This information was subsequently submitted and has been reviewed with the assistance of KCC (Ecology). This information and the proposed mitigation is considered to be acceptable and, as such, conditions 28 and 29 of the outline permission can be discharged.

The Kent Bat Group: Raise concerns that the submitted report was inconsistent and therefore questioned whether a full bat survey should be submitted with this application.

Natural England: make no comment on the application.

Southern Water: Have stated that there is insufficient capacity within the local network to accommodate this development (which is contrary to the advice provided in 2011) however, they have requested that should permission be granted, a condition be imposed that requires details of both on and off site drainage works to accommodate this development to be provided prior to works commencing on site.

Kent County Council (KCC) Public Rights of Way: Following detailed negotiations with the applicant, and the submission of the application, Public Rights of Way Officer confirm its support for the proposal:

'The layout and design of this application has been well considered, the main route AU38 forms part of the existing "Learning Link" an important arterial pedestrian/cycle route. Subject to the agreement of the proposed Section 278 and Section 38 works, we fully support the application.'

We support the implementation of the linear park Public Open Space which enables the route of footpath AU38 to be retained in its existing position rather than being diverted or extinguished. We also support the proposed enhancements to this area to improve security and quality of the environment.'

Kent Highway Services: Raise no objection in principle, although have raised some detailed points with regards to the parking provision, and the need to undertake a road safety audit as well as make a few minor changes to points of detail in the layout. The applicant has been made aware of these matters and is currently undertaking this work. An update will be provided at the Committee.

South Ashford Community Forum: Generally supportive of the proposal but raise the following detailed points:

- Impact upon traffic (and questions as to how up-to-date the transport study is);
- There should be no use of existing parking spaces within Jemmett Road for future residents (or at least no presumption that they can be used);
- Objects to any building over three storeys in height.

Neighbours: Neighbouring occupiers were notified. 10 letters of objection have been received. The main points within these letters are summarised below:

- Impact upon traffic/highway safety;
- Insufficient parking provision;
- Lack of consultation with the local residents;
- Provision of a four storey building within the site;
- Impact upon residential amenity;
- Loss of existing trees/hedges within the site;
- Increase in pollution through additional traffic movements;
- Asbestos has been found on site which could pose a threat to health;
- The lack of contributions being provided by the developer will impact upon local people;
- Concern about the impact upon ecology

Two letters of general support received although these also refer to the need to properly address the traffic issues within the locality should the development come forward.

Planning Policy

26. 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.
27. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

EN32	Preventing the loss of important trees and woodland
HG5	Residential development of more than 5 dwellings on 'windfall' sites not on the Proposals Map and falling within the built confines of Ashford.
TP6	Provision of cycle parking.
CF6	Requiring sewerage systems in new development to be constructed to adoptable standards.
CF9	Provision of recycling facilities.
CF21	School requirements for new housing development.
LE5	The provision of equipped public open space in respect of development with 15 or more dwellings.
LE6	Off-site provision of public open space.
LE7	Provision for children's play facilities.
LE8	Requirement for provision of new leisure facilities on new development.
LE9	Requirement for appropriate future maintenance regimes.

Local Development Framework Core Strategy 2008

- CS1 Guiding Principles: Sets out the key planning objectives to achieving sustainable development and high quality design.
- CS2 The Borough Wide Strategy: Focus large scale development within the Ashford growth area, and elsewhere, focus smaller scale development at Tenterden, Charing, Hamstreet and Wye. Key infrastructure projects to be delivered at the same time and funded via financial contributions through the use of a Strategic Tariff. Progress against the targets to be reviewed regularly.
- CS4 Ashford Urban Area: Maximisation of the potential for improvement and regeneration within the urban area whilst ensuring that redevelopment is of an appropriate use, scale and density and provides a high quality living environment. Development to be phased and will need to show how it has been carefully integrated into the surrounding area.
- CS9 Design Quality: Development proposals must be of high quality design and address issues such as character, distinctiveness, sense of place, permeability, ease of movement, legibility, mixed use, diversity, continuity, enclosure, quality of public spaces, flexibility, adaptability, liveability, richness in detail and efficient use of natural resources. Identifies at supporting paragraph 9.24 that; - “adequate living space is provided within new residential developments to provide a reasonable quality of life. This should be reflected in both the internal size and layout of new properties to ensure that living space is efficiently provided to a suitable standard. As such the Council will set minimum residential space and layout standards (which will be brought forward in a Supplementary Planning Document).”
- CS10 Sustainable design and construction: measures and targets required.
- CS11 Biodiversity: Development proposals should protect biodiversity in principle, and provide for the maintenance, enhancement, restoration and expansion of biodiversity in accordance with the aims of the National and Kent Biodiversity Action Plans.
- CS12 Affordable Housing: 30% required, split between 60% social rented and 40% other forms.
- CS13 Range of dwelling types and sizes: Maintain and extend the range of dwellings to increase local housing choice, respond to

emerging needs and to promote the creation of sustainable communities. The policy requires a range of dwelling types and sizes. It also cross references to CS9 as well as planned 'subsequent SPD on residential space and layout standards'.

- CS15 Transport: Development proposals must show how all highway, public transport, walking and cycling needs arising from the development will be satisfied. Land for SMARTLINK, Park & Ride facilities and any key infrastructure to be reserved and any proposals which may prejudice such infrastructure will not be permitted. Council's Parking Strategy to be implemented through designation in DPD's of three Park & Ride facilities at The Warren, Waterbrook and Chilimington Green and three new multi-storey car parks in Ashford town centre. Maximum parking standards to accord with national standards and the South East Plan, unless superseded by new standards set in DPDs and except where existing SPG6 applies.
- CS18 Meeting the Community's Needs: Public open space, recreation, sports, children's play, leisure, cultural, school and adult education, youth, health, public service and community facilities to be provided to meet the needs generated by new development. Loss of existing facilities to be resisted. Financial contributions to be required for cultural and community facilities and community development and voluntary sector activity. Strategic recreational open spaces will be proposed at Conningbrook, Discovery Park, South Willesborough Dykes and Cheeseman's Green. Victoria Park and the existing "green corridors" will be enhanced.
- CS20 Sustainable Drainage: All development to include appropriate sustainable drainage systems (SUDS) for the disposal of surface water, in order to ensure there is no net loss of flood storage capacity or impact on water quality. SUDS features to be provided on site. Where this cannot be achieved, developers will need to contribute towards the cost of provision via S106 Agreement or Strategic Tariff. SUDS to be sensitively designed and located to promote improved biodiversity, enhanced landscape and good quality spaces.
- CS21 Water Supply and Treatment: Major proposals for new development must demonstrate there will be adequate water supply and wastewater treatment facilities in place. The Council will support, in principle, infrastructure proposals designed to

increase water supply and wastewater treatment capacity
subject to environmental impact.

Local Plan to 2030

S12 Former K College Site

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

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Government Advice

National Planning Policy Framework (NPPF) 2012

28. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
29. Section 1: Building a Strong, Competitive Economy. Paragraphs 18 to 22 of the NPPF seek to ensure economic growth and in particular paragraph 19 states that *‘the government is committed to ensuring that the planning system*

does everything is can to support sustainable economic growth', adding that 'significant weight should be placed on the need to support economic growth'.

30. Section 4: Promoting Sustainable Transport. Paragraphs 29 to 41 of the NPPF encourage development to seek to reduce the need to travel by car and support sustainable transport modes.
31. Section 6: Delivering a Wide Choice of High Quality Homes: Paragraph 47 specifically requires that local planning authorities should boost significantly the supply of housing, and that local planning authorities should therefore deliver a wide range of high quality housing that meets the demand of the particular location. Paragraph 50 refers specifically to the need to deliver a choice of tenure mix and housing based upon both current and future housing needs of the borough.
32. Section 7: Requiring Good Design. The NPPF places great emphasis upon the need to deliver developments of good design. Paragraph 56 states that good design is indivisible from good planning and should contribute positively to making places better. Paragraph 57 also states the importance of planning positively for the achievement of high quality and inclusive design in all development, as well as within private and public spaces.
33. Section 11: Conserving and Enhancing the Natural Environment. Paragraph 109 states that the planning system should contribute to and where possible enhance the natural and local environment.

National Planning Policy Guidance (NPPG)

34. There are a number of sections within the NPPG which relate to the determination of this application. Those considered most relevant are:
 - Section 20: Pre-application
 - Section 26: Good Design
 - Section 33: Land Affected by Contamination

Assessment

35. The main issues for consideration are:
 - a) Sustainable Development
 - b) Design and Layout
 - c) Highway Safety and Parking

- d) Surface Water Drainage
- e) Residential Amenity
- f) Housing Mix
- g) Ecology/Biodiversity

(a) Sustainable Development

36. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF taken as a whole constitute the Government's view of what sustainable development in England means in practice.
37. Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development and this should be seen as a "golden thread running through decision-taking". The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 14 and states that for decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - (b) specific policies in this Framework indicate development should be restricted.
38. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
39. In legal terms, the starting point for determining planning applications is that this should be in accordance with the Development Plan unless material considerations indicate otherwise (NPPF, para 11). However, para.14 of the NPPF highlights the presumption in favour of sustainable development and for decision-making, when the Development Plan is absent, silent or out-of-date, granting permission unless any adverse impacts of doing so should

significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted. This is sometimes referred to as the 'tilted balance'.

40. Whilst the Council are currently unable to demonstrate a five year supply of housing land, this in itself is not a determining factor in the consideration of this proposal, given that the principle of development was accepted in the granting of planning permission (following the completion of the S106 legal agreement) in December 2016. Nevertheless, an important consideration is whether the proposal, in its current guise represents a sustainable form of development, when considered in light of the guidance within the NPPF. The NPPF sets out the three strands of sustainable development as having the three following roles:
- 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;
 - 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
 - an environmental role – contributing to protecting and enhancing our 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 to a low carbon economy.
41. In this instance I consider there to be significant economic benefits to the fine detail of the development set out in the application, with the capital receipts from this project (which are outlined within the executive summary) assisting with the delivery of education facilities within the town centre, which is in itself a social benefit.
42. I consider that this proposal would assist delivery of much needed affordable, and private housing, which would greatly assist with both the immediate and strategic housing need within the borough – again, I consider this to be a significant social benefit.
43. In terms of the environmental role – I consider that the proposal would bring about some benefit insofar as it would remove a number of relatively unsightly

buildings, notwithstanding that there would also be the loss of some vegetation alongside new planting. The matter of visual impact/design is assessed in more detail later within this report, we I conclude that in my opinion there would be an overall neutral impact in terms of the overall appearance of the area. There is the opportunity for ecological enhancements within the open space to the north and west of the site; this space would also have greater public accessibility. As such, I consider that the development would also play an environmental role.

44. For the reasons given above, I consider that there are a number of benefits brought about by this proposal to take the outline planning permission forward through development of the site in the manner identified, and as such it would comply with the requirements of paragraph 14 of the NPPF.

(b) Design and Layout

45. This reserved matters application has been deposited with the Council following on from pre-application discussions with officers and a public consultation exercise with local residents in the locality. The application has also been subject to review following on from submission, with a number of amendments being sought by the Council to improve the scheme. In addition, condition 3 of the outline planning application required a detailed design and access statement to be submitted with the application to demonstrate the design principles shaping the development building on the indicative masterplan approach set out at outline application stage, and the detailed approach being taken to layout, character and form. This document accompanies the application.
46. Given that this is a windfall site that lies within a sustainable location close to existing facilities and with good links into the town centre, I remain of the view that this is an appropriate site at which to seek a relatively high density residential redevelopment, albeit one that responds positively to the pattern and grain of development within the locality.
47. The proposal would see two vehicular accesses into the site, one located approximately 135 metres from the southern boundary, and the other approximately 150 metres from the northern boundary. The northern point of access would also allow for future development to be accessed at the adjacent ASCPS site, which is temporarily back in use as a primary school but is anticipated to come forward for housing within the medium term.
48. The development accommodates a legible and hierarchical road structure, with the two main access points running westwards, and joined by a main park frontage street. There are then more minor streets which would be un-adopted, and constructed of differing materials.

49. The proposal is split into two distinct parts, the area to the north, which contains flatted development and the area to the south, which contains dwelling houses, which are set out in perimeter block arrangement.
50. The four storey block of flats at the very the north of the application site is of a height that would be contrary to condition 37 of the outline planning permission which required the buildings to be no more than three storeys in height. Three-storey buildings were set out in the more recent outline application as part of a market-led indicative masterplan approach whereas the first outline application set out an indicative approach that included four storey buildings.
51. The four storey building has been designed as a focal point, which seen along Jemmett Road, acts as an 'introduction' to the development when viewed from the north. The applicant has sought to ensure that this building is well articulated with the use of different materials and also projecting/recessed elements. Although there are some elements of the building that could be strengthened and simplified I do not consider that the building would appear as out of keeping with the locality, and would not detract from the character and appearance of the area, and would tie in with the palette of the remainder of the scheme. This being the case, I have no objection to the four storey building and my Recommendation deals with the conflict between the applicant's proposal and the wording of condition 37 of the outline planning permission.
52. Initially the bin/cycle store to the rear of the flats were to take the form of flat roof additions. The applicant has since agreed that these would be better incorporated into the style of the main buildings through the use of pitched roofs. I consider that this would improve the appearance of the flats.
53. The other flat blocks within the scheme are of the same design concept, and at three storeys, sit comfortably within the site. Their vertical/horizontal proportions are as one would anticipate within this location.
54. I have raised the proximity of the blocks of flats and the three storey dwellings on either side of the accesses with the applicants. Whilst moving the homes here to provide a much greater level of surrounding space would present difficulties in terms of the numbers of homes at the site, the applicant has instead agreed to re-examine the proposal with a view to increasing soft landscaping provision at this and other key points in the layout so as to enhance the impact of ground level 'green infrastructure'. I support this approach and will update Members on progress in refining the design at the Committee meeting.
55. I consider that the proposal would result in an attractive rhythm of built form along Jemmett Road, which would see a variety of housetypes, spaced in an

- appropriate manner. Some properties would have parking to the rear, whilst others to the front, which would help provide a varied and attractive frontage. The properties have been designed to be double fronted where they are located on corner plots. I consider that this would be appropriate.
56. Internally, within the site, the buildings would be predominantly two storey dwellings, with three storey elements to create features – again mostly on corners. I consider that the dwellings are well designed, with materials and a form that would sit comfortably within the application site. Most properties would be provided with a small front garden to provide some defensible space, and a good sized and useable rear garden.
57. The use of shared surfaces within the development is welcomed, and will bring about a softer character to the internal road network. Given the importance of the open space to the west, it was considered important to ensure that the links through to this space responded positively to this character. Where possible the applicant has included street trees within the highway in order to provide some structural and vertical emphasis, and to bring through this sylvan character into the housing element.
58. The proposal would also provide a good level of permeability throughout the site, with pedestrian links to Jemmett Road included responding to desire lines.
59. A key element of the proposal is the inclusion of the 'learning link' along the western boundary of the application site. This is an existing footpath that is to be upgraded to a 4 metre pedestrian and cycle path that would provide better and improved neighbourhood link towards the town centre and near to schools and major areas of public open space. Alongside this, the area of on-site public open space that would be created as part of the proposed development would include ecological enhancements as well as areas of informal play/open space for residents and so be of use benefit as well as visual benefit.
60. The size of this space is an under-provision from that required by the s106 agreement, brought about in part by the number of homes and provision of car parking. I do not object in principle to this under-provision – the size of the linear space is still substantial - but consider that a financial contribution in lieu be provided to help further enhance provision within the nearby area – for example Victoria Park or Noakes Meadow. At the time of preparing this report this matter has not yet been concluded and I will update Members at the Committee meeting on progress towards a solution.
61. I therefore consider that this proposal does represent good design, and would respond positively to the character and appearance of the locality, whilst also providing its own 'sense of place'. The layout is logical, and would allow for

the efficient use of land. Subject to resolution of improved soft landscaping and financial contribution in lieu to be spent on enhancements to off-site public open space I consider that the proposal does comply with the requirements of the NPPF as well as Policy CS9 of the Core Strategy.

(c) Highway Safety and Parking

62. The outline application's Transport Assessment (TA) was comprehensive in its analysis of the 241 dwelling scheme. The conclusion of this original TA was that no contributions to local bus networks were necessary, the proposal would reduce traffic on the network compared with the educational use, the indicative position of the access roads within Jemmett Road were acceptable in safety terms and that the proposal did not necessitate any local network improvements in order to be acceptable. Kent Highway Services did not object to the proposal in highway safety and network capacity terms.
63. As this is a reserved matters application, the principle of these matters does not need to be re-assessed.
64. The applicant has submitted detailed parking plans, and tracking information as part of this submission. The plans show that suitable parking provision can be made within the development, both in terms of the numbers of spaces (347) and the manner in which they are positioned within the site.
65. Concern has been raised by neighbouring occupiers with regards to both the parking numbers within the development, as well as the impact upon congestion within the locality.
66. The 347 spaces are made up of 258 allocated spaces, which would be located both on plot or adjacent/close by to the dwellings, as well as 29 unallocated on site, and 9 spaces on Jemmett Road. This acceptance of allowing for a small level of parking within Jemmett Road was a principle agreed within the outline planning permission. The Parking Stress survey requested by Kent Highways has been provided and Kent Highways consider that it demonstrates that the use of the on-street spaces by new residents associated with the development would not have a significant / adverse neighbourhood impact and I concur with this assessment. The proposal allows for a good level of unallocated/visitor car parking, which is reasonably spread around the site, and would be readily accessible for use. The proposals comply with the adopted parking SPD and I am therefore satisfied that condition 7 can be discharged.
67. Two wheeler parking spaces have also been provided within the development, and I consider that this also accords with the requirements of the outline planning application.

68. Adequate 'cycle storage provision is proposed within the development. Each block of flats would be provided with a cycle (and bin) store and each house would have a dedicated cycle shed capable of accommodating 2 cycles per dwelling. These would also be independently accessible without having to bring any 'cycle through the dwelling. I consider this is acceptable, and as such condition 6 can also be discharged.

(c) Surface Water Drainage

69. The applicant has submitted a drainage strategy that has been prepared by Ardent Consulting Engineers, which has followed on from discussions with KCC flood and water management. This proposes the use of permeable paving, and SuDS attenuation in the form of conveyance swales, geo-cellular attenuation tanks, oil interceptors and a downstream defender.
70. The report suggests that this would result in betterment than the existing situation during a 1 in 100 storm.
71. The proposed drainage system will ensure that foul and surface water is separated and all surface water from the parking areas would run through an oil interceptor, before discharging into the adoptable sewer. This flow rate would be controlled through attenuation tanks to ensure that there would be no excessive run off to the detriment of the capacity of the existing network.
72. I note that Southern Water has stated that there is no capacity within the system at present. However, no objection was raised to the application for the higher number of units (maximum 241 new homes), or the previous application (including a market-led approach for a similar number of new homes). Given that the principle of development has therefore already been agreed, and as there is no significant change in circumstances, I can see no grounds for the Council to now object to this proposal or to impose onerous conditions on the approval of reserved matters. I understand that the applicant is in discussion with Southern Water on these matters. However, given that KCC have requested that they further review this submission prior to the determination of the application, I consider that conditions 25 and 27 of the outline permission are not discharged at this stage.

(d) Residential Amenity

73. The application site is relatively self-contained, with limited back to back development with existing residential properties.
74. To the south of the site, the residential properties within Noakes Meadow back on to the site. These properties have relatively generous rear gardens of approximately 25metres. Some trees near this boundary would need to be removed. The properties within the application site would be two storeys in height, and have rear gardens of approximately 10metres to this boundary,

and as such the back to back distances would be acceptable, notwithstanding loss of some trees. In my view there would not therefore be any undue overlooking, overshadowing or creation of a sense of enclosure to these properties.

75. The properties within Jemmett Road would be separated from the application site by the highway itself, and would have a minimum separation distance of 24metres (with a maximum of 36metres). Given that there is public domain between these properties, and the associated movement of people through that domain, and the distance between the properties itself, I do not consider that the proposal would result in any detrimental impact upon residential amenity to existing occupiers. Concern has been raised with regards to the provision of the four storey flat block, and the impact that this would have upon outlook and daylight, however, as this would be some 30metres from the nearest property in Jemmett Road I do not consider that it would result in any significant loss of outlook or daylight that would be objectionable in town planning terms.
76. The application site also runs along the boundary with no. 1 Rising Road, which at present has a large undeveloped to its east. This would remain in part undeveloped (aside from the improved pedestrian link running alongside it). Again, because of the distance to the boundary (some 16metres) but more importantly because of its orientation, and the retention of mature planting, I consider that the four storey building would not result in any overlooking, overshadowing or creation of a sense of enclosure to this property.
77. Whilst the development of the site would result in more activity during the weekend and evenings, this is not considered likely to result in unacceptable noise and disturbance to existing residents: it would be as one would expect for a residential development.
78. The proposal has been designed in accordance with the National Space Standards with all properties equalling, or exceeding these standards. Likewise, the properties have been provided with car parking that would accord with the adopted local standards. I therefore consider that the future occupants of this development would be expected to have a good standard of living once the development is complete.
79. I therefore conclude that this proposal would adequately preserve the residential amenities of existing occupants within the locality, and would also ensure a good standard of living for future occupiers, thereby complying with the requirements of both national and local policy.

(f) Housing Mix

80. As set out within the proposal section of the report, the development would have a variety of housing within it, with both the provision of flats and dwellings.
81. The outline planning permission only sought the provision of 15 affordable housing units within the development (which equated to approximately 10% of the overall development) for reasons of viability relating to the scale of the disposal receipt and its impact on the full relocation of the college to new centre premises. The applicant's proposal now seeks to provide 75 units of affordable housing, with a mix of 50 shared ownership units and 25 in affordable rent which represents a significantly improved position.
82. Whilst no formal comments have been received from the Council's Housing Manager, the applicant states that they have engaged in pre-application discussions, and that these additional units are supported. The provision of these additional units is clearly a benefit of this proposal, and also one that does not require any deviation from the signed legal agreement (which sought a minimum of 10% but no maximum). This proposal also therefore accords to a greater degree with the Council's own Strategic Housing Market Assessment (SHMA) which indicates that there is a 'headline' need of 50% of new homes as affordable dwellings within the Borough.
83. The applicant has agreed that all affordable units will be made available before 75% of the market houses have been completed/are made ready for occupation. This complies with the requirement of the S106 legal agreement.
84. In terms of the other mix within the development, I consider that the development would still provide an acceptable mix of two, three and four bedroom units which would also respond to the existing housing mix within the locality.

(g) Ecology/Biodiversity

85. The applicant initially submitted an ecological appraisal of the site which assessed the likelihood of protected species being present within the site, and any suitable mitigation that might be required thereafter.
86. With regards to bats, a detailed inspection was undertaken of all buildings within the site, and also of suitable trees within the site. This identified that there was a low probability of bat activity within the application (as the buildings were not suitable for bat use) and the trees/grassland within the site was also considered to be of limited value for foraging/commuting purposes. For this reason I have no objection to the proposal in terms of its impact upon bats.

87. It is noted that the Bat Society has recently raised concerns that further studies were not undertaken by the applicant, but given the initial findings of the report, and the subsequent review by KCC Ecology on behalf of the Council (which raised no concerns), I am satisfied that there was no requirement to undertake further works in this instance.
88. With regards to badgers, no setts were found within or immediately adjacent to the site, nor were any latrines or dung pits recorded. There were no recorded signs of badgers foraging in, or commuting through the site. Accordingly, this species is unlikely to be affected by the proposals. However, as suitable foraging habitat is present on the site, particularly in the form of the grassland and scrub, precautionary safeguards are recommended to protect any badger that may utilise the site.
89. Whilst there is a pond within the application site, this is considered to be of low value and does not at present contain any great crested newts, and has a low potential to provide habitat for them in the future. As such, so no concerns are raised to its removal.
90. The initial survey identified that the site may house a small reptile population, and as such further survey works were required. KCC Ecology initially raised concern that this had not been submitted. The applicant has subsequently undertaken and submitted a full reptile survey which found that there were a small number of juvenile slow worms within the application site (up to five). It is considered that there is a very low likelihood of grass snakes or common lizards within the application. KCC Ecology has reviewed this submission and agrees with the findings.
91. With regards to both birds and invertebrates, I consider that the site has little potential for any protected species to be present. Whilst birds were present on site, these were not any species designated as being under threat or protected.
92. A number of mitigation measures are proposed within the report which include means of site clearance, and dealing with wildlife movements. I therefore consider that conditions 28 and 29 of the outline planning permission can be discharged.

(h) Other matters

93. As Members will recall, there was a significant level of negotiation at the outline planning application stage with regards to the heads of terms for the S106 legal agreement. This legal agreement was only recently completed (end 2016), with the application thereafter approved in accordance with the resolution. There is not therefore scope for these to be revisited through the reserved matters application. It should be noted however, that this proposal

does bring about an under-provision of publically accessible open space on-site, and as such I am discussing with the applicant a financial contribution to be paid in lieu of this to deal with shortfall. I will update the Committee on the outcome of this discussion at the meeting.

Human Rights Issues

94. 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

95. 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

96. This reserved matters application has been subject to significant pre-application and post submission discussions, and has been amended following these discussions. The nature of the changes made have not required further community consultation. Whilst I acknowledge that the proposal would result in a relatively high density development, this would accord with the principles set out within the reserved matters application (albeit with a slightly increased number – as set out by condition 36 of the aforementioned outline permission), and would also deliver a good housing mix throughout. Given that this is a windfall site, within a sustainable location this is considered acceptable, and in accordance with both national and local policy.
97. It is acknowledged that the proposal would see the erection of a four storey dwelling, which would be contrary to condition 37 of the outline planning permission. There is one flat block that would be four storey on the northernmost part of the site, and this would be seen very much as a stand-alone building within the development. Whilst concern has been raised on this element of the scheme, I am satisfied that in this instance, it is acceptable to allow deviation from this condition, given the justification provided. Procedurally the applicants should consider submitting a s73 application

however in my view members should agree that they will not enforce this condition.

98. Concern has been raised by neighbouring occupiers with regards to the level of traffic that would be generated by this proposal. However, the existing college use generates a significant level of traffic movements, and whilst these might be at different times of the day than a residential use it is not considered that this change would result in a severe impact upon either highway safety nor upon congestion. The proposal would have an appropriate level of parking provision, and is therefore likely to 'consume its own smoke' in this regard. It is for this reason that the proposal is considered to accord with paragraph 32 of the NPPF as well as policy CS15 of the Core Strategy.
99. The proposal has an opportunity to create qualitative enhancements to the biodiversity within the site through the mitigation as proposed within the submitted strategy.
100. It is therefore considered that when assessed against the three threads of sustainable development as set out within the NPPF and the requirements of local policy, this proposal wholly accords with the necessary requirements, and it is for this reason that it is recommended that Members give this application favourable consideration and grant permission to this reserved matters application as per the conditions as set out below.

Recommendation

- (a) **Subject to the receipt of amended plans showing the additional planting identified in the report, and**
- (b) **The submission of a Unilateral Undertaking to pay an additional sum of money in respect of off-site informal green space as identified in the report,**
- (c) **Members resolving not to enforce condition 37 regarding storey heights,**
- (d) **Approve the Reserved Matters, and discharge the following conditions of outline planning permission 11/00405/AS:**
1. **Condition 6 (bike storage);**
 2. **Condition 7 (motor vehicle parking);**
 3. **Condition 11 (landscape design);**
 4. **Condition 13 (tree survey);**

5. **Condition 19 (landscape specification);**
6. **Condition 28 (ecological mitigation);**
7. **Condition 29 (biodiversity protection and enhancement);**
8. **Condition 33 (refuse strategy);**
9. **Condition 39 (water butt provision);**
10. **Condition 43 (level threshold details).**

Subject to the following conditions:

1. 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 notwithstanding the provisions of the Town and Country Planning (Development Management Procedure) (England) 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.

2. No meter box shall be provided upon the front, or principal elevation of any dwelling hereby permitted.

Reason: In the interests of visual amenity.

Notes to Applicant

1. Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,

- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
 - was provided with pre-application advice,
 - The applicant was provided the opportunity to submit amendments to the scheme/address issues.
 - 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.
2. This decision does not purport to agree to the discharge of the following conditions which have been submitted with this application:
- i. Condition 26 (foul water design);
 - ii. Condition 27 (surface water design).

The following conditions are also considered to now be complied with:

- i. Condition 1 (timescale for reserved matters submission);
- ii. Condition 2, part (a);
- iii. Condition 3 (design and access statement);
- iv. Condition 36 (housing mix);
- v. Condition 37 (design).

The following conditions remain in force and should be discharged prior to any works taking place on site:

- i. Condition 4 (archaeology) (application pending);
- ii. Condition 8 (parking for site personnel) (application pending);
- iii. Condition 9 (wheel washing) (application pending);

- iv. Condition 10 (works compound) (application pending);
- v. Condition 20 (earthworks);
- vi. Condition 21 (landscape management plan);
- vii. Condition 22 (materials);
- viii. Condition 23 (boundary treatments);
- ix. Condition 30 (details)
- x. Condition 31 parts i and ii (code of construction) (application pending);
- xi. Condition 41 (street naming);
- xii. Condition 42 (landscape implementation notice);
- xiii. Condition 45 parts i and ii (site investigation) (application pending).

The following conditions require no submission but remain in force and should be complied with:

- i. Condition 5 (highways works);
- ii. Condition 12 (landscape works);
- iii. Condition 14 (tree retention);
- iv. Condition 15 (trenches);
- v. Condition 16 (hedges);
- vi. Condition 17 (cutting operations);
- vii. Condition 18 (tree stock protection);
- viii. Condition 24 (underground ducts);
- ix. Condition 25 (oil interceptor);
- x. Condition 32 (water consumption);
- xi. Condition 38 (house pack);
- xii. Condition 40 (pd/car barns);

- xiii. Condition 44 (travel pack);
- xiv. Condition 45 (parts a and b);
- xv. Condition 46 (use);
- xvi. Condition 47 (enforcement);
- xvii. Condition 48 (carried out in accordance with plans).

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 17/00354/AS.

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Annex 1

