



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Wednesday, 14th February, 2018 at 7.00 pm.

The Members of the Planning Committee are:-

Councillor Burgess (Chairman)
Councillor Link (Vice-Chairman)

Cllrs. Bennett, Blanford, Bradford, Buchanan, Clarkson (ex-Officio), Clokie, Dehnel,
Farrell, Galpin, Heyes, Hicks, Howard, Krause, MacPherson, Ovenden and
Waters

If additional written material is to be submitted to the Planning Committee relating to any report on this Agenda, this must be concise and must be received by the Contact Officer specified at the end of the relevant report, and also copied to Planning.help@ashford.gov.uk, before 3pm on the day of the Meeting so that it can be included or summarised in the Update Report at the Meeting, otherwise the material will not be made available to the Committee. However, no guarantee can be given that all material submitted before 3pm will be made available or summarised to the Committee, therefore any such material should be submitted as above at the earliest opportunity and you should check that it has been received.

Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure
Rule 1.2(iii) and Appendix 4

2. **Declarations of Interest**

1 - 2

To declare any interests which fall under the following categories, as

Note to Members of the Committee: The cut-off time for the meeting will normally be at the conclusion of the item being considered at 10.30pm. However this is subject to an appropriate motion being passed following the conclusion of that item, as follows:

“To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee”.

explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other Interests

See Agenda Item 2 for further details

3. **Minutes** 3 - 16
- To approve the Minutes of the Meeting of this Committee held on the 17th January 2018
4. **Requests for Deferral/Withdrawal**
5. **Part I - Information/Monitoring Items**
- None for this Meeting
6. **Part II - For Decision**
- (a) **TPO/17/00028** 17 - 34
- Confirmation of Tree Preservation Order No. 28, 2017 – Rear Garden of 65 Upper Queens Road, Ashford, TN24 8HL
7. **Schedule of Applications**
- (a) **17/01674/AS** 35 - 72
- Former Powergen Site, Victoria Road, Ashford Kent - Single storey roof top extensions to Blocks 5A and 5B as approved under planning application 17/01091/AS - providing 14 residential units and associated communal roof terraces
- (b) **17/01357/AS** 73 - 104
- Trafalgar House, Elwick Road, Ashford, Kent - 6 storey development comprising ground floor retail/restaurant premises use class A1/A2/A3/A4/A5 with 14 no 1-bedroom flats above with roof terraces
- (c) **17/01668/AS** 105 - 116
- Land south of Gilham Farm known as lot 3, Luckhurst Lane, Smarden - Erection of stable block to replace those approved under application 06/01506/AS
- (d) **17/01781/AS** 117 - 126
- 4 Parker Close, Hamstreet, Ashford, Kent, TN26 2JQ - Erection of a two-storey side extension to form annexe accommodation and part conversion of garage to form cloakroom

Land at Chilimington Green, Ashford Road, Great Chart, Ashford, Kent - Layout, Access, Scale, Landscaping and Appearance of development at Chilimington Green for 346 residential dwellings, which comprises a mix of two bedroom apartments, two, three, four and five bedroom houses within Land Parcels B, C, J & K within Main AAP Phase 1.

Note for each Application:

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

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

Note on Votes at Planning Committee Meetings:

At the end of the debate on an item, the Chairman will call for a vote. If more than one motion has been proposed and seconded, the motion that was seconded first will be voted on first. When a motion is carried, the Committee has made its determination in relation to that item of business and will move on to the next item on the agenda. If there are any other motions on the item which have not been voted on, those other motions fall away and will not be voted on.

If a motion to approve an application is lost, the application is not refused as a result. The only way for an application to be refused is for a motion for refusal to be carried in a vote. Equally, if a motion to refuse is lost, the application is not permitted. A motion for approval must be carried in order to permit an application.

DS
8 February 2018

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **17th January 2018**.

Present:

Cllr. Burgess (Chairman);

Cllr Link (Vice-Chairman);

Cllrs. Bartlett, Mrs Bell, Bennett, Mrs Blanford, Bradford, Buchanan, Clarkson (ex officio), Clokie, Dehnel, Farrell, Galpin, Hicks, A Howard, Howard-Smith, Ovenden.

In accordance with Procedure Rule 9.3 Councillors Bartlett, Mrs Bell and Howard-Smith attended as Substitute Members for Councillors Krause, Waters and Heyes respectively.

Apologies:

Cllrs. Heyes, Krause, Waters.

Also Present:

Joint Development Control Manager; Strategic Applications Team Leader; Head of Planning and Development, Principal Solicitor (Strategic Development); Member Services Officer.

320 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as a Member of Kent County Council.	
Mrs Bell	Made a Voluntary Announcement as a Member of Kent County Council.	
Bennett	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society and Tenterden and District Residents Association.	
Blanford	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	
Burgess	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	
Clarkson	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	

- Clokie Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society and Tenterden and District Residents Association.
- Farrell Made a Voluntary Announcement as a Member of Kent County Council.

321 Minutes

Resolved:

To approve the Minutes of the Meeting of this Committee held on the 13th December 2017 subject to an amendment to Minute 294, Application No. 17/01118/AS - Prince Albert, 109 New Street, Ashford, Kent, TN24 8TP to change the following statement;

“The Chilmington and Design Team Leader drew Members’ attention to the Update Report which contained further representations and additional comments. She read out the statements from each of the Ward Members, one in objection and one in support of the application. There was also one new Condition”

to read;

“The Chilmington and Design Team Leader drew Members’ attention to the Update Report which contained further representations and additional comments. She read out a statement from one of the Ward Members in objection to the application and a statement from one of the adjacent Ward Members in support of the application. There was also one new Condition”.

322 Schedule of Applications

Resolved:

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

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

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

decisions be made in respect of Planning Applications as follows: -

Application Number	17/01638/AS				
Location	112 Beaver Road, Ashford, Kent, TN23 7SR				
Grid Reference	00851/41716				
Parish Council	South Ashford				
Ward	Norman (Ashford)				
Application Description	Change of use from C3 dwelling house to 'sui generis': an on-site managed short stay accommodation where no significant element of care is provided including erection of a bin store to front of site and replacement windows				
Applicant	Mrs S Williams, Head of Housing, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL				
Agent	Mr D Scarsbrook, Project Delivery Team, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL				
Site Area	0.04ha				
(a)	30/2R 1S	(b)	-	(c)	ESM/X, Street Scene/+, Housing/+

The Joint Development Control Manager drew Members' attention to the Update Report. Following submission of the Ashford Local Plan 2030 the policies contained within it should be afforded some weight. The site was not currently in the ownership of Council however the Council was negotiating to purchase it. It had not been possible to accommodate wheelchair access at the property due to the difference in levels between the road and the property. Wheelchair accessible accommodation would be provided in the neighbouring Christchurch House, which would operate in conjunction with the proposal before the Committee. The church, which was located next to the property, was Grade II Listed, Officers advice was that there would be no impact on the setting of the listed building.

Resolved:**Permit****Subject to the following Conditions and Note:**

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

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

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

3. The proposed windows to the front elevation, where replacing existing sash windows, shall be replaced with operational sash windows unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

4. Prior to the commencement of the development, details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The walls and fences shall then be erected before the first use of the premises in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

5. The premises/site shall only be used for short stay residential accommodation with ancillary facilities and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

6. Prior to the premises first coming into use, the approved bicycle storage shall be completed and shall thereafter be retained for the occupiers and visitors to the site.

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

7. Prior to the first use of the premises, the approved refuse storage area as shown on approved drawings TOV – 004 and TOV - 005 shall be provided in accordance with these details and be retained for the storage of refuse bins unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the street scene.

8. 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.

Reason: To protect the amenity of local residents.

9. 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, unless otherwise agreed by the Local Planning Authority.

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.

10. The development approved 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 land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

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

Application Number	17/01714/AS	
Location	41 Haywain Close, Kingsnorth, TN23 3QL	
Grid Reference	599199/140116	
Parish Council	Kingsnorth Parish Council	
Ward	Washford	
Application Description	Conversion of integral garage into kitchen	
Applicant		
Agent	Mr David Hartley	
Site Area	-	
	0.03 ha	
(a) 7/-	(b) S	(c) -

The Strategic Applications Team Leader drew Members' attention to the Update Report. Following submission of the Ashford Local Plan 2030 the policies contained within it should be afforded some weight.

Resolved:

Permit

Subject to the following Conditions and Note:

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

Reason: To comply with the requirements of Section 91 of the Town and Country

Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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, unless otherwise agreed by the Local Planning Authority.

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 external materials and finishes to be used for the approved development shall be of the same size, colour, tone and texture as those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To assimilate the new development with the existing in the interests of visual amenity.

4. The area shown on the drawing labelled 'Proposed Ground Floor Plan', as a parking space for two vehicles, shall be provided prior to the commencement of the development and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

5. 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

Plans/Documents approved

Site location plan

Existing and Proposed Elevations plan

Existing and Proposed Ground Floor plan (as received 21/12/17)

Note 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 was provided with pre-application advice,
 - and was updated of any issues after the initial site visit.
 - The applicant was provided the opportunity to submit amendments to the scheme/address issues.
 - The applicant/agent responded by submitting amended plans.
 - 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.
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Application Number	17/01598/AS	
Location	Tenterden Museum, Station Road, Tenterden, Kent, TN30 6HN	
Grid Reference	88185/22203	
Parish Council	Tenterden	
Ward	Tenterden North	
Application Description	Removal of existing signage and replacement with stove enamel with framing comprising 2no. non illuminated name boards and 1no. non illuminated decorative crest	
Applicant	Victoria Couper, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL	
Agent	As above	
Site Area	0.21 ha	
(a) 20 / -	(b) TC / S	(c) KH&T / -

The Joint Development Control Manager drew Members' attention to the Update Report. Following submission of the Ashford Local Plan 2030 the policies contained within it should be afforded some weight

Resolved:

Grant Consent

Conditions on grant:

1. a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

b) No advertisement shall be sited or displayed so as to -:

endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

e) Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

f) This consent expires at the end of 5 years from the date of this consent or the completion of the development whichever is the sooner.

Informative

1. It is the responsibility of the applicant to ensure that all necessary highway approvals and consents where required are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Note 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 application was acceptable as submitted and no further assistance was required.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
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Application Number	17/01628/AS	
Location	Tenterden Museum, Station Road, Tenterden, Kent, TN30 6HN	
Grid Reference	88185/22203	
Parish Council	Tenterden	
Ward	Tenterden North	
Application Description	Removal of existing signage and replacement with stove enamel with framing comprising 2no. non illuminated name boards and 1no. non illuminated decorative crest	
Applicant	Victoria Couper, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL	
Agent	As above	
Site Area	0.21 ha	
(a) 20 / -	(b) TC / S	(c) -

The Chairman drew Members' attention to the Update Report. Following submission of the Ashford Local Plan 2030 the policies contained within it should be afforded some weight.

Resolved:

Grant Consent

Conditions on grant:

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Note 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 application was acceptable as submitted and no further assistance was required.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
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Reference	TPO/17/00028
Report Title	Confirmation of Tree Preservation Order No. 28 2017
Location	Rear Garden of 65 Upper Queens Road, Ashford. TN24 8HL
Parish Council	
Ward	Ashford Stour

Introduction

1. The Joint Development Control Manager and the Head of Development Management and Strategic Sites have delegated authority to deal with all matters relating to Tree Preservation Orders. However, in order to comply with Human Rights Legislation, it is considered inappropriate for the same officer to make and then confirm Orders under delegated powers where an objection has been received. For this reason the following Tree Preservation Order, which is subject to an objection, is being reported to this Committee with a view to seeking authority for confirmation.

The Order

2. The Order was made on 5th December 2017 to protect two Beech trees within the rear garden of 65 Upper Queens Road on the boundary with 63 Upper Queens Road. A location map may be found in annex 1 a.
3. The Beech trees are two large specimens of approximately 50 years age that possess significant landscape presence in the designated Ashford - Queens Road Conservation Area (CA).
4. The trees' protection is expedient in view of the receipt of a Section 211 Notice under the Town and Country Planning Act 1990 (Tree Preservation) (England) Regulations 2012.
5. The notice was registered as application number 17/00254/TC and sought to pollard the trees at 2.5 metres height. This management was considered to be contrary to BS3998:2010 Tree work – Recommendations - as the trees had not been previously managed as pollards. Furthermore, it is well held that Beech do not cope with heavy pruning and are very likely to die as a result of this particular type of treatment.
6. Under the legislation surrounding a Section 211 Notice, the Council has two options:

- a) To raise no objection to the works;
 - b) To serve a Tree Preservation Order.
7. In this case, following the industry standard TEMPO (Forbes Laird –Tree Evaluation Method for Preservation Orders) Assessment, which acts as a decision guide aid for the serving of a TPO, a score of 19 was derived - any score exceeding 16 fits into the classification ‘Definitely Merits TPO’. A copy of the assessment may be found in Annex 1d.
 8. The important considerations as defined by Planning Guidance (Tree Preservation Orders and trees in conservation areas) when making and serving a TPO are;
 - Expediency;
 - Visibility;
 - Amenity;
 - Individual, collective and wider impact.
 9. The purpose of the TPO is to control the management of the trees to ensure that the works undertaken meet with BS3998:2012, whilst respecting the rights and property of the adjacent owners.

Representations

10. Following the serving of the TPO, a letter of objection dated 9th December 2017 was received from the resident of the adjacent property No.63 found to the west of the application site. Following a reply written by the Tree Officer, a further response dated 22nd December 2017, was received from the same neighbour. The main points set out within both correspondence are as follows:
 - The trees are dangerously inappropriate for their location as Beech is a shallow-rooted species at increased risk of being uprooted in a severe storm;
 - The proximity of the trees to the dwellings poses an immediate and future concern to the drainage and the fabric of the dwellings;
 - The trees are not particularly visible;
 - The trees give rise to hazardous mess caused by roosting pigeons;

- The trees do not give reference to the trees in Lime Grove or Upper Queens Road;
 - It is not reasonable to expect private householders to be a component of the Ashford urban forest without taking account of their personal perspective and circumstances.
11. In addition, the owner of 65 Upper Queens Road, emailed to advise that the trees were incorrectly plotted on the Order. This point was also echoed by the single objector that T2 within the order is within the rear garden of 63 Upper Queens Road. The description may be amended to read 'Rear garden of 63 Upper Queens Road', in the event that it is concluded that that particular tree is located within that garden. The Order can be modified accordingly. Whilst there is a slight discrepancy within the map, for the purposes of the Order, which according to the legislation does not have to be plotted with... "pin point accuracy"... the trees intended to be the subject of the Order cannot be mistaken for any others. Revision of the map is not necessary as the discrepancy is small and would not give rise to ambiguity, in my view.

Assessment

12. The visibility of the trees when assessed by the Council's Tree Officer was correctly evaluated using the TEMPO system as 'Large trees with limited view only'. From Upper Queens Road only the very tops of the trees are visible, save for a glimpse through the shared passageway between nos. 63 and 65. From Lime Grove and the access road to Haven Thorpe and the Chimes, more visibility is enjoyed even as winter silhouettes. On this basis the score given concluded "suitable" for a TPO. Visibility is one component of three in the wider TEMPO amenity assessment, the additional categories are Condition and Suitability and Retention Span. The trees score very highly in terms of Condition and Suitability receiving the maximum score of 5, this is derived from the trees' good physiological condition and their good structural condition. The Retention Span category is scored as 4 as it can reasonably be expected that the trees will live for another 40 – 100 years. When the three amenity categories are considered as a composite the trees are seen to amply satisfy the Amenity evaluation
13. The expediency test is met with the proposed tree works application 17/00254/TC under Section 211. If the works had been undertaken to pollard the tree to 2.5m height it is almost certain that the trees would have died. On this basis the score given concluded "very suitable" for a TPO.
14. In terms of the collective and wider impact, the trees should be seen in the context of the wider Ashford - Queens Road Conservation Area with the adjacent Lime Grove development, which is characterised, by a tree-rich and

leafy public and private realm. The area both on its own and when knitted to the contiguous Belmore Park development to the west and Canterbury Road Cemetery to the east, forms a significant tract of the Ashford urban forest. Annex 1c, photos 1 and 5, show the vantage points of views whilst photo 6 illustrates the considerable urban forest asset in the Upper Queens Road, Magazine Road and Canterbury Road Area.

15. The neighbour feels that the private owners should not be a component of the urban forest unless due consideration is given to their rights to maintain their property as advised by a qualified arboricultural professional. It has been established, that these trees may be reasonably maintained with due reference to the species and context, but this must be qualified by BS3998:2010. The urban forest is a concept that highlights the importance of trees within urban areas in the frame of the benefits that they bring (called ecosystem services) such as carbon capture, pollution reduction, shading, flood mitigation, temperature moderation and biodiversity. The private realm is an essential constituent in the overall total. Ashford has areas of significant tree cover within the town and the northern area of the town is a vital component of this, thus the removal of mature trees must be given due consideration, and in this case the trees may be seen to be worthy of retention. Visual amenity is a by-product of a high quality urban forest.
16. In response to the other matters raised by the representations, I have the following comments:
17. Beech is known to be shallow rooted but this does not mean that it should not be retained proximate to dwellings. Indeed, there are many larger beech trees adjacent to dwellings or public-use buildings that have stood for many years both before and after the 1987 storm event. It would not be appropriate to remove or risk manage all trees that could fall in a 1987 scale storm event. The loss to the landscape would be unacceptably high.
18. The proximity of the trees to the windows, guttering and roof of the adjacent dwellings that the neighbour the neighbour highlights as a material concern may be remedied by making a Tree Works Application. Such applications are considered in the context of the customer's requirements and due reference to BS3998:2010 Tree Work – Recommendations.
19. Whilst reference to the "*hazardous mess caused by roosting pigeons*" is appreciated as a nuisance in terms of the neighbour and his family's use of their garden, in the wider context of such an approach, it could be advised that if trees were removed for this reason there would be a significant impact on the landscape quality of the town.

20. In terms of the character of Upper Queens Road, it is inevitable that some trees will require removal over time owing to disease, decay, failure of stems, pavement heave and many other reasons – tree stocks are dynamic living assets. Where possible, replacement of the highway trees has been instructed by KCC, and the age range of the trees adjacent to the road has been increased. These will mature over time and reinforce the leafy aspect.
21. Understandably, the neighbour is concerned regarding his responsibilities as an owner of trees. This may be addressed by having the trees periodically inspected, and any necessary works tabled through a tree works application.
22. In conclusion, following the TEMPO assessment taking into account condition, retention span and relative public visibility it may be seen that the trees are a significant amenity asset; furthermore, they are a component within the wider Ashford Urban Forest. The works as proposed under application 17/00254/TC would almost certainly result in their demise and for those reasons the order was served. The reasonable management of the trees is not precluded by the order and a tree work application to undertake pruning may be submitted at any time.

Recommendation

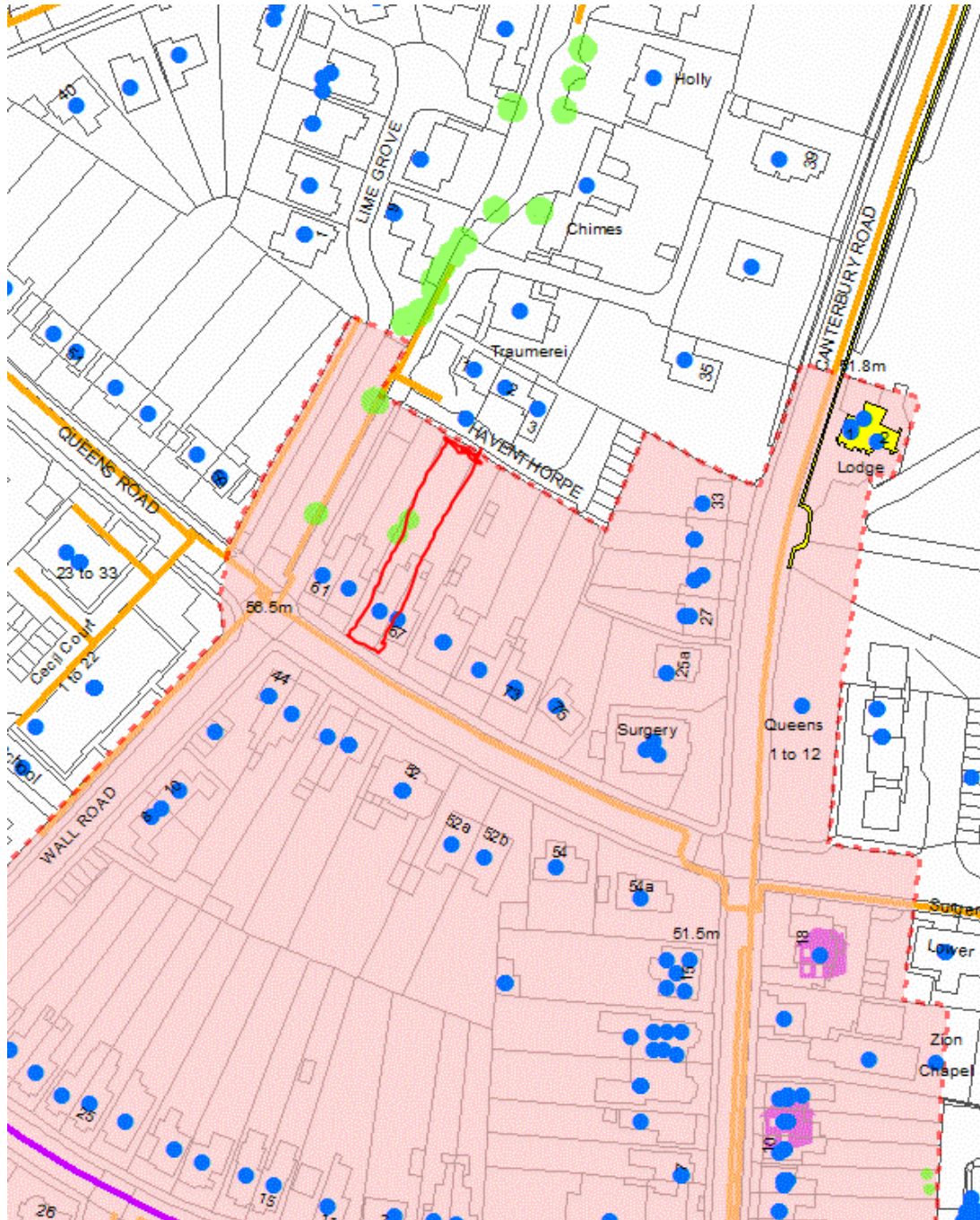
To confirm the order notwithstanding the objection with a modification of the situation of T2 to read as 'Rear garden of 63 Upper Queens Road

Contact Name: Phillip Cook

Telephone: (01233) 330206

Email: phil.cook@ashford.gov.uk

Annex 1a
Location Map with Conservation Area and TPO Trees



Annex 1b
TPO no.28, 2017 as made 5th December 2017

TOWN AND COUNTRY PLANNING ACT 1990

**ASHFORD BOROUGH COUNCIL
TREE PRESERVATION ORDER NO. 28, 2017
65 Upper Queens Road Ashford TN24 8HL**

Ashford Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:-

Citation

1. This Order may be cited as Ashford Borough Council Tree Preservation Order No 28, 2017 - 65 Upper Queens Road Ashford TN24 8HL

Interpretation

2. (1) In this Order "the authority" means Ashford Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to regulation 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

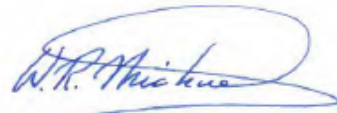
4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 05 December 2017

THE COMMON SEAL OF ASHFORD BOROUGH COUNCIL

was affixed to this Order in the presence of -

Mayor



Solicitor



SCHEDULE

SPECIFICATION OF TREES

Trees specified individually
 (encircled in black on the map)

Reference on map	Description	Situation
T1	Beech	Rear garden of 65 Upper Queens Road
T2	Beech	Rear garden of 65 Upper Queens Road

Trees specified by reference to an area
 (within a dotted black line on the map)

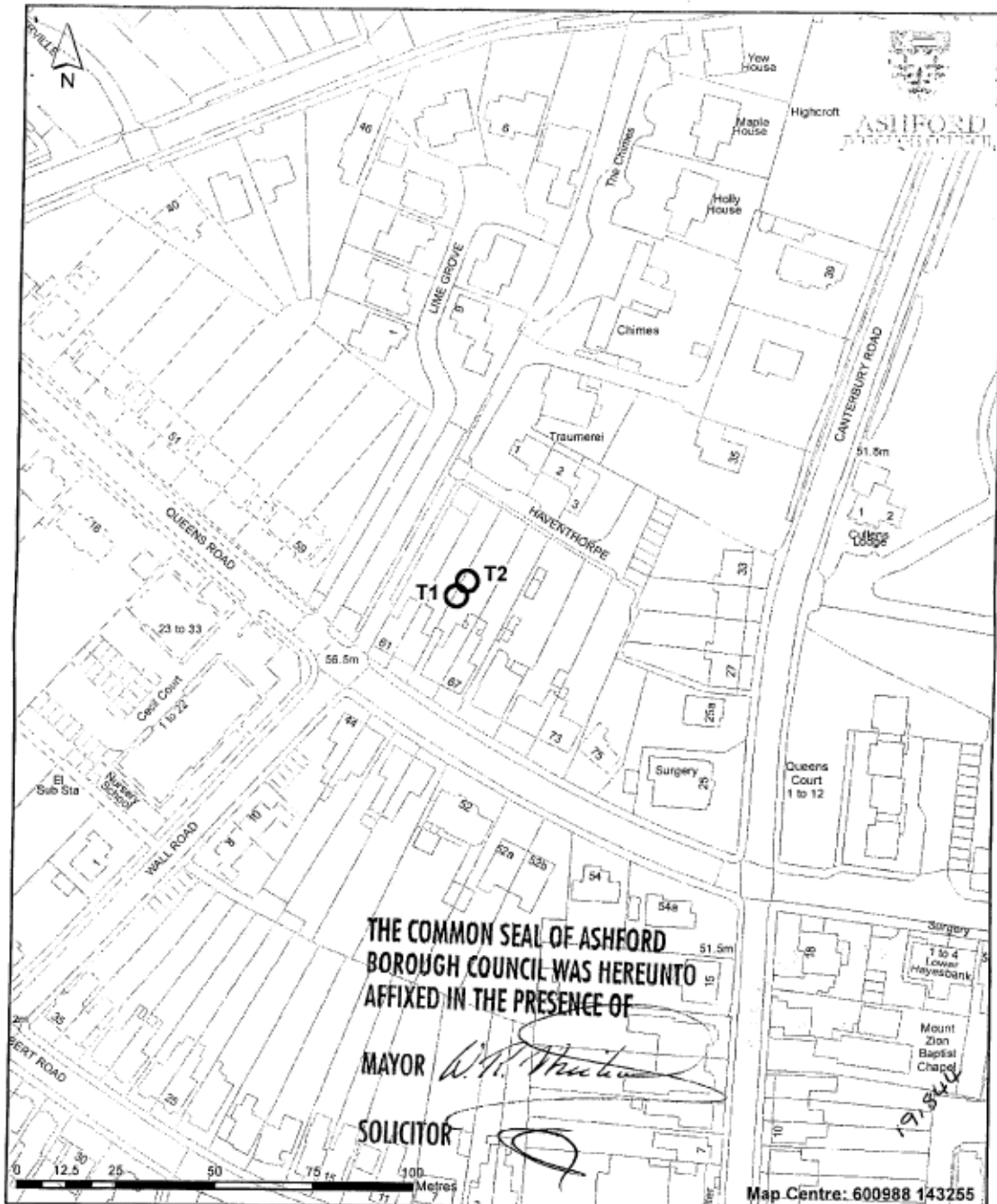
Reference on map	Description	Situation
		None

Groups of trees
 (within a broken black line on the map)

Reference on map	Description	Situation
		None

Woodlands
 (within a continuous black line on the map)

Reference on map	Description	Situation
		None



ASHFORD BOROUGH COUNCIL
TREE PRESERVATION ORDER NO 28, 2017
65 Upper Queens Road, Ashford, TN24 8HL

December 2017 Scale: 1:1250

Planning and Development
Civic Centre
Tannery Lane
Ashford
Kent
TN23 1PL

Annex 1 c

Photo I – TPO Beech trees taken from Haven Thorpe Access Road, a map showing the viewpoint is below Photo 1.

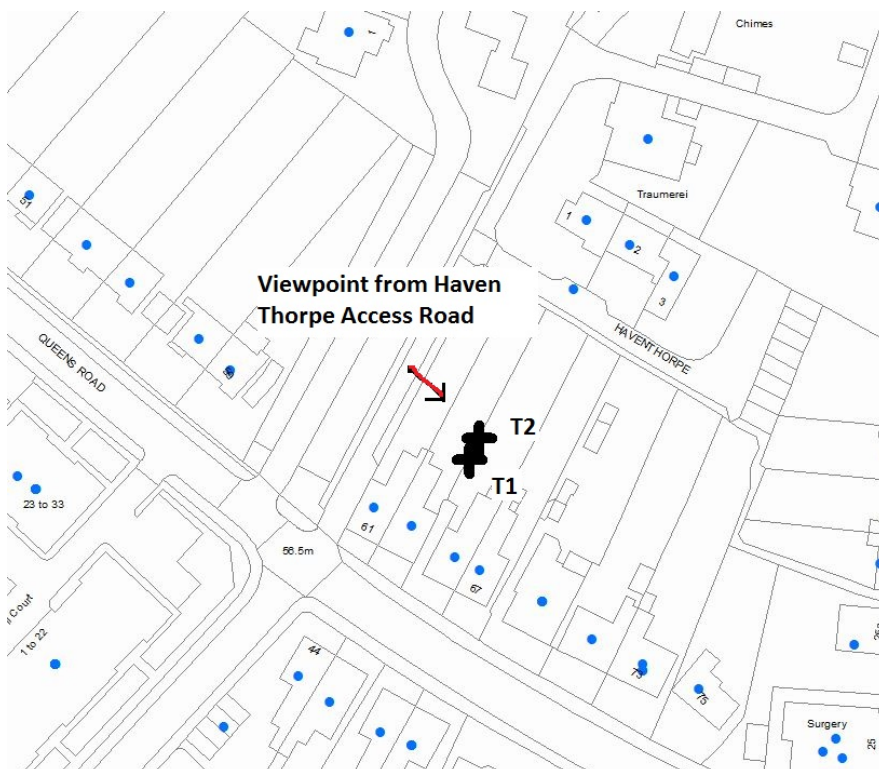


Photo 2 – TPO Beech trees taken from passageway between 63/65 Upper Queens Road



Photo 3 – View from Garden of 65 Upper Queens Road



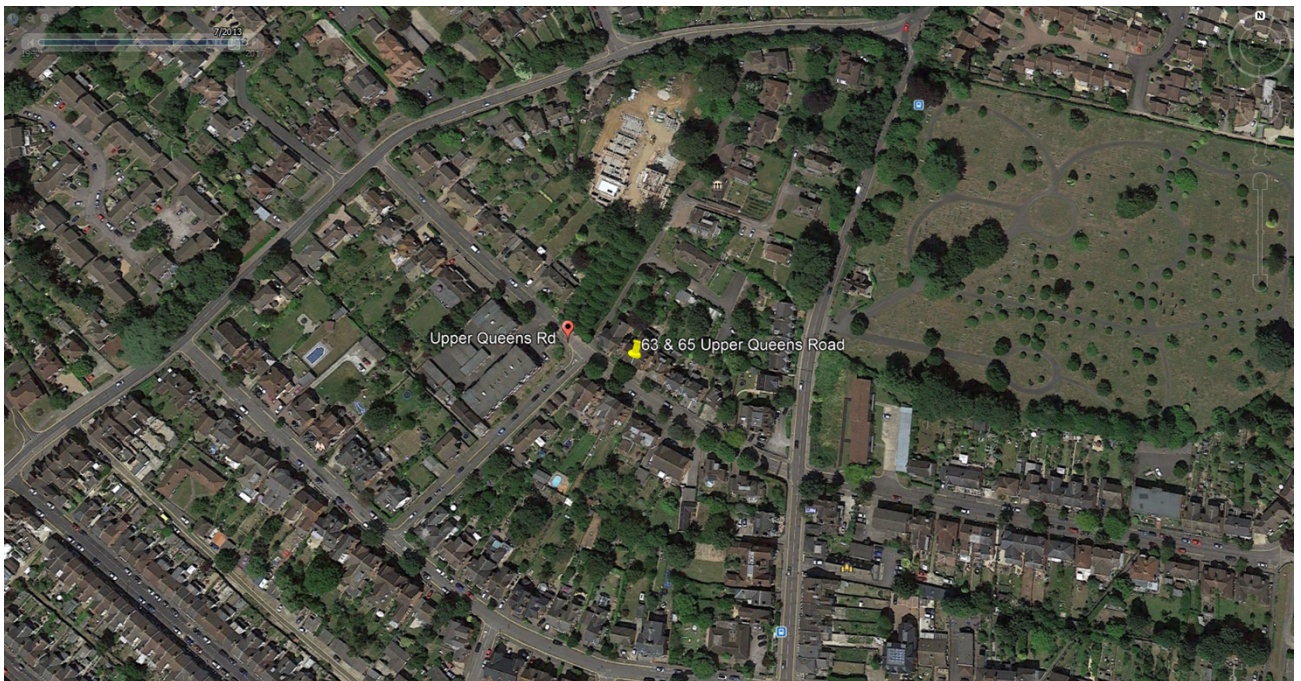
Photo 4 – Street Scene, Upper Queens Road Looking East



Photo 5 – View of the trees from Wall Road Looking East Across Lime Grove Access Road



Photo 6 – Google Earth July 2013 Showing Extent of the Urban Forest in the Upper Queens Road, Albert Road, Lime Grove, Magazine Road and Canterbury Road Cemetery Area.



Annex 1 d
 Copy of TEMPO (Forbes Laird –Tree Evaluation Method for Preservation Orders)
 Assessment Sheet

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 1/12/2015	Surveyor: Paul Cook
Tree details	
TPO Ref (if applicable):	Tree/Group No:
Owner (if known):	Species: Beech
	Location: 65 Upper Ous Rd - Rear garden

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable	Score & Notes 5
3) Fair/satisfactory	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only		

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable	Score & Notes 4
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality		

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5) Very large trees with some visibility, or prominent large trees	Highly suitable	Score & Notes 3
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify.

5) Principal components of formal arboricultural features, or veteran trees	Score & Notes 2
4) Tree groups, or principal members of groups important for their cohesion	
3) Trees with identifiable historic, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional redeeming features (inc. those of indifferent form)	
-1) Trees with poor form or which are generally unsuitable for their location	

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

5) Immediate threat to tree inc. s.211 Notice	Score & Notes 5
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

Part 3: Decision guide

Any 0	Do not apply TPO	Add Scores for Total: 19	Decision: YES.
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

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Application Number	17/01674/AS
Location	Former Powergen Site, Victoria Road, Ashford Kent
Grid Reference	00488/42404
Ward	Victoria
Application Description	Single storey roof top extensions to Blocks 5A and 5B as approved under planning application 17/01091/AS - providing 14 residential units and associated communal roof terraces
Applicant	Ashford Riverside Park Limited, c/o Agent
Agent	Lichfields, 14 Regent's Wharf
Site Area	0.035ha

(a) 28/-	(b) -	(c) SW X KCC H&T X EHM (EP) X ABC Refuse X EA X KCC (PROW) X KCC (ED) X
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Introduction

1. This application is reported to the Planning Committee as it involves the construction of more than 10 dwellings and is therefore classified as a “major” development that requires determination by the Planning Committee under the Council’s scheme of delegation.

Site and Surroundings

2. The application site comprises the roof tops of Blocks 5A and 5B within Plot 5 of Ashford Riverside Park approved under applications 17/00018/AS & 17/01091/AS. A site plan is provided below at Figure 1 to give locational context with plans forming Figure 2 and 3 giving the more detailed site context.

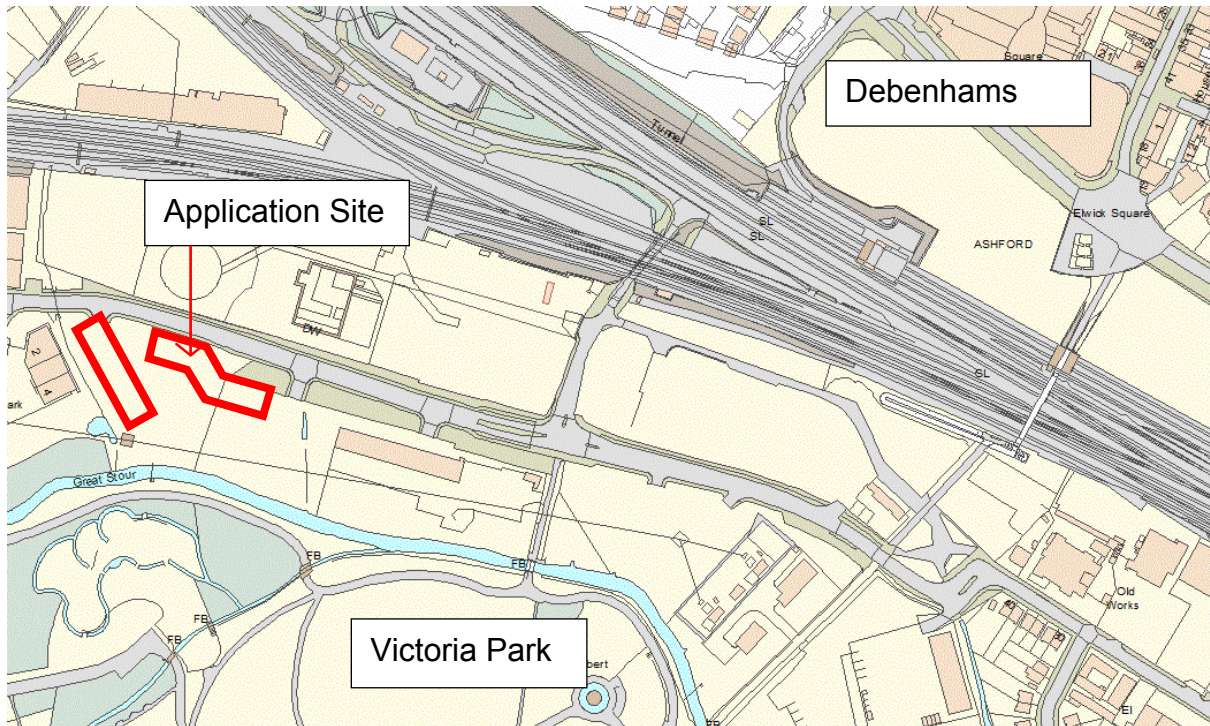


Figure 1: Site Location Plan

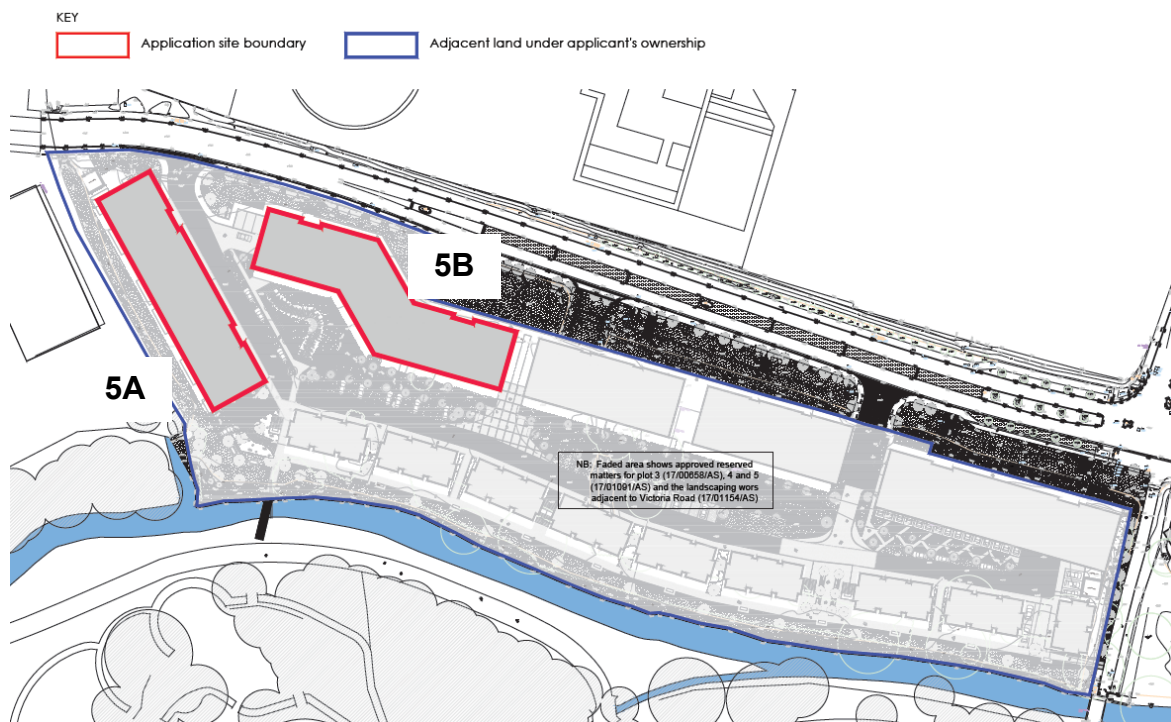


Figure 2: Application site shown with wider approvals

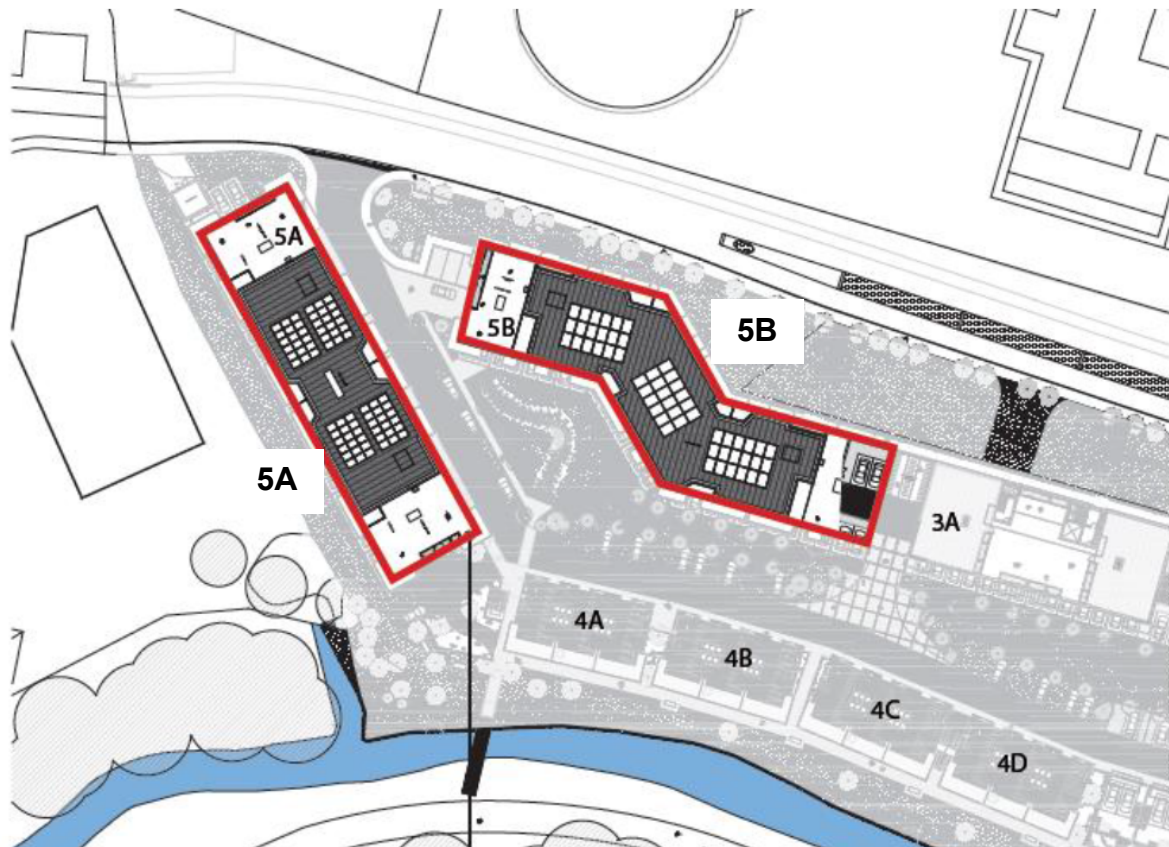


Figure 3: Block Plan

3. The site was previously in industrial use, forming part of the Ashford power station and is now under construction to provide 258 residential units across five apartment blocks and 26 houses.
4. The majority of the site is located within Flood Zone 3 (FZ3). The Great Stour, which flows along the southern boundary, is subject to a non-statutory nature conservation designation as a Local Wildlife Site (LWS).
5. The surrounding area comprises a mix of residential areas, business uses, vacant sites, transport infrastructure and public open space. The Stag Enterprise Park lies immediately to the west; with a number of two storey industrial buildings, it provides a range of commercial uses and a gym (CrossFit Great Stour).

6. Directly to the south of the site lies the Great Stour River and Victoria Park. To the east of the site lies an electrical sub-station, Victoria Road Primary School and 2-storey semi-detached residential properties on Victoria Road. To the north lies the vacant former gasworks site (to the north of Leacon Road) and the railway line.
7. Ashford Town Centre is approximately 400m to the north and the site lies within the extended Ashford Town Centre boundary, as defined by the Ashford Town Centre Area Action Plan 2010 (ATCAAP).
8. As approved, Block 5A is a 5-storey building comprising car, cycle parking and plant at ground level and 4-storeys of residential accommodation above. Similarly, Block 5B comprises parking and plant at ground level and 4-storeys of residential accommodation above. Both blocks include communal terraces and a plant/photovoltaic area at roof level.

Proposal

9. Full planning permission is sought for an additional 14 residential apartments in the form of single storey extensions at roof level to Blocks 5A and 5B. The proposed roof extension to Block 5A would provide 6 additional units located between two roof terrace areas (Figure 4 below shows the roof level development with dark cladding and Figure 5 below shows the two roof terrace areas at either end of the block).



Figure 4: Street Elevation Block 5A

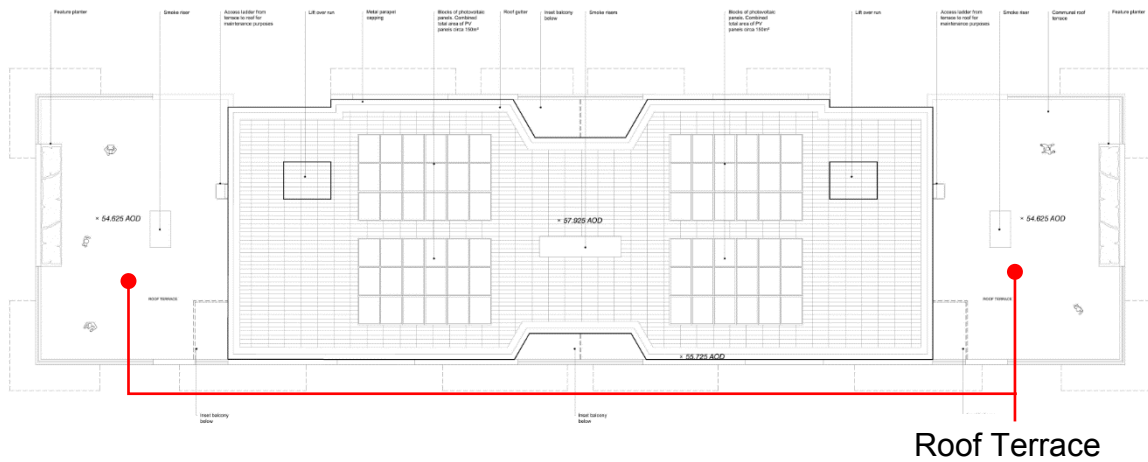


Figure 5: Roof Plan Block 5A

- The proposed roof extension to Block 5B would provide 8 additional units (Figure 6 below shows the roof level development with dark cladding and Figure 7 shows the roof terrace areas).



Figure 6: Street Elevation Block 5B

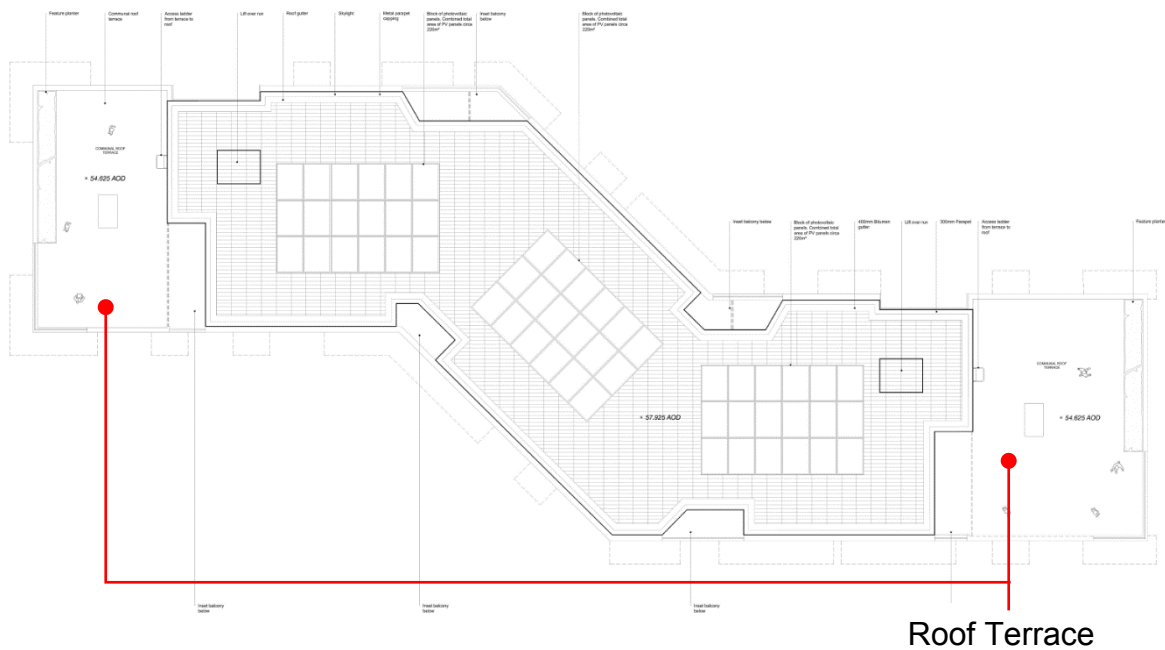
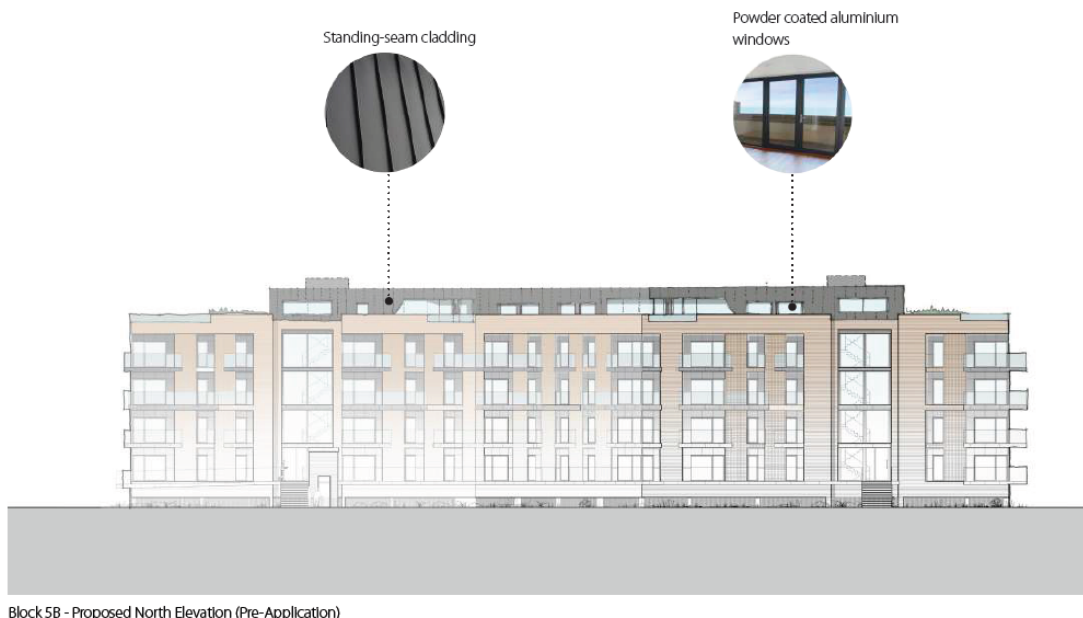


Figure 7: Roof Plan Block 5B

11. The extensions are proposed as subordinate additions in both, scale, height and materiality in order to complement the host buildings.
12. The additional storey to each block would take the form of a clean contemporary addition, set back from the parapet of the main building below. The applicant contends that this approach would be appropriate visually and by changing the mass of the building would help create a well-defined 'top'.
13. The private terraces provided to each apartment, selected windows and feature glass guardings – provided to the communal roof terraces – are designed to articulate the proposed sixth storey and provide interest to the parapet. They also distinguish the terraced areas.
14. The communal roof terraces are retained at both ends of each block. The terraces have glazed feature guarding which breaks up the appearance of the building mass.
15. The proposed materials include metal standing-seam metal cladding, aluminium framed windows and glazed balconies. The intention is that the proposals differentiate themselves from the main buildings and seek to reinforce the dominance of the main building beneath. The proposed setbacks from the parapets at either end, of each block, seek to reduce further the

visual scale and bulk of the proposals. Figure 8 below illustrates the approach.



Block 5B - Proposed North Elevation (Pre-Application)

Figure 8: Typical materials

16. The applicant is not proposing any ground floor changes to the extant permission under construction. It is identified that the ground level parking, refuse and amenity spaces to be provided as part of 17/00018/AS are considered adequate to serve both the approved development and the proposed development forming this application.
17. The proposed extensions are therefore reliant on the building beneath coming forwards and cannot be implemented until the buildings have been constructed up to the height of the proposed roof top extension.
18. The overall height of the buildings as proposed to be extended would still fall within the maximum parameters approved in planning permission 17/00018/AS.
19. The setbacks at the ends of both blocks would continue to maintain the original design rationale behind the development by ensuring that building heights are lowest adjacent to Victoria Park and step up in height adjacent to Victoria Road.

Mix of dwellings

20. The proposals would provide an additional 14 residential apartments, comprising:
- 7 x 1-bed
- 7 x 2-bed apartments.
21. The applicant highlights that policy CS12 requires developments within the Ashford growth area of 15 units or more or on sites with a site area in excess of 0.5 hectares should provide no less than 30% of all dwellings as affordable housing with a proportionate split of 60% as social rented and 40% as other forms of affordable provision. As the proposals would create fewer than 15 new units and the site is smaller than 0.5ha, the affordable housing requirement is not engaged.
22. In addition, the emerging Ashford Local Plan 2030 (Policy HOU1) states that flatted developments within the defined Ashford Town area (which includes this site) are not required to provide affordable housing.

Amenity and Open Space

23. The adopted Residential Space and Layout SPD sets out the Council's desired standard of residential accommodation for the Borough. The standards are broken down into advocated and essential minimum standards. The Design and Access Statement confirms that all residential units meet the minimum internal requirements.
24. In order to maintain privacy levels, privacy screens are proposed between private terraces and with screens also separating private terraces from the communal roof terraces at either end of the blocks.. Overall, this approach is suggested as providing generous shared and private amenity space for residents, all in proximity to Victoria Park, consistent with the accepted approach in relation to 17/00018/AS.

Transport and Parking

25. The site is considered to be highly accessible via public transport with the proposed small increase in residential units having a negligible impact on traffic generation and so the conclusions of the previous Transport Assessment (dated December 2015) remain.

26. As established by 17/00018/AS and RM2, vehicular access to Blocks 5A and 5B would be from Leacon Road to the north and pedestrian accesses would be via the circulation cores of the approved blocks.
27. The approved development across Plots 3-5 includes 258 residential units (26 houses and 232 apartments) and 270 car parking spaces. This equates to an overall car parking ratio of 1.05 car parking spaces per residential unit.
28. Accounting for the additional 14 residential units proposed above Blocks 5A and 5B, this reduces the car parking ratio slightly to 1.01 car parking spaces per unit; this would be still within the Council's maximum parking standards (Policy TC23), but overall would maintain a ratio of 1 car parking space per residential unit. Additional car parking to serve the units is not therefore considered to be required as the approved car parking provision across Plots 3 to 5 would adequately serve the additional units.
29. Similarly, the addition of the 14 residential units reduces the approved cycle parking ratio within the cycle stores beneath Blocks 5A and 5B to 0.38 spaces per unit but this would still exceed cycle parking requirements (Policy TC24).

Refuse Storage

30. Blocks 5A and 5B currently have refuse storage areas at ground floor level. These would be sufficient to deal with the waste production from the 14 additional residential units.

Planning History

Application Reference	Description	Decision	Decision Date
15/01671/AS	Hybrid application for five plots comprising: (1) Full and detailed application for plots 1 and 2 comprising: erection of 400 dwellings, a retail kiosk/cafe unit (Use class A1/A3) and associated parking, public surface car park, plant and storage; together with landscaping and access works. (2) Outline application with appearance and landscaping reserved with parameters for plots 3, 4 and 5 comprising: demolition of existing buildings/structures and	Permitted	24/11/2016

Application Reference	Description	Decision	Decision Date
	erection of up to 260 dwellings, associated parking, plant and storage together with landscaping and access works.		
17/00018	Proposed variation of Condition 08 of planning permission 15/01671/AS to replace the following approved plans:- Site Plan Proposed Illustrative Masterplan 14.046.S01.B Plots 3, 4 & 5 Block Plan 14.046.101 F Parameter Plan Proposed Critical Distances 14.046.104 F Parameter Plan Proposed Range of Building Heights 14.046.105 F Parameter Plan Proposed Building Levels & Plot Extents 14.046.106 G Parameter Plan Proposed Access, Routes and Communal Landscaped Areas 14.046.107 G	Permitted	11/01/2017
17/00658/AS	Reserved Matters = Appearance and Landscaping	Approved	14/07/2017
17/01091/AS	Reserved Matters application for appearance and landscaping	Approved	07/11/2017

Consultations

Ward Members: No written comments have been received from the Ward Member.

Southern Water: Raise no objection subject to Condition 11 (below) and Informative 2 being attached to any approval.

ABC Refuse: Raise no objection

Environmental Health Manager (EP): Raises no objection subject to:

Conditions 48 & 49 of the extant planning permission (17/00018/AS) being imposed on any permission.

[HoDMSS note: These conditions are set out at conditions 09 & 10 respectively in the recommendation below].

Environment Agency: Make no comment

KCC: Highways & Transportation: Raise no objection.

KCC: Public Rights Of Way: Raise no objection.

KCC Economic Development: Raise no objection, however request the following contributions are sought:

Contribution	Per dwelling (x14)	Total	Project
Libraries	£48.02	£ 672.22	Towards the additional book stock required to meet the demands of the additional borrowers from this development at Ashford Library

ABC Open Space Planning Development Officer: Raises no objection but requests that the following contributions are sought to address pressure from the additional residents on existing open space provision:

Open Space type	Commuted off-site contribution	Project
Sport - outdoors	£3327.92	Contribution towards additional equipment for football, netball and tennis at Courtside/ Pitchside
Informal/natural	£3317.71	Improvements to the shared entrance to Bowens Field and Victoria Park
Play	£6768.13	Contribution towards toddler age play at Victoria Park
Allotments	£673.75	Contribution towards improvements to the boundary of an allotment site in Victoria Ward
Strategic Parks	£479.79	Contribution towards additional seating at Victoria Park
Cemeteries	£0.00	
Totals	£14,567.29	

Planning Policy

31. Panning applications have to be determined in accordance with s70(2) TCPA and s38(6) Planning and Compulsory Purchase Act 2004
32. 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, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight. .
33. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

CS1 - Guiding principles for sustainable development.

CS3 – Ashford Town centre

CS9 - Design quality.

CS13 – Range of Dwelling Types and Sizes

CS15 – Transport.

CS19 – Development and Flood Risk

CS20 - Sustainable drainage.

Ashford Town Centre Area Action Plan 2010

Policy 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.”

Policy TC13 – Victoria Way south

“This site is allocated for residential development. Development on this site should provide a variety of different unit types and sizes.

Complementary small-scale office or retail uses at street intersections along Victoria Way should also be provided.

Proposals would:

- A. ensure development directly fronts onto Victoria Way and the river corridor;
- B. range in height from around 4- 6 storeys along Victoria Way down to a general 3-4 storey scale for development that fronts the river corridor; and,
- C. contribute to the provision of a new footway / cycleway bridge over the river to Victoria Park. The cost shall be divided on a proportionate basis with the development on site TC14.
- D. provide a pedestrian / cycleway along the northern bank of the river.”

TC1 - Guiding principles

TC23 – Residential Parking Standards

TC24 - Cycle parking standards in the town centre

TC27 – Open Space, Recreation, Sport and Play Facilities

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

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces & Water Environment SPD 2012

Other Guidance

Informal Design Guidance Notes 1- 4 (2015)

Government Advice

National Planning Policy Framework 2012

35. 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.

36. 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. The policy document holds a ‘pro-growth’ agenda. Paragraph 21 highlights some crucial points in this respect, including:
- investment in business should not be over-burdened by the combined requirements of planning policy expectations
 - policies should be flexible enough to accommodate needs not anticipated in the plan and allow a rapid response to changes in economic circumstances
 - Local plans should identify priority area for economic regeneration, infrastructure provision and environmental enhancement.
37. Paragraph 23 requires that planning policies should be positive and promote competitive town centre environments. It continues that town centres are at the heart of their communities and that they should provide customer choice and a diverse retail offer and which reflect the individuality of town centres. Paragraph 24 sets out the town centre first approach which is crucial in achieving these aspirations.
38. The key theme of the central Government policy is one of promoting sustainable development. The purpose of the planning system is therefore defined as one that contributes to the achievement of sustainable development. There are three dimensions to sustainable development, being economic, social and environmental.
- 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.

39. Central 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.
40. In terms of design Central Government advocates that the local planning authority 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 where possible.
41. Paragraph 216 states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

National Planning Practice Guidance (NPPG)

42. 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

43. 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.
44. 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.
45. The following are also material to the determination of this application:-

Ashford Local Plan to 2030 (Submission Version December 17)

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP5 – The Town Centre

SP6 – Promoting High Quality Design

HOU1 – Affordable Housing

HOU12 – Residential space standards internal

HOU15 – Private external open space

TRA3a – Parking Standards for Residential Development

Assessment

46. The main issues for consideration are:
 - (a) The principle of the proposals, i.e. how the redevelopment of the site fits within the existing local and national planning policies in terms of use and location;
 - (b) Whether the proposals are acceptable in terms of affordable and mix of housing;

- (c) The quantum of parking provision and impact of the development on the local highway network
- (d) The design quality of the scheme and the impact on the visual character of the surrounding area;
- (e) Whether the proposed open space / amenity space is adequate to serve the development;
- (f) Whether the proposal is acceptable in terms of flooding and surface water drainage;
- (g) Planning obligations;

(a) The principle of the proposals i.e. how the redevelopment of the site fits within the existing local and national planning policies in terms of use and location.

- 47. The application site is identified in the Council's development plan for development within the Core Strategy in 2008 and the Ashford Town Centre Area Action Plan (ATCAAP) in 2010, specifically in ATCAAP Policies TC10 and TC13.
- 48. Policy TC13 allocates the application site for residential development, providing a variety of different unit types and sizes with development fronting onto Victoria Way and the river corridor.
- 49. The approval of the hybrid application (15/01671/AS) in 2016 for 660 residential units, a small retail kiosk/café unit and a surface level car park (116 spaces) further cemented the principle of residential as being acceptable in this location.
- 50. I therefore conclude that the principle of further residential development on this site, subject to the matters below, would accord with the development plan and is acceptable in principle.

(b) Whether the proposals are acceptable in terms of affordable housing and mix of housing

- 51. Core Strategy Policy CS12 requires that developments within the Ashford growth area of 15 units or more or on sites with a site area in excess of 0.5 hectares should provide no less than 30% of all dwellings as affordable housing. The proposal is for 14 units and on an immediate site area of less than 0.5ha.

52. CS12 goes on to say that if a site comes forward as two or more separate development schemes the Council will seek an appropriate level of affordable housing on each part to match the total provision the overall scheme would have provided.
53. The original site was subject to viability assessment where it was determined that the main 660 dwelling scheme was unviable and could not provide affordable housing. The extent to which the scheme was unviable was such that had 14 units been added to the overall scheme it would have remained unviable.
54. Policy HOU1 of the Ashford Local Plan 2030 states that within the Town Centre flatted schemes are not expected to provide affordable housing as the evidence base underpinning the Ashford Local Plan to 2030 states in the town centre such schemes would not be viable if affordable housing was sought.
55. I am satisfied that the proposals do not need to provide any element of affordable housing.

(c) Amount of parking provision and impact of the development on the local highway network

56. Paragraph 3.39 of the AAP states that maximum parking standards should apply to all residential developments within the Town Centre, given the finite and valuable nature of the land coupled with the need for higher density development within the Town Centre to meet growth targets. The limited capacity of the road network here, the sustainable location in terms of proximity to shops and services and the additional impact of the high speed rail services to central London are also factors which justify this approach.
57. Policy TC23 goes on to set a maximum of 1 parking space per dwelling of 3 or less bedrooms. This equates to a maximum of 14 parking spaces. The Residential Parking Standards SPD 2010, also stipulates a maximum parking approach of 1 space per apartment. As a result, the SPD stipulates a maximum of 14 additional parking spaces.
58. The extant approved development across Plots 3-5 includes 258 residential units (26 houses and 232 apartments) and a commitment to 270 car parking spaces. This equates to an existing car parking ratio of 1.05 car parking spaces per residential unit.
59. Whilst no further parking would be provided as part of this application, if we the additional 14 residential units proposed above Blocks 5A and 5B are taken into account, the overall car parking ratio for the development would be

reduced to 1.01 car parking spaces per unit. This would maintain the 1:1 maximum parking standard set out in Policy TC23 and the adopted SPD.

60. Emerging policy TRA3a is a material consideration. The proposal would comply with TRA3a as the proposals maintain a 1 parking space per dwelling.
61. The addition of the 14 residential units would also catered for within the existing permission with 0.38 cycle spaces per unit being provided. This would exceed the adopted cycle parking requirements set out in Policy TC24.
62. Kent County Council Highways and Transportation raise no objection to the development on highway capacity, safety or parking grounds.
63. My conclusion is that that the parking provision and the impact on the local highway network are both acceptable.

(d) The design quality of the scheme and the impact on the visual character of the surrounding area

64. Policy TC13 (para 2.167) states that along Victoria Way/Leacon Road development up to 6-storeys in height, with a top storey set back to help increase sunlight to the street, would be acceptable. The proposals seeking permission to add the 6th storey to each block above the road level of Victoria Way with a set-back not only from the street frontage but also inset from the ends of each block.
65. The proposals would remain within the height parameters approved and considered acceptable by the Council in planning permissions 15/01674/AS & 17/00018/AS.
66. I am satisfied that the heights proposed are suitable and in accordance with the regeneration aims for this site. In light of the above, I am satisfied that policy CS9(a) is addressed by the proposals.
67. With regard to the detail of the design, the architecture continues the contemporary approach set by the outline planning permission and subsequent Reserved Matters approvals.
68. The proposal features a simple form articulated by the shape of each block. Recessed private terraces, glazed private terraces balustrades and a high quality standing seam mansard roof further add to this articulation.
69. The addition of the further storeys to each block would add variety to the roofscape and, in turn, the townscape in which it sits. In addition, I consider that the use of the darker standing seam mansard roof, combined with the

setbacks from the edges of the building would in my view help the addition appear recessive/subordinate in the street scene. The change in massing of the 6th storey would help give each building a clear 'top'.

70. Seen in combination with the development already approved, I consider that the overall development would represent a well-proportioned and cohesive form of development.
71. Taken as a whole the proposals would continue to give this part of Ashford a distinct character, aid legibility and create a visually interesting development for residents and visitors alike and so I support this approach.
72. The finer details of the scheme, such as joinery, can be conditioned as the execution of the scheme in its detailed form is critical to its success.
73. Addressing the issue of residential amenity, having considered the proposed flats against the Nationally Described Residential Space Standards, the flats comply and an acceptable standard of private amenity space would be provided for each flat as required by HOU12 and HOU15.
74. I am satisfied that the extant proposals already provide for sufficient refuse storage and collection so as to be able to absorb the proposed additional homes.
75. In conclusion, the proposals accord with the objectives of Policy CS1 by providing high quality design with high sustainability standards and would make the best use of previously developed land.
76. The development of which the additional homes would be part is crucial in enabling the Town Centre to grow as envisaged in Policy CS3 and will provide the high quality of design required by Policy CS9. It will also enable the Town Centre to grow as envisaged in ATCAAP and provide a benchmark for the comprehensive and innovative approach to providing the highest quality design. The additional homes accord with this approach.
77. I am satisfied that the design is well considered in terms of scale and design, and would result in a positive addition to the Town Centre.

(e) Whether the amount of open space / amenity space is adequate to serve the development

78. As with the parent planning permissions, being an urban site there is no room within the site to provide substantial open space to meet the needs of the residents. However the proposals provide communal open space in the form of the roof terraces and each apartment is provided with a private terrace.

79. The site is also located adjacent to existing open space which could serve the needs of the residents. However, the development would place additional pressure on this resource And as such I consider it would be reasonable to secure contributions as set out above toward open space provision to offset this pressure.

(f) Is the proposal acceptable in terms of flooding and surface water drainage

80. The proposals, being roof top additions, are located outside of the flood plain as a consequence I am satisfied that the proposed development would not result in increased risk of localised or downstream flooding.

81. Turning to surface water drainage, the existing development already makes allowance for surface water drainage and attenuation. The proposals do not increase the amount of impermeable area and as a result would not increase the level of water run-off from the development.

82. I conclude that the proposal is acceptable in flooding and surface water drainage terms and so would accord with Policy CS20 of the Core Strategy and ENV9

(g) Planning Obligations

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

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

84. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	<p><u>Libraries</u></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Contribution for additional book-stock at libraries in the borough</p>	<p><u>£672.22</u></p> <p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policy 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 books and the books 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>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2	<p>Sport - outdoors</p> <p>Contribution towards additional equipment for football, netball and tennis at Courtside / Pitchside</p>	£3327.92	Upon occupation of 75% of the dwellings	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
3	<p>Informal/Natural Green Space</p> <p>Improvements to the shared entrance to Bowens Field and Victoria Park</p>	£3317.71	Upon occupation of 75% of the dwellings	<p>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

Planning Obligation				Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)		
4	<p>Play Contribution towards toddler age play at Victoria Park</p>	£6768.13	Upon occupation of 75% of the dwellings	<p>Necessary as children’s and young people’s play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children’s and young people’s play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
5	<p>Allotments Contribution towards improvements to the boundary of an allotment site in Victoria Ward</p>	£673.75	Upon occupation of 75% of the dwellings	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
6	<p>Strategic Parks Contribution towards additional seating at Victoria Park</p>	£479.79		<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces & Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
7	<p><u>Monitoring Fee</u></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000</p> <p>£1000 one-off payment</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

85. 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

86. 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

87. The scheme is acceptable in principle.
88. The proposals are of a high quality design that respond to the site and deliver a contemporary form of architecture which would add to the character and appearance of the street scene.
89. The addition of additional residential units would further help provide for local housing need and in turn, through local spend, the local economy would significantly benefit in the short and longer term through the construction phase and with increased spend in the town centre.
90. The development would not result in a significant increase in traffic movements and, as a result, would not materially increased risk of road traffic accidents or significant traffic delays.
91. The proposals would not result in increased likelihood of localised or downstream flooding.
92. In accordance with the NPPG a number of planning conditions detailed in the report above are required to ensure the development fully complies with planning policy.
93. Subject to the satisfactory conclusion of a s.106 agreement, my conclusion is that planning permission should be granted subject to the conditions set out in the Recommendation section of this report.

94. I therefore consider that overall, the development is in accordance with the Development Plan as a whole and the emerging policies in Draft Local Plan and the NPPF and therefore amounts to sustainable development. As a consequence, there is a presumption in favour of the development and therefore I recommend that permission be granted.

Recommendation

- (A) **Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to:**

- a. **Libraries** £ 672.22
- b. **Open Space** £14,567.29
- c. **Monitoring Fee £1000+ (per year until development is completed**
- d. **as detailed in Table 1, in terms agreeable to the Head of Development Management and Strategic Sites and Design or the Development Control Managers in consultation with the Corporate Director (Law & Governance) with delegated authority to either the Head of Development Management and Strategic Sites and Design or the Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional obligations / planning conditions or deleting obligations / conditions) as they see fit.**

- (B) **Permit**

Subject to the following conditions and notes:

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

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

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

Reason: In the interests of visual amenity.

3 Fine detailing

Prior to the commencement of the development hereby approved the relevant details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- a. full details of parapet glazing (1:20),
- b. full details of privacy screens
- c. prior to installation - Details of any plant or machinery proposed on the roof and associated screens,
- d. prior to installation - Details of any satellite dishes or antenna,

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

4 Lighting

Prior to occupation of any dwelling details of external lighting shall be submitted to the local planning authority and agreed in writing.

The approved lighting shall be installed prior to occupation of any dwelling and no further external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, comply with the Council's adopted Dark Skies SPD and to protect the flight path and foraging of bats and birds.

- 5 Prior to the commencement of the development hereby approved details of the roof terrace landscaping (hard and soft) shall be submitted to approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented in accordance with the approved details.

Reason: In the interests of the residential amenity of the residents and to ensure that appropriate levels of external amenity space are provided for within the development

6 Construction

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

The Code of Construction Practice shall include,

- (a) Measures to minimise the production of dust
- (b) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s). The measures shall include but not be limited to a BS5228 assessment to protect Victoria road primary school from construction noise and vibration as recommend by para 8.1.2 of the Merebrook Environmental Noise Assessment Report ENA-1943-15-280 Rev B dated December 2015.
- (c) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the plot
- (d) Location of construction compound and design and provision of site hoardings
- (e) Management of traffic visiting the plot including temporary parking or holding areas
- (f) Provision of off road parking for all site operatives
- (g) Measures to prevent the transfer of mud and extraneous material onto the public highway
- (h) Measures to manage the production of waste and to maximise the re-use of materials
- (i) Measures to minimise the potential for pollution of groundwater and surface water
- (j) The location and design of site office(s) and storage compounds

- (k) The location of temporary vehicle access points to the plot during the construction works (including loading and turning of construction vehicles)
- (l) Lorry routing to the site from the M20
- (m) The arrangements for public liaison during the construction works

Reason: To protect the amenity of local residents.

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

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

8 **Compliance with approved plans**

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.

- 9 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.

- 10 Prior to the occupation any dwelling hereby approved, a scheme for the control of noise and vibration of plant (including mechanical ventilation, refrigeration, air conditioning and air handling units) to protect occupants from noise and vibration to be used shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the building. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or

ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

11 **Drainage – Foul and Surface Water**

Prior to the commencement of the development hereby approved details of the works for the disposal of sewage serving buildings shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure proper sewage disposal and avoid pollution of the surrounding area.

- 12 Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State.

No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF.

13 **Visual amenity**

Without the prior written consent of the Local Planning Authority:

- No fixtures shall be attached to the exterior of any building
- No structures shall be placed or installed on the roof of any building

Reason: In the interests of protecting the character, appearance and visual amenity of the important entrance to Ashford.

- 14 No vents or flues shall be located on any façade of the buildings hereby approved other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority, or as per details already shown on the approved drawings.

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

Note 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 application was acceptable as submitted and no further assistance was required.
- 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. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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 17/01674/AS.

Contact Officer: Llywelyn Lloyd

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Application Number	17/01357/AS
Location	Trafalgar House, Elwick Road, Ashford, Kent
Grid Reference	0085/4255
Ward	Weald Central
Application Description	6 storey development comprising ground floor retail/restaurant premises use class A1/A2/A3/A4/A5 with 14 no 1-bedroom flats above with roof terraces.
Applicant	Shaptor Capital Ltd Castle House Castle Hill Avenue Folkestone, Kent, CT20 2TQ
Agent	OSG Architecture Ltd Wyseplan Building Occupation Road Wye, Ashford, Kent, TN25 5EN
Site Area	0.03

(a) 45/1R	(b)	(c) SW - X KCC (H&T) – X KCC (FWM) - R ES (EP) – X AA – R KCC (ED) – X KCC (PP) - X
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Introduction

1. This application is reported to the Planning Committee as it involves the construction of more than 10 dwellings and is therefore classified as a “major” development that requires determination by the Planning Committee under the Council’s scheme of delegation.

Site and Surroundings

2. The application site is located within the Ashford Town Centre Core and is accessed off Elwick Road and Queen Street. The building from which the proposal would extend is constructed in yellow brick and comprises four storeys with retail space at ground floor level and residential apartments at first floor level and above. Previously the site was use for retail within two single storey buildings. These were recently demolished.

3. The site sits within a Controlled Parking Zone with parking restrictions in place in all adjacent roads. The only vehicle parking available is via a residents' parking permit or in the nearby local pay-and-display car parks.
4. The site is adjacent to but not located in a Conservation Area (shown pink in Figure 1 below). The building is not statutorily listed.
5. The site is located across the road from Country Square (Debenhams) a 5-storey building measuring approx. 21m in height and with a layout that has a curved corner to Elwick Square. To the east lies Elwick House, a three storey apartment block constructed in yellow brick. The building is reasonable modern in style and was formerly used for offices.
6. To the south of Elwick Square is Elwick Place, which has planning permission for a 4-storey hotel and new cinema and restaurant complex. This permission is currently under construction with an anticipated December 2018 completion.
7. A plan showing the application site in relation to its surroundings is also attached as Annex 1 to this report.

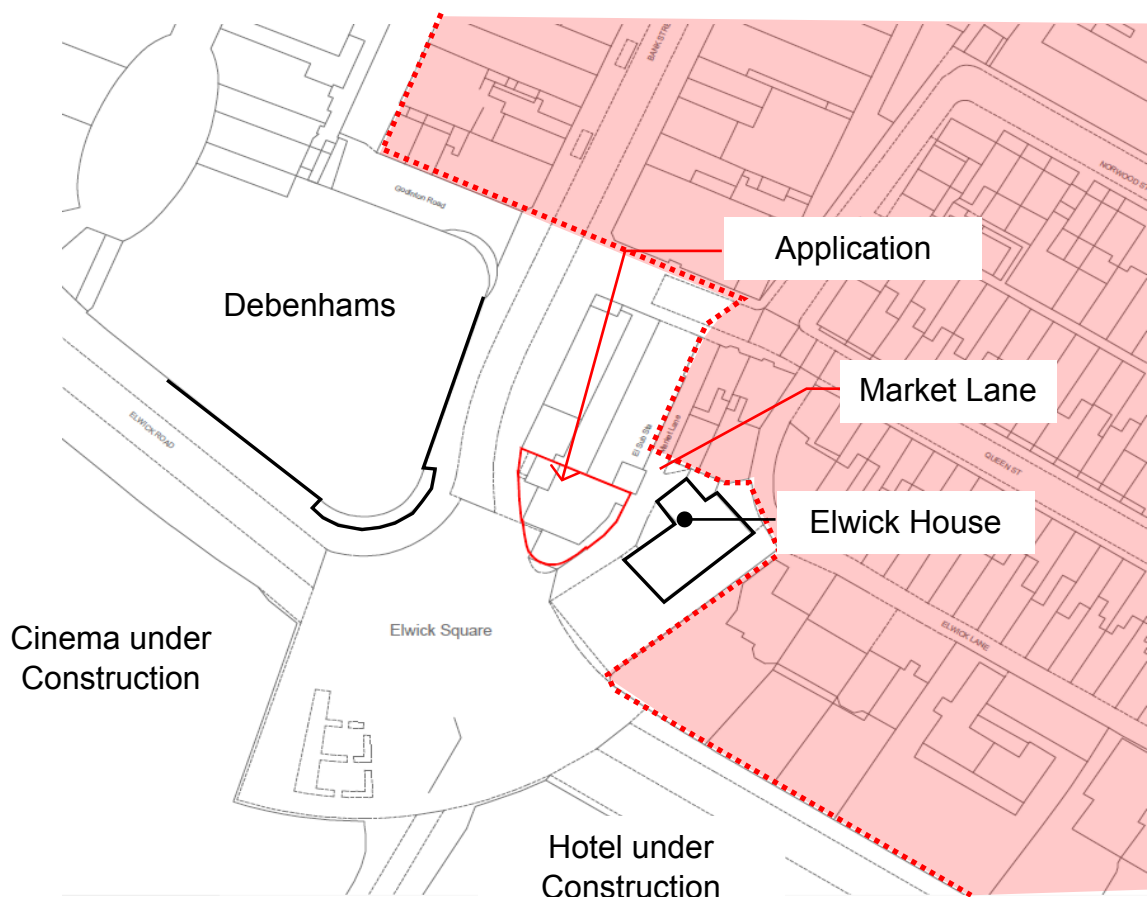


Figure 1: Site Location Plan

Proposal

8. Full planning permission is sought for the construction of a 6-storey extension to the southern elevation of Trafalgar House to provide 14 new apartments and a ground floor retail/restaurant unit.
9. The accommodation to be provided is as follows:
 - 5 x studio apartments
 - 9 x 1-bedroom apartments
 - 170 sqm retail/commercial at ground floor
10. The proposal would be constructed in a buff brick with a recessed penthouse floor in aluminium cladding panels. The windows are proposed to be aluminium powder coated in a dark shade – fine detail to be confirmed by planning condition.
11. To the southern elevation, glass balustrades are proposed to balconies for each of the residential units proposed on each floor providing external amenity space and an outlook. All kitchen/ dining/ living rooms are proposed with patio doors leading to the balconies.
12. All external balconies are proposed to comply with the Council's adopted external space standards. Internally, the proposed units would comply with the Nationally Prescribed internal space standards.
13. The applicant considers that the proposed extension would provide a visual enhancement of the existing elevation of Trafalgar House facing south towards Elwick Square which is felt to be important in light of the vision for the wider area as set out in the Ashford Town Centre Area Action Plan 2010 (ATCAAP).
14. Elevations and a three dimensional digital representation of the scheme are provided below. Figure 2 below highlights the relationship between the proposed dwelling and Debenhams to the west and Elwick House to the east. It is worth noting the site plan at Figure 3 when considering the relationship between the proposals and Elwick House to the east. Although Elwick House has a different scale, it is set further back from the street edge than the proposal subject of the application.
15. Figures 4 & 5 provide the proposed elevations of the building.



Figure 2: Street Section

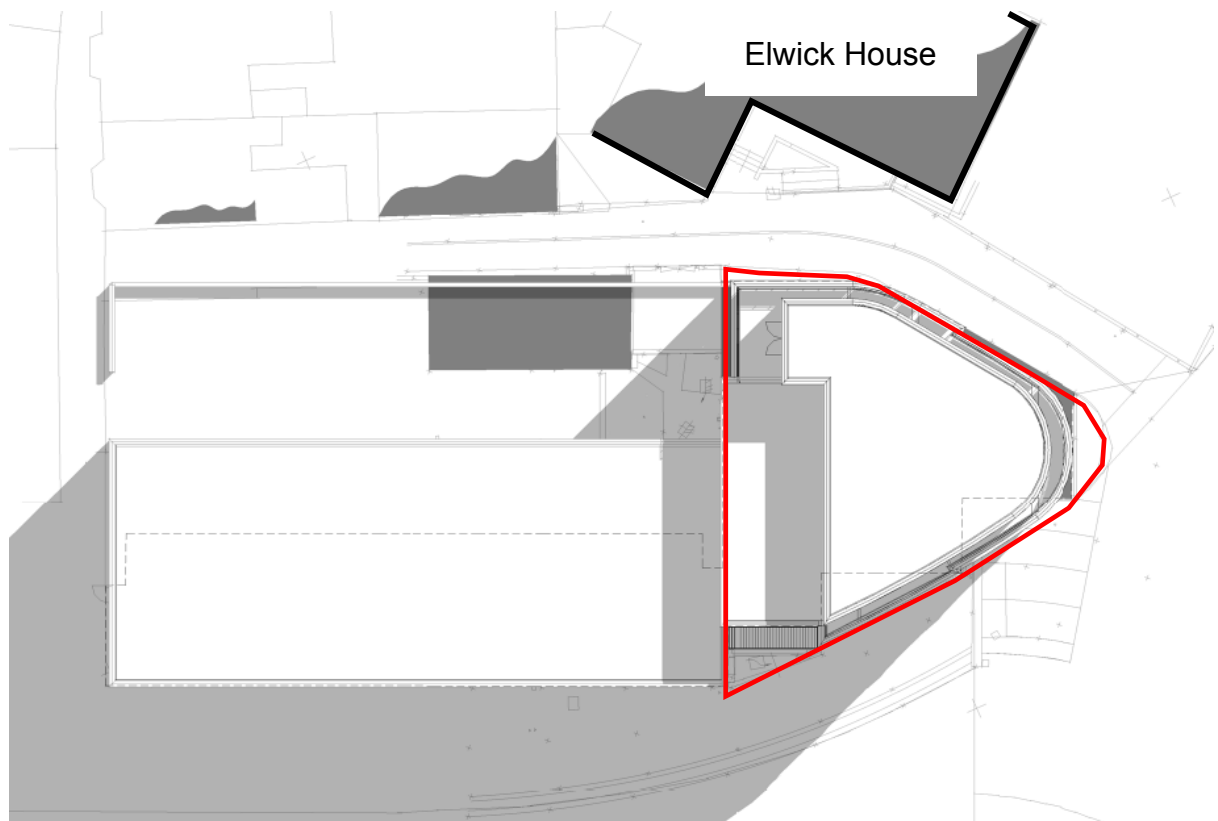


Figure 3: Site Layout

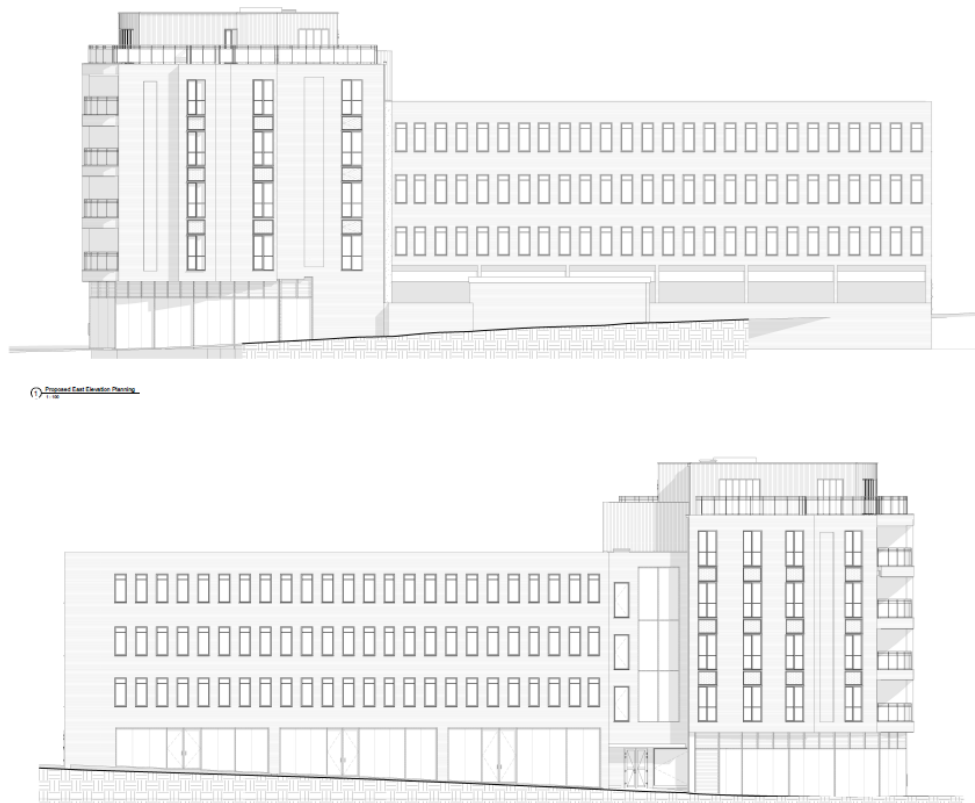


Figure 4: East and West elevations

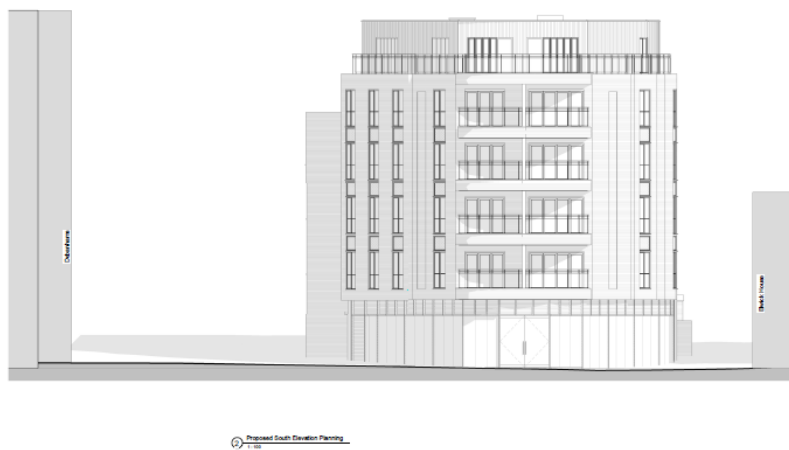


Figure 5: South and North elevations



Figure 6: Visualisation

16. No resident car parking spaces are proposed due to existing space constraints. The applicant considers that this is acceptable as the site is located in a sustainable central location close to shops and services with good access to public transport and within a Controlled Parking Zone (wherein car parks are within an easy walk).
17. Access would be achieved via the existing entrance to Trafalgar House. The current staircase and existing lift already serving the approved residential units in the existing northern part of Trafalgar House would provide access to the proposed extension on each floor. No further lift overruns or rooftop plant would be necessary.
18. The retail/ restaurant unit would provide an active frontage to Bank Street Elwick Square and Market Lane.

Relevant Planning History

Approved 15/00011/AS - 3-storey corner extension proposing 6 x two-bedroom flats with balconies. Replacement of windows with double glazed units to match existing.

Consultations

Ward Members: No written comments have been received from the ward member.

Southern Water No objection subject to an informative highlighting that a formal application of the connection to the foul and surface water sewer will be required. Southern Water also request the imposition of a condition concerning details of the Foul and Surface Water be supplied and approved.

ABC Project Office (Drainage): Raise no objections

Ashford Access Group: Make the following comments:

'Is the lift to be retained for use? I know it is of old design and rather small. Is it possible to update it with speaking level indicator and braille buttons? There should be flush entry to the building and a 1.5m sq. level platform at the doors. Entry door should have one leaf wide enough for independent w'chair use. I think I recall a slope towards the building please check gradient levels. It seems possible that there could be many people in the building and only one exit, next to the stairs.'

[HoDM&SS comment: I consider that this could be secured by planning condition.]

KCC Highways and Transportation: Raise no objections and make the following comment and request for a planning condition (condition 20 of the recommendation).

Comment

'Although no car parking is proposed, the site is located in the middle of Ashford Town Centre and within the Controlled Parking Zone which limits long-stay on-street parking. There are several public car parks located a short walk away from the site which future residents could use.

The existing loading bay will serve the redeveloped retail/ restaurant premises and there are on-street parking restrictions in place to control deliveries.

The proposals will require a Section 278 Agreement in order to tie the proposals into the existing highway. The shared space materials should be salvaged and given back to KCC Highways; as these materials were laid in good will to the existing building line.

This can be agreed with the Ashford District Manager, Lisa Willoughby 03000 418181.'

[HoDM&SS comment: I would recommend an informative to highlight the need for a s278 agreement and condition to secure the salvaged materials.]

Environmental Services: No objection subject to conditions

KCC Public Protection: Raise no objection

KCC Flood and Water Management: make the following comments:

“Unfortunately, no surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.”

[HoDM&SS Comment: The proposal does not involve the creation of further impermeable surfaces. As a result, in my opinion it would not be reasonable to request further information in this respect.]

KCC Economic Development: Raise no objection, however request the following developer contributions are sought:

Contribution	Per dwelling (x14)	Total	Project
Libraries	£48.02	£ 672.22	Towards the additional book stock required to meet the demands of the additional borrowers from this development at Ashford Library
High Speed Fibre Optic Broadband connection:	INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk		

[HoDM&SS comment: Broadband can be the subject of a planning condition.]

Environmental Health Manager: Raise concerns that the application has made no reference to noise mitigation considering the busy, central location of the development, plus the proposed flexible use of the commercial ground-floor unit (which could be anything from a retail shop to a restaurant or wine bar). In light of this, the EHM recommends that a comprehensive noise assessment is conducted prior to the approval of the application.

[HoDM&SS comment: I consider that this could be secured by planning condition to ensure that the necessary safeguards to limit noise disturbance are provided as part of any construction. Should any licence be sought for the sale and consumption of alcohol from the ground floor of the building then the relationship to surrounding uses would be considered as part of that process.]

Neighbours 45 neighbours were directly consulted. A site notice was posted and the application was advertised in the press. 1 representation was received objecting to/ commenting on the application thus:-

‘Support more residential conversions in the Centre of Ashford but concerned about the presence bedroom flats.’

Planning Policy

19. Planning applications have to be determined in accordance with s70(2) TCPA and s38(6) Planning and Compulsory Purchase Act 2004
20. 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 the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016 - 30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. The Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight. Some policies will carry more weight than others.
21. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

TP6 - Cycle Parking

Local Development Framework Core Strategy 2008

CS1 - Guiding Principles

CS2 - The Borough Wide Strategy

CS3 - Ashford Town Centre

CS8 - Infrastructure Contributions

CS9 - Design Quality

CS13 - Range of dwelling types and sizes

CS15 - Transport

CS20 - Sustainable Drainage

Ashford Town Centre Area Action Plan 2010

Site Policy TC3 – Elwick Place

Policy TC3 does not apply directly to the application site. However, the area it covers is coterminous with the application site and provides a degree of context for the development envisaged in this part of the Town Centre.

“The land on the south side of Elwick Road from the Beaver Road bridge to Gasworks Lane is one of the biggest and probably the most important of the development sites in the town centre. This corridor links the transport hub at the stations with the town centre and the County Square shopping centre. It also marks the transition between the established town centre and the major expansion needed to the south to meet the needs of a growing town.

It was because of this strategic importance that the pioneering ‘shared space’ remodelling of the town centre road network was focused here. The new Square at the junction of Elwick Road and Bank Street is a major addition to the public spaces in the town and marks the intersection of Elwick Road with the strong pedestrian movement from the southern part of the town northwards to the town centre. In short, this is a site in a location of strategic significance and the quality of development here would have a fundamental bearing on the town’s future.

Because of the site’s size it is likely that development would take place in phases. The initial planning submission must be comprehensive in their approach in that, as a minimum, they include a masterplan for the whole

area covered by policy TC3. A hybrid application could be brought forward whereby the detail of an early phase is included alongside an outline submission for the rest of the site. This would need to be in the context of a masterplan for the whole site which shall be agreed with the Council before any permanent planning permission is granted. This would establish, in more detail than the policy below, the precise mix, scale and distribution of uses and the general approach to urban design. The opportunity to link development on this site with the adjoining Godinton Way Industrial Estate site (policy TC8) (14/01305/AS) should be investigated and any masterplan for development on either site would need to demonstrate compatibility with the other.

West of Elwick Square, a predominantly retail-led mix is proposed to complement the County Square development opposite. Other appropriate secondary uses (mainly on upper floors) include residential, offices, hotel and leisure uses, including a cinema.

The County Square development provides a benchmark scale for development south of the road, although careful articulation would be needed to break up the scale of the block and give the vertical emphasis that one would normally expect in a town centre. Service access would be provided to the rear of these properties.

East of Elwick Square, the part of the site fronting the Victorian villas on the northern side of the street is proposed for mainly residential use (with the potential for some office space integrated into a more mixed use) and needs a design treatment that is sympathetic to the scale and pattern of building blocks these villas bring to Elwick Road.

There would be various ways this can be achieved and a contemporary design may well be the most suitable approach providing it is of real quality and complements the character of the adjoining Conservation Area. Building heights on the Elwick Road frontage should not be out of scale with those on the north side of the road but should take account of a careful study of the proportions of street width to building height. Setting back an additional roof storey may be possible with minimal impact and could be an option.”

TC1 - Guiding principles

TC23 - Residential parking standards in the town centre

TC24 - Cycle parking standards in the town centre

The following are also material to the consideration of this application:

Ashford Local Plan to 2030 (Submission Version December 2017)

SP1 – Strategic Objectives

SP2 – The Strategic Approach to housing delivery

SP5 – Ashford Town Centre

SP6 – Promoting High Quality Design

HOU12 – Residential Space Standards – Internal

HOU15 – Private External Open Space

TRA3a – Parking Standards for residential development

TRA6 – Provision for cycling

ENV9 – Sustainable Drainage

ENV14 – Conservation Areas

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Government Advice

National Planning Policy Framework (NPPF) 2012

22. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. This includes Section 38 (b) of the Planning and Compulsory Purchase Act 2004 and Section 70 (20) of the Town and Country planning Act 1990.
23. 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:-

- Para 11 sets out a presumption in favour of sustainable development requiring planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
 - Section 6 requires local planning authorities to deliver a wide choice of high quality homes
 - Para 56 attaches great importance to the importance of the design of the built environment
24. The weight given to the policies of the new Ashford Local Plan 2030 in assessing the proposal is in accordance with the guidance in paragraph 216 of the NPPF relating to the stage of preparation, the extent to which there are any unresolved objections and the degree of consistency to the policies in the NPPF.

National Planning Policy Guidance (NPPG)

25. Determination should be made in accordance with the Development Plan unless material considerations indicate otherwise.

Assessment

26. The main issues for consideration are:
- a) The principle of the proposals i.e. how the redevelopment of the site fits within the existing local and national planning policies in terms of use and location.
 - b) The design quality of the scheme and the impact on the visual character of the surrounding area.
 - c) The impact on residential amenity.
 - d) Car parking/refuse provision and the impact of the development on the surrounding highway network.
 - e) Water efficiency and impact on flooding and surface water drainage.
 - f) Planning obligations.

- a. **The principle of the proposals i.e. how the redevelopment of the site fits within the existing local and national planning policies in terms of use and location.**
27. The site is an existing brownfield site located within the Town Centre, until very recently covered by two unoccupied single storey commercial units. The site is not specifically allocated within any development plan policy.
28. The NPPF advocates re-using existing brownfield land for development before green field sites.
29. Policy TC2 of the Ashford Town Centre Area Action Plan aims to promote an appropriate mix of uses within the town centre in order to bring about vitality and reverse economic decline.
30. Whilst it is not allocated, the application site is located adjacent to Elwick Place which is covered by Policy TC3. The thrust of TC3 is to provide a range of uses with an emphasis on enhancing, through new development, an important public space which will create activity and economic benefits.
31. Development Plan policy and Central Government guidance seek to preserve the character of existing town centres and ensure that a wide range of services are provided through the promotion of diverse uses.
32. Development within town centres is also seen as an opportunity to improve the environment and, as such, development in such locations must be considered sustainable and help to reduce the need to travel as far as possible in line with the NPPF.
33. The site is within the town centre with good access to facilities and public transport and therefore complies with general advice in the NPPF that states housing development should be considered in the context of seeking to ensure sustainable development.
34. The proposed ground floor commercial use would also be likely to help to enhance both the daytime and the night-time town centre economy.
35. In light of the above, I consider the principle of the development is acceptable and fits in with the development plan policies , CS1, CS2, CS3 & TC1 in terms of use and location. I am satisfied that the proposed development would comply with the requirements of Development Plan policy and Central Government Guidance and would represent an appropriate addition to the Town Centre. SP1, SP2 and SP5 are material consideration and do not form currently form part of the development plan and as such are afforded less weight as a material consideration, however, I

am satisfied that the proposals would be in accordance with the emerging policies.

b. The design quality of the scheme and the impact on the visual character of the surrounding area.

36. The scheme is overtly contemporary in design and I support this approach, as it would add variety and interest to the townscape in which it would sit, and would be appropriate to the uses proposed.
37. The NPPF attaches great importance to the design of the built environment, stating the decisions should aim to ensure that development adds to the overall quality of the area.
38. The site is located in a prominent position, on the corner of Market Lane and Elwick Road, facing Elwick Square and the 'shared space'. The existing single storey building that is proposed to be demolished has an unfortunate, uninteresting and rather bleak appearance due to its form and design and lack of windows and activity. It now sits poorly with the quality of the emerging space to the south.
39. In relation to the surrounding context, including County Square and the cinema/hotel development at Elwick Place, the height of the proposals would sit comfortably within the street scene and would result in an appropriate street proportion, creating a pleasant environment to both move through and spend time within.
40. I support, in principle, the use of brick for the walls and aluminium cladding to the roof. The finer details of the scheme such as joinery, balconies, eaves and fascia etc. would need to be the subject of planning conditions to ensure that the scheme is a success.
41. The use of a varied palette of materials, combined with recessed façade detailing would ensure a development which would exhibit richness in detail. The ground floor of the building, being constructed in essentially all glass with a recessive grey framing, would ensure that that the building would have a strong base that is of a human scale that relates to the street scene.
42. The vertical scale of the building would be commensurate with that of Debenhams. Its proposed form, which would taper away from the curved corner entrance into Debenhams. As a consequence the resulting space between Debenhams and the development would in my view feel open and inviting. I am satisfied that the resulting spatial relationship would not be oppressive or overbearing on this key thoroughfare.

43. The majority of the proposal sits further southward than Elwick House. Whilst the proposal would be 3-storeys taller than Elwick House, I consider that the character of Market Lane is that of a tight and intimate non-vehicular route. This being the case, I consider that the proposal would reinforce this character rather than be detrimental to it.
44. The proposed shop frontage design takes its lead from those approved as part of the cinema and hotel complex and would therefore complement that development and help create a harmonious whole.
45. The proposed balconies would add to the animation of Elwick Square and provide visual interest as well as an amenity benefit to scheme occupiers.
46. The proposal would provide active frontage to all key movement corridors and so should help ensure this part of the town has a pleasing sense of activity and is safe as a result of being overlooked.
47. The proposal would update a tired looking building, which currently has a negative visual impact on the character and appearance of the street and the character of the adjacent conservation area. Subject to agreement of appropriate materials and fine design details through planning conditions, I consider that the proposal would not have a detrimental impact on the character and appearance of the adjacent conservation area as required by policy ENV14.
48. In the light of the above, I am satisfied that the scale of the proposal is acceptable and that the scheme would introduce a coherent form of development, maximising the opportunities of this site. Accordingly, the proposal would comply with Policy CS9 and would help contribute to the aims of the ATCAAP. Emerging policy SP6 does not currently form part of the development plan and as such is afforded less weight as a material consideration, however, I am satisfied that the proposals would be in accordance with the emerging policies aims.

c. The impact on residential amenity.

49. Having considered the proposed apartments against the Nationally Described Residential Space Standards, they would comply. I am satisfied that an acceptable standard of private amenity space would be provided for each apartment as is required by Policies HOU12 and HOU15, which I afford weight as they reflect the current Central Government policy.
50. Subject to a planning condition which ensures that the proposed mitigation measures are adhered to, I am satisfied that no significant or unacceptable

noise and disturbance to the future occupants of the apartments would be caused from the eventual user of the ground floor commercial space.

51. With regard to any potential smells from cooking, an extractor system would need to be installed. The details of any such system can be the subject of a planning condition.
52. I am satisfied that the relationship between the new residential windows and those approved under permitted development at the neighbouring Elwick House, whilst close, are acceptable given the urban setting where closer relationships are to be expected.
53. I would, however, recommend that the ground floor glazing along Market Lane is subject of a planning condition restricting it to non-opening detailing in order to protect the amenity of the ground floor occupants in Elwick House.

d. Car parking/refuse provision and the impact on the surrounding highway network.

54. In central locations, Policy TC23, which stems from CS15, and the Council's adopted Residential Parking and Design Guidance SPD 2010 identifies that a maximum of one off street parking space would be required for each apartment given the 'Central' location. However, the SPD also identifies that zero car parking would also be acceptable here as the site is located in a CPZ and is close to existing parking facilities.
55. The site is located within the town centre in a sustainable location. Whilst no on-site car parking is available and due to the constrained nature of the site cannot be expected, the development would be accessible via a range of transport modes. The site is also close to a number of public parking facilities that could be used by any occupiers with vehicles.
56. Having spoken to the Council's Parking Services Manager it is clear that the new residents would not be granted a residents' parking permit, to ensure that new residents do not adversely affect the resource available to those already living in Queen Street. New residents could buy a season ticket for town centre car parks.
57. Given the provision of the CPZ, good public transport links and nearby public car parks, I am satisfied that although no on-site parking can be provided the development would accord with the SPD, the approach in the NPPF on sustainable development and would represent one of the identified exceptions to TRA3(a) in the Ashford Local Plan 2030.

58. KCC Highways and Transportation raise no objection.
59. Cycle parking provision can be secured by condition.
60. I am satisfied that the parking provision is acceptable and I have no objection to the proposal in terms of its impact on the surrounding highway network. As a result, I consider that the proposal complies with Policies, CS15, TC23 & TC24. Emerging policy TRA3a is a material consideration. The proposal would not comply with TRA3a as the proposals do not provide 1 parking space per dwelling. In my view this need to be balanced against the availability of local car parks and the need to provide active frontage. In my view these factors outweigh the emerging policy.

e. Water efficiency and impact on Flooding and Surface Water Drainage

61. Policy ENV7 of the Ashford Local Plan 2030 requires that a more stringent approach to water efficiency than is required in the Building Regulations is followed. This can form a planning condition.
62. I note the comments of the Lead Local Flood Authority (LLFA). However the existing site is brownfield and hard paved / built on in its entirety. It does not follow that the application would result in any increased surface water discharge than at present.
63. I therefore do not support the LLFA's request for further information prior to determination of the application as it is not possible for the proposed development to increase run-off or harm localised flood conditions.
64. I recognise that it is important that all development seeks to reduce/attenuate its surface water run off to protect downstream and localised flooding conditions and I recommend that a condition be attached to any approval seeking detailing of surface water attenuation.
65. In light of the above, I am satisfied that the proposal complies with Policies ENV9 and CS20.

f. Planning Obligations

66. Regulation 122 of the Community Infrastructure Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms,

- (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
67. The emerging planning obligations will be assessed against Regulation 122 and for the reasons given consider that they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.
68. The following Table 1 sets out the Heads of Terms for Section 106 Agreement/ Undertakings for Growth Area sites.

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	<p><u>Libraries</u></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Contribution for additional bookstock at libraries in the borough</p>	<p><u>£672.22</u></p> <p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policy 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 books and the books 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	<p><u>Monitoring Fee</u></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p><u>£1000</u></p> <p>per annum until development is completed</p> <p>or</p> <p>£X one-off payment</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	<p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council’s legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee’s resolution, the application may be refused.</p>			

Human Rights Issues

69. 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

70. 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

71. The scheme is acceptable as a matter of principle providing 14 residential units and a small scale commercial use.
72. The design is of a high quality that would not result in harm to the visual amenity of the area and would not harm the qualities of the adjacent conservation area.
73. The proposals would not result in harm to highway safety. The proposed approach to car parking is identified as an acceptable exception to Policy TRA3(a) which recognises the town centre benefits of residential uses above ground floor commercial uses, the inability of very small/ constrained sites to provide an on-site resource and the existence of public car parks within a short walk.
74. I consider the general layout and design is well designed and would result in a high quality development on a very small brownfield site.
75. The scheme is acceptable as it would have no detrimental impact on residential amenity of existing residents.
76. In accordance with the NPPG a number of planning conditions detailed in the report above are required to ensure the development fully complies with policy.

77. I therefore consider that overall, the development is in accordance with the Development Plan as a whole and the policies in the Ashford Local Plan 2030 and the NPPF and so amounts to sustainable development. As a consequence, there is a presumption in favour of the development and therefore it is recommended that permission be granted.

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to:

a. Libraries

b. Monitoring fee

as detailed in Table 1, in terms agreeable to the Head of Development Management and Strategic Sites and Design or the Development Control Managers in consultation with the Corporate Director (Law & Governance) with delegated authority to either the Head of Development Management and Strategic Sites and Design or the Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional obligations / planning conditions or deleting obligations / conditions) as they see fit.

(B) Permit

Subject to the following conditions and notes:

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

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

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

Reason: In the interests of visual amenity.

3. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport

Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Management Plan shall include the following:

- a. parking for site personnel, visitors and operatives; details of areas for the loading and unloading of plant and materials, and provision on-site for turning for construction vehicles including HGV's;
- b. details of areas for the storage of plant and materials;
- c. details of the form and location of any proposed temporary works compounds;
and
- d. details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;

The approved Management Plan shall be adhered to throughout the duration of the demolition and construction period.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interest of the amenity of local residents.

4. Prior to the commencement of development, a scheme for protecting the dwellings/ development hereby approved from noise from the ground floor commercial uses shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings/ development are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

5. 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. 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 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.

6. Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: To prevent the transmission of fumes and odours into neighbouring properties to protect amenity.

7. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority and such approved works shall be carried out before occupation and appropriately retained and maintained in perpetuity.

Reason: To avoid pollution of the surrounding area.

8. The development approved 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 land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

9. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2.

Following completion of the remediation scheme 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. (LDF Core Strategy Policy CS1 and CS4)

10. Without the prior written consent of the Local Planning Authority:

- Notwithstanding the provisions of Parts 2a - f, 7a - e, 14a - d, 16a - c, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development permitted by those parts shall be carried out.
- No fixtures shall be attached to the exterior of the building.
- No structures shall be placed or installed on the roof of the building.
- No flues, vents, stacks, extractor fans, external pipework or meter boxes shall be located on the Bank Street elevation of the building.

Reason: In the interests of protecting the character, appearance and visual amenity of the important entrance to Ashford.

11. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site.

12. Before any works are carried out the following details shall be submitted to and approved in writing by the Local Planning Authority and the works thereafter shall be carried out in accordance with the approved details.

- a) Details of any flues, grilles, vents to be installed including location, colour and materials.
- b) Details of rainwater goods and soil pipes to be installed.
- c) Details of balconies
- d) Eaves detail
- e) Sections and details of joinery, including colour
- f) Details of fascias
- g) Details of window reveals & details of the glass balustrade

h) Details of mortar colour and joint type and size.

Reason: In order to protect the visual amenity of the locality.

13. No site clearance, preparation or construction works 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, Public and Bank Holiday.

Reason: To protect the amenity of local residents.

14. Before any dwelling is occupied, details of secure covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided prior to occupation of any of the units and retained permanently for this use.

Reason: To ensure adequate provision of cycle parking in the interest of highway safety.

15. Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction period.

Reason: To help future proof the development

16. 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, unless otherwise agreed by the Local Planning Authority.

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.

17. Prior to the commencement of the development hereby approved details of a Construction Management Plan shall be submitted to and approved by the Local Planning Authority in writing and thereafter the development shall be carried out in accordance with the approved details. The submission shall include the following:

(a) Routing of construction and delivery vehicles to / from site

- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Provision of measures to prevent the discharge of surface water onto the highway.
- (g) Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

18. Prior to the commencement of the development details of a strategy to salvage and clean the shared space materials together with a programme for returning of the materials to Kent County Council Highways and Transportation shall be submitted to and approved by the Local Planning Authority in writing and thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area as the materials will be re-used within the locality.

19. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State.

No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF.

Note 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 to address highway issues.
- 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. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

3. The applicant's attention is drawn to the comments received from Southern Water a copy of which can be viewed on the Council's website at <http://planning.ashford.gov.uk/>.
4. Planning permission does not convey for any works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC

Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 6 The proposals will require a Section 278 Agreement in order to tie the proposals into the existing highway.

This can be agreed with the Ashford District Manager, Lisa Willoughby 03000 418181.

- 7 In respect to condition 18, the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optic network offering a single optical fibre to multi point destinations ie. fibre direct to premises.

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 17/01357/AS.

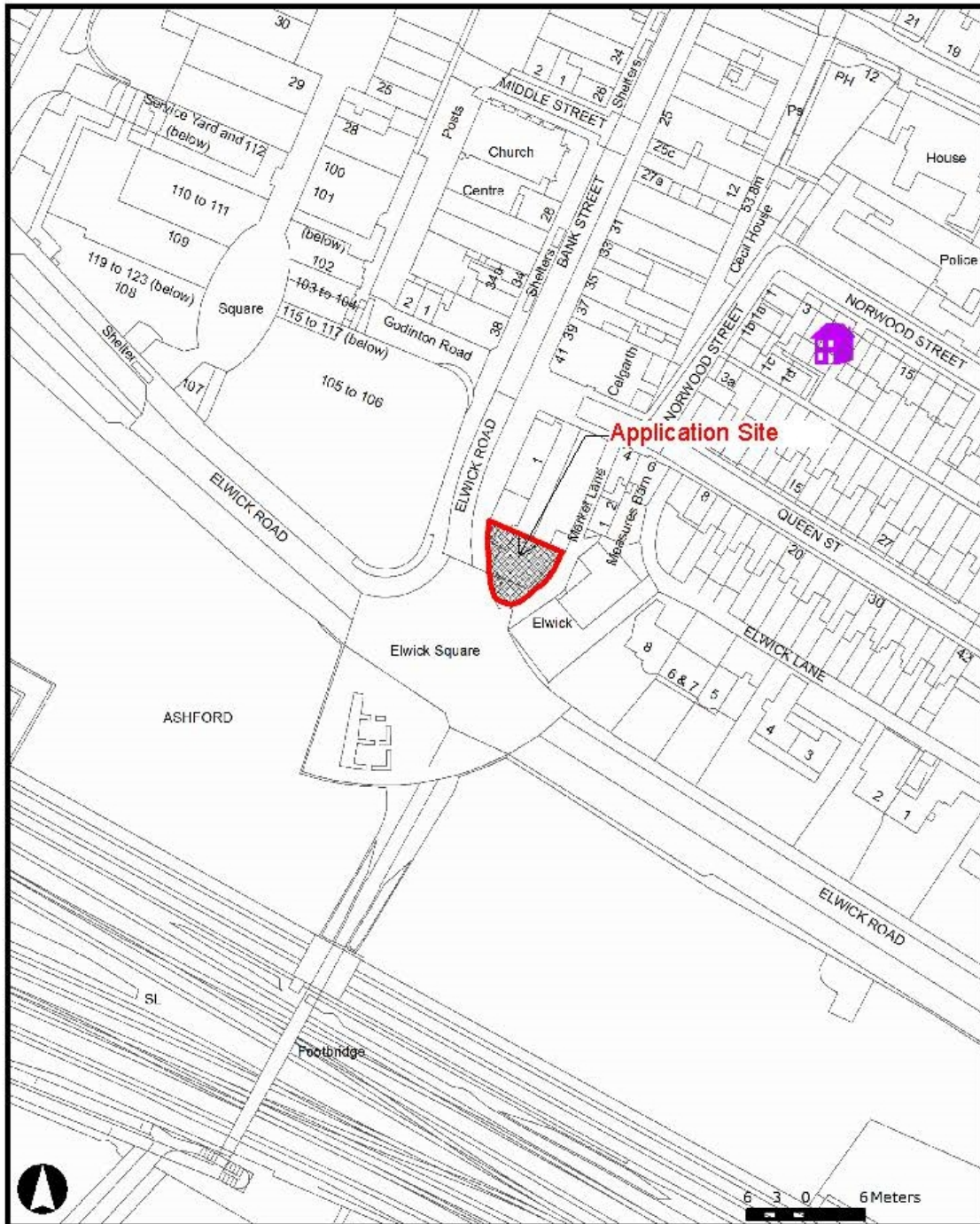
Contact Officer: Llywelyn Lloyd

Telephone: (01233) 330740

Email: llywelyn.lloydl@ashford.gov.uk



Planning Committee Site Plan 17/01357/AS



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Application Number	17/01668/AS
Location	Land south of Gilham Farm known as lot 3, Luckhurst Lane, Smarden
Grid Reference	87469 / 40788
Parish Council	Smarden
Ward	Weald North
Application Description	Erection of stable block to replace those approved under application 06/01506/AS
Applicant	Mr P Hare
Agent	Mr M Green Green Planning Studios Ltd
Site Area	XX

(a) 10R 1+ (b) Smarden PC R (c) ESM X; WKPS X

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member Cllr Dyer.

Site and Surroundings

2. The application site comprises the north western part of an agricultural field located in the open countryside within the parish of Smarden and within the Haffenden Quarter Farmlands Low Weald Landscape Character Assessment Area (LCA).
3. There is hedging to both the north and west boundaries and vehicular access is gained via an existing metal 5-bar gate in the north western corner of the site. To the right of the access is an existing area of hard surfacing which originally served stables which have recently burned down.

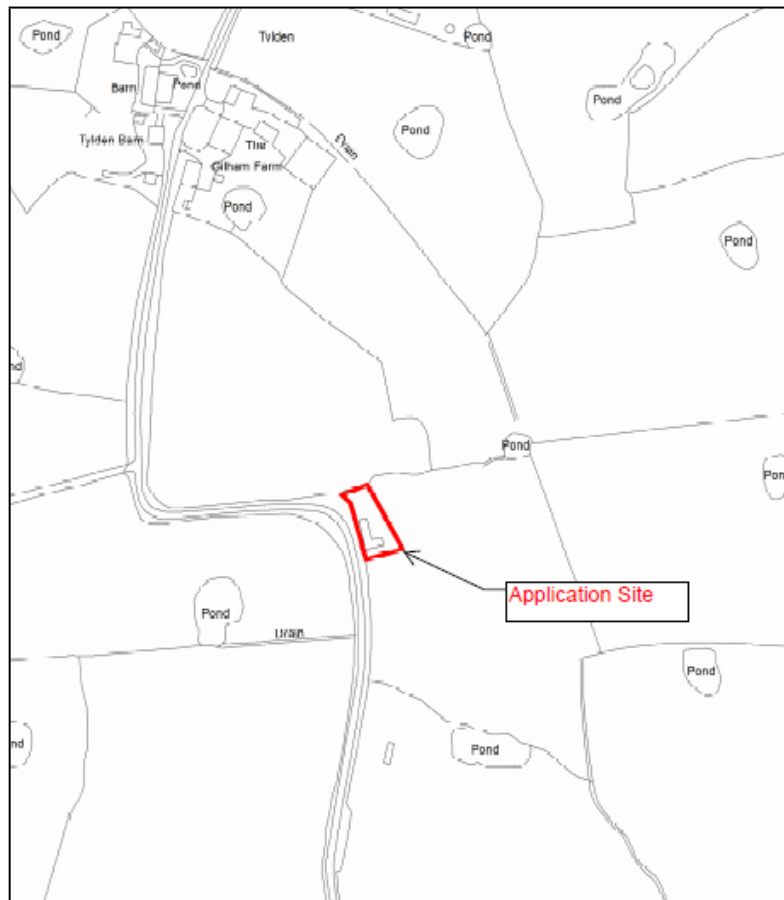


Figure: 1 Site Location

Proposal

4. Planning permission is sought for the erection of replacement stables. The proposal is for a single L-shaped block which comprises four loose boxes, a tack room and a hay store.
5. The proposed stables would replace a stable block which was granted permission in 2006 under application 06/01506/AS.

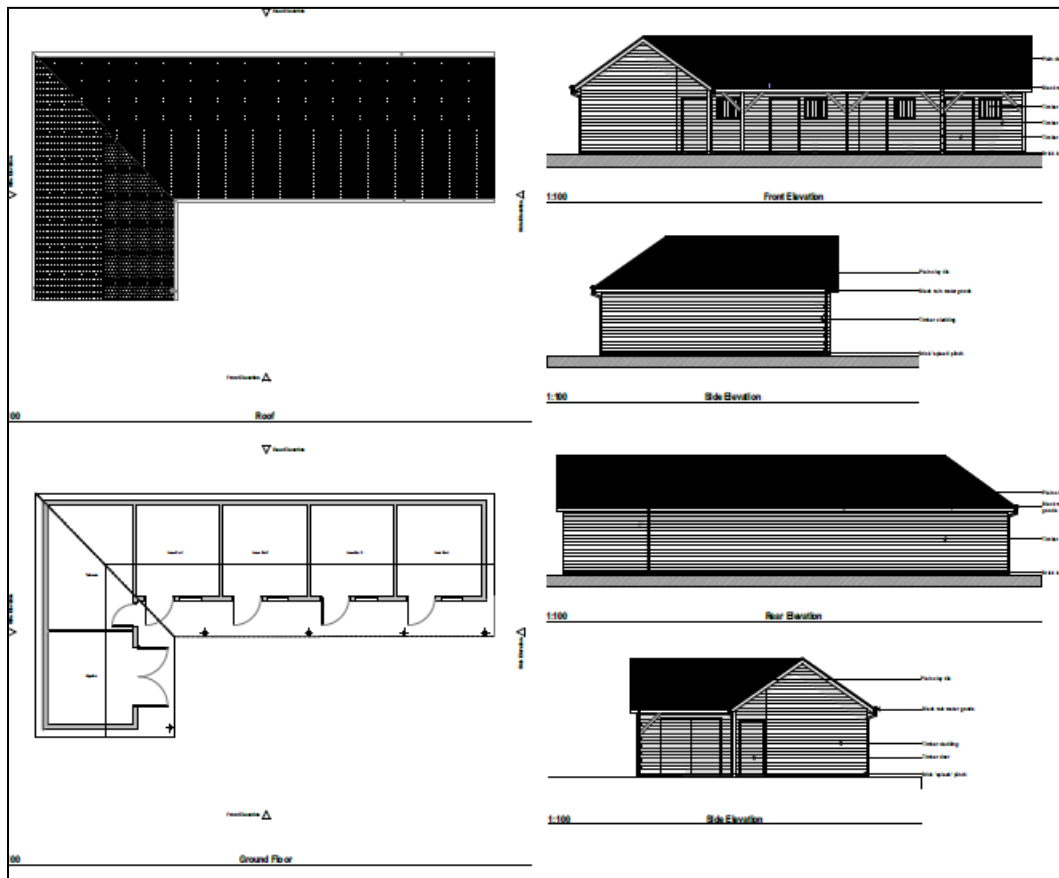


Figure 2: Floorplans and Elevations

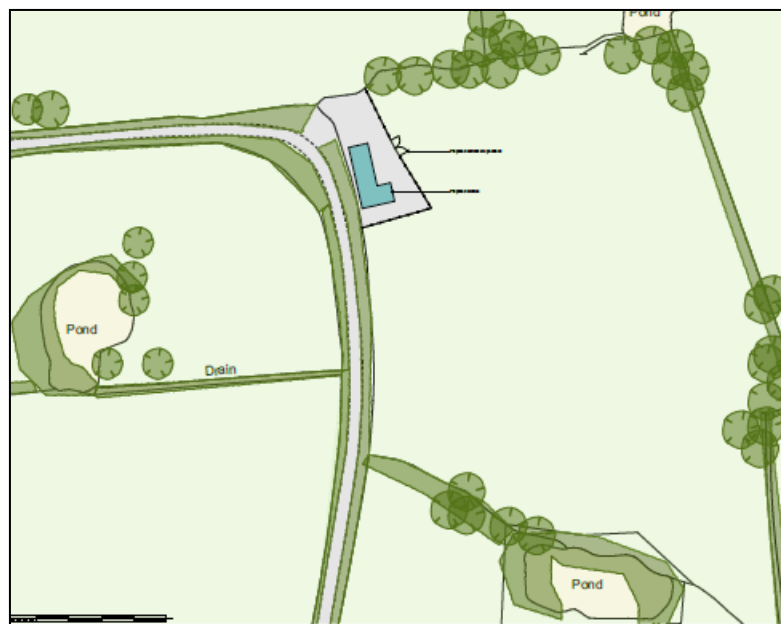


Figure 3: Proposed Site Plan

Relevant Planning History

DC	FA	06/01506/AS	The erection of 4 stables, a hay barn, feed room and the change of use of land for the keeping and exercising of horses for private use	REFUSE APPEAL ALLOWED
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Consultations

Ward Members: Has requested the application be determined by the Planning Committee.

Environmental Services: NO OBJECTION subject to conditions restricting the use, open storage and details for the disposal of manure and waste

Weald of Kent Protection Society: OBJECT for the following reason

1. Site is remote and has been neglected to the detriment of the surrounding area.
2. Conditions set on Appeal in 2007 have not been met and ignored
3. The property has been constantly sublet.
4. The remote nature of the property has exacerbated welfare problems resulting in the death and neglect of several horses and ponies; now removed by the RSPCA on police instruction.

Smarden Parish Council: OBJECT

1. Site has a continuous record of non-compliance to conditions imposed at the Appeal, planning enforcement notices, and animal welfare issues. 2.
2. The field has been sub-let to various tenants and has been subject to continual problems for neighbours, the RSPCA, the police and the Parish.
3. This is a remote rural site which is inappropriate for horses to be kept and this has been borne out by the number of times the RSPCA and Police have been in attendance. Whilst animal welfare is not in theory a planning matter, it should be a material consideration when deciding whether remote locations of stables well away from any habitation is in fact the correct place for horses to be kept.

4. Site is on a single track road which becomes inaccessible at certain times during the winter months.
5. Site as caused harm to the character and appearance of the surrounding countryside continually since it was approved on Appeal in 2007
6. Gilham Farm is listed as a Site of Nature Conservation Importance in the Local Plan and the land has not been cared for, and the land has been in neglected for most of the intervening years which would result in harm to its scientific and wildlife value.

Neighbours: 5 neighbours consulted 10 letters of objection raising objection on the following grounds:

- Longstanding problems over animal welfare, with dead animals on site,
- Planning conditions have never been complied with.
- Bad weather hamper access to the site to provide care to the animals.
- Site is an area of Nature Conservation Importance.
- Land is not managed with a large amount of ragwort on site, a weed poisonous to horses
- Unsuitable site for grazing and keeping of horses.
- Site will be developed further and ruin the countryside.

Planning Policy

6. 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, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight.
7. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 - Protecting the Countryside

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS9 – Design Quality

CS11 – Biodiversity

CS20 – Sustainable Drainage

Tenterden and Rural Sites DPD

TRS17 – Landscape Character and Design

Ashford Local Plan to 2030

SP1 – Strategic Objectives

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 - Light Pollution and Promoting Dark Skies

ENV9 – Sustainable Drainage

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

Supplementary Planning Guidance/Documents

Stables, Arenas and other horse related development SPD

Dark Skies SPD

Landscape Character Assessment

Government Advice

National Planning Policy Framework (NPPF) 2012

9. 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:-
10. Paragraph 216 states in relation to the stages of preparing a Local Plan that:
- “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

National Planning Policy Guidance (NPPG)

Assessment

11. The main issues to consider are:
- Principle of Development
 - Impact upon the Visual Amenity
 - Impact upon Residential Amenity
 - Highway Safety
 - Ecology

Principle of Development

12. As a general rule, equine uses are considered suitable land uses within the countryside however, the Local Planning Authority must still have regard to the impact of such developments on the character and appearance of the landscape. Given this, the proposed development must be assessed on its own merits against the requirements of Development Plan Policy with the key consideration being the impact of the development upon the visual amenity of the area.

Impact upon Visual Amenity

13. When considering the scale and siting of the proposed stables, paragraph 3.2 of the Council's Stables SPD advises that to reduce the impact of the development upon the landscape, stables, tack rooms and feed stores should be situated in one block rather than in a dispersed form over surrounding fields and paddocks.
14. The proposed stables along with tack room and hay store would comprise one L shaped block sited just inside the field entrance. The vista through the gate to higher land beyond would be unaffected as a result of this development. One side of the stables would be some 18.7 metres in length and would run roughly parallel with the lane. However, it would largely be shielded from public view by the existing hedge when approached from the west. A dense hedgerow, this would form a reasonable barrier in winter months. Similarly, the hedge would also screen the other wing of the building from the south.
15. From outside the site, the shallow sloping roof would be all that would be visible the stables poking above the hedge. Finished in in timber cladding which a plain clay tiled roof, the stable would be constructed of materials which are appropriate to the locality in accordance with paragraph 4.1 of the stables SPD.
16. Overall, the design of the stables is acceptable and is sympathetic to the site's rural setting. The character and appearance of the countryside would be preserved and the development would assimilate well with its surroundings.

Impact upon Residential Amenity

17. The application site is significantly divorced from residential property with the nearest neighbour, Gilham Farm, over 200m to the north and separated by fields and hedgerow. At this distance, it is not considered the development would cause harm to residential amenity in terms of noise and disturbance or odours.

Highway Safety

18. On the basis of what has been applied for (i.e. a personal use) it is not considered that the development would itself result in a significant increase in the amount of traffic movements to and from the site, particularly as there have been stables on the land previously. The private use would also not result in commercial traffic or HGV movements which would be detrimental to highway safety. It would however be reasonable, if planning permission is granted to restrict the use to a personal use by condition.

Ecology

19. The application site is situated over 200m from the Ponds and Pastures around Smarden which are designated Local Wildlife Sites (LWS) and comprises an area of existing hardstanding. There is no evidence to suggest that the proposed development would harm the scientific or wildlife value of the LWS. Considering there is already hardstanding on site and the land has been grazed, the ecological impact of the proposed development is considered to be low. No significant or unacceptable harm to ecology would result from this proposal.

Other Matters

20. With regard the objections received over the care of the animals received, how the animals are looked after is covered by the Animal Welfare Act 2006 Nevertheless, paragraph 7.7 of the SPD does advice that poisonous weeds such as ragwort should be dug out and removed. DEFRA also has an adopted code of practice relating to horses. To this end, an informative is therefore recommended reminding the applicant of the Animal Welfare act and to follow DEFRA's adopted Code of Practice.

Human Rights Issues

21. 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

22. 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. In principle the proposal is considered to be acceptable and compliant with the policies in the Development Plan and the NPPF. Balancing the proposal against the impact upon the countryside, the highway and ecology, the proposal is considered to be acceptable. With no overriding matters which would otherwise indicate refusal the proposal is recommended for approval.

Recommendation

Permit

Subject to the following Conditions and Notes:

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

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

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

Reason: In the interests of visual amenity

3. Prior to the commencement of the development, details of where and how manure is to be stored and ultimately disposed of together with the disposal of any liquid waste shall be submitted to and approved in writing by the Local Planning Authority. Once the use commences, this shall be carried out in accordance with the approved details. No manure or waste materials shall be burned upon the land within the application site.

Reason: In the interests of residential amenity and to prevent pollution of any watercourse

4. Details of fences to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority before the development

commences. The fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

5. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity of adjoining residents

6. The stables hereby approved shall be used for private equestrian purposes only and not for any commercial riding, livery or other business use.

Reason: To enable the Local Planning Authority to regulate and control the development of the land and having regard to the visual and/or residential amenity of the locality

7. There shall be no storage on the site other than within a building.

Reason: In the interests of visual amenity

8. 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, unless otherwise agreed by the Local Planning Authority.

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.

9. The development approved 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 land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

Notes

1. The applicant is hereby reminded of their legal duty of care for the animals and to provide good equine care and is hereby advised to follow DEFRA's

Code of Practice for the Welfare of Horses Ponies, Donkeys and their Hybrids, a breach of which could constitute an offence under the Animal Welfare Act 2006.

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 application was acceptable as submitted and no further assistance was required.

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 17/01668/AS.

Contact Officer: Laura Payne

Telephone: (01233) 330738

Email: laura.payne@ashford.gov.uk

Application Number	17/01781/AS
Location	4 Parker Close, Hamstreet, Ashford, Kent, TN26 2JQ
Grid Reference	00060/33249
Parish Council	Orlestone
Ward	Weald South
Application Description Applicant	Erection of a two-storey side extension to form annexe accommodation and part conversion of garage to form cloakroom
Agent	Mr & Mrs Pettit c/o Agent
Site Area	Nick Highton 11 Cherry Garden Lane Folkestone Kent CT19 4AD
(a) 9/-	(b) - (c) -

Introduction

1. This application is reported to the Planning Committee because the applicant is an employee at Ashford Borough Council.

Site and Surroundings

2. The site is situated within the built confines of Hamstreet and lies within the Old Romney Shoreline Settlements Landscape Character Area and Flood zones 2 & 3.
3. The existing dwelling is situated within a cul-de-sac of 4 detached dwellings of varying sizes and benefits from off parking for 2 vehicles with an integral double garage.
4. The dwelling is a two storey detached house, it includes a small front garden and a larger back garden. Existing materials include a mixture of red bricks, interlocking roof tiles and brown UPVC windows.

Proposal

5. Planning permission is sought for the erection of a two-storey side extension to form annexe accommodation and part conversion of the garage to form a cloakroom.



Figure 1: Site location

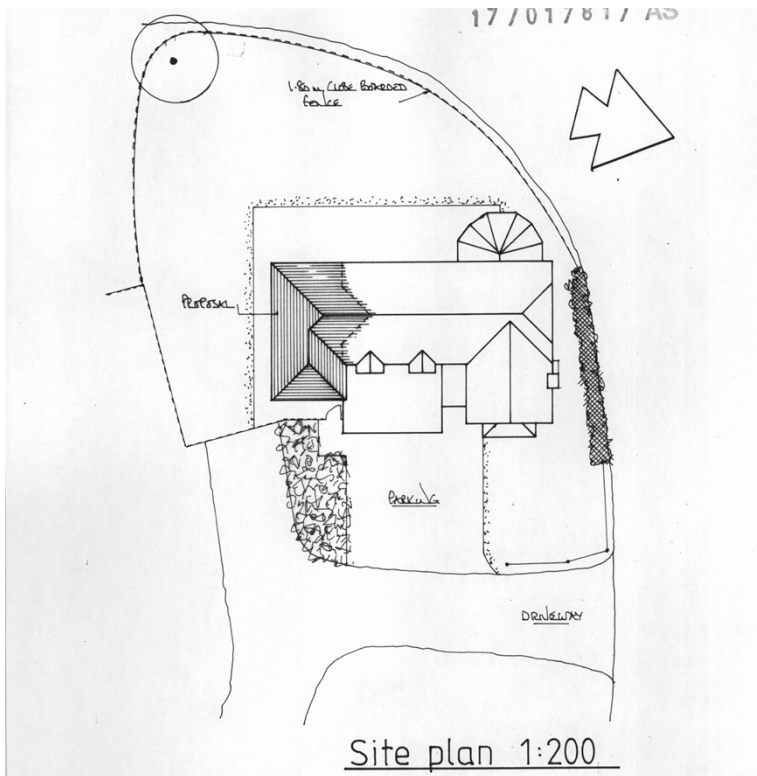


Figure 2: Site Plan

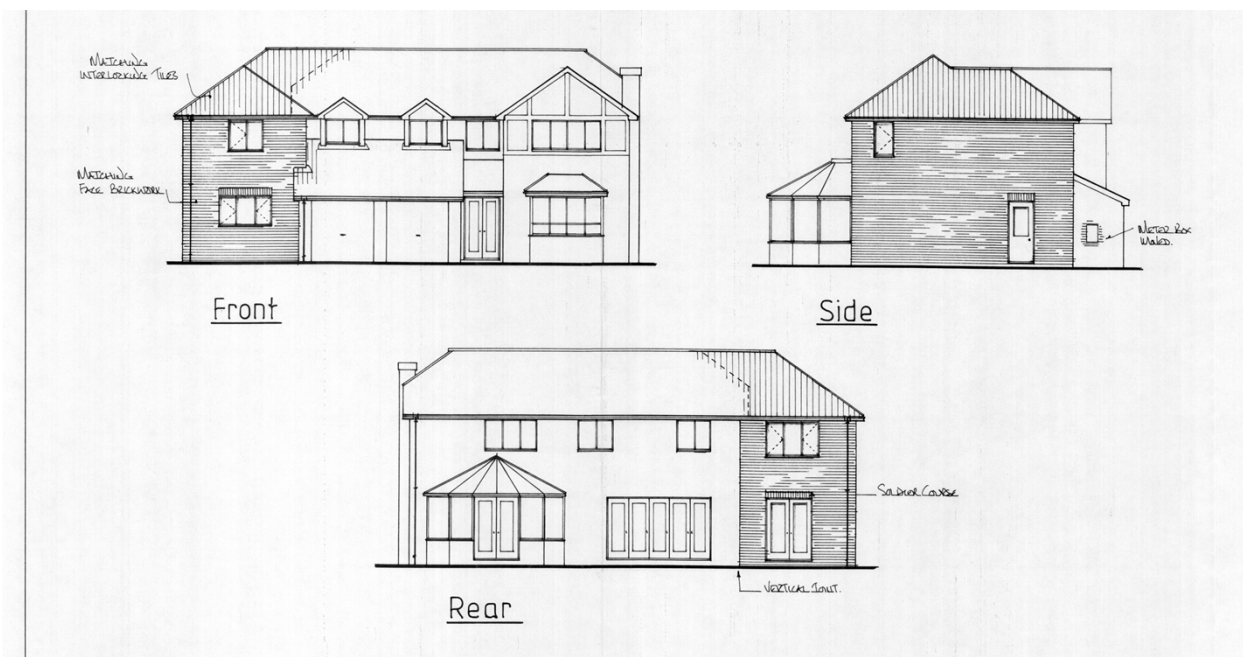


Figure 3: Proposed elevations

Supporting document:

6. Flood Risk assessment:

The report states that the new accommodation will have the same level of risk as the existing dwelling and the adjacent properties. The report considers that these measures are sufficient to mitigate the property and prevent the occupants being at serious risk.

Planning History

7. 14/00364/INF Proposed 2 storey side extension 4 Parker Close, Hamstreet, Ashford, Kent, TN26 2JQ

Consultations

Ward Members: No representations

Neighbours: 9 neighbours consulted with no response

Parish Council: No representations received

Planning Policy

8. 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, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight.
9. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

HG9

Ashford Local Plan to 2030

SP1

SP6

HOU8

ENV6

Core Strategy

CS1

CS9

CS19

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

**Supplementary Planning Guidance/Documents
SPG10**

Residential Parking & Design Guidance SPD

Government Advice

National Planning Policy Framework (NPPF) 2012

11. 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:-
12. Paragraphs 57 and 58 of the NPPF aims to promote development that are visually attractive and of good architecture.

Assessment

13. The main issues for consideration are:
- Visual impact of the proposed extension
 - Effect on existing residential amenity
 - Highway issues
 - Flood Risk

14. Visual impact of the proposed extension

The proposed extension would be relatively large. However, it is set back from the projecting garage and the larger front projection, and in relation to the existing dwelling, it is not significant in terms of scale. The proposed gable to the front elevation, whilst set back from the front elevation, would match the existing gable, and provide an attractive symmetry to the front elevation.

15. Although the proposed extension would extend the massing of the house, it has a medium sized back garden and a side garden, so it would not be considered to be an overdevelopment of the plot. Furthermore, it is located in a cul-de-sac surrounded by other large properties and has been designed sensitively and would not therefore be detrimental to the overall character of the street scene or the surrounding area. It is proposed to use materials to match the existing house, and taking all these factors into consideration, I consider the visual impact of the proposed extension to be acceptable.

16. Effect on existing residential amenity

Because of the position of the existing house and the location of the extension on the side of the property, the proposed extension would not result in any overshadowing or increased overlooking of adjacent properties. A window serving as a secondary bedroom window is proposed on the first floor side elevation. This elevation faces the front gardens and garages of adjacent properties however, so there would be no loss of amenity for adjacent properties as a result, as these areas are not private.

17. Highway issues

The extension provides one additional bedroom which, in accordance with the Parking SPD, would not generate the need for additional parking space. Although the proposal would result in the loss of part of the garage, garages parking spaces in the SPD. Adequate off-street parking is provided at the front of the house.

18. Flooding

The Environment Agency have updated the flood map. The property is now part of Flood Zone 1 and a flood risk assessment is therefore unnecessary.

Human Rights Issues

19. 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

20. 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

21. In light of the above assessment, the proposed development complies with the requirements of DP policy, SPG and the NPPF and therefore it is recommended that planning permission be granted.

Recommendation

Permit

Subject to the following conditions and notes:

Time limit for implementation

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

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

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

4. The development approved 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 land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

Plans/Documents approved

Location Plans

Existing Elevations 17/61-2

Proposed Details 17/61-3

Site Plan 17/61-4

Note 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

- was provided with pre-application advice,
- the applicant/agent was updated of any issues after the initial site visit,
- the application was acceptable as submitted and no further assistance was required.
- 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

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 17/01781/AS.

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Ashford Borough Council - Report of the Head of Development Management and Strategic Sites
Planning Committee 14 February 2018

Application Number	17/01170/AS	
Location	Land at Chilmington Green, Ashford Road, Great Chart, Ashford, Kent	
Grid Reference	97953 /40353	
Parish Council	Great Chart with Singleton	
Ward	Great Chart with Singleton North	
Application Description	Layout, Access, Scale, Landscaping and Appearance of development at Chilmington Green for 346 residential dwellings, which comprises a mix of two bedroom apartments, two, three, four and five bedroom houses within Land Parcels B, C, J & K within Main AAP Phase 1.	
Applicant	Hodson Developments	
Site Area	15.70 Hectares	
(a) 36/2R	(b) Great Chart X Shadoxhurst X Kingsnorth +	(c) EA R, SWS R, KCC (H&T) R, CMO PT X, KCC PP X, KCC BIO X, EHM (EP) X, ABC OSS R, PO(Drainage) R, ABC Culture R, AAG X

Introduction

1. This Reserved Matters application is the first for the erection of dwellings at this important site, one of the Big 8 projects. As such it will set the tone for the development and is reported to the Planning Committee so that members can

have the opportunity to debate design and layout issues such as compliance with the Quality Charter and adopted Design Code for the development. The proposal does not require determination by the Planning Committee under the Council's Scheme of Delegation, however it has been agreed with the Portfolio Holder and Chairman that because of these considerations it is a sensitive application that warrants determination in this way. Should members be satisfied with the design approach taken then it is likely that future schemes will be determined under delegated powers, subject to the usual right of call-in by members.

2. Three separate further applications have also been made to discharge conditions relevant to the development of this part of the site. Reference is made in this report to those submissions for members information although a final determination will be made under delegated powers.

Site and Surroundings

3. The Chilmington Green development site lies to the southwest of Ashford Town adjacent to the existing Singleton and Brisley Farm developments and to the east of the A28 and west of Long Length, and is one of two proposed Ashford Urban Extensions originally outlined in the adopted LDF Core Strategy 2008 (policy CS5).
4. It was subsequently the subject of an adopted Area Action Plan in 2013, a Quality Charter and a Design Code adopted as SPD in July 2016. An outline planning permission for the entire development was issued in January 2017 subject to an extensive s106 agreement. Chilmington Green will be designed along Garden Suburb lines, will have its own District Centre and a full range of community facilities and is intended to deliver significantly towards the boroughs Housing Target for 2011-2030 with anticipated completions in excess of 250 dwellings annually.
5. The outline planning application boundary is shown below as **Figure 1**
6. On 6 January 2017 outline planning permission was issued for up to 5,750 residential units, in a mix of sizes, types and tenures; up to 10,000 m² (gross external floor space) of Class B1 use; up to 9,000 m² (gross external floorspace) of Class A1 to A5 uses; Education (including a secondary school of up to 8 ha and up to four primary schools of up to 2.1 ha each); Community Uses (class D1) up to 7,000 m² (gross external floorspace); Leisure Uses (class D2) up to 6,000 m² (gross external floorspace); Provision of local recycling facilities; Provision of areas of formal and informal open space;

Installation of appropriate utilities infrastructure as required to serve the development, including flood attenuation works, SUDS, water supply and wastewater infrastructure, gas supply, electricity supply (including substations), telecommunications infrastructure and renewable energy infrastructure (including CHP in the District Centre); Transport infrastructure, including provision of three accesses on to the A28, an access on to Coulter Road / Cuckoo Lane, other connections on to the local road network, and a network of internal roads, footpaths and cycle routes; New planting and landscaping, both within the Proposed Development and on its boundaries, and ecological enhancement works; and Associated groundworks where appearance, landscaping, layout and scale are reserved for future approval and where access is reserved for future approval with the exception of the three accesses on to the A28 and the access on to Coulter Road/ Cuckoo Lane.

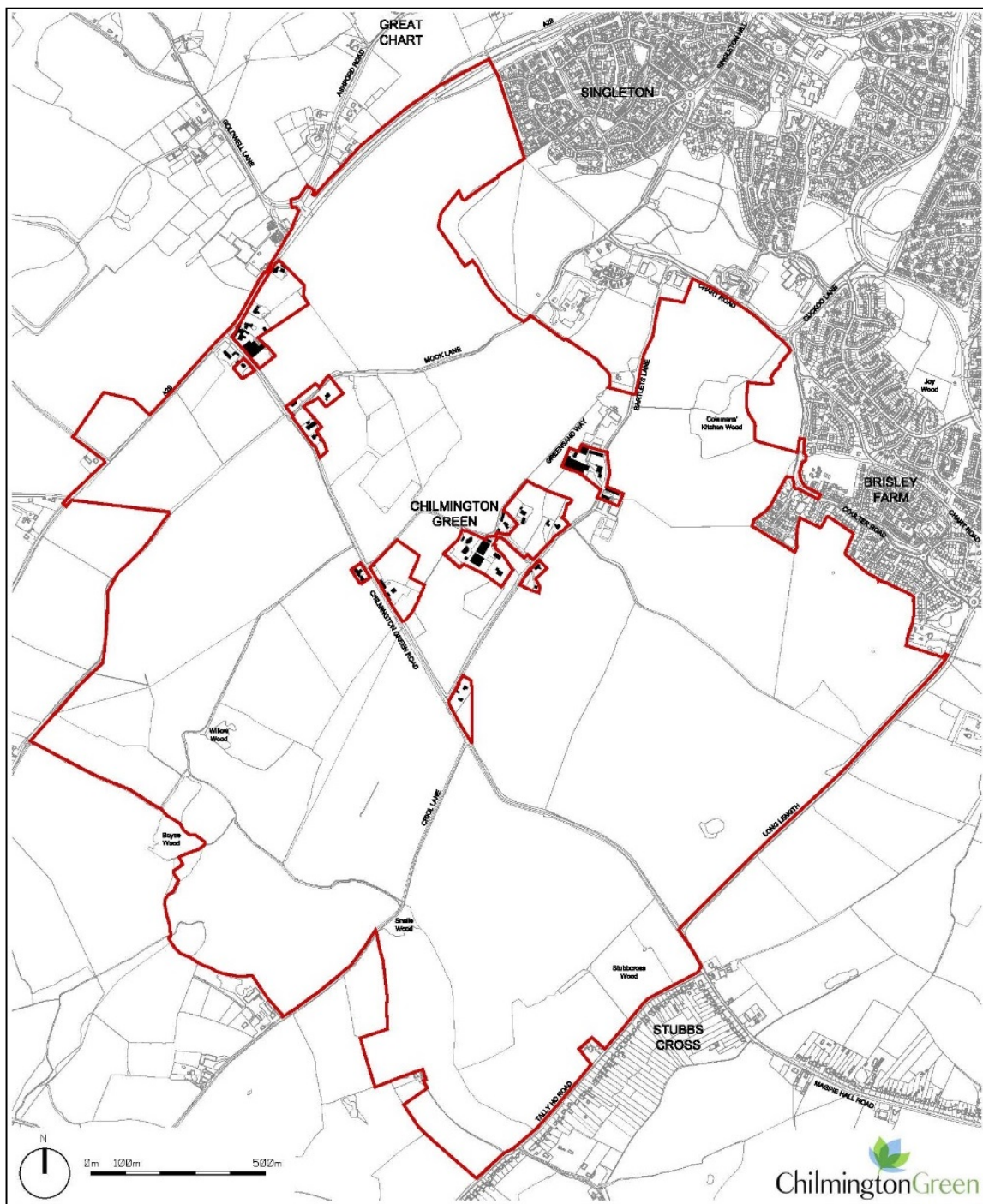


Figure 1: Chilmington Green Site Location Plan – outline permission

7. Since then a number of conditions of the Outline Planning Permission (OPP) have been discharged (see Planning History section), including in particular the AAP Phase 1 masterplanning condition (17) which was the subject of stakeholder workshops post outline permission, and which sets out the boundaries of proposed development parcels for this phase. Planning permission has also been granted for the construction of access roads down to the district centre and to serve the Brisley Farm part of the development. Permission has additionally been granted for several SUDS ponds and associated swales to serve Phase 1. All of these works have been or are in the course of being carried out, and accesses A, B (A28) and D (Coulter Road) have been fully constructed and are open to traffic.
8. This reserved matters scheme, which is the first residential phase for this site, comprises agreed land parcels B, C, J & K and some adjoining public open space. The site as originally submitted comprised 11.1 hectares of land and was for those development parcels plus intervening land (G2 on Figure 4 below). Following discussions the site area was increased to 13.68 hectares to include more of the adjoining proposed landscaped and open space areas (G1 and G3) and exclude the already permitted Avenue site, and has very recently been increased again to include more land at Great Chart Ridge and around Colemans Kitchen Wood so that it now comprises 15.70 hectares. This was necessary as the OPP requires areas of advance planting for a main phase to be submitted at the same time as the first Reserved Matters for that phase. However, not all of the advance planting areas for this phase have been so submitted at this time. There will need to be a s96a application to amend condition 18 of the OPP for other areas of advance planting (The Hamlet and the Entrance Park) to come forward later when other design issues for those areas have been settled.
9. The site is irregularly shaped and is located at the Northern edge of Chilmington Green (Figure 2 site as originally submitted and Figure 3 as revised and current). It is served by accesses A and B from the A28 and the approved and constructed roads called The Avenue and Access B Street (currently unnamed). The Northern edge of the site is generally bounded by the A28 Great Chart Bypass which continues south-west to form the western boundary of the OPP site. Further to the north west lies the historic village of Great Chart.

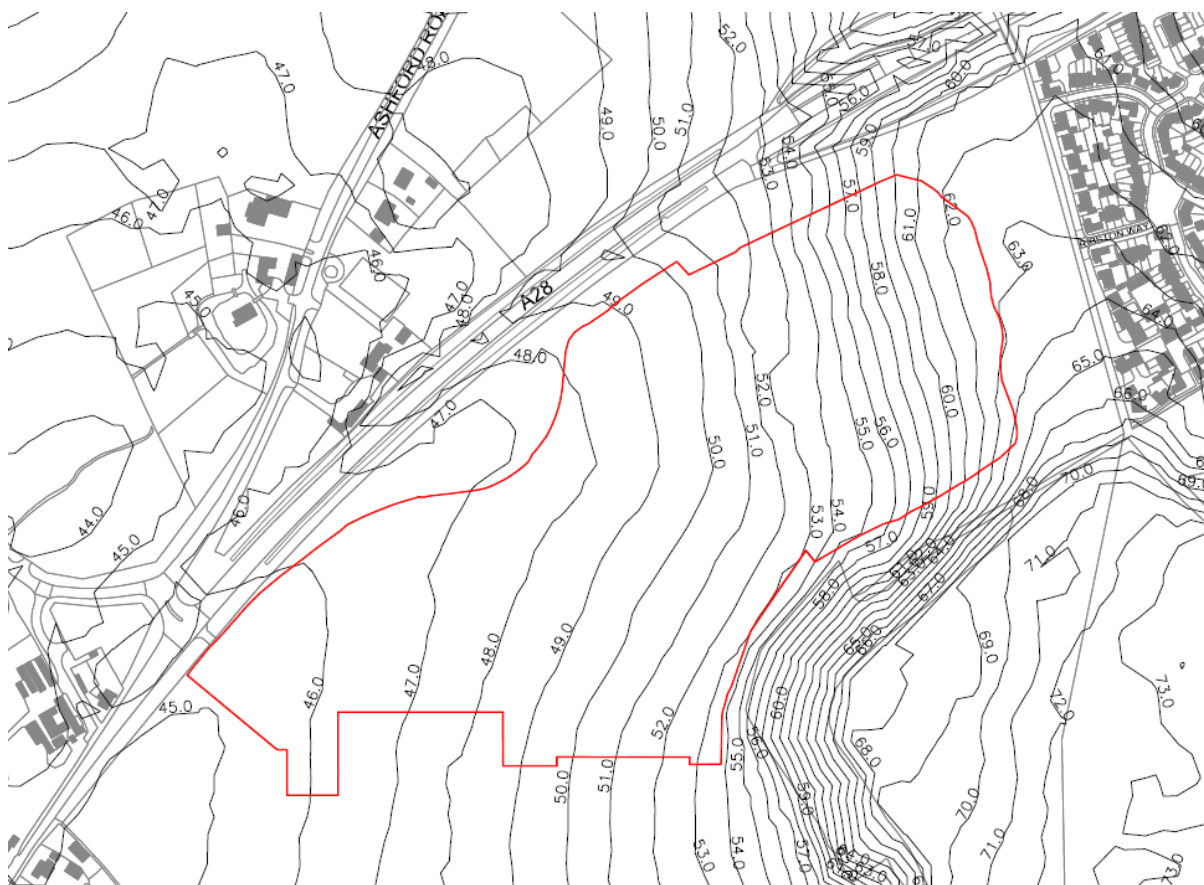


Figure 2: original site boundary

10. The Eastern extent of the scheme adjoins Singleton's built envelope with the redline boundary near to the street frontages of Pearmain Way and Ribston Way before turning southwest and wrapping around an adjoining field with substantial boundary vegetation. The land south of the red line boundary includes future development parcels also part of the AAP Phase 1 (Figure 5). The land is predominantly agricultural land. There are no existing buildings within the red line boundary and limited other vegetation. The national footpath the Greensand Way and an existing bridleway are to be retained. A number of existing trees and hedgerows are to be retained on site to become features of the development. Figure 4 below highlights the existing mature hedgerow identified which runs through the site and marks the bottom of the slope up to Singleton and the Great Chart Ridge.

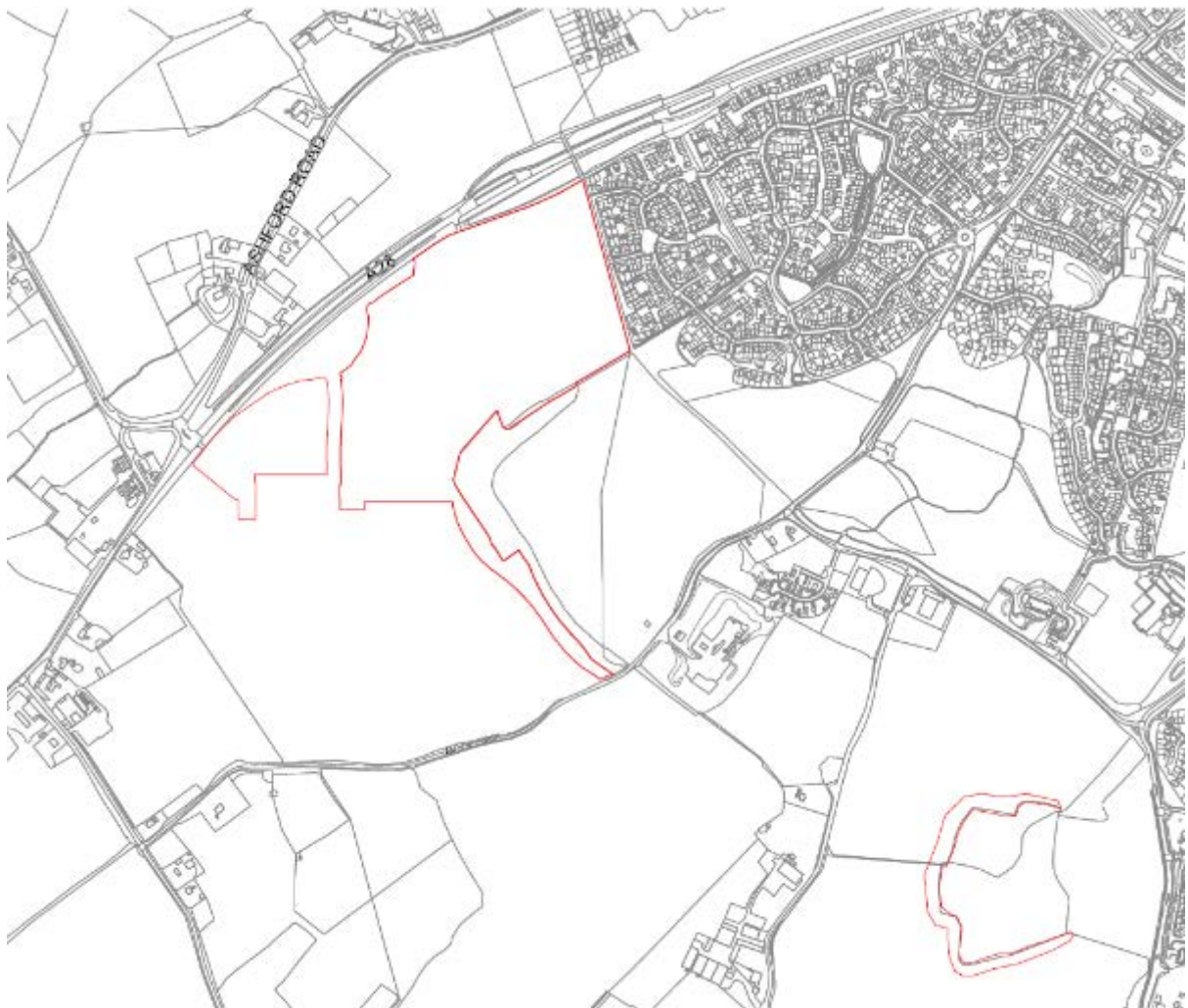


Figure 3: Amended site boundary



Figure 4: Open Space Parameter Plan Extract



Figure 5: Parcels B, C, J & K & Accesses in relation to remainder of AAP Phase 1

Proposal

11. Reserved Matters approval is sought for the erection of 346 residential dwellings, which comprises of a mix of two bedroom apartments, two, three, four and five bedroom houses, with associated internal infrastructure, car parking, landscaping, amenity and public open space. Reserved Matters approval is sought for the layout, access, scale, landscaping and appearance of the development.

12. The housing mix requirements for the whole of the Chilmington development are detailed in condition 100 of the outline planning permission. Percentages are allocated to each house type to ensure the correct mix of housing is created. The lowest dwelling percentage is allocated to 1 bedroom flats with the highest percentages allocated to 3 and 4 bedroom houses. The approved mix (Table 1) is as follows:-

Table 1: Overall Development Housing Mix

Dwelling Type	Percentage
1 Bedroom Flat	No less than 1.4%
2 Bedroom Flat	No less than 5.9%
2 Bedroom House	No more than 18.8%
3 Bedroom House	No more than 35.3%
4 Bedroom House	No more than 27.9%
5 Bedroom House	No more than 10.8%

13. As part of the OPP, a number of parameter plans were approved including ones for density and storey heights. Land Parcels B, C, J & K contain three approved residential densities; Medium density urban, Medium density suburban and Low density suburban which are more fully described in the Chilmington Green Design Code. The land parcels contain 7 density ranges (D1-D7) which are covered by density bands expressed as dwellings per hectare; 15 DPH or less (D1) ,16-25 DPH (D2&D3), 31-40 DPH (D6), 36-45 DPH (D4&D7) and 41-50 DPH (D5). A Non-Material Amendment was approved post issue of the OPP and gave a slightly increased overall density for Parcels B, C, J & K. Overall the density of this scheme is 31.2 DPH.

14. For Land Parcels B, C, J & K storey heights can vary up to a limit of four storeys. Around the Northern Gateway (see below) dwellings can be up to 4

storeys, the edges of the development parcels bordering the A28 and existing residential development can reach 2.5 storeys and the central areas around the avenue can reach up to 3 storeys.

15. All of these considerations have influenced the number and typologies of this RM application. As originally submitted the application proposed the following:-

Table 2: Proposed Housing Mix

House Type	Land Parcel					Total
	B	C1	C2	J	K	
2 Bedroom Apartments	29	30	35	12		106
2 Bedroom Dwellings	3	6	3	4		16
3 Bedroom Dwellings	25	18	32	38		113
4 Bedroom Dwellings	2		25	21	40	88
5 Bedroom Dwellings	1		2	6	14	23
Total	60	54	97	81	54	346

16. Following negotiations on a number of issues the revised dwelling mix is as follows:-

Table 3: Housetype Mix

00122/H Chilmington Green Phase 1_Parcels B,C,J,K 18-Jan-18 As Submitted 18-01-18 P6 Revision				
BCJK MASTERPLAN - 346 UNITS			TOTAL	
House Type	Bed No.	Tenure	Storey	No. of units
00122H_H2A	2 Bed 3P	Private	2	3
00122H_H2B	2 Bed 3P	Private	2	2
00122H_H2C	2 Bed 4P	Private	2	2
Apartments	2 Bed 4P	Private	3	93
				100
00122H_H3A	3 Bed 5P	Private	2	10
00122H_H3E	3 Bed 5P	Private	2	6
00122H_H3F	3 Bed 5P	Private	2.5	41
00122H_H3F_A	3 Bed 5P	Private	2.5	8
00122H_H3G	3 Bed 5P	Private	2	7
00122H_H3H	3 Bed 6P	Private	3	26

Table 3 Cont: Housetype Mix

00122H_H3J	3 Bed 5P	Private	2	2
00122H_H3L	3 Bed 5P	Private	2.5	13
00122H_H3L_A	3 Bed 5P	Private	2.5	5
00122H_H3M	3 Bed 4P	Private	2	16
				134
00122H_H4A	4 Bed 6P	Private	2	12
00122H_H4B	4 Bed 6P	Private	2	22
00122H_H4C	4 Bed 7P	Private	2.5	10
00122H_H4F	4 Bed 6P	Private	2	18
00122H_H4G	4 Bed 6P	Private	3	10
00122H_H4N	4 Bed 8P	Private	3	18
00122H_H4T	4 Bed 7P	Private	3	4
				94
00122H_H5A	5 Bed 8P	Private	2.5	13
00122H_H5C	5 Bed 8P	Private	2.5	5
				18
Total units				346

17. The mix of development is therefore in accordance with the indicative mix as defined in the OPP Planning Condition 100. The proposed dwelling mix has a wide range of housing typologies, ranging from two bedroom apartments to five bedroom detached houses.
18. The proposed dwelling heights follow the principles set out within the approved storey heights parameter plan (OPA04R1). As can be seen from the revised table above there is a mix of two and three storey houses, where three storey houses punctuate corners and entries into streets. Originally the proposed blocks of apartments were located at the entrance to the tree lined Avenue and surrounding the play space (Chilmington Square) and were also three storeys. Those at the entrance to The Avenue have now been removed and replaced with houses of a similar height. This along with other layout and design issues that are outstanding is dealt with in the assessment section below.
19. The location of the site has several other key features that have defined the submitted layout and surrounding area:
 1. A28 Existing Carriageway;
 2. The New Northern Gateway to the site, including Landscaping Features;
 3. Tree Lined Avenue to the District Centre;
 4. Design Code Key Grouping – 6.3 Chilmington Square;
 5. Existing hedgerows and trees;
 6. National footpaths to be retained (Greensand Way);
 7. Design Code Character defined as “Chilmington Rise”

This is in line with the key masterplan elements for this part of the development developed at the Outline stage as follows (Figure 4)

The Reserved Matters Application masterplan for Parcels B, C, J and K, as part of Phase 1, follows design principles established at the Outline Application stage.

- 1 A28
- 2 Main vehicular entrance
- 3 Tree lined avenue
- 4 Pocket park & play space
- 5 Existing hedgerows to be retained
- 6 Landscaped entrance
- 7 National footpath to be retained (Greensand Way)



Outline Masterplan | Parcels B, C, J & K

Figure 6: Masterplan Key principles

20. From the A28, a tree-lined Avenue leads south toward the eventual district centre and will in due course traverse through a sequence of distinctive spaces. The formal crescent at the Northern Gateway, secured by this application is the first of these spaces, as shown below in Figure 5. The key spaces and groups are fundamental to the experience of visitor and resident alike and seek to ensure a sense of place and distinct character areas are created.

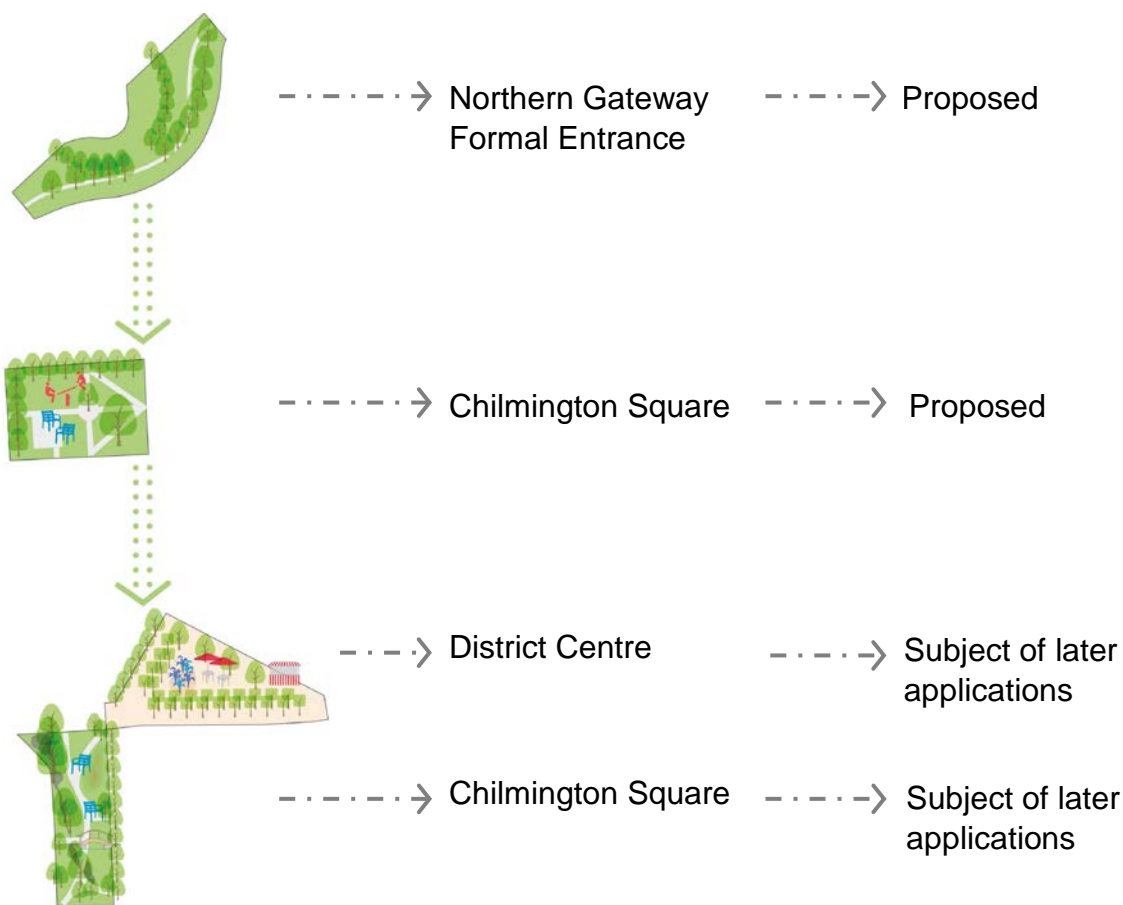


Figure 7: Civic Spaces Key Groupings

21. The primary vehicular access to the proposed development is directly off the A28 via the new Northern Gateway Roundabout (Access A) and the new strategic road called The Avenue. The bus route will follow this road off the A28 with a proposed bus stop location at the play space adjacent to Chilmington Square (see Figure 3 above). Pedestrian and cycle access is incorporated in the new road network either as segregated provision in the case of major roads or on carriageway for minor roads. Further new pedestrian and cycle routes are proposed through the surrounding open space areas and have been designed to supplement the National Footpath (Greensands Way) and provide connectivity with the bus located along the A28. In particular pedestrian connections will be made with the existing footpaths within Singleton Ridge and eventually down to the district centre. Overall the proposed movement network aims to create a high quality, permeable and legible road layout that connects and integrates the scheme across the site and with neighbouring areas.

22. The access and movement proposals follow the strategy approved at the Outline Application stage. The development proposal follows the principles detailed within the Footpath and Cycle Route Plan (OPA08R3) as well as the Design Code for Movement Hierarchy. The proposed development complies with the Design Code street hierarchy and the following streets are included:
1. Local Access Streets (Design Code Reference 10.2)
 2. Minor Access Streets (Design Code Reference 10.3)
 3. Lanes and Edge Streets (Design Code Reference 10.4 & 10.4.1)
23. The edges of the proposed development are softened by open spaces and landscaped green corridors. The development open space proposals follow the strategy approved by the Outline Planning Permission Parameter Plan (OPA06R2) and the Green Infrastructure plan detailed in the Design Code. Existing trees and hedgerows are to be retained to become a feature of Great Chart Green which is referenced as “G2” on the approved open space plan (see Figure 2 above), while the new tree lined avenue forms an attractive gateway and transition from the A28 into the development. Apartments face onto the play space at Chilmington Square which is referenced as “PS1” on the approved open space plan, which provides active amenity for the proposed and future dwellings.
24. The proposed new landscaping creates green corridors throughout the site and integrates retained hedgerows and trees with new planting and woodlands around the edges (e.g. Great Chart Ridge). The Northern Gateway to the development from the A28 will be green in character with tree planting around the edges and on the roundabout itself, setting the scene for arrival at the tree lined Avenue. The northern gateway landscaping design details are not included as part of this Application and are shown for illustrative purposes only. Great Chart Green, which is defined as G2 on the Open Space Plan (OPA06R2) will be an informal landscaped multi-use amenity space, with existing trees and hedgerows, fronted by residential properties.
25. Chilmington Square which is defined as PS1 on the Open Space Plan (OPA06R2) provides a more formal meeting place with a children’s play space and a variety of plants and trees offering shade. PS1 landscaping design details are not included as part of this Application and are shown for illustrative purposes only.



Figure 8: Open Space

elevations of the proposed dwellings are stated to have been drawn from both the characteristics of the local area and those identified in the Character Areas defined in the Design Code. The architectural language of the proposed dwellings seeks to be of its time, but also resonant with the style and form of existing houses within the surrounding area. The Character Areas of the proposed development are as follows:

1. Northern Gateway and Avenue;
2. Green Frontages;
3. Neighbourhood Streets;
4. Chilmington Square;
5. Key Corners;



Site Section A



Site Section B



Site Section C



Site Section D



Site Section E



Figure 9: Western Street Scenes



Site Section F



Site Section G1



Site Section G2



Site Section H



Figure 10: Central and southern street scenes



Site Section I



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Site Section J



Site Section K

Figure 11: Northern Gateway and Western Street Scenes



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Figure 12: Main Elevation Flat Block A

Figure 3: Western Elevation Flat Block C



Figure 5: South elevation Flat block D



Figure 4: Eastern Elevation Flat Block E

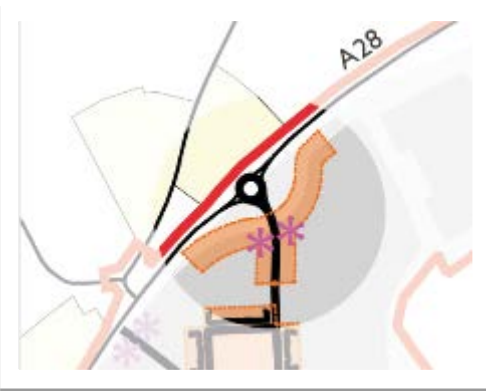


Figure 9: Northern Gateway – DC
Key Grouping Diagram



Figure 9: Northern Gateway - DC
Illustration



Figure 9: Northern Gateway Layout - Proposed



Figure 9: Northern Gateway - Proposed

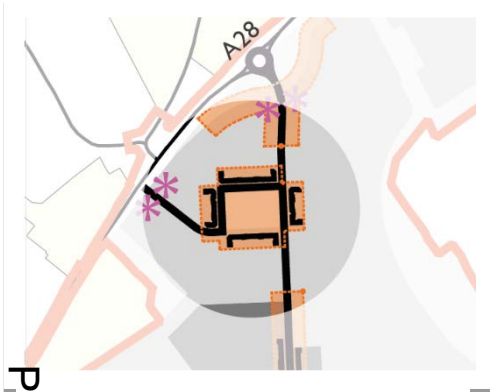


Figure 13: Chilmington Square -
Key Grouping Diagram



Figure 13: Chilmington Square DC Illustration



Figure 13: Chilmington Square Layout - Proposed



Figure 13 Chilmington Square (Northern Edge) – Proposed (Amendments awaited)

27. To achieve the variety set out in the proposed Character Areas, a mix of house types has been designed, differing in footprint and scale, and ranging from terrace and semi-detached houses, to detached houses and apartment blocks. House types vary in storey height as set out above and external treatment, including the use of materials, window and other detailing.
28. Special treatment has been given to buildings in prominent locations within key vistas. Through height, material selection and window/balcony details, these key corners aim to enrich the overall design by providing accentuation and landmark buildings across the site.
29. *Northern Gateway and Avenue*; The northern gateway is characterised by a variety of house types which are 2.5 to 3 storeys in primary solid-fill material (e.g. tile hanging and brick) and arranged to create a continuous frontage. The formal character of the area is generated by its regular roof-scape, solid-built boundary treatments, and repetitive architectural features. Resident's parking is accommodated alongside dwellings and on-plot frontage parking, allowing the buildings to be at the forefront.
30. *Green Frontages*; Housing facing onto green open space form a more organic arrangement where frontage is informal and detached, roofscapes are varied, and houses are clad in a softer palette of materials (e.g. combination of boarding / brick). Balconies provide amenity allowing residents outlook to the landscape.
31. *Neighbourhood Streets*; The semi-formal arrangement of the neighbourhood streets aims to create a diverse and varied feel within the internal residential blocks. Continuous frontage along shared surfaces creates a 'mews' feel in places. Detached and semi-detached houses in 'key corners' provide character through special treatment of materials (e.g. combination of boarding/brick, slate roofs etc). Various brick types/colours and boundary treatments break up longer stretches and contribute to the rich texture of the area.
32. *Chilmington Square*; Apartment blocks mark the key corners around the play area at Chilmington Square. Their heights are between 2.5 to 3 storeys, and designed in a formal arrangement to create a sense of scale and enclosure within the square.
33. As set out by the Design Code, materials selected for the scheme primarily consist of a variety of brick types (4) with additional use of weatherboarding (Forest green, white and black) with roofing materials of slate and plain tile.

Samples will be on display at the meeting. The concept of the material strategy sees the brick colour palette gradually transition from buff in the west of the site, formal orange brick (Leicester) through red stock to informal soft multi-mix brick mainly in the Chilmington Ridge area. Having the contrast between the brick palette and a mixture of different cladding and roof tile materials will provide distinct characteristics throughout the layout. Plans showing the distribution of materials will be on display at the meeting. The materials reflect the Design Code as follows:-

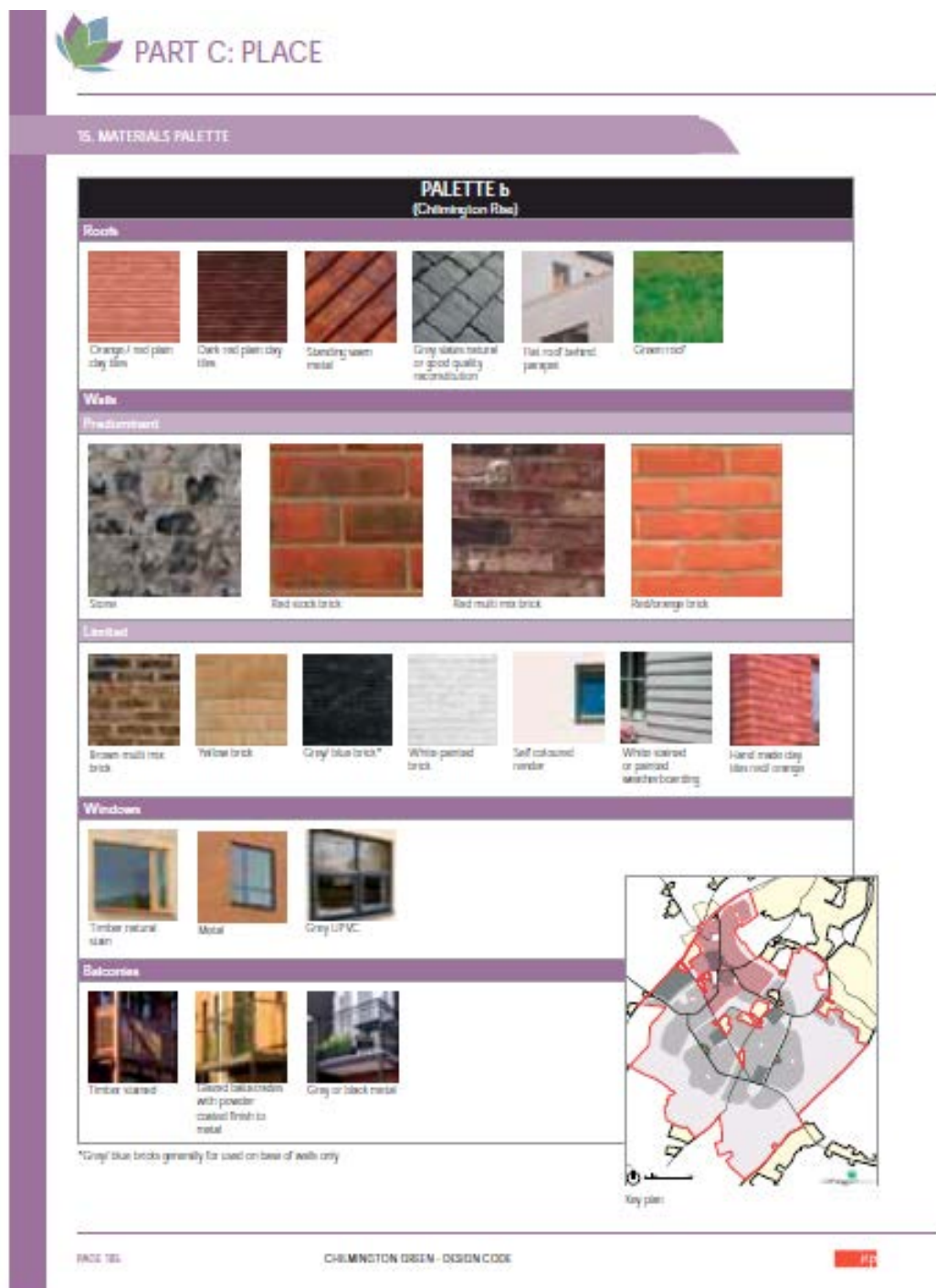


Figure 24: Example of Design Materials Palette

34. A mix of courtyard, undercroft, on-plot and on-street parking is proposed. In addition, some 58 dwellings have enclosed garages which have not been counted for the purpose of assessing compliance with the parking standards but will be available for cycle parking.
35. Spaces are broken down as follows:-
- Spaces in parking courts 201
 - Spaces in undercroft 22
 - Spaces on-plot 418
 - Spaces on-street 180
36. Surface water disposal will be via a sustainable urban drainage scheme. KCC as Local Lead Flood Authority (LLFA) have recently advised that significant additional storage of surface water before discharge to an outfall is required due to changed standards since the OPP was issued. As a consequence it is currently proposed that part of parcel K will drain via a system of pipes to two large areas of underground crates located in G2 and part to a new surface water pond located on the north - west side of parcel K in the landscape strip (G1). This will discharge to a culvert under the A28. Officers are working with the drainage consultants to see if some of the crates can be removed and substituted with a larger pond in-line with the SUDS SPD. In accordance with the Flood Risk Strategy done for the OPP a surface water attenuation pond has already been provided at outfall 2 (Pond 3 – see planning history) to the SW of the site. This will attenuate the remaining surface water from Parcels B, C and J. Discharge to all of these points will be via oversized pipes located in access roads. Some of these are already in place. It is proposed that all surface water will be attenuated on site and discharged at a restricted rate and further information is being sought on this matter. Eventually the whole of Chilmington Green will discharge at 4 litres per sec per hectare in line with adopted policy and the requirements of the OPP. Initially some discharge points will be higher than this, but still below existing green field run-off rates.
37. In relation to advance planting, the locations for this were identified as part of the Phase 1 masterplanning process. Five areas for this main phase were identified as follows:-
- Belt of landscaping to Singleton Hill Ridge
 - Belt of landscaping to Northern Gateway
 - Belt of landscaping around the existing Colemans Kitchen Wood
 - Line of trees to the north-east boundary (Great Chart Ridge)
 - Line of trees around The Hamlet
38. As indicated above, the areas of planting within the Northern gateway and around The Hamlet will be agreed at a later date. The plans generally show

woodland mix planting of varying widths in the locations agreed at the OPP stage and refined at the masterplanning stage with larger species towards the centre and smaller ones to the edges with shrub planting. Planting areas are contained by rabbit proof fencing. The current plans will be on display at the meeting. The adequacy of the plans is discussed in the Assessment section.

39. The landscaping plans also show the location of footpaths, planting and play facilities within the housing layout and surrounding open space. There will be a mixture of path types with some being mown amenity routes and others surfaced to provide more strategic connections such as from the Greensand Way to the District Centre around the edge of Great Chart Ridge. As indicated above details of the main play area to serve Phase 1 (PS1) will be submitted later however 13 locations for doorstep play are proposed now together with a larger incidental play feature in G2 where a kick-about area is also proposed. A typical doorstep facility might be a chair sculpture, climbable animal or play tray.
40. Significant planting is proposed within the layout including substantial numbers of street trees. In addition to the advance planting described above, other areas of shrub planting, and individual trees are shown within the POS areas.
41. The application has been subject to two Design Review Panels in August and November 2017 respectively. The panel discussions provided feedback to inform the development of the proposal and the design team have been able to respond to the issues and suggestions made at the Design Reviews. The Design Review comments are set out later in the assessment section of the report.
42. Ashford Borough Council also commissioned Place Services to help review and negotiate the final submitted application and layout with the applicant and to test it against the adopted Design Code to ensure that document was fit for purpose. Place Services are a traded service of Essex County Council and work with and support over 25 local planning authorities throughout the UK.
43. Comprehensive comments on the emerging scheme were provided by Place Services urban design consultants as well as Council officers. The applicant and their design team have largely amended their proposals in response to the issues and suggestions raised by Place Services and officers. At the time of preparing this report discussions on some of the final details are ongoing
44. The application is accompanied by the following supporting information:

Table 3: Supporting documentation

Document	Summary
Design and Access Statement (including Statement of Compliance)	The DAS explains how the detailed proposals for the buildings and spaces reflect the principles set out in the Outline Planning Application the Quality Charter and the Design Code. It starts by assessing the proposals against the Quality Charter themes and commitments of making a successful community, great homes that meet changing needs, designing a great place and delivering a great place. It contains a detailed assessment of the proposals judged against the Design Code (see the assessment section for analysis). It sets out the reasoning behind the materials chosen. It sets out the basis of the landscaping approach to the site and surroundings.(Updated October 2017)
Planning Statement	Provides an analysis of the proposed Scheme in light of planning policy, guidance and how considerations material to the application have been taken into account. It sets out the Planning History of the evolution of the site. It notes the adoption of the Design Code as SPD in July 2016.
Topographical survey	Details the sites levels and contours.
Landscape management and maintenance report	Details hard and soft landscape maintenance and management requirements for areas subject to site wide management as defined in the report.
Phase 1 construction sub-	Details the development strategies and

phasing	masterplan supported by design codes for Main AAP Phase 1.
Green Space Delivery Schedule Phase 1	Details the delivery of Phase 1 green infrastructure over 6 years (2017-2023)
Land Use Schedule Per Landowner	Detailed breakdown of ownership of site areas per landowner
Noise Report	Details acoustic assessments to demonstrate that noise both externally and internally is within an acceptable range and mitigation measures that are required.
Surface water drainage strategy	Report shows that the drainage proposals are in accordance with the FRA report prepared by WSP dated July 2012, Ashford BC Sustainable Drainage SPD dated October 2010 and the required outline planning conditions.
Play Strategy	Details the play strategy objectives, detail of the types of play and play features.
Street Lighting Report	This report shows that the lighting proposals are in accordance with the Ashford BC Dark Skies requirements to minimise light pollution.

45. A number of strategic conditions attached to the outline permission have been discharged and are described in the Planning History section.
46. As stated in the introduction the applicant also seeks the discharge of the following outline conditions that apply to Land parcels B, C, J & K within Main AAP Phase 1. These are contained in the separate 3 applications referred to above:

- Condition 11 - Compliance with the approved documents of outline planning condition 14.
- Condition 12 - Details of existing and proposed ground levels together with scaled cross-sections through each Reserved Matters Site and adjacent land.
- Condition 13 - Compliance with Detailed Phase Masterplan
- Condition 18 - Details of advanced planting.
- Condition 19 - Detailed plans and particulars of parking or garaging and manoeuvring of vehicles (residential)
- Condition 39 - Compliance with adopted Chilmington Green Design Code Supplementary Planning Document
- Condition 40 - Compliance with Chilmington Green Quality Charter
- Condition 41 - Detailed strategies relating to the relevant Reserved Matters Site
- Condition 50 - Design details compliance with the Chilmington Green Design Code
- Condition 51 - Demonstrate the provision of level thresholds to all principle entrances of dwellings (and/or level thresholds access by shallow ramps where level thresholds cannot be provided)
- Condition 53 - Compliance with Council's Residential Space Standards SPD (or such other local planning policy that is adopted by the Local Planning Authority or national planning policy that is implemented by the government that supersedes such SPD)
- Condition 54 - Full details of hard and soft landscaping
- Condition 62 - Detailed tree protection measures
- Condition 63 - Landscape Management Plan
- Condition 66 - Detailed SuDs design and management plan
- Condition 69 - Detailed noise mitigation measures
- Condition 79 - Detailed ecological mitigation strategy
- Condition 80 - Detailed mitigation and enhancement strategy in respect of bats
- Condition 81 - Detailed mitigation and enhancement strategy in respect of dormice
- Condition 82 - Detailed mitigation and enhancement strategy in respect of great crested newts

- Condition 83 - Detailed mitigation and enhancement strategy in respect of widespread reptiles
- Condition 84 - Detailed mitigation and enhancement strategy in respect of breeding and wintering birds
- Condition 85 - Detailed mitigation and enhancement strategy in respect of badgers
- Condition 86 - Detailed mitigation and enhancement strategy in respect of all woodlands and other habitats and features of nature conservation interest within the relevant Main AAP Phase has been submitted and approved by the Local Planning Authority.

47. Some commentary is provided on these in the assessment section.

Planning History

48. The site is part of a single outline application permission, as set out below:-

Outline Planning Permission

Application No. 12/00400/AS

Mixed Use Development comprising: up to 5,750 residential units, in a mix of sizes, types and tenures; up to 10,000 m² (gross external floor space) of Class BI use; up to 9,000 m² (gross external floorspace) of Class A1 to A5 uses; Education (including a secondary school of up to 8 ha and up to four primary schools of up to 2.1 ha each); Community Uses (class D1) up to 7,000 m² (gross external floorspace); Leisure Uses (class D2) up to 6,000 m² (gross external floorspace); Provision of local recycling facilities; Provision of areas of formal and informal open space; Installation of appropriate utilities infrastructure as required to serve the development, including flood attenuation works, SUDS, water supply and wastewater infrastructure, gas supply, electricity supply (including substations), telecommunications infrastructure and renewable energy infrastructure (including CHP in the District Centre); Transport infrastructure, including provision of three accesses on to the A28, an access on to Coulter Road I Cuckoo Lane, other connections on to the local road network, and a network of internal roads, footpaths and cycle routes; New planting and landscaping, both within the Proposed Development and on its boundaries, and ecological enhancement works; and Associated groundworks where appearance, landscaping, layout and scale are reserved for future approval and where access is reserved for

future approval with the exception of the three accesses on to the A28 and the access on to Coulter Road I Cuckoo Lane.
Permission granted 6 January 2017.

Related discharge of condition approvals

Discharge of conditions 76 (Ecological Mitigation Strategy for Detailed Development - Accesses A, B & D) and 88 (Access Construction Environmental Management Plan)

Discharge of conditions 77 and 78 (site wide ecology), 80 – 87 (species specific ecology mitigation and enhancement) and 92 (earthworks strategy)

Discharge of conditions 89 (Main Area Action Plan Phase 1 Construction Environmental Management Plan) and 103 (Main Area Action Plan Phase 1 Fibre to The Premises)

Discharge of condition 17 (i to xxvi) relating to the Area Action Plan Phase 1 Masterplan

Discharge of conditions 38 (Timetable for the provision of Informal/Natural Green Space) and 60 (Area Action Plan Main Phase 1 Hedgerow Assessment)

Discharge of conditions 94 (Scheme for the retention, integration and conservation of specific historic landscape features) and 95 (Programme of historic landscape recording work) for Main Area Action Plan Phase 1

Discharge condition 97 (Scheme of Heritage Interpretation Measures for Main Area Action Plan Phase 1)

49. Related standalone planning applications & condition approvals

Application No. 17/00665/AS

The proposed development comprises of "infrastructure routes which include carriageway, footpaths, cycleways, associated visitor parking bays and soft verges to the Avenue and access B Street"
Permission granted 7 July 2017

Discharge Conditions 1 (Phasing), 6 (Provision of Parking for Site Personnel), 7 (Wheel Cleaning) and 12 (Ecology)

Application No. 12/00400/AMND/AS

Application for a non material amendment to condition 14 of planning permission 12/00400/AS to replace the approved residential density parameter plan 00122 - OPA03R1 with a new residential parameter plan 00122 - OPA03R3 in the list of main approved documents, and the addition of an addendum (dated 20 July 2017) to the approved development specification dated 13 September 2017 to the list of main approved documents.
Permission granted 25 August 2017

Discharge Condition 13 (Surface Water Drainage)

Application No. 17/01334/AS

Phase 1 Strategic Sustainable Urban Drainage System (SUDS) which includes, piped drainage and manholes, temporary ponds, formation of swales and re-profiling of existing ditches and attenuation basins (3, 4a and 4b) within land at Chilmington Green
Permission granted 22 December 2017

Application No. 12/00400/AM01/AS

Replacement of residential density parameter plan OPA03R1 with OPA3A04 in list of main approved documents and consequential addendum to development specification
Permission granted 10 October 2017

Application No. 17/01349/AS

Phase 1 (Brisley Farm Extension) Strategic Sustainable Urban Drainage System (SUDS) which includes piped surface water drainage and manholes, formation of swales and reprofiling of existing ditches, formation of an attenuation pond, construction of headwalls, Strategic Foul Water Drainage and associated works within land at Chilmington Green.
Permission granted 30 January 2018

Consultations

50. Consultation has been carried out on the plans as originally submitted with technical re-consultations as amendments have been received. A full re-consultation including neighbours and the Parish Council will be undertaken when final amended plans are received.

Ward Members: No written comments received.

Environment Agency:

Based on the submitted information we consider that approval of reserved matters could be granted for the proposed development if the following planning condition is included as set out below. Without this condition, the proposed development poses an unacceptable risk to the environment and we would object to the application.

Condition: The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: There is insufficient and/or no information regarding the proposed foul drainage system to serve this development.

Foul water disposal

We expect foul effluent to be discharged to Southern Water Services' Bybrook Waste Water Treatment Works, however are aware that there are concerns that the existing sewerage network does not have sufficient capacity to accommodate this flow.

New development should connect to the public mains sewer, wherever possible.

Government guidance contained within Planning Policy Guidance and building regulations drainage and waste disposal approved document H provides a hierarchy of drainage options that must be considered and discounted in the following order:

- Connection to the public sewer
- Connection to a private sewer, communicating with a public sewer,
- Either a septic tank or another wastewater treatment system,
- A cesspool

At this location we are likely to oppose domestic / private sewage treatment plant on site.

The Surface Water Drainage Detailed Design Technical Note (ref. 617785-MLM-ZZ-XX-RPC-0001) dated 4 October 2017, prepared by MLM Consulting Engineers Limited does not address our previous comments related to water infiltration in the northern part of the site. Please see our letter (reference KT/2017/122800/01) dated 19 May 2017, which states that there should be no infiltration in the northern part of the site (where the Hythe beds are present)

due to the location of closed landfills. Infiltrating water has the potential to cause remobilisation of potential contaminants present in the land adjacent to the landfill, which could ultimately cause pollution of groundwater. Surface water infiltration can potentially provide possible pathways for landfill gases movement and accumulation into the proposed structures.

The applicant should clarify how our concerns can be addressed. We also advise that Kent County Council (LLFA) are consulted on this submission owing to their statutory role in providing advice and guidance on the surface water management provisions associated with major planning proposals.

Southern Water: raise that, as indicated in previous correspondence there is insufficient capacity within the existing foul sewerage system to accommodate the proposed development flows. Relevant infrastructure is to be provided to service the development. An application under Section 104 (adoption) under the Water Industry Act needs to be submitted and approved by Southern Water. The Council's Building Control officers/technical staff and the environment agency should be consulted regarding the discharge condition for surface water disposal.

KCC: Highways & Transportation: raise the following points:

It is noted that the detailed plans produced by MLM in respect to the highway layout, drawings 6177865/C/108 through to 6177865/C/115, do not correspond to the proposed Masterplan layout indicated on the JTP produced drawing 00122H_MP03 Revision P2 that has a later date. The same is also true of the other drawings produced by MLM, which show vehicle tracking and the site management plan based on that earlier layout too. In particular, it is evident that the plot numbers differ from the two schemes, making it difficult to reference locations. As far as the differences in the schemes are concerned, I note that some laybys are omitted from the proposed masterplan, and the housing layout in the eastern (Phase 4) part of the site is significantly different. Additionally, the form of the laybys has changed too, as the Masterplan laybys do not incorporate splays to accommodate vehicle manoeuvring.

The appropriate drawings should be revised to confirm what the relevant layout details to be considered are, as there are too many discrepancies to be confident about which layout should be assessed. Considering the technical information that has been provided, to demonstrate the suitability of the proposals to facilitate the movement of the refuse freighter and fire appliance through the development, it is essential that those drawings are accurate.

Notwithstanding the comments above, it would appear that the set of construction plans do not include the southeast corner of the application site. Nor do the Site Management Plans include the eastern (Phase 4) part of the site.

The provision of allocated spaces, generally used in these proposals for the flat blocks, cannot be located within the public highway. Using the plot numbers from the Masterplan drawings, allocated spaces are currently shown on-street along the frontage of Blocks 90 to 101, 123 to 145, 158 to 169, 170 to 188, 254 to 269 and 324 to 335. Only unallocated visitor spaces may be provided in this form on-street. A consequence of this will be that the parking provision for allocated spaces of these flats will be too low.

Parking for plot 1 is very remote from the dwelling, and cannot be easily observed. It is likely that residents of that plot may park in more convenient locations closer to the property, either taking up on-street visitor spaces or parking inappropriately.

Similarly, plots 23, 25 to 30, 33, 35 and 36 are likely to use the visitor provision when available, rather than the rear courtyard parking that is allocated to them.

Plot 344 has not been allocated any parking spaces.

The parking spaces alongside each of the housing units relating to plots 337 to 343 are poorly allocated, as they are out of sync with the properties. This appears to be wholly down to the lack of parking directly alongside plot 336, and results in the undesirable location of the subsequent parking allocation and absence for plot 344 mentioned previously. The parking spaces should be positioned alongside the respective houses, and space created to accommodate parking alongside plot 336.

The restricted turning facilities within the shared private driveways to plots 40 to 42 and 46 to 49 will mean that vehicles using the visitor spaces at these two locations will have to reverse a considerable distance back out onto the highway.

The vehicle tracking demonstrates that vehicles parked outside of the formal on-street parking spaces will obstruct the swept path of the refuse freighter and fire appliance. It is therefore essential that the parking provision is sufficient and located in the correct places, and allowance made to accommodate parking where the route for these large vehicles may be prone to casual parking that could prevent their passage through the development. In particular, some of the corners and junctions may require flaring and

provision to allow on-street parking so that movement can be maintained. This would be likely at the following locations:

- i) By plots 246/235
- ii) Outside plot 216
- iii) Outside plot 245
- iv) Outside plot 17
- v) The junction by plots 16/38
- vi) Outside plots 62/63
- vii) Outside plot 34
- viii) The junction by plots 85/346
- ix) Around plot 65
- x) Outside plots 49/64
- xi) Around plot 320
- xii) Outside plot 315
- xiii) Outside plots 312/313
- xiv) Outside plot 296
- xv) Around plot 270
- xvi) Around plot 276
- xvii) Around plot 323

The formal on-street parking spaces should be clearly defined in order that it is clear where parking will be allowed, as the passing places and flaring to accommodate vehicle movement may be assumed to be intended for parking too.

Notwithstanding points 9 and 10 above, without any waiting restrictions to control parking within the development, areas of carriageway and shared surfaces needed to cater for sufficient vehicle movement are likely to become obstructed. It is considered that parking controls may be required throughout the development to prevent the narrow roads from becoming impassable for larger vehicles.

Vehicle accesses into the private parking courtyards should be wider to adequately accommodate 2-way vehicle movement. At around 4m width, vehicles will overrun the edges to pass one another. I would suggest that 4.5m would be more appropriate.

A plan should be provided to clarify what extents of the development will be offered for adoption. This will influence whether we will require changes to the proposals in certain areas or not, based on adoption standards.

It is noted that the Construction Sub-Phasing plan. 00122H_MPH05 P1 indicates construction traffic using the existing field access onto the A28 at the

north eastern end of the site. This has not been accepted, and construction traffic should use the Access A route as previously agreed.

CMO Project Team: Comments below are raised in respect of the Reserved Matters application and SUDs.

Singleton Rise buffer

Is it necessary to have further wildflower meadows? Would short mown grass not suffice? [**Applicant Response:** We confirm that we agree to provide short mown grass rather than the wildflower meadows proposed as requested by the CMO]

There appears to be an informal play space? Further detail is requested to establish the suitability of this. The play space is likely to lay wet as it appears to be right next to a swale. Safety may also be an issue where water lays so close to a play space.

The Avenue

With reference to the avenue and tree planting, we welcome the use of trees though we are concerned about whether grass planted beneath will in the long term establish properly without high maintenance. Would a better spacing be slightly larger spacing at say 15m?

There is a thick green line and hatching mostly around what is presumed to be flatted accommodation and also around what appear to be a large number of detached houses. Is it expected that the CMO will maintain there? It is noted that these are more challenging to maintain. [**Applicant Response:** The landscaping surrounding the apartment blocks will be privately maintained through a management company, so therefore the CMO will not be party to these arrangements. This of course could be reviewed with the CMO in the future if all parties agree.]

Maintenance & Management Plan

We note from the maintenance and management plan that as a general rule, the developers will retain responsibility for 12 months before handover to the CMO. We question whether this is a long enough period of time in a practical sense for planting to establish before defects are properly realised. We wish to avoid the CMO having to make good planting that for whatever reason has failed. We are advised that up to three years would be a more reasonable

period on the understanding that the planting is maintained regularly to a high standard throughout this period.

[HDMSS response: The applicant has confirmed that they accept the request for the landscaping to be maintained for 3 years by the developer prior to the transfer to the CMO]

Conclusion

In conclusion, we support the broad aims and objectives underlying the plans from a landscape perspective with the exception that one of our comments would imply a greater spacing of trees along the avenue. Our points are therefore of detail relating to planting types from both a maintenance and aesthetic perspective. We suggest that resolving these points in Conditioned to allow for further consultation with the developers and their consultants to take place.

Landscaping Management and Maintenance Plan

CMO context

First, it is important to note that the M and M Plan eventually approved along with the RM application will form the basis for the CMO's commitment to the developers to manage and maintain open spaces to high standards – for that part of the development covered by the application.

The plan becomes a reference point; for the CMO's service planning. It is also a benchmark against which the CMO must consider whether any future proposal made by it to vary or amend management and maintenance operations in anyway requires consent outside of the planning process. Under what is known as the CMO Framework Agreement (a schedule to the Section 106) the prior consent of the Parties to the Agreement is required for any [material] change to operations and standards proposed by the CMO. The Agreement acts to safeguard the parties' key interests.

Second, the Community Management Organisation will own the freehold (through transfers from the developers) for much of the public open space and hard landscaping. Transfers of land and property are to be agreed with the CMO and in part are subject to agreeing detailed management and maintenance plans.

Third, the CMO will discharge its landscaping obligation through procedures it will put in place to commission and manage a contractor(s), and for term periods, the CMO Trust Board considers appropriate. Hence, decisions of this

nature will be informed by its own procurement policy and procedures. Further, the CMO either will have skilled capacity internally to oversee contractors, or if not it will commission such services. In the future, the CMO may decide to internalise the landscape management and maintenance function.

Finally, through the Section 106 agreements and its associated schedules, the CMO must fulfil an obligation to the developers and the Borough Council that its landscape management and maintenance function, and the appearance of the development, will at least meet the standards specified by relevant and agreed maintenance specifications.

The submitted draft management and maintenance plan (SP0301_01) (31 July 2017)

The submitted draft is in the form of a typical specification, drafted in the context of 'client' and 'contractor' relationship. However, at Section 2.2 the document mentions the intention to transfer public open spaces to the Community Management Organisation. From thereon, the document continues to refer to a contractual relationship, however.

For planning purposes, the document is we understand helpful, as it demonstrates a responsibility for longer-term management and maintenance, with a clear intent for the development to remain well maintained. This we support.

From a community management organisation perspective, the document will need some amendment to properly highlight the relationship between the developers, the CMO and then any contractors it may use, or the CMO's own operational team should it decide to take that route.

Correctly explaining these relationships is we feel is important. This is because the maintenance plan and standards establish the benchmark for the CMO's operations and a reference point within what is known as the Framework Agreement that provides safeguards for the developers, council and CMO over standards of landscaping. At present, standards might be difficult to define from the current draft hence we feel some re-drafting is required.

We would propose therefore, that the planning authority accept the document as a clear statement of intent, and under a condition provide a period of time (say 3 months) for further consideration and consultation with the CMO Partnership Working Group on matters of detail within the document.

Within the three-month period, wording describing 'qualitative standards' would be examined to ensure standards are sufficient in scope, appropriate and sufficiently flexible to permit the CMO and contractors to adopt changes in practice where these lead to even stronger outcomes. Technical aspects would be reviewed to ensure they deliver appropriate quality levels and are feasible from an operational perspective.

We note also that soft landscaping that serves as communal areas for flatted accommodation the CMO should have the option to be considered as a contractor to the developers, albeit acknowledging that developers will create separate service charges to be levied on accommodation landlords.

At para 2.3 (Extent of Maintenance Works) the document talks of the letting of annual contracts in JCLI form (landscape institute contract). The CMO when formed and responsible will wish to determine contract durations for itself following its own procurement policy. Annual contracts may be suitable for certain work, but less desirable for others where longer term arrangements deliver greater continuity, incentives, and service greater practical purpose when dealing with growing and landscaping maintenance cycles.

Further, it is also important to note that when developers are responsible for maintaining landscaping prior to its handover that their contracts come to an end at that point but give the CMO the option to inherit a contract subject to changes to terms and conditions.

We welcome the comments in the plan that talk about flexibility and so forth to accommodate changes which reinforces our view that contract arrangement should be built to facilitate change.

SUDS Applications (Ponds 3 & 4 and at Brisley Farm)

We note that separate applications have been submitted for the Ponds 3 & 4 and at Brisley Farm. We have no comments to make on the configuration or the design of the ponds/SUDS apart from ensuring there is suitable access to certain features eg. head walls to facilitate their maintenance. We have similar questions about the planting and maintenance plans. We therefore request that the management and maintenance plans associated with SUDS are subject to a condition similar to the above.

CMO Project Team: raise the following comments in response to the Play Strategy:

We welcome the approach used to adopt natural play features. The use of wood and similar materials is in keeping. The inclusion of interpretation is welcome. This could be extended from ecology and wildlife to include heritage and history too or ways to use the equipment to promote active lifestyles.

The land parcels to which the Play Strategy refer do not have any formal play spaces. G2 is shown as an equipped area. It would be preferred if this space could be less formal and therefore less equipment to provide an incidental play space which provides a kick about space with some opportunities for climbing provided by logs. Some seating should be provided. This space should not need regular formal inspection. It might be in the future that the CMO decides there should be more formal play at G2 but in the early days it will be important to establish how people use the space and therefore how it should evolve. The Design Code (P.ix) endorses this. This same comment applies for the other two small play spaces shown (G31 and ?). **[Applicant response:** The reviewed landscape MP follows the suggested play provision noted on JTP MP SK08 current at the time. With the enlarged space now available at G2 the inclusion of a kick about area is viable. The attached screenshot indicates an area of ca. 450m² (minimum size for kick about generally considered to be around 200m²). We are currently revising the landscape MP to take on comments raised by Essex Place Services and this will be issued early next week in support of the application (the intention is that the landscape components will still be subject to Conditions)]

Please can we see a breakdown of the play space areas versus the informal open space to ratify with the S106? **[Applicant response:** The play provision is designed to be integral to the overall open space area so it is difficult to provide meaningful measures of one type against the other. Following completion of the revised landscape masterplan accurate measures of all public open space will be determined and from this an estimate of playable space will be provided.]

Given the comment about G2, some of the pictures in the strategy are not relevant to these land parcels and should be removed as they are misleading. **[Applicant response:** We will amend accordingly to ensure the document is in accordance with Condition 41, which will be, simply (item v111.) “A play statement setting out range of experiences for children”.]

It would be helpful to understand more of how the developers will respond to the doorstep play agenda as it is not covered specifically. Where will these be provided as it is not clear from the plans? **[Applicant response:** The revised MP will indicate where the doorstep play items will be provided. For each a

2/3 seater bench along with 2 simple play elements will be installed, (typical elements will be indicated on the revised landscape MP)]

How and at what point will the CMO be involved in the detailed design of the play spaces and how will the community be involved? **[Applicant response:** In the absence of the CMO and new community being in place in the first phases, the detailed design of the play facilities will be provided by the landscape consultant, supported by a specialist natural play equipment supplier, such as Earthwrights or Timberplay, (or equal equivalent). The designs will be subject to review and further development by the responsible planning officer prior to formal application to satisfy the respective Condition.]

We presume 'play along the way' is incidental play? **[Applicant response:** That's correct]

In order that the play features have some resonance to the ethos of Chilmington Green and can deliver successfully delivery on this, we propose that four themes are encapsulated and are used to inform detailed design and delivery. A discussion with Planning is required, but these could potentially be 'Conditioned' to ensure inclusion in design;

- a. Creative Chilmington (opportunities for public art in play features or in the production of play features)
- b. Heritage (how will informal play features respond to the heritage and living history agenda of the site?)
- c. Healthy/Active Lifestyles (how will play features respond to current agendas such as obesity and motivate families to get active?)
- d. Quality – delivering on the Design Code and providing spaces which respond to the garden city principles. How do the play spaces go beyond what we see elsewhere to reach the quality agenda? The Play Strategy is not specific on this point.

[Applicant response: As suggested, we believe more detailed discussions should be held to ensure delivery of these objectives, and that the play provision is Conditioned to be determined at a later date. Our current understanding is that the entire Landscape provision will be subject to formal Conditions.]

KCC: Public Rights of Way and Access Service: Raise the following points:

Public footpaths AW225, AW219, AW240, bridleway AW244 and byway AW245 will be directly affected by the development and are shown on the attached extract of the Network Map of Kent. The Network Map is a working copy of the Definitive Map. The existence of the Right of Way is a material consideration. Although we would have preferred to comment on the details of the development as a whole, I understand that this application refers to Phase One of the development only.

We are supportive of the well-connected walking and cycling provision that runs within the development site and within areas of open space and green corridor; unfortunately there are a number of errors and inconsistencies within the application that need to be addressed.

Inconsistencies and errors to be corrected:

Within the Design and Access Statement, the detailed Phase 1 Map incorrectly shows the alignment of the recently diverted footpath AW240. We would ask that the applicant produces a map showing the correct alignment of the path. We would ask that this path is surfaced with a minimum width of 2m to an appropriate standard. Any proposed work on the surface of a PROW must be approved and authorised by the Highway Authority, in this case Kent County Council's PROW and Access Service. [**Applicant response:** Out with the redline boundary and therefore comment not necessary]

Within the Design and Access Statement, the detailed Phase 1 Masterplan shows bridleway AW244 and proposed bridleway following the site boundary and running within land parcels G1 and G3, however in the Landscape Masterplan (D0301_030) and Landscape GA Hardworks (D0301_034) the alignment and surface treatment of the public bridleway AW244 is not shown. We would ask that the bridleway is surfaced with a suitable type one material, any proposed work on the surface of the bridleway must be approved and authorised by the Highway Authority. The section of this route that is not PROW and this will need to be created through a creation agreement which needs to be considered at an early stage. Finally, we would expect that the bridleway continues into the next section of the development to prevent a dead end route. [**Applicant response:** NTA to indicate treatment to AW244 on revised MP D0301_030, shown surfaced with Type 1 Stone, Graded.]

The alignment of the Greensand Way (bridleway AW244) is different on maps within the Design and Access Statement (Part Two) where the alignment is shown correctly on the map on page 22 and incorrectly on the map on page 23.

We would ask that where possible all PROW should run within an area of green corridor or open space away from access roads and traffic and that they are overlooked by adjacent properties to help with the security of the route and to prevent anti-social behaviour. [**Applicant response:** Unsure that is being referred to, comments must be based on an older version of the DAS. We assume that this has been picked up and corrected in current iteration.]

Please make the applicant aware that any PROW diversions or extinguishments should be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the path network as soon as possible. It is important that Ashford Borough Council are in a position to make the necessary Orders at the point at which consent is given.

Points for the applicant's attention:

No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.

No hedging or shrubs should be planted within 1.5 metre of the edge of the Public Right of Way.

Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, I would need six weeks notice to process this.

On Amended plans: Happy to see that bridleway AW244 will be surfaced and we would need to approve the specification prior to any work taking place and would also ask for a minimum width of 3m, can this be added as a condition? Also we would like the new path that links the bridleway and follows the boundary to be created to the same specification and designated a bridleway. If these points are included, there would be no objection to the application.

KCC Ecological Advice Service: raise that in line with condition 79 and 80, we advise that the required bat emergence surveys (as per section 5.15 of the ecological report) are undertaken prior to discharge of these conditions. We are satisfied with the provided information in relation to condition 81-86.

On Amended plans: No objection.

Ashford Borough Council Environmental Health: below concerns are raised:

Environmental Noise Survey: I note that in the case of this report, the survey was conducted prior to the installation of the new roundabout. No discussion has been made on the potential impact of the roundabout on the measured noise levels.

External noise levels: I note that the external amenity space assessment uses MP1 (64dB) and not the higher level at MP2 (67dB) where noise would need to be reduced by 12dB and not the quoted 9dB. In any event the specification for the acoustic screening has not been provided to show that the required reduction will be achieved.

Internal noise levels: The report concludes 6/16/4 double glazing with a trickle vent with an indirect air path. It however states under 6.1.4 that this is not the final design specification and is a feasibility study to inform ongoing design considerations. It further states that detailed calculations would need to be conducted. I am unclear whether data from MP1 or MP2 is being used in this section.

I would suggest that given the feasibility nature of the report, lack of fully detailed mitigation measures, and concerns with reference to the impact of the roundabout and measurement position selected, that at this stage this condition is not discharged. I would instead welcome further clarification with reference to my concerns.

On amended plans: No objection.

Ashford Borough Council Street Scene and Open Spaces: below concerns raised:

Block D refuse – although there is some provision for bins at some of the blocks this isn't adequate to support the number of properties and alternate weekly collection of refuse/recycling.

Roads in Parcel K – how is the refuse vehicle to be able to get round to service properties at the back sections where roads are narrowed and parking spaces are located? Vehicle tracking for these areas is not identified in the tracking presented so far.

Block E access - concerns refuse vehicle would not be able to access the side road down to Block E as there is not the space for the vehicle to be able to manoeuvre. Also, what is proposed for bin storage at this property?

Comments on amended application

The solution in block D refuse is acceptable. Review of tracking appreciated. RCV access is a constant problem that hopefully can be eliminated with design. We have policy haulage limits for residents wheelie bins that need to be considered. The collection point must not be more than 25 metres from the road with the collection vehicle uses to services those properties. The proposed solution for block E access seems acceptable.

Ashford Borough Council Drainage: Consulted; there is significant encroachment of the SuDS on areas which I understand are located for open usable open space. As there appears to be a clear conflict between the use of public open space and SuDS then should the desire / requirement to maintain PoS (as initially identified) then space / storage for SuDS may need to be found elsewhere, which could mean lead to a significant re-design of the SuDS element for this part of the scheme (by the applicants designers) or a likely objection from landscape colleagues. There appears to be no reference to this conflict in the information submitted for the SuDS design.

Other initial comments include;

Concerns raised by the EA over water quality and the potential for infiltration of contaminants to ground.

Change in policy meaning the 1:100+20% (And 40% CC exceedance) needs testing a modelling using FEH methodologies or an adjustment of the FSR parameter within Microdrainage.

Network 2 of the submitted information is showing localised flooding during the 1:100+30%, no exceedance drawing provided and likely to be exacerbated by the change in policy aforementioned.

Ashford Borough Council Culture : Immediate concerns in terms of open space are:

The approach to public open space, particularly 'Great Chart Green' / G2 (as detailed in the Design Code), is not very imaginative or ambitious. The design makes full use of the potential of this open space, and includes features such as hibernacula, butterfly mounds and SUDS – which are not acceptable.

In terms of SUDS there is a Surface Water Catchment plan Sheet 3, which details large swales within open space. They are not detailed in parameter plans and therefore their inclusion has never been approved or discussed. ABC doesn't typically accept SUDS as counting towards the necessary quantity of Public Open Space unless there is an arguable amenity offer. The approach for SUDS at the moment is very dull – there is potential opportunity for rain gardens, rills etc and a positive contribution towards green infrastructure, which currently I don't think is being achieved. I don't think that the Landscape Consultants and Engineers are working together, which is the process that we expect and require.

I don't think the consultants have understood the different approaches to play provision; the lack of detail does not help either.

There are no levels on the drawings, which provides misleading details as we know there are gradients at this location which need to be considered.

The proposed paths don't necessarily follow where residents will actually walk, or at junctions with roads consider the on-going route.

Drawings are necessary to ensure that the proposals meet the minimum requirements of public open space.

I believe the drawings I have are already out-of-date as the road layouts have changed. There has also been a Design Panel review and presumably the drawings will change as a result of this.

Overall the approach to landscaping is pedestrian and un-imaginative, and not of the quality expected for a Garden City approach. The hard landscaping proposed specifies low quality materials, the planting plans indicate an average approach to species choice and layout, and overall there is no 'wow' factor anywhere within this phase.

Comments on amended application

Comments regarding hard and soft landscape are in response to the planning application 12/00400/CONI/AS, discharge of condition 18 (Details of Advance Planting), 54 (Details of Hard and Soft Landscaping), and 63 (Landscape

Management Plan). The comments are also relevant to planning application 17/01170.

Condition 18 - Details of advance planting

A scale bar is required on all drawings. Spot levels and gradients are required on all drawings, particularly for hard landscape details so that slopes / changes in level are considered. We cannot give qualified feedback without this level of information.

Without approval of the Landscape Masterplan for Phase 1 Parcels B, C, J and K, drawing D0301_030 C, it is considered premature to consider detail to any great extent. The Landscape Masterplan will likely change, and this will have a knock-on effect to details such as advance planting.

The advance planting drawings provide very little context; however they cannot be considered in isolation as they impact on other elements, e.g. the location of footpaths.

The advance planting is within areas of public open space – G1, G2 and G3 – and within an area of general open space – G31. It would be useful if the drawings could detail the extent of G1, G2 and G3, so that it is clear what is considered to be public open space.

The advanced woodland planting to the southeast of the development, is too close to the proposed bridleway/cycleway. KCC PROW service will best be able to advise, but there must be a manageable grass margin adjacent to the path, to ensure trees and scrub do not encroach onto the path.

Presumably the rabbit proof fencing around the woodland advance planting is to limit damage to newly planted areas. However the woodland is planted within areas of public open space, and therefore any fencing must be considered temporary and only in place to assist with establishment. The drawings and management plan must reflect this approach, and provide a timescale for removal, to ensure the areas are freely accessible to public users.

With reference to drawing D0301_039 Advanced Planting, the detailed Area Planting – 2 restricts pedestrian access and links with the existing residential development to the east of the development. There are currently informal links from the existing estate, and these need to remain and become more formal. There needs to be permeability between the two developments, and the advanced planting area as currently detailed creates a barrier to this.

The drawing needs to clearly define where the existing PROW bridleway AW244 is located, and therefore how close the proposed advanced planting is.

Further comments

The detailed Area Planting – 2 is located within an area that contributes to the character of long distant views from the A28 to the west, and therefore presents an opportunity to create a distinctive landmark feature within the landscape. Lombardy poplars (*Populus nigra Italica*) as windbreaks to field boundaries are a local landscape feature that could be repeated here.

This would provide a screening feature until other slower growing tree species such as oak and hornbeam have reached a height that would fulfil their screening function. With the addition of Lombardy poplars at this location extra heavy standards would not be necessary.

We recommend a single line of extra heavy standard Lombardy poplars at an even planting distance of 10m, offset from the existing bridleway by 3m. This would allow for a neat mown edge to the path of at least 1.5m in width.

Within the planting schedule for drawing D0301_039, there are species that are not typical of the Wealden Clay soils at this location. The soils here change from hythe formation along the ridge, to a narrow belt of atherfield clay formation and finally weald clay to the west.

To reflect the soil type we propose the following plant substitutions:

- *Fagus sylvatica* substituted with *Sorbus torminalis*, 5%, feathered form
- *Ligustrum vulgare* substituted with *Rhamnus cathartica*, 5%
- *Sorbus aria* omitted
- *Tilia cordata* substituted with *Cornus sanguinea*, 5%
- *Viburnum lantana* substituted with *Viburnum opulus*, 5%

Regarding specific species, we would like to see the following amendments to % and form:

- Half of the proposed *Acer campestre* to be planted as feathered form
- *Carpinus betulus* to be provided as feathered form, percentage increased to 12.5%
- *Quercus robur* to be provided as feathered form, , percentage increased to 12.5%

Extra heavy standards have only been specified for area planting 1 and 3; further extra heavy standards should be specified to areas AP-6, AP-7 and AP-8.

It is not clear if the schedule on drawings D0301_039 allows for areas AP-6, AP-7 and AP-8, as the table only lists AP-1 and AP-2.

The outline specification detailed at drawing D0301_040 refers to woodland blocks A, B and C. These blocks are not located on any other drawings.

Note also that there are two drawings with the title Advanced Planting Sheet 2 of 2, D0301_040

With reference to figure E3.1i, Habitat Measures, a small percentage of Clematis vitalba can be added to the planting schedule.

The hibernacula proposed for all areas must be sufficiently embedded within the advance planting areas, to not be visible from paths and residential dwellings.

We understand that advanced planting details should have included The Hamlet area; as drawings have not been provided obviously our comments do not cover this area.

Condition 54 - Details of hard and soft landscaping

A scale bar is required on all drawings. Spot levels and gradients are required on all drawings, particularly for hard landscape details so that slopes / changes in level are considered. We cannot give qualified feedback without this level of information.

Without approval of the Landscape Masterplan for Phase 1 Parcels B, C, J and K, drawing D0301_030 C, it is considered premature to consider detail to any great extent. The Landscape Masterplan will likely change, and this will have a knock-on effect to details such as the location of paths.

It would be useful if the drawings could detail the extent of G1, G2 and G3, so that it is clear what is considered to be public open space.

Once final layouts are agreed CAD layouts will need to be supplied which detail the required areas of open space – 14,107m² for G1, 7166m² for G2 and 17,134 for G3.

Hard Landscaping

The approach to hard landscaping appears low value and pedestrian in its nature, with very little detail to raise the quality of provision. Within open

space areas there is a high use of Cedec silver footpaths with timber edging; this is appropriate for low key areas away from built up spaces, but not within areas which will be more intensively used, such as G2.

Cedec silver gravel will have long term maintenance issues, and its proliferation of use will therefore be expensive to maintain in the long term, as will the necessary replacement of timber edging.

Gradients and levels need to be detailed so that it is clearer what the falls and slopes will be, and how useable the paths will therefore be for all abilities.

The current layout does not allow for seamless integration with the adjacent development (refer also to comment 1.8 above); there must be fluid connections which pick up on the current informal routes. Currently the layout does not engender a positive relationship between the two developments. The existing PROW bridleway AW244 must be plotted on to the drawings, and any surfacing of the existing bridleway detailed.

There is a surfaced path proposed that runs adjacent to Pearmain Way; however it is not continuous and leads to what is presumably a grass path (this is not detailed in any legends). Why is the path a limited length? The path also runs adjacent to the PROW bridleway AW244. If better connections are provided to the bridleway and the housing estate, is this length of path actually needed, or could it be provided further down the slope?

The public green space area G2 has a primary function of providing useable open space for amenity use. It will be a highly visible and accessible area of open space, with a high proportion of dwellings overlooking the space.

Therefore the public open space offer must be to a high standard, with high quality materials, and be designed so that the roads which cut through the space have a 'shared space' feel.

The current proposal provides a low quality material path route which is intersected by roads. What we would like to see offered is more distinctive paving –resin bound paths, granite setts, informative slabs, not timber edging, a route where pedestrians/cyclists take precedent, with materials individual to the scheme. There is opportunity here to create a 'linear park' with interest along its route.

The Design and Access Statement details p89 'Across the site, the areas of vehicular access will be designed in such a way as to promote pedestrian prominence and safety. A 'home zone' or 'Living Street' approach will be taken for all these areas where shared, levelled surfaces, 'in street' tree and shrub planting and informal 'doorstep play' opportunities will be created to provide an attractive, secure, traffic calmed street environment for all users.' It's not clear from the hardworks drawings how this has been achieved.

Within space G2, there is an existing hedge and trees which will be retained. The linear nature of the space, combined with the hedgerow, creates an open space which struggles to provide useable open space which has any more worth than as a thoroughfare.

To use the available space more efficiently, particularly with regards the largest central area, if the path is offset from the existing hedgerow then there is maximum availability of open space.

This would allow for the play provision to be more centrally located within space G2, and more free space for informal amenity use.

Where is the bridleway as indicated on Detailed Masterplan Phase 1, Plan 1 of 4, drawing 00122_SK80? Is the cycle path to be the bridleway? The Access & Movement section of the Design and Access Statement does not indicate a proposed bridleway.

Soft Landscaping

The Greenspaces G1, G2 and G3 must be 'genuinely usable and freely accessible.' Therefore in principle they must not contain any hibernacula, suds, or ecological mitigation features. These features should be confined to open space which is not considered 'public' in its principle offer e.g. G31 and E12, and not within view of residential housing.

Hibernacula are not acceptable within areas of highly visual open space, particularly close to residential housing where they will be on view. Hibernacula are better placed incorporated into hedgerows, woodland shrub and woodland matrix planting.

The public green space area G2 has a primary function of providing useable open space for amenity use. It will be a highly visible and accessible area of open space, with a high proportion of dwellings overlooking the space.

Therefore in terms of soft landscaping the approach must be of a distinctive and high quality landscaped space. The current offer is very low key in approach, with a minimal palette of planting types. There is opportunity here to make a distinctive space which could be characterised with distinctive planting – e.g. key tree species, stylistic management such as pleached trees and topiary.

Quality Charter 20 details: 'There are also plans to innovate – for example, with community orchards and the planting of specimen, landmark trees.' What innovative tree planting has been proposed for this stage?

The Landscape Strategy within the Design and Access statement, p90, details 'Where amenity spaces open up within the built form – these are framed with

formal Hornbeams (*Carpinus betulus*) which are trained into a boxed pleached form.' It is not clear where these are on the softworks plans.

The approach to tree planting could help to provide more distinctive spaces. Tree planting within G2 is fairly limited and predominantly native, which is not necessary. The selection includes some large species such as alder and oak, at close planting distances which won't allow for ultimate spread.

All tree planting needs to be located a minimum of 2m from the existing hedgerow, to allow for maintenance of both the hedgerow and tree, and any necessary grass cutting.

All tree planting also needs to be a minimum of 2m from all edges, to allow for maintenance.

The existing hedgerow with trees is separated by the proposed roads. With the addition of new hedgerow and large specimen trees, there is opportunity to create a closed canopy over the roads which will improve the opportunities for wildlife migration.

The use of wildflower meadow should be approached with caution, as this repeatedly fails to work within public spaces. It will provide a useful transition from hedgerow to grass, however it must always be designed with a minimum 1m mown edge to the path/road side, so that the area keeps the appearance of being maintained.

The landscaping should include drifts of bulbs beneath trees and hedgerows, to increase the planting diversity and extend the flowering season.

G1 is very densely planted, with woodland matrix, woodland edge, wildflower meadow, and very little free space. Within the whole of this phase, where are children and young people expected to play, i.e kick a ball?

The primary purpose of G1 is to provide public open space; secondary purpose is to screen the existing housing along the ridge line. The balance of planting is weighted towards providing woodland planting – more consideration needs to be given to open space that is more useable.

Without any levels provided on the plans it is not clear how effective the woodland planting will be, as we cannot calculate the ultimate height of the specified trees compared to the ridgeline of existing houses. A section drawing here would also help to clarify the function of the planting.

It is not necessary to provide a hedge, or any form of barrier, around the incidental play space. Incidental play should be informally integrated into the open space, and not be treated as a separate space which requires defining and protecting (see separate notes on play below).

Why are there lengths of hedgerow specified to some of the edges of the public open spaces? They prevent free access and provide a visual barrier.

The proposed planting list includes *Cotoneaster horizontalis* and *Parthenocissus quinquefolia*; both are considered an invasive plant in the UK and therefore should not be specified.

The planting list also includes *Sambucus nigra* and *Salix caprea*; both these species will naturally find their way within the mix and do not need to be specified. *Salix caprea* has an invasive habit elsewhere within the borough.

The Surface Water Catchment Plan Sheet 3 indicates large detention basins with headwalls. These will not be acceptable within public open space G2. Any necessary SUDS features at this location must be imaginatively and carefully designed to provide a positive contribution towards the visual value and character of the open space.

There is a SUDS pond indicated in area G31. This SUDS feature will be overlooked by residential housing and therefore its approach in terms of design must be to provide a feature of high amenity value, which is not engineered.

The adopted Sustainable Drainage SPD states 'SUDS should be sensitively designed and located to promote improved bio-diversity, an enhanced landscape and good quality spaces that improve public amenities in the area.'

The application does not reflect the above approach to SUDS design. It has been engineering led, is purely functional and is not sensitive to the wider landscape. This feature could provide opportunities for bio-diversity, with more shelving, varied depths and gradients.

More detail will be necessary on any potential headwalls here. Concrete headwalls with kee-klamp style railings are not acceptable; a more imaginative approach that suits the semi-rural and highly visual setting will be required.

Attention is given to the approach to providing SUDS as part of application 17/01334.

It would be useful if there was a more flexible approach to landscape provision, so that further comments and amendments could be made once the buildings and infrastructure are on site.

Play

There are no equipped play areas within this application; the approach taken for this application does not appear to have considered the approach detailed within the Design and Access Statement, or the Design Code.

The submitted Play Strategy references a 'LEAP' as the equivalent approach for designing a play space within the central area of G2. Ashford Borough Council do not use this approach to play space typologies and consider it unhelpful for any development.

There is a hierarchical approach to play for the Chilmington Green development:

- Super play spaces – within 800m / 10 minute walking distance
- Local play spaces – within 400m / 5 minute walking distance
- Incidental naturalist play within green corridors and routes
- Doorstep play – within 100m / 1.25 minute walking distance

The only equipped play spaces are Super and Local play spaces. PS1 is considered a local play space and is not included within this application.

Therefore the play provision for this application should provide the incidental and doorstep play spaces as described in the Design and Access Statement and Design Code. These allow for naturalistic, informal play features and the opportunity to 'play along the way'. They are not equipped spaces enclosed with hedging.

Condition 63 - Landscape Management Plan

Without approval of the Landscape Masterplan and Soft and hard works drawings, for Phase 1 Parcels B, C, J and K, it is considered premature to consider landscape management. The landscaping will likely change, and this will have an impact on the content of the report.

PARISH COUNCIL AND NEIGHBOUR REPRESENTATIONS

Ashford Access Group: Consulted; raise that with regard to landscaping please bear in mind mobility impaired access to open public areas, ramps, rails, etc., Dropped kerbs flush. Great attention to use of textured paving particularly the exact line-up of dimpled paving from one side of road to other. AAG feels sure that in a development of this scale fullest attention has been given to adapted housing, 'housing for life' etc., as is required. Thoughts about bus stops useful at this stage to achieve the best access arrangements on board bus ramps etc.

Great Chart with Singleton Parish Council: Raised objections in regards to the following issues:

Site Section Sheet 1: The biggest concern is that all houses at the top of the hill (i.e. Ridge edge A, B & E) are three stories in height. This is exactly the problem raised at a Stakeholder meeting where the Design Code was discussed at length. Comments on page 72 of the Code showed a drawing of a 2.5/3 storey building at this height and edge was inappropriate - low rise buildings should feature along this high point. Those objections - made to the Design Code drawings on that page - can now be seen to be fully justified. The CS5 Core Aims at Chilmington stated there should be "a well-defined edge to the development and a sensitive transition to the adjoining areas" (Design Code page 6). Three storey houses at the top of a hill next to woodland produces the opposite.

Site Section Sheet 2: All these sections display the monotony of the proposals. Insufficient variety both of house styles and materials show a lack imagination and understanding towards producing the 'strong character' in each area specified in both the CS5 and the Design Code. The architectural drawings do not project the variations of the design and finish efficiently, and are detrimental to the application. An artist's impressions would greatly help in overcoming this problem.

Site Section Sheet 3: The same comments as sheet two apply here - but to an even greater extent. The block of flats shown on the left hand end of Section J is completely unacceptable in that location. It goes completely against the Design Code 8.2.1 Page 85 where it is agreed that low-density housing is required around the main access point which states:- "It will be characterised by a high standard for both housing and landscaping with 2.5 or 3 storey detached villa style homes. All homes will face towards the roundabout and have front access from a shared residential street. Each home will have a gable with over-sailing eaves on the front façade. The predominant materials will be red brick and red tiles for walls and red tile for roofs". The Code is quite correct - reflecting a quality development. A block of flats achieves the opposite. What is the point of a signed up Design Code which is then not carried out? If signatures mean nothing then the Design Code is as a whole is worthless.

Large Vehicle Tracking more a borough/county council point than a developer query - and one that has been mentioned on numerous occasions at Workshops and Stakeholder meetings. The width of the roads for large vehicles shows that access will be impossible if any other vehicles are parked on those streets. There is no possible scenario imaginable that will ensure the streets will always be kept clear. Just an irritation for refuse vehicles, a matter between life or death for emergency vehicles. During ABC organised visits to other developments we have seen 'live examples' of exactly the same

problem. A learning curve which has not been absorbed into this development.

Surface drainage, we refer to Chilmington Green Workshop held September 2016 page 25, where a series of notes have been made concerning surface water drainage beyond the red line of the site. These concerns have not yet been met, although we realise some work on site has commenced. We need further confirmation that the single drainage pipe at the Suds adjacent to the A28 which drains to the south is properly cleared and has sufficient capacity to cope with the runoff.

Shadoxhurst Parish Council: No comment to make on this application.

Kingsnorth Parish Council: No comments received.

Neighbourhood Responses: 36 neighbours consulted; 2 objection comments received with the following concerns:

- Concerns that in the developer's Quality Charter for this phase of Chilmington Green it is stated that there is likely to be under provision of affordable housing for this phase. Also that the target for affordable housing is only 30%. I hope that ABC will insist that the standard affordable element of 35% be included from the start, as it is integral to the whole concept of the scheme.
- Concerns regarding Vehicle Tracking - Large Refuse sheets 2 of 5, 3 of 5 and 4 of 5. These drawings clearly show insufficient street width and pinch points at several locations for large vehicles such as refuse / delivery lorries due to the sharp angles of roads or overhanging buildings etc. We would hope this is being rectified before the approval is granted. The Chilmington project is touted as an exemplar development - A Garden City. Yet already the first phase shows a lack of street width and jumbled cul de sacs, similar to previous developments across the borough. These drawings assume there will be no obstructions or residents cars (which will undoubtedly end up parked outside their properties) which will further narrow access for vehicles such as delivery or refuse lorries.
- Concerns about traffic emerging on to A28. The speed limit has been reduced to 40mph along parts of this major route. One of the current access points to A28 is via Chilmington Green Road; however since the change traffic on A28 is slow moving unbroken lines of cars. This drastically impedes vehicles trying to join the carriageway from the junction, especially at peak times. Drivers regularly wait in excess of 10

minutes to access A28 and have instead begun using single track rural network such as Mock Lane and Barrett Lane cutting through to Tythe Barn Lane where they emerge onto A28 without waiting. This has a considerable impact on local residents with heavy goods vehicles, large commercial vans and many cars now rat running these lanes. Adding more traffic trying to access A28 via the planned phases at B C J & K will only exacerbate this problem. Clearly these routes should be for access only and not used as short cuts. KCC Highways and the developer consortium must address these concerns before any houses are built.

Planning Policy

51. 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, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. The new Ashford Local Plan to 2030 has now been submitted for examination and although its policies should now be afforded some weight the Plan does not cover the areas of the Chilmington Green Area Action Plan.
52. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

LE7 - Play facilities

LE9 - Maintenance of Open Space

CF6 - Standard of construction of sewerage systems

Local Development Framework Core Strategy 2008

CS1- Guiding Principles

CS2 - The Borough Wide Strategy

CS5 - Ashford Urban Extensions

CS8 - Infrastructure Contributions

CS9 - Design Quality

CS10 - Sustainable Design and Construction

CS11- Biodiversity and Geological Conservation

CS12 - Affordable Housing

CS13 - Range of Dwelling Types and Sizes

CS15 – Transport

CS18 - Meeting the Community's Needs

CS18A - Strategic Recreational Open Spaces

CS19 - Development and Flood Risk

CS20 - Sustainable Drainage

CS21- Water Supply and Treatment

Chilmington Green Area Action Plan 2013

CG0 – Presumption in Favour of Sustainable Development

CG1 – Chilmington Green Development Principles

CG2 – Strategic Development Requirements

CG8 – Meeting the Recreational Needs of Chilmington Green

CG10 – Developing a Community

CG11 – Highways and Access

CG12 – Public Transport

CG13 – Cycling and Walking

CG14 – Travel Plan

CG18 – Provision of Affordable Housing

CG19 – Sustainable Design and Construction

CG20 – Flood Risk and Sustainable Drainage

CG21 – Ecology

CG22 – Phasing, Delivery and Implementation

Urban Sites Development Plan Document 2012

U0 - Presumption in Favour of Sustainable Development

U23 - Landscape Character and Design

U24 – Infrastructure provision to serve the needs of new developments

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Sustainable Design and Construction SPD 2012

Residential Space and Layout SPD 2011

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage (SuDs) SPD 2010

Landscape Character SPD 2011

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Chilmington Green Design Code SPD 2016

Chilmington Green Quality Charter xx

Informal Design Guidance

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

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

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

54. 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:-
55. Paragraph 14 sets out presumption in favour of sustainable development.
56. Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.
57. Section 4 sets out the need to promote sustainable transport
58. Section 5 sets out the need for high quality communications infrastructure
59. Section 6 sets out the need to deliver a wide range of high quality homes.
60. Section 7 sets out the need for high quality design.
61. Section 8 sets out the need to promote healthy communities

- 62. Section 10 sets out the need to meet the challenges of climate change, flooding and coastal change
- 63. Section 11 sets out the need to conserve and enhance the natural environment
- 64. Section 12 sets out the need to conserve and enhance the historic environment

National Planning Practice Guidance (NPPG)

Assessment

- 65. This assessment deals with the Reserved Matters application and provides some commentary on the associated conditions that are required by the outline planning permission; these conditions are listed in paragraph 43.
 - 66. The main issues for consideration are:
 - a) Compliance with outline planning permission parameter plans
 - b) Housing mix and affordable housing
 - c) Would the layout of the proposal result in a sense of place and be well connected to neighbouring sites
 - d) Would the proposals result in a high quality form of built development?
 - e) Is refuse collection appropriately considered?
 - f) Does the scheme provided acceptable internal and external space standards?
 - g) Do the proposals provide sufficient resident and visitor parking?
 - h) Compliance with Chilmington Green Quality Charter
 - i) Design Review Panel

 - j) Surface Water Drainage
 - k) Proposals for the disposal of Foul Sewerage
 - l) Landscaping, open space, play areas and Advance Planting
 - m) Other technical matters
 - n) Associated conditions
- a) **Compliance with outline planning permission parameter plans**

67. The outline planning permission included a range of Parameter Plans relating to density, open space, building heights, building parameters, land use, access and strategic vehicular traffic and footpath and cycle routes. All reserved matters applications have to fall within the parameters of those plans. In terms of all of the outline Parameter Plans, with the exception of the Density Parameter Plan, this application conforms.
68. In terms of the Density Parameter Plan, in August 2017, an application for a Non Material Amendment (NMA) was approved for the part of this application site to the east of the roundabout access which rises up towards the Singleton Ridge. The effect of the NMA was to increase the density in Bands D1 to D4 by 5% - an increase in numbers from 132 to 139. The NMA was approved on the basis that there would be no significant impact over and above the impact of the development itself. Furthermore, a consequent adjustment to ensure that the total number of dwellings remained the same as that which was granted by the outline permission, was secured by condition 17 (Masterplanning). The total number of dwellings overall therefore remains 5,750 and in Phase 1, 1,501. The application complies with the amended Density Parameter plan.

b) Housing mix and affordable housing

69. The delivery of affordable housing is dealt with in the section 106 agreement and has its own viability review periods. There is a requirement to provide 10% of the total dwellings as affordable for the first 1000 dwellings following which there are a number of viability reviews to assess whether increased levels can be required. The amount of affordable housing in viability Phase 1 has therefore been agreed, and none of it falls within Land Parcels B, C, J and K. I note the neighbour comment about requiring 35% affordable housing however this position was agreed at the outline stage.

Turning to the housing mix, condition 100 of the outline permission requires the development to achieve a balanced mix of dwelling sizes across the site. The condition specifies the ranges of each house typology that each reserved matters application should achieve and the table below incorporates the required mix with a comparison to what is proposed in this application.

Table 4: Land Parcels B, C, J & K Housing Mix %

Dwelling Type	Percentage to be achieved	Proposed
1 bedroom flat	No less than 1.4%	0%
2 bedroom flat	No less than 5.9%	26.9%

2 bedroom houses	No more than 18.8%	2%
3 bedroom houses	No more than 35.3%	27.2%
4 bedroom houses	No more than 27.9%	27.2%
5 bedroom houses	No more than 10.8%	5.2%

70. It can be seen that the proposal differs from the range specified in the condition in respect of 1 bedroom flats and 3 bedroom houses. In both cases, the percentage difference is considered to be minor and in the case of 1 bedroom flats, it is more likely that smaller flats will be provided in the more dense part of the site around the District Centre. With respect to the 3 bedroom houses again, the difference of 3.4% is minor, and the difference can be rectified through subsequent developments. This will however have to be carefully monitored to ensure that the dwelling mix for later phases does not become unrealistic. The proposal as viewed collectively with surrounding phases is considered to provide a satisfactory level of affordable housing and housing mix to meet the aims and objectives of The Chilmington Green APP and the outline planning permission.

c) Would the layout of the proposal result in a sense of place and be well connected to neighbouring sites?

71. Adopted policies CS1, CS5, CS9, the Design Code (DC) and material considerations set out in emerging policies SP1 and SP6 state that all development should seek to create distinct character, with a strong sense of place and identity. Further, development should seek to provide a logical site layout that takes all opportunities to connect into existing connections surrounding the application site.

72. The application would result in an urban structure with a formal composition of streets, radiating from the central tree-lined avenue. The street layout would appear clearly planned rather than organically derived – with the exception of the proposals to the east of the retained hedgeline on the Great Chart Ridge where a more organic and less structured street layout is sought by the DC.

73. The proposals retain the existing hedgerow as required by the DC and in doing so provides a visual separator between the northernmost informal cluster of housing on Great Chart Ridge and the more formal development to the west – helping to distinguish the different parts of the proposal.

74. The proposed building typologies and densities of the urban blocks reflect and reinforce the required transition from formality in the west to informality in the east. This is particularly successful to the west of the Avenue and to the east of the retained hedgeline.

75. The higher density areas to the west of 'The Avenue' exhibit a more compact, orthogonal block structure with straight streets. The proposals to the ridge are in direct contrast to this with a less rigid block structure, larger gardens and gently curving streets – as required by the DC.
76. All streets within the site are framed with dwellings, which in the main provide active frontages ensuring a good degree of human activity within the street and natural surveillance, which should contribute to a safe environment to live in and move through.
77. The eastern most parts of the proposals respond to their location, that of the slopes of the Great Chart Ridge. Dwellings and streets respond positively to the topography of the site, with the streets and dwellings framing views and vistas towards the ridge and back towards The Avenue.
78. A principle of successful places is the how legible the place is and the ability to navigate with ease. Key to successful legibility is how well the streets are connected and whether there are sufficient local landmarks, either architectural or key spaces that act as a way markers.
79. The tree-lined Avenue proposed through Phase 1, leads south toward the eventual district centre and would in due course traverse though or provide access to a sequence of distinctive spaces, which should aid legibility and sense of place. These spaces are:-
 1. Northern Gateway
 2. Chilmington Square
 3. Great Chart Green
80. I will deal with each in turn.

Northern Gateway

81. The DC (para 6.4) highlights the importance of the Northern Gateway. The proposals include as part of the initial development the northern gateway and in doing so the 'front door' to the whole development from the A28.
82. The Northern Gateway access and crescent development are not traditional features currently found on the A28. As a result, the proposals would act as a landmark aiding wayfinding. Movement through a landscaped space into the development would help contribute to a sense of place for residents and visitors by providing access through a distinct landscaped space.

83. The northern gateway comprises variety of house types 2.5 – 3 storeys in height, which would be constructed mainly in brick. The dwellings are arranged as suggested by the DC in continuous frontage with a formal manner and supported by a formal pattern of tree planting, which would further soften and ameliorate the visual impact of the development on this key entrance to the town. The character of this area is further reinforced through the regular roofscape and repetitive architectural features.
84. The two corner marker buildings are provided at the main entrance. They are distinguished by a slight change in height. Their form being similar but not identical to the remainder of the crescent would help them sit comfortably in the wider composition. Overall I consider that the proposed dwellings are sufficiently distinct to act as the main entrance to the site and thus aid sense of place.
85. I am satisfied that the proposal is an acceptable response to the aims envisaged by the DC.

Chilmington Square

86. The DC states that Chilmington Square should provide an urban square with defined edges, by homes, which create a good sense of enclosure to the space. The arrangement of the dwellings should create formal composition taking inspiration from London's 19th century residential squares with facades enclosing the park with a varied and rich composition with gables providing extra height to create sense of enclosure to a semi-formal neighbourhood park.
87. This application seeks to provide the northern and eastern frontages to Chilmington Square. The proposals do not include the park itself and these would need to be subject of later applications.
88. The built form would comprise three storey apartment buildings with gables facing the park. The apartment blocks utilise their scale and mass to mark the key corners around the square. The formal arrangement, combined with the proposed gables would create a sense of scale and enclosure appropriate for the size of the eventual square and in accordance with the majority of the DC.
89. I would note that as proposed the apartments around Chilmington Square (and to the east) are not entirely compliant with the Design Code as the ridge height exceeds the suggested 13m by 3m. However, the DC is clear that the enclosure of the space should be robust and formal as found in most London Garden Square. The DC is supportive of 3 storey built form with a ridge height of 13m. Given the need to deliver a robust and formal space the proposals

whilst being 3 storeys are 3m taller to the ridge. This is considered to be an acceptable deviation from the Code.

90. Windows and doors at all levels provide physical and visual connections between the apartments and the public space ensuring that the street and eventual park should feel both active and safe as a result in increased natural surveillance.
91. The elevations exhibit a degree of vertical rhythm, which helps enliven the facades and provided a degree of visual interest.
92. Parking is proposed along the street edges interspersed with street tree planting - as required by the DC, which will provide a useful parking resource and help reinforce a sense of activity and natural surveillance.
93. I am satisfied that the proposal is an acceptable response the aims envisaged by the DC.

Great Chart Green



Illustrative plan of Great Chart Green

Figure 14: Great Chart Green (Illustrative)

94. Great Chart Green is proposed as an informal recreational green space fronted by detached and semi-detached residential properties.

95. At the time of writing, the proposals suggest a naturalistic landscaping that could act as an ecological corridor connecting woodland around the landfill site with the A28 embankment.
96. The proposals would allow for the provision of a multi-use amenity space which includes informal play and seating areas, a dog walking zone, and open lawn space for picnicking – the exact nature of this is still subject of negotiation.
97. The proposals retain and utilise the existing hedgerow. In doing so not only do the proposals retain valuable ecological corridors but this feature should help establish a sense of place sooner than if a new hedgeline were to be provided.
98. The space is overlooked by multiple frontages ensuring that the space feels safe and active.
99. Along Great Chart Ridge the existing woodland would be retained and enhanced with circulation and access being provided.
100. Tree planting to the eastern edge of the space would create an informal boulevard, helping to define the play space and frame the neighbouring streets.
101. At present the Council's Open Space Officer has some comments relating to the exact nature of the space, which still need to be satisfactorily resolved.
102. In terms of overall form and size I am satisfied that the space would fulfil the function as set out in the DC subject to the finer details being resolved.

Character Conclusions

103. The delivery of the Northern Gateway, Avenue and beginnings of Chilmington Gardens together with the Open Space (G2) would in my view create landmarks within the proposals contributing to sufficient sense of place. The spaces would also contribute to the development having a reasonably verdant feel.
104. Overall, the proposals make a reasonable attempt at creating clear character areas in terms of layout and density.
105. The proposals would ensure that a series of streets with different characters, reinforcing the hierarchy of the street network and aiding legibility in the process.

106. The proposals are the first part of a larger journey toward delivering a contemporary interpretation of a garden suburb and in this respect are a satisfactory starting point.
107. In conclusion, I am satisfied that the proposals would comply with the policies in the CGAAP and general themes of the DB and DC , where they exist.

d) Would the proposals result in a high quality form of built development?

108. The amendments that have been made through negotiations would enhance the visual appearance of the proposed buildings. These have a broadly contemporary style.
109. The Design Code states that it is important that Chilmington Rise achieves coherence in architectural design, however given the size of the neighbourhood there needs to be sufficient variety to avoid it being relentlessly repetitive or monotonous.
110. Essentially the Code calls for proposals to provide unity without uniformity, balancing the need for streets to be distinct, having their own character and avoiding every street being identical.

This should be achieved in a number of ways:

- High-quality, contemporary design.
 - The design individual buildings will respond to the degree of formality within the overall neighbourhood block composition – more formal along the Avenue and less formal towards the Ridge
 - Key groupings must have a coherence to ensure buildings enclosing these key spaces work together to make a harmonious composition.
 - Within these boundaries architects are encouraged to express individuality through the design of their housing product.
111. The elevations proposal a contemporary style, utilising clean lines and the required ‘unfussy’ detail whilst also varying subtly between buildings and groups across different areas of this first phase of development. Some housing typologies exhibit a more high contemporary aesthetic which are particular successful and would help convey reinforce Chilmington as being a contemporary development.

112. The development would achieve an acceptable balance between formality and informality through a successful relationship between the elevations and the area of the development within which they are located, with the elevations for buildings around Chilmington Green for example presenting a different approach architecturally to those at edge of development.
113. The Design Code sets out the starting point for materials. In relation to this application there are three palettes of materials which cover this Reserved Matters application;
- Palette B - Chilmington Rise,
 - Palette E - Chilmington Square
 - Palette F – Northern Gateway.
114. The palettes are limited in order to ensure Chilmington Green has a distinct character inspired by the traditional vernacular. Officers would have welcomed, as suggested by the Design Panel, materials to have been used more discretely based on their character area as the use of weather boarding for instance is utilised frequently in all parts of the site which has a tendency to dilute the character of the distinct areas.
115. The quality and nature of the actual materials cannot be assessed at this time. At the time of writing, the Council has not been supplied with the samples of materials as required by the Outline Planning permission. The indicative materials set out in the application would appear to be in accordance with the Code. As this matter is already subject of an existing condition, it would not be appropriate to condition this further. I have asked that samples are available on the night but if not I would recommend that members delegated authority to resolve this after the planning committee.
116. The application is currently silent on details such as the required deep window reveals, projecting sills, eaves and plinths. There are some areas where further refinement is required. The requirement to submit these details for approval has been added to the recommendation to seek further information/amendments to elevational treatments such as window proportions and fine detailing as required by condition 50 of the OPP.
117. The elevational treatment broadly accords with Section 13.1 of the DC with regards to treatment to frontages which provide principles for the treatment to frontages across the site.
118. The design and articulation of the elevations themselves correspond to requirements defined within the Design Code SPD and achieve the imperative

coherence in architectural design whilst also providing enough variance to avoid monotonous and repetitive design.

119. Overall, the proposal would comply with most of the mandatory guiding principles, building types and typologies set out in the Chilmington Green Design Code.
120. Street trees are an important aspect of Chilmington Green and are required by the Design Code. Street trees to all streets and parking courts are provided to break up the spaces. Species of trees are submitted in the advanced planting strategy include a number of species suggested in the Design Code
121. Turning to frontage boundary treatments the soft landscape proposals rely on very limited palette of frontage treatments. Individually the treatments are acceptable however the approach does very little to reinforce the changing characters across the application site. This is surprising and disappointing given that the application is for 346 houses and greater use of the variable approaches within the code could have be utilised to greater effect.
122. The application is silent on the provision of wire straining for the establishment of the proposed hedges. Amended plans are needed in this respect.
123. It is disappointing that the applicant has chosen not to utilise metal boundary treatments/railings to urban frontages. To address this I would recommend that amendments to seek details of metal railings or railings inset into low boundary walls with hedging behind to reinforce character and place making objectives are sought.
124. In a couple of instances, hard landscaping does not match the DC, in that local access roads and minor roads propose tarmac footpaths as opposed to brick footpaths required by the DC. Amendments are being sought.
125. As the first neighbourhood to be developed, and in fronting the A28, the proposals set the benchmark for design quality in subsequent phases. That is not to say that the Council should not expect design quality to stagnate and avoid developments and improvements in subsequent parcels/phases – given the scale of the Phase 1 alone and the wider Outline Approval, I would expect to see an continuing evolution and refinement.

Residential Amenity

126. This phase does not impact on any existing residential properties.

127. All houses have their own private garden. At the time of writing this report some of these are substandard and amendments are being sought to address these. Many apartments have access to a private balcony. At ground floor level there is public amenity space provision adjacent to the apartment blocks as well as POS within short walking distance.

e) Is refuse collection is appropriately considered?

128. At the time of writing the Environment Team have raised some concerns regarding the ability of their refuse vehicles to manoeuvre through the streets and around junctions. The applicant has been advised and will be submitting updated plans accordingly.
129. Officers have raised a number of concerns with the applicant regarding refuse bin pull distances for both householders and bin operatives. Following discussions, it would appear that our concerns can be addressed to ensure that all distances are within the tolerances specified within the British Standard and Part H of the Building Regulations.
130. Officers are awaiting an updated refuse collection strategy plan to confirm this.

f) Does the scheme provided acceptable internal and external space standards?

131. Condition 53 of the outline permission requires all applications for reserved matters to accord with the Nationally Described Space Standards. The standards deal with internal dwelling space and applies to all dwellings and tenures and they supersede the Council's previously adopted Residential Space Standards SPD. The standards set out requirements for the Gross Internal Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
132. Whilst the majority of the proposed houses comply with the Standards, some of the house types do not. The applicant has been advised and will submit amended plans accordingly. The required changes are minor in nature.

g) Do the proposals provide sufficient resident and visitor parking?

133. The Residential Parking Standards SPD 2010 stipulates the following parking standards for this development:-

Vehicle Parking

1 bed flat	–	1 space
2 bed flat	–	1.5 spaces
3 bed flat	–	2 spaces
2 bed house	–	2 spaces
3+ bed house	–	2 Spaces
Cycle Parking	–	2 Spaces

Visitor Parking

Visitor Spaces 0.2 spaces per dwelling

Additional visitor required on-street to account for tandem parking 0.5 spaces/tandem arrangement

Cycle Parking

Flats = 1 space per flat

Houses = Sufficient on-plot provision

134. Emerging policy TRA3a is a material consideration; the differences between the two policies is in the emerging policy the number of spaces for 2 bed flats and 4+ bed houses has been increased as follows:
- | | | |
|---------------|---|----------|
| 2 bed flat | – | 2 spaces |
| 4+ bed houses | – | 3 spaces |
135. As the application was formally submitted to the Council prior to the 1 January 2018 the applicable parking standards are those set out in the Residential Parking Standards SPD 2010, which are also appended to the Design Code. It is against these standards that the application has been assessed. Future applications would need to comply with the emerging policy set out in TRA3a
136. Officers and KCC Highways have raised a number of concerns relating to parking provision and arrangement across the proposed application site. In the main these relate to the location of visitor spaces, lack of parking provision for the apartments, lack of cycle parking for houses and in a few instances allocated parking being location too distant from the property.
137. Turning to cycle parking the current proposals do not provide adequate provision for the parking of cycles. The proposed carports are not oversized as recommended in the DC and no sheds are proposed. It is therefore not

currently possible for officers to conclude that acceptable provision for the secure storage of cycles at properties would be made.

- 138. The applicant has been made aware of this and has agreed to address these issues with amended plans.
- 139. I would request that members delegate authority to officer to seek appropriate car parking and cycle storage provision.

h) Compliance with Chilmington Green Quality Charter

- 140. The Chilmington Green Quality Charter contains 30 commitments in order for Chilmington Green to; Make a successful community, Create great homes that meet changing needs, Design a great place and Deliver a great place. A number of the commitments are not relevant to this reserved matters application however the majority of the commitments are adhered to. Planning conditions have been put in place in the OPP that will contribute to ensuring commitments are fulfilled.

i) Design Review Panel

- 141. Prior to the submission of the reserved matters application, the proposed scheme was subject to two Design Review Panels the first Design Review panel took place in August 2017 with a follow up review in November 2017. Positive responses were received and the submitted plans have incorporated the Panel's comments. The full Design Review Panel reports are contained at Appendix 2.
- 142. The table below sets out the key issues raised through the first Design Review Panel in August 2017 and how the submitted application has addressed them, or if not, giving justification from the applicant as to why.

Panel comment	Addressed in application
Access A: The panel questioned the rational/aspiration for Access A and its design. DC described the entrance as a sequence of views from naturalistic, meadow to formal landscape. The panel suggested that the landscaping could be used to screen elements of the development but perhaps highlight 'key buildings'. The panel recommend that a CGI and Sketchup models showing this sequence of views are required.	Neil Tully has revised the landscape in this area to reflect these changes. An artists impression of this space was produced to demonstrate how this area will look and feel (P.59 DAS). This demonstrates that glimpses of the buildings will occur while driving along the A23. The flat block on the corner has also been reviewed in order to create a distinctive and landmark entrance to the development. This block in turn sits well

	with the adjoining crescent of 3 storey houses.
<p>G2 could be a delightful space however the roads are too engineered (Manhattan like); they need to be low key and roads adjacent to G2 should be designed as private drives (gravel and extensive landscaping). There is a lack of connectivity around G2. If cul de sacs are kept in place they should be designed to feel as connecting to somewhere, not designed as closed cul de sac.</p> <p>Edge of parcel K, roads need softening. The open space (east of parcel k) needs to break/bleed into the development rather than having a hard edge, providing more houses with more views. Connectivity between parcel K and the existing development (east) needs to be reviewed and the layout should react to these connections.</p> <p>G2 being permanently wet will present a great opportunity to create a delightful space with associated play. However, it needs more work.</p>	<p>All the lanes / edge streets are now more 'curvy' and are not parallel, as per the Design Code examples. Parking bays are less engineered appearing and spaces fit within the curvature of the road. The private drives have been made less rigid in terms of road layout. The cul-de-sacs have been removed</p> <p>Landscape has been brought into the development and the road layout has been amended. Housing layout has been altered to create a less rigid feel and houses are orientated to take varying views into the landscape.</p> <p>Landscape has been reviewed and graphically represented more clearly - connecting paths can be seen in drawing 00122H_MP06</p>
<p>Informal parking and street trees: mismatch between the DC and what is proposed.</p> <p>Hierarchy of roads needs to reflect the character of place and should be based on the Design Code</p> <p>12 parking spaces in a row north west of the site not acceptable</p> <p>Parking courts need to be reviewed / sample of revised parking should be provided. Parking courts need to provide soft landscaping, hedges to walled boundaries and trees within parking</p>	<p>The visitor parking and street trees has been revised across all areas of the site.</p> <p>Roads are based on Design Code. Where there are deviations this has been a request of the LPA which we have adhered to. Streets that were not quite in line with the design code have been revised to reflect what is desired.</p> <p>This has been revised as per sketches. The parking is split 8 spaces then 4 spaces with more landscaping and space between the houses. The landscaping will act as a screening device to the on street parking.</p>

bays.	Where possible landscape strips have been included to break up significant runs of parking bays.
The entrance to the site needs to be stronger architecturally. If not matching statement buildings either side of the road, then the buildings should be very different architecturally. The code calls for two marker buildings.	Block A has been revised in a more contemporary aesthetic. This serves as a landmark for the new development, with a larger 'tower' element on the corner marking the importance of this location. The principles of this building are still in keeping with the design code.

143. The table below sets out the key issues raised at the follow up Design Review Panel in November 2017 and how the submitted application has addressed them, or if not, giving justification from the applicant as to why.

Panel comment	Addressed in application
Parcel K: The panel support the work carried out along the Parcel K edge and the response to providing 'green fingers' into the scheme. Overall the panel considered that Option 2 was potentially stronger.	Option 02 has been implemented as per the sketches
The panel welcomed and supported the efforts made to connect streets and routes around G2. The developer would need to ensure that G2 remains at the appropriate size as set out in the Design Code and outline planning permission.	Routes around G2 are shown connected and the open space will not be compromised.
Concern remained about the approach to the crescent, roundabout, advanced planting and how this contributed either to enhancing the architecture or rural approach/exit to a town.	This area has been revised in terms of architecture and landscape.
Consideration needs to be given to the architecture on key corner(s) of the second access to G2. The building needs to aid legibility, place making and provide a reason for road direction changes. The panel considered that this	The orientation of houses in this area have been reconsidered to reflect the relationship to the road. The corner of the building acts as a marker for the change in direction. The houses that front on to G2 in this area have been re-

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would need to be to be special.	aligned so that they face the open space.
Moving the door step play space closer to the road to justify/amplify the proposed wiggle in the road - a shared space approach will be more appropriate in this case.	The pavement has been moved closer to the Flat Block to allow for a larger open space that is closer to the road.
Concern was raised regarding the proposed shared surface in the street network to the north and north west of and accessed from PS1. How do you know you are entering a shared surface? The panel felt there needed to be a stronger event and change in spatial relationships to help convey this beyond just a change in surface material	The two buildings at the end of the vista now read as a set piece with the road meandering between them. The pavement on the south side of the road terminates which will suggest to users that a change in space is approaching, coupled with the material change.
Rear parking court landscaping – moving in the right direction but still too mean. Extended tree pits and boundary treatment will be essential to ensure that the landscape is meaningful.	Efforts have been made to increase the landscaping in rear parking courts.
Flats block Access A: Would this kind of approach be repeated anywhere else in the development? Dominic Chapman - more of this type of development in the district centre. How does the block of flat on Access A relate to the building on the other side of the road? The architecture or the landscape need to match/have a resonance. The gap between the terraces and the single dwelling is awkward. The buildings do not gel and the avenue suffers as a consequence A simple Sketchup or similar 3d Cad model is needed to show how the contemporary building sits on Access A. How does the building sit within the	The flat block and townhouses in this location have been revised to address the comments from the panel.

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<p>wider landscape rural landscape on the other side of the A28?</p> <p>The block of flats is moving in the right direction but will it match the materiality across the rest of the avenue/crescent? Harmony/composition needs considering</p>	
<p>Would the local access street feel green and distinctive? The panel noted the number and of trees has declined as the scheme has been refined to a point now, where they were not convinced this principal access would feel green and have a distinctive character as called for by the Code.</p>	<p>The number and location of street trees have been revised to address the concerns raised</p>
<p>Rationalise space at junctions along the local access street and minor access street - might create opportunities to plant more trees and help the local distinctiveness.</p>	<p>This has been addressed and more trees have been achieved</p>
<p>Bay window in houses turning corners.</p>	<p>Corner turning buildings have been addressed ensuring both street frontages are addressed and active frontage is provided.</p>
<p>Overall the panel felt that the proposals were still lacking a degree of conviction. Landscape design, character areas, architecture materiality needed to be refined along a strong design approach. The move to drive a stronger differentiation/ distinction between sub-character areas was welcomed, but this was often only a product only of changes in materials such brick and roof materials and they felt it needed to be followed through into the architecture and landscape design.</p>	<p>The distinction in sub-character areas is defined through materiality and urban form. The land to the west is characterised by an engineered brick palette with tightly knit houses that sit closer to the pavement edge. The land to the east has a softer material palette and a looser urban form with houses having a greater front garden depth.</p>

144. Overall most of the comments from the Design Panels are agreed with and amendments have been made to the proposal by the applicant in order to incorporate the Design Panel comments. Place Services have since provided additional reviews to the proposal which has pushed the design further. The Design Panels points surrounding Flat Block A were not agreed and it was felt the block should be removed entirely to be replaced with houses, the flats were relocated elsewhere.
145. There are a number of additional layout changes that are needed as a consequence of complying with parking, internal space, garden and other requirements set out above. The applicant has provided officers with details of how all of these issues will be addressed and it is hoped that amended plans will be available by the time of the Committee. If so some of these requirements may be able to be deleted from the recommendation.

j) Surface water drainage

146. As part of the discharge of Condition 17 (Masterplanning) of the outline permission, a SUDS Strategy for the whole of Main Phase 1 was approved. This was intended to provide the overall strategy, which each reserved matters application would fit in with. Condition 66 also requires each reserved matters application to submit its own SUDS proposals, which should also fit in with the overall strategy.
147. Kent County Council as Local Lead Flood Authority, has commented on the applicant's submission in respect of this application, and at the time of writing, they object as the proposals do not demonstrate compliance with the required discharge rate of 4l/s/Ha. As indicated in the description of development, this is an overall target for the scheme and discussions about the interim position continue. Members will be updated at the meeting.
148. They have also been consulted in respect of condition 66 and their response will relate to their response to the application.
149. There are also issues to be resolved in terms of additional storage that is now required as a result of policy change at KCC and the way in which the requirements for storage is calculated. The proposals put forward at the time of writing involve underground crates being located under the large area of open space to the east of the Main Avenue. This is still subject to discussion and at the time of writing the report therefore, this issue remains unresolved. An up-date will be provided at the Committee.

k) Proposals for the disposal of foul sewerage

150. Since the receipt of comments from Southern Water Services there have been meetings with them and a meeting between the applicants and them. SWS have put forward a proposal for new off-site sewers and pumping stations which they will design and deliver that will take discharge to an existing connection point along the Southern Orbital Road with adequate capacity. From there it will drain to the Bybrook WWTW which as members are aware was upgraded in 2014 to cater for all of the growth in the Core Strategy. They will also provide a new gravity sewer across the Chilmington site to the south of Phase1 along the route of Chilmington Green Road.
151. The timing of these improvements is yet to be finalised, but SWS have confirmed that the timescales meet anticipated occupation dates for these dwellings. The total upgrades by them would consist of:-
- Continue with feasibility of Waterbrook/Alsops Road solution
 - Detailed design of Waterbrook/Alsops Road solution
 - Deliver Waterbrook/Alsops Road solution
 - Design and feasibility of gravity sewer and pumping station for Chilmington Green
 - Delivery of gravity sewer and pumping station for Chilmington
 - Estimate flood risk and mitigation from proposed Chilmington Green connections
 - Develop possible temporary local treatment solution in conjunction with EA (only if there is slippage in the programme)
152. As part of this application plans showing the location of private and adoptable foul drainage have been submitted. These would discharge into the gravity foul system that has already been installed in the Avenue. The foul drainage gravity system terminates at the location of the end of the Avenue at Chilmington Green Road, Manhole Reference F1.24.
153. The proposal is to continue the gravity system from manhole F1.24 running parallel with Chilmington Green Road, within land controlled by Hodson Developments to a point at the southern boundary where Southern Water Services will provide a catchment chamber.

154. Southern Water will connect to the catchment chamber as part of the off-site network improvements, and the timing of the upgrade will coincide with Chilmington Green housing trajectory. It is still slightly unclear where some of this route will be and I am seeking further information on this and the delivery and management arrangements.
155. It is anticipated that SWS will withdraw their objection by the time of the Committee meeting and that as a consequence of this the EA will also be in a position to withdraw theirs.

I) Landscaping, Open Space, Play and Advance Planting

156. Dealing firstly with landscaping, open space and play, the main open space for this application is referred to as Great Chart Green (G2) and this is located to the north east of the existing hedgerow that runs north to south in the eastern part of the site, at the bottom of the hill which slopes upwards towards Singleton Ridge. There is also an area of open space on that slope between the edge of the proposed development and the top of the ridge. This extends along the south east boundary of the site and further south and these areas also include Advance Planting, as discussed in the following paragraphs. Whilst these areas are in accordance with the outline planning permission in terms of position and size, the proposals at present are lacking detail which is necessary in order to assess whether or not the proposals meet the Council's requirements.
157. Landscaping is a reserved matter which the applicants wish to be determined in this application. However, the proposals have insufficient detail to allow the proposals to be assessed. In response to this, the applicants state that they would like the details to be covered by condition attached to the permission. This is not a usual course of action, and discussions with the applicant as to how to progress this are ongoing. At the time of writing, discussions are still ongoing and an update will be given at Committee.
158. The amended plans now overcome the objections of the KCC PROW Officer, although some final details will be required to be updated on the amended plans.
159. Advance planting was specified in the Environmental Statement that accompanied the outline application and was located in positions where long distance views into the site would be softened and mitigated by planting being

carried out at an early stage in the overall development, and not necessarily related to each land parcel as it came forward. The location of the Advance Planting was refined during the assessment of the Phase Masterplan required by condition 17 (reference 12/00400/CONA/AS), and condition 18 of the outline planning permission requires the details of all the Advance Planting in any Main Phase to come forward as part of the first Reserved Matters application for that Main Phase (which this application is).

160. As explained in paragraph 37 of this report, there are five areas of Advance Planting within Main Phase 1 as follows:
- Belt of landscaping to Singleton Hill Ridge
 - Line of trees to the north-east boundary (Great Chart Ridge)
 - Belt of landscaping to Northern Gateway
 - Belt of landscaping around the existing Coleman's Kitchen Wood
 - Line of trees around The Hamlet
161. This application includes the first two areas and the Colemans Kitchen Wood area of Advance Planting referred to above. These are along the boundary with the A28 to the north of Access A, along the top of Singleton Ridge, and along the north east boundary (Great Chart Ridge). The two other areas of Advance Planting referred to in the preceding paragraph are not included.
162. The applicant has asked for these two remaining areas of Advance Planting to come forward as part of other reserved matters applications, and the applicant has advised that they will be submitting an application under S96A for a Non-Material Amendment (NMA) to vary condition 18 accordingly. Such an application will need to have been submitted and determined before the condition discharge application for condition 18 as it affects this development, can be determined.
163. Turning to the acceptability of the planting proposed for Advance Planting, Members will see in the Consultation section of the report, that there are detailed comments from the Council's Open Space Planning Development Officer and Tree Officers. These have been sent to the applicant and a response has been received. This is being assessed by the Council's Open Space Planning Development Officer and an update will be given to Members at the Committee.

m) Other technical matters

164. There are other technical matters that need to be addressed, although some of them are also referenced in the conditions following this section.
165. Turning first to ecology, it was one of the pre-commencement conditions that a site wide Ecological Enhancement and Mitigation Strategy and a Site Wide Biodiversity Monitoring Strategy had been submitted and approved. These have been submitted and those conditions discharged. Detailed mitigation and enhancement strategies for protected species were also to have been submitted and approved prior to the submission of the first reserved matters application in any Main Phase, and I can confirm that these have been done satisfactorily, and the conditions discharged.
166. Each reserved matters application then has to be accompanied by a statement to demonstrate that the proposals accord with the elements of the mitigation and enhancement strategy as it affects each of the protected species, and it is these statements that have been submitted with this application.
167. Kent County Council Biodiversity has confirmed that the details submitted with the application are satisfactory. I am therefore satisfied that the proposals are acceptable in terms of the ecological impact.
168. Turning to noise impacts, at the outline stage, concerns was expressed that the properties fronting the A28 might be exposed to unacceptable noise. Condition 17 of the outline permission (Masterplanning) therefore required the identification of any noise sensitive areas which require mitigation. If this turned out to be the case, condition 69 requires the submission of a noise mitigation strategy. A noise mitigation strategy has been submitted in relation to this application (and condition 69) and the Council's Environmental Health Officer has confirmed that he has no objection, and that the mitigation measures put forward are satisfactory. These include glazing and fencing, and the layout, when amended, will have to include that fencing.
169. Finally with regard to archaeology, this was covered by pre-commencement conditions, all of which have been complied with. On-going trial trenching will continue in accordance with the agreed timetable.
170. The applicant has submitted a residential lighting layout drawing in order to discharge condition 41v) of the outline planning permission. The proposed lighting scheme will use natural white LEDs and the lighting design is in

accordance with Kent Highways specification in order to be adopted at a later stage.

171. At present however, no details of street lighting locations have been supplied by the applicant This will need to be secured through condition 41 (v).

n) Associated Conditions

172. As referred to in para 46, there are a number of planning conditions which are required to be discharged alongside this Reserved Matters application. The following paragraphs deal with each of the conditions as they stand, and assess whether or not the information submitted is acceptable or if further submissions are required. Work to discharge these conditions will continue after Planning Committee.

12/00400/CON/AS

Condition #	Detail
11	<p>Development to be in accordance with land use plans.</p> <p>The proposed development is in accordance with the approved land use plans.</p>
12	<p>Details to include existing and proposed ground levels and scaled cross-sections</p> <p>Plans showing existing and proposed ground levels are provided and scaled cross sections are provided but will need to be up-dated to accommodate any amendments and to be cross-referenced on all plans, including landscaping.</p>
13	<p>Compliance with Condition 17 (Masterplanning of Phase 1)</p> <p>The proposals comply with the exception of the SUDS proposals (see specific reference to condition 66 to be discharged under reference 12/00400/CONJ/AS below); and with the exception of Advance Planting – see paras 154 – 158 above.</p>

- 18 Advance Planting
See paras 154 - 158 above – details yet to be approved.
- 19 Adequate land for parking
To be completed upon submission and approval of final layout.
- 39 Compliance with the Design Code
To be completed when the final scheme has been settled.
- 40 Compliance with the Quality Charter
To be completed when the final scheme has been settled.
- 50 Details to be compliant with Design Code
To be completed.
- 51 Provision of level thresholds
The Design and Access Statement confirms that the proposed development will be designed and built in full accordance with the Building Regulations that set out technical standards for the quality and performance of buildings. Part M of the Building Regulations concerns “Access”. This is considered to be satisfactory.
- 53 Internal dimensions to be in accordance with the adopted standards.
To be completed when the final scheme has been settled.
- 54 Details of hard and soft landscaping
To be completed.
- 63 Submission of a landscape management plan
To be completed
- 69 Noise Mitigation Strategy

The submitted details are satisfactory (see para 163 above).

12/00400/CONJ/AS

- 41 A range of strategies to be submitted and approved:
- i) Design and Access Statement

This will have to be amended to take into account layout changes.
 - ii) Compliance with the Design Code

This will have to be amended to take into account layout changes.
 - iii) Management and maintenance strategy for the public realm

To be approved
 - iv) Provision of recycling facilities

To be approved
 - v) Provision and design of external lighting

To be approved
 - vi) Details of a cleaning regime for non-residential buildings

Details submitted are satisfactory
 - vii) Waste collection strategy and access for refuse collection vehicles
To be approved
 - viii) Play Statement

To be approved

ix) Crime Prevention Strategy

To be approved

x) Location and management of utility services

Most details acceptable, but awaiting confirmation regarding arrangements for disposal of foul sewerage

xi) Centralised telecommunications and television and radio reception

Details are acceptable

xii) Inclusive Design Statement for Public Realm and Public Buildings

Details are acceptable

xiii) Future maintenance of roads

To be approved

xiv) Maintenance for roads that will not be adopted

All roads to be adopted so N/A.

xv) Timetable for adoption of roads

To be approved

xvi) Footpaths, cycleways and bridleways to be adopted

All footpaths etc will be adopted so N/A.

xvii) Maintenance of footpaths etc that will not be adopted

All footpaths will be adopted so N/A.

xviii) Timetable for adoption of footpaths etc

To be approved

- 62 Protection of newly planted trees

 To be approved
- 66 Submission of a SUDs scheme

 Both Kent County Council as Lead Flood Authority and the Council's Project Office have raised objections to the scheme as submitted. These details are therefore required to be resolved.

12/00400/CONK/AS

- 79 Ecological Mitigation Strategy

 Details are satisfactory.
- 80 Mitigation and enhancement strategy for bats.

 Details are satisfactory.
- 81 Mitigation and enhancement strategy for dormice.

 Details are satisfactory.
- 82 Mitigation and enhancement strategy for great crested newts.

 Details are satisfactory.
- 83 Mitigation and enhancement strategy for widespread reptiles.

 Details are satisfactory.
- 84 Mitigation and enhancement strategy for breeding and wintering birds.

 Details are satisfactory.
- 85 Mitigation and enhancement strategy for badgers.
 Details are satisfactory.

86 Mitigation and enhancement strategy for woodlands and other habitats.

Details are satisfactory

Human Rights Issues

173. 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

174. 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

175. This reserved matters application complies with the principles of the outline permission parameter plans and design code, and will make a positive contribution to Layout, Access, Scale, Landscaping and Appearance of the 346 residential dwellings within Land Parcels B, C, J & K within Main AAP Phase 1 of the Chilmington Green development. The Recommendation is conditional on further details being submitted to take account of issues raised by consultees and officers and additional conditions have also been included to ensure all remaining issues are resolved before development begins. Most of the fine detail of the scheme is required by condition 50 and this can be progressed once the layout is finalised.

Recommendation

1. **Subject to the receipt of satisfactory amended plans and details in the opinion of the Head of Development Management and Strategic Sites covering the following issues:-**

- (a)** The further revision of the technical details for foul drainage Condition 41 (x) to show how the sewers previously agreed and now applied for will connect to other planned sewers within the site and thence to off-site sewers with the capacity to drain to the Bybrook WWTW.
- (b)** The further revision of the SUDS technical details to provide for the use of open SUDS features as far as possible and an acceptable rate of outfall from the storage facilities to off-site receptors.
- (c)** The provision of satisfactory detailed planting schedules for all landscaped areas.
- (d)** The submission of a Landscape and SuDs maintenance and management strategy as set out in the report
- (e)** Revision to the details of the Greensand Way connecting PROW width to a minimum 3m & hardsurfacing of the route
- (f)** Full details including samples of all materials being supplied and acceptable
- (g)** Revised front boundary details as detailed in the report
- (h)** Increased Garden Depths to accord with the Council's space standards.
- (i)** Amended Refuse strategy showing compliant vehicle tracking, bin storage and pull distances
- (j)** Compliance of all properties with the Nationally Described Space Standards
- (k)** Compliance with adopted parking standards
- (l)** Amendments to take account of KCC Highways and Transportation concerns
- (m)** A S96A for the variation of condition 18 to be submitted and approved.
- (n)** Changes to hard landscape proposals to accord with the DC i.e. footways being brick paving rather than Tarmac or Block Paving
- (o)** Advance Planting Details being acceptable or revisions made.
- (p)** Timing of the provision of noise mitigation measures

- (q) Provision of an acceptable External Lighting plan
 - (r) Full submission to discharge condition 50 in an acceptable manner
2. **And subject to a full re-consultation on all the amended plans and details and no new issues of substance in the opinion of the Head of Development Management and Strategic Sites being raised, and the withdrawal of the objections by Southern Water Services, the Environment Agency and KCC Highways and Transportation.**
 3. **Authority be delegated to the Head of Development Management and Strategic Sites to issue Reserved Matters Approval and to make or approve minor changes to the proposed planning conditions (for the avoidance of doubt including adding planning conditions or deleting conditions) as she sees fit.**
 4. **Grant Reserved Matters Approval Subject to the following Conditions and Notes:**
 1. Prior to the commencement of the development hereby approved the following details shall be submitted to and approved by the Local Planning Authority in writing and thereafter implemented in accordance with the approved details:
 - a) Precise scaled elevational drawings of the proposed vehicle bridge/culvert crossing over the existing ditch to the south west of Great Chart Green.
 - b) 1/20 drawings showing sections through the bridge walls/enclosures to include profile of edge of bridge and balustrade, as well as any balustrade design
 - c) Sample panels of facing stonework showing the proposed stone, texture, face-bond and pointing shall be provided on site and approved by the Local Planning Authority before the relevant parts of the works are commenced and the sample panels shall be retained on site until the work has been completed and has been approved.
 - d) Scaled plans of revised outflow headwalls to Pond 3 and Ponds 4a/4b.

The plans shall show the headwall set flush with the embankment and clad in stonework, with the omission of the projecting buttress details.

Reason: In the interests of securing a high quality development.

2. Prior to the commencement of the development hereby approved the following details shall be submitted to and approved by the Local Planning Authority in writing and thereafter implemented in accordance with the approved details:
 1. Play equipment specification
 2. Bat and bird boxes for all houses

Reason: In the interests of securing a high quality development and to meet the requirements of the bio-diversity strategy.

Notes to Applicant

1. Working with the Applicant

Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,

- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Approval of Details A

This approval discharges all conditions attached to outline planning permission reference 12/00400/AS insofar as they require details of the proposed development to be submitted to and approved by the Local Planning Authority. Any variation to the approved details will, however, need to be submitted for further approval before the relevant work is carried out. The applicant should also be aware of the continuing obligations imposed by some conditions as the development progresses and is completed.

Environmental Protection Act 1990

The applicant is advised to note the provisions of the Environmental Protection Act 1990 Part III with regard to noise.

Advice on Landscaping and Trees

In connection with the above conditions the applicant is advised to contact the Landscape Officer in the Council's Planning and Development Unit

Estate Roads - Design and Adoption

The estate roads to be designed and built to adoptable standards in accordance with the current requirements of the Highway Authority are to be subject to an adoption agreement under Section 38 of the Highways Act which must be entered into before the development or any part of it is occupied.

Wildlife and Countryside Act 1981

The applicant's attention is drawn to the provision of Wildlife and Countryside Act 1981.

Drainage

The applicant should ensure that surface water drainage is not directed to, or connected to, the public foul sewer.

Provision of Utilities to Develop Sites

The applicant is advised to contact those bodies responsible for the supply of gas, electricity, water, telephone and other such services as soon as possible to ascertain the requirements and to ensure that suitable provision is included within the detailed plans submitted to the Local Planning Authority pursuant to this permission. The applicant should take steps to ensure that the services are installed in their co-ordinated manner at the time of development and that electricity and telephone supply cables are placed underground. The applicant's attention is drawn to the guidelines set out in the national Joint Utilities Group Publication Number 2 (further details available from NJUG Secretariat c/o The Electricity Council, 30 Millbank, London, SW1P 4RD).

Building Regulation Consent

The applicant is advised that consent under the Building Regulations is required for the works proposed.

Water Resources Act

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into water which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). The applicant is advised to contact the Kent Area Office (Water Quality Department) to discuss this matter further.

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 17/01170/AS.

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