



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 18th April, 2018 at 7.00 pm.

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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](mailto: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**

To declare any interests which fall under the following categories, as explained on the attached document:

**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".

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

See Agenda Item 2 for further details

3.	<b>Minutes</b>	1 - 56
	To approve the Minutes of the Meeting of this Committee held on the 14 <sup>th</sup> March 2018	
4.	<b>Requests for Deferral/Withdrawal</b>	
5.	<b>TPO/17/00027</b>	57 - 70
	Confirmation of Tree Preservation Order No. 27, 2017 – Aldworth, Bromley Green Road, Ruckinge, Ashford, Kent, TN26 2EG	
6.	<b>Schedule of Applications</b>	
	(a) <b>17/01511/AS</b>	71 - 132
	Godinton House, Godinton Road, Ashford, Kent - The change of use from snooker hall and 2nd floors - Use D2) and part change of use of retail (ground floor use Class A1) to residential end use, to include the erection of a four storey side extension (south-east) and the creation of a recessed upper floor (4th) to comprise, in total, twenty eight apartments (1 no. 3-bed, 15 no. 2-bed and 12 no. 1-bed ) along with ancillary works to include basement and surface car parking and landscaping. Part retention of retail use (A1) on ground floor	
	(b) <b>17/01807/AS</b>	133 - 148
	Car Park opposite health and fitness club, Pluckley Road, Charing, Kent – Erection of a single storey building to accommodate an office and beauty salon with associated parking, services, infrastructure, ground works and landscaping	
7.	<b>Update Report</b>	149 - 154

**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.

RR

10 April 2018

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Queries concerning this agenda? Please contact Rosie Reid Telephone: 01233 330565  
Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk)  
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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 **14<sup>th</sup> March 2018**.

### Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Bennett, Mrs Blanford, Buchanan, Clarkson (ex officio), Clokie, Mrs Dyer, Farrell, Galpin, Heyes, Hicks, A. Howard, Howard-Smith, Krause, Macpherson.

In accordance with Procedure Rule 1.2 (iii) Cllrs. Mrs Dyer and Howard-Smith attended as Substitute Members for Cllrs. Bradford and Dehnel.

### Apologies:

Cllrs. Bradford, Dehnel, Ovenden, Waters.

### Also Present:

Joint Development Control Manager; Strategic Applications Team Leader; Head of Planning & Development; Cultural Projects Team Leader; Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

## 385 Declarations of Interest

<b>Councillor</b>	<b>Interest</b>	<b>Minute No.</b>
Bennett	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	387 – 17/00625/AS
Mrs Blanford	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	387 – 17/00625/AS
Burgess	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	387 – 17/00625/AS
Clarkson	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	387 – 17/00625/AS
Clokie	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	387 – 17/00625/AS

Farrell	Made a Voluntary Announcement as he was a Member of Kent County Council.	387 – 17/01674/AS 387 – 17/01759/AS
Heyes	Made a Voluntary Announcement as he had attended meetings of the Repton Community Trust, although he was not a member of the Trust.	387 – 18/00104/AS

### **386 Minutes**

**Resolved:**

**That the Minutes of the Meeting of this Committee held on the 14<sup>th</sup> February 2018 be approved and confirmed as a correct record.**

### **387 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: -**

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<b>Application Number</b>	17/00625/AS
<b>Location</b>	Land between Boughton Cottage and Millview Cottage, Mill Lane, Smarden
<b>Grid Reference</b>	88496/42661
<b>Parish Council</b>	Smarden
<b>Ward</b>	Weald North
<b>Application Description</b>	Outline application for the erection of two x 1 bedroom apartments, five x 2 bed apartments and houses, three x3 bed houses, four x 4 bedroom houses and associated development to consider new access to Mill Lane only, with all other matters reserved.
<b>Applicant</b>	Rydon Homes, Rydon House, Station Road, Forest Row, East Sussex RH18 5DW
<b>Site Area</b>	0.49 hectares
(a) 20/47R	(b) Smarden Parish Council - R (c) KHS R, KCCDC X, KSS X, PROW X, KCC (BIO) R, KAS X, PO (Drainage) X, EH (EP) X, CSCF X, POL X, EH (ES) X, SWS X, CPRE R, WKPS R

The Joint Development Control Manager drew Members' attention to the Update Report and the following changes: two additional representations to object on pages 48-49; additional references on pages 50 and 53; minor changes to wording on page 56; additional paragraphs added on pages 77-78; additional reasons for refusal at para 1. and minor wording changes at paras 2 and 3 of the Recommendation.

In accordance with Procedure Rule 9.3, Ms Gardner, a local resident, spoke in objection to the application. She said she was speaking on behalf of the residents of Mill Lane. Historic applications to build on this site had all been rejected on highway grounds. The dangers of the lane remained unchanged, and had become compounded by the increase in traffic over the years. Residents of Smarden increasingly commuted to work because there was little work in the village. Mill Lane was a narrow, unlit country lane, with four blind corners. It was difficult for a car and a pedestrian to pass and impossible for two cars to pass without mounting the grass verges. There were four passing places, but it had been noted that the plans mentioned several informal passing places. These were, in fact, residents' private driveways and not maintained by Highways. Residents strongly objected to them being included in the plans as informal passing places. The new proposed passing place on the plans appeared to require private land and this was not a satisfactory

solution. The approved development of 50 new houses would also impact on Mill Lane. This would be the obvious route out of the village to Headcorn, with its village amenities and station. The traffic survey completed to support the plans showed a low traffic count. However, it had been carried out in a week when it snowed, so it gave an inaccurate picture on which to base projected figures. This plot of land had been put forward for consideration as part of the emerging Local Plan, and had been subsequently rejected for all the reasons now being raised by residents. The reasons given by the Council initially to reject the plot had not been mitigated by any of the current proposals. There was also photographic evidence of Great Crested Newts, and it was believed the newts used the ditches along Mill Lane to migrate between their ponds. Residents agreed with the conclusions and the recommendations made in the report and asked Members to reject this proposal.

In accordance with Procedure Rule 9.3, Mr Willcox, the applicant, spoke in support of the application. He said that in view of the recent appeal decision relating to Gower Barn Farm, it was surprising that Officers still maintained that the Council had a five-year housing land supply. As such, paragraph 49 of the NPPF was engaged and policies relating to the supply of housing were thus out of date and the presumption was in favour of sustainable development. Smarden was recognised as a sustainable settlement. The site was suitable for housing and, although outside the limits of the built development of the village, it adjoined the development boundary. All reasons for refusal were capable of resolution, either at reserved matters stage, through the imposition of conditions, or by way of legal agreement. The layout presented was an indicative arrangement and would be subject to further consideration at reserved matters stage. The site was surrounded by houses and gardens to all sides and should be described as an infill scheme rather than an incursion into the countryside. The number of dwellings reflected an effective and efficient use of the site. The indicative layout demonstrated a well-spaced form of housing and frontages along Mill Lane and a continuation of the present character. It sat well with the grain of the adjoining Glebe Close. There was an existing established pedestrian route across the site which linked Glebe Close to the village playing fields. The proposed development would use this route as its pedestrian access. It had been confirmed that the landowner was willing to enter into an agreement to make the necessary footpath improvements and to formalise this established route to make it a public right of way. The phase 1 habitat survey had shown that there may be potential on the site for Great Crested Newts. The applicant had assumed that this was the case and had found adjoining land to mitigate this by translocation if the level of the population was such that the newts needed to be moved. Mr Willcox said all the reasons for refusal could be overcome.

In accordance with Procedure Rule 9.3, Mr Wilson, on behalf of Smarden Parish Council, spoke in objection to the application. He said the site was not part of the emerging Local Plan and had been rejected previously due to poor access, lack of pedestrian access to the village and the fact that Mill Lane was a narrow, single track road with the national speed limit. It was completely unsuitable for any additional residential development. HGV vehicles were signed along it because Mill Lane was the only alternative route to the village centre, but it was clearly unsuitable. The suggested passing points mentioned by the developer were unworkable. Some appeared to be on private land and the lane was not wide enough or safe enough for this suggestion. One of the current lay-bys was often used as a parking space by walkers and should not be considered as a passing place. The survey regarding the



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peak traffic movements was economic with reality. Local knowledge indicated that Mill Lane was a rat run during peak hours. The road would face increased traffic due to the 50 new houses approved on appeal, which were due to be built close to this site. This should be considered for the future sustainability of Mill Lane. The new houses were likely to use the Lane, which would further add to the weight of traffic. Smarden had fulfilled and exceeded the recommended level of new building, as specified in the emerging Local Plan and this site was very close to the 50 houses already agreed. There was new photographic evidence of the presence of Great Crested Newts in the surrounding ditches and ponds, and the Parish Council believed that an enhanced habitat survey would confirm this. Smarden Parish Council asked Members to support the Officer's recommendation and refuse the application.

**Resolved:**

**Refuse on the following grounds:**

1. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policies GP12, EN9 and EN10, Core Strategy 2008 policy CS1, CS6 and CS9, Tenterden and Rural Sites DPD 2010 policy TRS1, TRS2 and TRS17, submission Local Plan 2030 policies SP1, SP2, SP6, HOU3a and HOU5, the National Planning Policy Framework and Planning Policy Guidance, for the following reasons:-
  - a) the edge of village location is poorly related to the village of Smarden as the proposed development would not integrate with the existing settlement and does not meet sustainability objectives. The proposal represents unsustainable development.
2. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policies GP12, EN9 and EN10, Core Strategy 2008 policies CS1 and CS9, Tenterden and Rural Sites DPD 2010 policy TRS17, submission Local Plan 2030 policies ENV3 and ENV5, the National Planning Policy Framework and Planning Policy Guidance, for the following reasons:-
  - a. the proposed development in terms of its amount, form and extent would consolidate the loose-knit rural grain of development along Mill lane and would erode an important undeveloped gap which acts as an important transitional area between the denser built confines of the village and countryside beyond. Consequently the proposal would harm the character and appearance of the street scene, the visual amenity of the area and the character and appearance of the countryside.
3. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policy GP12, Core Strategy 2008 policy CS1, submission Local Plan 2030 policies HOU3a, HOU5 and TRA5, the National Planning Policy Framework and Planning Policy Guidance, for the following reasons:-
  - a) the quantum of proposed development would generate additional pedestrian traffic and there would be no safe, off-road pedestrian access to

the village and bus stops resulting in an adverse impact on pedestrian safety and does not meet sustainability objectives

4. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policy EN31, Core Strategy 2008 policy CS11, Tenterden and Rural Sites DPD 2010 policy TRS17, submission Local Plan 2030 policy ENV1, Circular 06/2005, the National Planning Policy Framework and Planning Policy Guidance, Habitats Directive: article 6(4) and the requirements of the Wildlife and Countryside Act 1981 for the following reasons:-

a) the applicant has failed to carry out additional surveys for Great Crested Newts to demonstrate that there would be no harm to these protected species and their habitat and that the receptor site would have sufficient carrying capacity for the translocation.

b) the applicant has failed to carry out additional surveys for reptiles to demonstrate that there would be no harm to these protected species and their habitat and that the receptor site would have sufficient carrying capacity for the translocation.

c) As a result of a) & b) above the impact on matters of ecological interest cannot be determined nor can the mitigation proposed be known to be adequate. The proposal in the absence of this information would be detrimental to matters of ecological importance.

5. The proposal would be contrary to the KCC Guide to Development Contributions 2007, SPG3 Developer Contributions / Planning Obligations 2001, Public Green Spaces and Water Environment SPD 2012, saved Local Plan 2000 policy CF21, Tenterden and Rural Sites DPD 2010 policy TRS19, policies CS1, CS2, CS8, CS18 and CS18a of the Core Strategy 2008 and submission Local Plan to 2030 policies COM1 and COM2 the National Planning Policy Framework and Planning Policy Guidance. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:

a) a financial contribution towards cemetery project, play space project, library bookstock, outdoor sports pitches, strategic parks project and secondary school infrastructure projects based on the yield of the housing mix; and

b) a contribution of £6,000 for an extension to Smarden Charter Hall

**Table 1**

	<b>Planning Obligation</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1	<p><b><u>Cemeteries</u></b></p> <p>Project by Smarden Parish Council: extend the existing cemetery</p>	<p>£284 per dwelling for capital costs</p> <p>£176 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
2	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Project for Smarden Parish Council: New equipment and safer surfacing at Smarden play area, The Street</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
3	<p><b><u>Libraries</u></b></p> <p>Additional bookstock to meet the additional demand upon the local mobile Library service which attends in Smarden</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>

4	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1,000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>
5	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>Project by Smarden Parish Council: contribution would be towards a drainage system for the cricket and football pitches</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
6	<p><b><u>Secondary Schools</u></b></p> <p>Project: Norton Knatchbull expansion -28 replacement parking spaces project</p>	<p>£589.95 per flat</p> <p>£2359.80 per house</p> <p>£0 for any 1-bed dwelling with less than 56 m<sup>2</sup> gross internal area</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>

7	<p><b><u>Strategic Parks</u></b></p> <p>Project: Conningbrook Lakes Country Park for the footpath link from the car park to the play area</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
8	<p><b><u>Voluntary Sector</u></b></p> <p>Project by Smarden Charter Hall: storeroom extension to Charter Hall</p>	<p>£6,000</p>	<p>Upon occupation of 75% of the dwellings</p>
<p><b>Regulation 123(3) compliance:</b> 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><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are <u>index linked</u> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p>			

### 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,
- discussions were held with Planning Policy regarding the draft allocation,
- the applicant submitted additional plans in relation to drainage, highways and refuse
- 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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<b>Application Number</b>	17/01759/AS	
<b>Location</b>	Former Pledges Mill and South Kent College Site and land south of junction of Beaver Road and, Victoria Road, Ashford, Kent	
<b>Grid Reference</b>	00992/42245	
<b>Ward</b>	Victoria	
<b>Application Description</b>	Proposed minor material amendments to planning permission 16/01157/AS involving design changes to Phase A2 x 3 commercial uses (Use Classes A1/A2/B2) & Phase A3 (219 residential units) with associated parking, substations, landscaping and access works relating to land south of Victoria Road ONLY with no design changes to the approved brewery, with shop, bar and restaurant (Use Classes B2/A1/A3/A4)	
<b>Applicant</b>	Victoria Way Ashford LLP	
<b>Agent</b>	Nathaniel Lichfield & Partners	
<b>Site Area</b>	1.67	
(a) 67/ -	(b) -	(c) KHT +, EA X, ES (Refuse) X, KCC Flooding X, ABC (Drainage) X, KWT -, SACF -, VBRAG -

The Strategic Applications Team Leader drew Members' attention to the Update Report. There was an erratum in para 179 and further clarification at para 71 and

condition 67. There was a representation from Kent Highways and Transportation, an update to condition 67 and an amendment to Recommendation (A).

**Resolved:**

**(A) Subject to the existing section 106 agreement/undertaking in respect of the planning obligations entered into in respect of planning permission 16/01157/AS being carried forward as necessary and as applicable to the amended development subject of this application in terms agreeable to the Head of Development Management and Strategic Sites or the Development Control Managers in consultation with either Director of Law and Governance or the Head of Legal and Democracy and subject to the receipt of amended drawings that deal, to the satisfaction of the Head of Development Management and Strategic Sites, with the points raised by Kent Highways and Transportation, with delegated authority to either the Head of Development Management and Strategic Sites or the Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (and for the avoidance of doubt including adding additional planning conditions or deleting conditions) as seen fit (including any need to adjust conditions as necessary to take account any approvals already issued by the Council in relation to conditions attached to planning permission 16/01157/AS).**

**(B) Permit**

Subject to the following Conditions and Notes:

References to development phases in this permission

'Phases' in this permission means a phase as identified on the approved plan (as shown on plan 15.043.006 P3), and references to phases A1, A2 and A3 are references to the phases shown on the drawing. For the avoidance of doubt, the substation identified adjacent to the Brewery and Aldi store falls outside of phase A1. If the phase boundaries subsequently change, a revised plan shall be submitted to and approved in writing by the Local Planning Authority.

Applicability of conditions

Planning conditions 1-3 apply to all the development irrespective of Phase  
 Planning conditions 4–32 apply to development on land forming Phase A1  
 only Planning conditions 33-60 apply to development on land forming Phase  
 A2 only Planning conditions 61-90 apply to development on land forming  
 Phase A3 only

- 1 The development hereby permitted shall be begun before the expiration of 07/04/2019 years from the date of this decision.

**Reason:** To comply with the requirements of Sections 73 and 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 of land shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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

- 3 The development of land 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.

#### **LAND FORMING PHASE A1 TO NORTH OF VICTORIA ROAD (BREWERY/SHOP/BAR/RESTAURANT - B2/A1/A3/A4)**

##### **Materials**

- 4 Prior to installation written details including source/ manufacturer, and samples of bricks, tiles, slats, mesh/corrugated metal and cladding materials (including jointing of panels) to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development of land forming Phase A1 shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

**Reason:** In the interests of visual amenity and to give clarity on jointing of panels.

##### **Contamination**

- 5 (A) The development of land forming Phase A1 shall only be carried out in accordance with the remediation and mitigation measures set out in the approved MLM Phase 2 Geoenvironmental Assessment Report (Ref: 773965-REP-ENV-001 Rev 0 dated September 2016) unless otherwise agreed in writing by the Local Planning Authority.

(B) Following completion of the approved remediation scheme for the land forming Phase A1 and prior to the first occupation of the brewery building, a verification report that demonstrates the effectiveness of the remediation



measures and mitigation that have been carried out shall have been submitted to, and approved 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 will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990 and is development that can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- 6 If, during development of land forming Phase A1, contamination not previously identified is found to be present at the site then no further development within the affected plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy for the land forming Phase A1 detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

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

#### **Fine detail**

- 7 Prior to usage in the building approved on the land forming Phase A1, unless specified to the contrary, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- (a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- (b) rainwater goods, eaves, fascia and canopy / colonnade details (including supporting posts) (1:20/1:50)
- (c) details of vents, louvres, extractor vents together with locations any 1:20 details of any roof top screens to any roof top plant and equipment to be installed
- (d) 1:50 details of the proposed double height water feature to be created on the façade to Victoria Road

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

#### **Vehicle and Cycle Parking/Highways**

- 8 Provision shall be made within the land forming Phase A1 for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 9 The access details shown on the approved plans for the development of land forming Phase A1, including off-site footway works to replace the redundant vehicle access and all visibility splays, shall be completed prior to the occupation of any buildings hereby approved / the use of the site being commenced, and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the adjacent footway level.

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

- 10 The area shown on the approved layout (ref: 15.043 050 Rev A) as vehicle parking or turning space serving the development of land forming Phase A1 shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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 and be detrimental to highway safety and amenity.

- 11 No building on land forming Phase A1 shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked. The approved facilities shall thereafter be retained available for use.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to promote movement choice for staff and visitors.

- 12 Prior to installation on the land forming Phase A1, full details of the proposed gate to the vehicle access to Victoria Road (including elevational and cross-sectional details at 1:50 scale, materials and final colour finish) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the gate shall only be installed in accordance with such details unless the Local Planning Authority has approved to any variation in writing.

**Reason:** No such details have been provided.

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- 13 Prior to the first operation of the permitted use on the land forming Phase A1 for the purposes of brewing, a scaled plan showing the site, on-site location and number of off-site employee parking spaces in the control of the applicant shall have been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the spaces shall be retained available to meet brewery employee parking needs unless the Local Planning Authority has agreed in writing to any variation.

**Reason:** In order to reduce the burden of the development on town centre car parking resources given the limited provision of on-site parking.

**Use**

- 14 The premises/site forming Phase A1 shall be used for Use Classes B2/A1/A3/A4 only as in the of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended 2015) and not for any other purpose whether or not in the same use class of any subsequent Order amending, 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.

**Opening hours to the public**

- 15 Unless any variation is agreed in writing by the Local Planning Authority (including any variation needing approval as a result of licensing requirements), the shop, bar and restaurant at the premises/site forming Phase A1 shall only be open to the public between the following hours;-
- (i) Monday to Thursday 09:00 - 23:00
  - (ii) Friday to Saturday 09:00 - 24:00
  - (iii) Sunday 09:00 - 23:00

**Reason:** In order to ensure that the hours of use of the elements of the building open to the public is appropriate given the context of the site and the existing and planned noise sensitive uses in the neighbourhood and the need to minimise late night disturbance.

**Servicing & acoustic fence**

- 16 Prior to any night time servicing (defined as between the hours of 23:00 - 07:00) of the land forming Phase A1 taking place the following details shall have been submitted to and agreed in writing by the Local Planning Authority;-
- (a) the days of the week that night time servicing will take place,
  - (b) the duration of the night time servicing,
  - (c) details of the nature of the night time servicing and the location of the servicing activity on the land, and
  - (d) the proposed measures to mitigate noise from such night time servicing including location, form, size, appearance and any required adjustments to

any previously approved hard and soft landscaping located either within the land forming Phase A1 or on adjacent land.

Thereafter, the brewery shall only be serviced at night time in accordance with such approvals unless the Local Planning Authority has agreed to any subsequent proposed variation in writing. Any measures agreed to mitigate noise pursuant to (d) above shall be implemented in full prior to any night time servicing taking place and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order, shall be retained and maintained in full effective working order.

**Reason:** In order to ensure that any required night time servicing is appropriate given the context of the site and the existing and planned noise sensitive uses in the neighbourhood and that acceptable on-site mitigation is provided.

### **Hard and Soft Landscaping**

17 No development shall commence above ground level until full details of the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall accord with drawing 15.043 050 Rev A, unless otherwise agreed in writing.

(a) The full details of the soft landscape works to be submitted to the Local Planning Authority for approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of planting that is designed to create year round colour; details of vertical planting along the colonnade frontage to Victoria Road; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.

(b) The full details of the hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate), drawings to scale to show lighting columns and lighting bollards, the continuous linear planter feature facilitating vertical planting along the colonnade to the building, external seating, gabion walls, water features, elements of the site's historic past to be retained either in situ or relocated and/or commemorated and any necessary methods of demarcating space as a result of its proposed long term maintenance.

(c) The details shall include full details of all walls, gates and fences (including height, width and depth, supporting post and free-standing posts, materials, mesh, final finish colour, connection & junctions with other fencing at the boundary around the Victoria Road substation A1) to be erected.

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(d) The hard and soft landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority. The walls, gates and fences approved pursuant to (c) above shall be erected before the land forming Phase A1 is first occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. Also, to ensure that ecological functionality and protected species population are not impacted by the proposed development and foraging and dispersal routes remain open and connected throughout construction and occupation. To ensure that tree planting is appropriate and carried out in a manner that will ensure maturation to the visual benefit of the urban environment and to ensure boundary treatments are appropriate to the context of the site and are of acceptable design quality.

- 18 If any trees and/or plants on land forming Phase A1 whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

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

- 19 Prior to the occupation of the development on land forming Phase A1, a landscape management plan including long term design objectives, any hard surfaced areas to be offered to the public authorities for adoption, management responsibilities and maintenance schedules for the landscape areas and the timing of provision of management and maintenance of such areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the details approved by the Local Planning Authority unless previously agreed otherwise in writing by the Local Planning Authority.

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

### **Sustainable construction**

- 20 The development of land forming Phase A1 hereby approved shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' rating. Under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 20% reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 6 months of work commencing on a given phase:-

- A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements), Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed, and
- Details of the measures, LZC and other technologies to be used to achieve the BREEAM standard and credit requirements specified above.

Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, within 6 months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts (i) and (ii) below by the Local Planning Authority for that building:

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

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

#### **Environmental protection, external lighting & prevention of pollution**

- 21 (A) Full details of all measures to be taken to deal with any emission of dust, odours or vapours arising from the use of the building on the land forming Phase A1 (including to both the brewery and food and drink uses) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use of the premises. Any equipment, plant or process provided or undertaken pursuant to such approval shall be installed prior to the first use of the premises and shall thereafter be operated and retained in

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compliance with the approved scheme.

(B) Unless agreed in writing, no outdoor processing (excluding storage tanks) shall take place and no outside spent grain/yeast shall be stored on the land forming Phase A1 unless in a sealed container or tank the details and specification of which have been approved in writing by the Local Planning Authority.

(C) Prior to the first use of the land forming Phase A1 as a brewery, a waste management plan relating to the brewing process (including disposal methods of brewing waste and regularity, details of any on-site storage prior to disposal off-site and details of any agreements that will be needed with other agencies for effluent disposal and transportation of waste off-site) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the land forming Phase A1 shall only be operated in accordance with those agreed on-site waste management plan details.

**Reason:** (A & B) To seek to prevent transmission of dust, vapours and odours into neighbouring premises to protect amenity and to ensure that the approach taken on-site is one that recognises the context of developing a brewery in a town centre context. (C) To give clarity on how any waste generated by the brewing process will be disposed of safely from the site.

- 22 No external lighting shall be installed on the land forming Phase A1 until details have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles; use of time switches to switch off car park lighting appropriate to the seasons and the approach to security lighting/task lighting: details of mood lighting to the customer staircase entrance to first floor bar & restaurant and hours of operation: details of any mood lighting to external storage vessels located immediately to the west of the brewery and hours of operation). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written approval to any proposed variation.

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

- 23 Any facilities used for the storage of oils, fuels or chemicals on the land forming Phase A1 shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

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

### **Sustainable drainage**

- 24 No development of land forming Phase A1 shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority.

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

The submitted system shall be designed to

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010, and
- (iv) operate both during construction of the development and post-completion.

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

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

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

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

**Code of construction practice**

- 25 Prior to the commencement of the development on land forming Phase A1, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include,

- An indicative programme for carrying out the works



- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Full details of the provision of off-road parking for all site operatives
- Full details of measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works, including a programme for community consultation/communication setting out how the developers intend to liaise with and keep members of the public informed about the development for the duration of the construction period.

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

- 26 In relation to the land forming Phase A1, 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.

- 27 No construction activities shall take place on the land forming Phase A1 until a dust management plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that appropriate measures are put in place during construction to mitigate the impact of dust arising from construction works on local air quality.

- 28 No construction works shall take place on the land forming Phase A1 until a construction logistics plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-

95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the construction logistics plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that appropriate measures are put in place during construction to mitigate impacts on local air quality.

### **Archaeology**

29 Prior to the commencement of development of land forming Phase A1 the applicant, or their agents or successors in title, will secure and implement:

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

### **Ecological Works & Management Strategy**

30 (A) Prior to commencement of development on the land forming Phase A1, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include;-

(i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as part of the development, and how such works and measures are proposed to be managed in the long-term.

(ii) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.

(iii) a timetable for implementation, demonstrating that the proposed on-site habitat ecological works and other measures and any off-site reptile

mitigation strategy are aligned with the proposed phasing of construction,

(iv) the persons responsible for implementing the on and off-site works, including a programme identifying when a specialist ecologists need to be present on site to oversee the ecological works

(B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** In order to ensure that any ecological works to be carried out are justified, accord with good practice and appropriately mitigate the impacts of the development and to ensure that an appropriate management strategy is put in place to properly monitor the success of the ecological works carried out for an agreed period of time.

### **Fibre broadband To The Premises**

- 31 Prior to the first occupation of the land forming Phase A1, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

### **Protecting rail infrastructure**

- 32 Development of the land forming Phase A1 shall only take place in accordance with the terms of a signed Basic Asset Protection Agreement with Network Rail Infrastructure Limited. A copy of the signed agreement shall be provided to the Local Planning Authority prior to commencement of development.

**Reason:** In order to manage the potential impacts of the development on the railway infrastructure located adjacent to the site and to ensure certainty that agreement has been reached.

## **LAND FORMING PHASE A2 TO SOUTH OF VICTORIA ROAD (RESIDENTIAL AND COMMERCIAL - C3/B1/A1/A3)**

### **Materials**

- 33 Prior to installation, written details including source/ manufacturer, and samples of bricks, tiles and cladding materials (including jointing of panels) to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development of land forming Phase A2 shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

**Reason:** In the interests of visual amenity and to give clarity on jointing of panels.

**Contamination**

- 34 (A) Prior to the commencement of development on land forming Phase A2, a detailed remediation scheme for that land to ensure that that part of the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority.

(B) The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols. The scheme must deliver land forming Phase A2 as land that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land forming Phase A2 after remediation.

(C) The development within the land forming Phase A2 shall thereafter be carried out in accordance with the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority. Following completion of the remediation scheme for the land forming Phase A2 and prior to occupation of the building approved within that phase, a verification report for the land forming Phase A2, 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 off-site receptors.

- 35 If, during development of land forming Phase A2, contamination not previously identified is found to be present at the site then no further development within the land forming Phase A2 (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy for the land forming Phase A2 detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

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

**Fine details**

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

- a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
- c) 1:100 elevation detailing the locations of all expansion joints in facades.
- d) details of any plant or machinery proposed on the roof and associated screens,
- e) details of any satellite dishes or antenna,
- f) details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),
- g) details of vents, louvres, extractor vents, external pipes, meters etc.
- h) details of screens and windbreaks,
- i) 1:50 scale details of the parapet capping,
- j) details of external entrance steps, handrails and balustrades.

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

**Vehicle and Cycle Parking/Highways/ Car Club & Electric Vehicle charging facilities**

37 Provision shall be made within the land forming Phase A2 for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

38 The vehicle access details shown on the approved plans serving the land forming Phase A2 shall be completed prior to the first occupation of the building hereby approved for either commercial or residential purposes and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the

adjacent footway level.

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

- 39 The area shown on the approved layout for the land forming Phase A2 (ref: 15.043.021 Rev F, 15.043.020 Rev G and 15.043.003 Rev F) as vehicle parking or turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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 and be detrimental to highway safety and amenity.

- 40 No building on land forming Phase A2 shall be occupied or the approved use commenced until space has been laid out on the land in accordance with the details shown on the application plans for cycles to be parked. Thereafter, the facilities shall be retained available for use.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to promote movement choice for staff and visitors through the provision of quality secure cycle parking.

- 41 Before the first occupation of each ground floor commercial unit and any apartments in the building hereby approved on land forming Phase A2, the following works between that building and the nearest highway shall be completed;-

- (a) Footways and/or footpaths, with the exception of any wearing course, and
- (b) Carriageways with the exception of the wearing course, including the provision of a turning facility sufficient to allow users of the parking facilities serving the development to turn and leave the site in forward gear.

**Reason:** In the interests of highway safety and the convenience and amenity of the occupiers of the development.

- 42 Before the first occupation of any ground floor commercial unit and any apartments on land forming Phase A2, a timetable for the construction of the final wearing course of new footpaths and/or footways and carriageways shall have been submitted to and approved by the Local Planning Authority in writing. The final wearing course of such footpaths and/or footways and carriageways shall be constructed in accordance with the timetable as approved by the Local Planning Authority.

**Reason:** In the interests of highway safety, and the convenience and amenity of occupiers of the development.

- 43 Prior to the first occupation of any apartment on land forming Phase A2, the applicant shall provide written details to the Local Planning Authority of the following;-

- (a) measures to help facilitate more sustainable forms of movement for non-town centre journeys, including access to a local car club and
- (b) the location and number of electric vehicle charging points to be made available for the use of residents.

Thereafter, the approved details shall be retained available for use unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To help provide enhanced movement choice for residents for occasional non-local journeys and to help reduce the need for car ownership by scheme residents. To help reduce pollution by encouraging the use of electric vehicles through incorporating on-site measures enabling vehicle recharging.

### **Uses**

- 44 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the apartments hereby approved above the ground floor commercial units on land forming Phase A2 shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning (Use Classes) Order 2015 or any subsequent Order revoking or re-enacting that Order.

**Reason:** To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

- 45 The ground floor commercial units hereby approved on land forming Phase A2 south of Victoria Road shall be used for the purposes specifically applied for (Use Classes A1/A2/A3/B1) 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 2015 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.

### **Opening hours of ground floor commercial units to the public**

- 46 Unless any variation is agreed in writing by the Local Planning Authority, the ground floor A1/A2/A3/B1 uses shall only be open to the public between the

following hours:-

(i) Monday to Sunday 06:30 - 23:00

**Reason:** In order to ensure that the hours of use of the ground floor commercial uses is appropriate given the context of the site and the existing and planned noise sensitive uses in the neighbourhood and the need to minimise late night disturbance.

**Hard and soft landscaping**

47 No development of land forming Phase A2 shall commence until full details of the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall accord with drawing 15.043 006 Rev C, unless otherwise agreed in writing.

(a) The full details of the soft landscape works to be submitted to the Local Planning Authority for approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of the planting that is designed to create year round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.

(b) The full details of the hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate), drawings to scale to show lighting columns and lighting bollards, bollards to prevent vehicles accessing on-site parking by means other than via the vehicular access to George Street and any necessary methods of demarcating space as a result of its proposed long term private maintenance.

(c) The details shall include full details of any walls, car park gates/barriers, other gates and fences (including height, width and depth, materials, final finish colour) to be erected.

(d) The details shall include a scaled drawing showing soft and hard landscaping to be retained in private ownership and soft and hard landscaping to be the subject of adoption by the local highway authority (or any other public body).

(e) The hard and soft landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority.

(f) If any trees and/or plants on land forming Phase A2 whether new or retained which form part of the soft landscape works approved by the Local



Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. To ensure that any planting is appropriate and carried out in a manner that will ensure maturation to the visual benefit of the urban environment and to ensure hard surfacing and boundary treatments are appropriate to the context of the site and are of acceptable design quality.

### **Environmental protection**

- 48 Full details of all measures to be taken to deal with any emission of odours or vapours arising from the use of each individual part of the ground floor of the building on the land forming Phase A2 for any Class A3 use shall be submitted to, and approved in writing by, the Local Planning Authority prior to the individual Class A3 use commencing. Any equipment, plant or process provided or undertaken pursuant to such approval shall be installed prior to the first use of the ground floor premises to which it relates and shall thereafter be operated and retained in compliance with the approved scheme.

**Reason:** To prevent the transmission of vapours and odours arising from a ground floor A3 use into neighbouring premises and to protect amenity.

- 49 No external lighting shall be installed on the land forming Phase A2 until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles; use of time switches to switch off car park lighting appropriate to the seasons). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written approval to any proposed variation.

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

- 50 Any facilities used for the storage of oils, fuels or chemicals on the land forming Phase A2 shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

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

### **Acoustic design measures for apartments**

- 51 (A) No development of land forming Phase A2 shall commence until a scheme of noise mitigation measures to be installed in the apartments (taking

forward the recommendations in the applicant's acoustic report, energy strategy report and ventilation strategy necessary to achieve BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' or any successor standard) has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

(B) No development of land forming Phase A2 shall commence until a scheme for protecting balconies and terraces from noise exceeding 50dB LAeq. 16 hour through the use of including imperforate balustrade screens and Class A absorption to balcony undersides /soffits has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

**Reason:** To ensure satisfactory living conditions for residents given the context of the site and the nature of proposed commercial uses on nearby and adjacent land.

**Sustainable drainage (including green and blue roofs to buildings)**

52 No development of land forming Phase A2 shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the land's surface water have been submitted to and approved in writing by the Local Planning Authority.

The submitted system shall comprise retention or storage of the surface water on the land or within the immediate area in a way which is appropriate to the land's location, topography, hydrogeology and hydrology and incorporate green / blue roofs as appropriate.

The submitted system shall be designed to:-

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

The submitted details shall include identification of the proposed discharge points from the system, clarify the location and extent of green/blue roofs,

include a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

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

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

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

### **Code of construction practice**

- 53 Prior to the commencement of the development on land forming Phase A2, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include,

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

setting out how the developers intend to liaise with and keep members of the public informed about the development for the duration of the construction period.

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

- 54 In relation to the land forming Phase A2, 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.

- 55 No construction activities shall take place until a dust management plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that appropriate measures are put in place during construction to mitigate the impact of dust arising from construction works on local air quality.

### **Archaeology**

- 56 Prior to the commencement of development of land forming Phase A2 the applicant, or their agents or successors in title, will secure and implement;-

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

### **Ecological Works & Management Strategy**

- 57 (A) Prior to commencement of development on the land forming Phase A2, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include;-

(i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of

tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as part of the development, and how such works and measures are proposed to be managed in the long-term.

(ii) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.

(iii) a timetable for implementation, demonstrating that the proposed on-site habitat ecological works and other measures and any off-site reptile mitigation strategy are aligned with the proposed phasing of construction,

(iv) the persons responsible for implementing the on and off-site works, including a programme identifying when a specialist ecologists need to be present on site to oversee the ecological works.

(B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** In order to ensure that any ecological works to be carried out are justified, accord with good practice and appropriately mitigate the impacts of the development and to ensure that an appropriate management strategy is put in place to properly monitor the success of the ecological works carried out for an agreed period of time.

### **Fibre broadband To The Premises**

- 58 Prior to the first occupation of the land forming Phase A2, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

### **Water efficiency**

- 59 Each apartment on the land forming Phase A2 shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the apartments will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No apartment shall be occupied unless the notice for that apartment 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 and in order to continue with the same level of water efficiency as would have been achieved under the Code for Sustainable Homes standard referred to in Core Strategy policy CS10(A).

**Refuse collection**

- 60 No ground floor commercial unit or apartment on the land forming Phase A2 shall be occupied until the following details have been submitted to, and approved in writing by, the Local Planning Authority;-

(a) Details of secure access doors, ventilation, internal amenity lighting, wash-down facilities and measures to keep doors in a fixed open position at collection time in relation to the ground floor refuse store areas.

(b) Details of the proposed arrangements to be put in place in relation to the collection of residents' waste from the ground floor communal refuse store. The approved details shall be implemented and the stores made available for use prior to the first occupation of any ground floor commercial unit or apartment. The stores shall thereafter be permanently retained available for use unless the Local Planning Authority has agreed to any variation to refuse store arrangements in writing.

**Reason:** To ensure that the fine detail of the refuse stores is appropriate for both commercial and residential occupiers and to ensure that satisfactory arrangements are put in place for the collection of waste generated by residents given the location of the ground floor communal store for residents relative to the public highway.

**LAND FORMING PHASE A3 TO SOUTH OF VICTORIA ROAD (BUILD TO RENT RESIDENTIAL)**

**Materials**

- 61 Prior to installation, written details including source/ manufacturer, and samples of bricks, tiles, feature panels and cladding materials (including jointing of panels) to be used externally shall be submitted to and approved in

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writing by the Local Planning Authority and the development of land forming Phase A3 shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

**Reason:** In the interests of visual amenity and to give clarity on jointing of panels.

### **Contamination**

62 (A) Prior to the commencement of development on land forming Phase A3, a detailed remediation scheme for that land to ensure that that part of the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority.

(B) The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols. The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation.

(C) The development within the land forming Phase A3 shall thereafter be carried out in accordance with the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority. Following completion of the remediation scheme for the land forming Phase A3 and prior to occupation of any building within that phase, a verification report for the land forming Phase A3 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 off-site receptors.

63 If, during development of land forming Phase A3, contamination not previously identified is found to be present at the site then no further development within the affected plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy for the land forming Phase A2 detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

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

### **Fine details**

64 Prior to usage in the building on the land forming Phase A3 above ground level, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
- c) 1:100 elevation detailing the locations of all expansion joints in facades.
- d) 1:50 scale details of any plant or machinery proposed on the roof and associated screens,
- e) details of any satellite dishes or antenna,
- f) details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),
- g) details of vents, louvres, extractor vents, external pipes, meters (including colour finish) etc.
- h) details of screens and windbreaks,
- i) 1:50 scale details of the parapet capping,
- j) details of external entrance steps, handrails and balustrades
- k) 1:50 details of ground floor level grilles to the help vent the lower ground floor level car park
- (l) 1:50 details of planter boxes to apartments
- (m) 1:20 details of balustrades to balconies serving apartments and a plan/schedule sufficient to show the proposed changing balustrade colour palette across the development according to locational context.

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

#### **Vehicle and Cycle Parking/Highways/Car Club & Electric Vehicle charging facilities**

65 Provision shall be made within the land forming Phase A3 for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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



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- 66 The vehicle access details to the land forming Phase A3 shown on the approved plans shall be completed prior to the first occupation of the building hereby approved for residential purposes on that land and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the adjacent footway level.

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

- 67 (i) The area within Phase A3 identified as the riverside parking court shown as Parking Zone B on plan 15.043.038 Rev B (including any subsequent variations) shall be implemented as shown on the approved drawings unless an evidenced-based Transport Note demonstrating that the area is not required is submitted to and approved in writing by the Local Planning Authority. All other parking areas shown on the approved plans serving Phases A2 and A3 shall be implemented, surfaced and drained before any apartments in Phase A2 are first occupied and thereafter shall be retained available and accessible for use and no development whether 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 the land.

(ii) If an evidenced-based Transport Note is approved in writing demonstrating that the riverside parking court is not required in order to serve the car parking requirements of the development, then full details of revised hard and soft landscaping for the area shall be submitted to and approved in writing by the Local Planning Authority pursuant to Condition 74 of this permission.

**Reason:** (i) Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.(ii) In circumstances where an evidence-based Transport Note is accepted and the riverside parking court is not implemented then an alternative treatment for the space will be required.

- 68 No building on land forming Phase A3 shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked. The approved cycle parking facilities shall thereafter be retained available for use by residents of the building.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to promote movement choice through the provision of quality secure cycle parking.

- 69 The pedestrian visibility splays shown on the approved drawings in relation to land forming Phase A3 shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained

with no obstruction over 0.6 m above the access footway level.

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

- 70 Before the first occupation of any apartments on land forming Phase A3 the following works between that land the nearest highway to be adopted by the highways authority shall be completed;-

(a) Footways and/or footpaths, with the exception of the wearing course;

(b) Carriageways with the exception of the wearing course, including the provision of a turning facility sufficient to allow users of the parking facilities serving the development to turn and leave the site in forward gear, together with related:

- i) highway drainage, including off-site works,
- ii) junction visibility splays,
- iii) street lighting, street nameplates and highway structures if any.

**Reason:** In the interests of highway safety, and the convenience and amenity of occupiers of the development.

- 71 Before the first occupation any apartment on land forming Phase A3, a timetable for the construction of the final wearing course of new footpaths and/or footways and carriageways shall have been submitted to and approved by the Local Planning Authority in writing. The final wearing course of such footpaths and/or footways and carriageways shall be constructed in accordance with the timetable as approved by the Local Planning Authority.

**Reason:** In the interests of highway safety, and the convenience and amenity of occupiers of the development.

- 72 Prior to the first occupation of any apartment on land forming Phase A3, the applicant shall provide written details to the Local Planning Authority of the following;-

(a) measures to help facilitate more sustainable forms of movement for non-town centre journeys, including the provision of a car club facility, and

(b) the location and number of electric vehicle charging points to be made available for the use of residents/any car club facility serving residents.

Thereafter, the approved details shall be retained available for use unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To help provide enhanced movement choice for residents for occasional non-local journeys and to help reduce the need for car ownership by scheme residents. To help reduce pollution by encouraging the use of electric vehicles through incorporating on-site measures enabling vehicle recharging.

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## **Use**

- 73 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the apartments hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning (Use Classes) Order 2015 or any subsequent Order revoking or re-enacting that Order.

**Reason:** To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

## **Hard and soft landscaping**

- 74 No development of land forming Phase A3 shall commence until full details of the hard and soft landscape works – including potential works in place of the riverside parking court if an evidence-based Transport Note is approved in writing pursuant to condition 67(i) - have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall accord with drawings 15.043 021 Rev B and 15.043 003 Rev D, unless otherwise agreed in writing.

(a) The full details of the soft landscape works to be submitted to the Local Planning Authority for approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of planting that is designed to create year round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays, details of vertical planting on tension wires to areas of the southern side of the building and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.

(b) In the event that the riverside parking court is not implemented pursuant to condition 67(i) then the Beech Tree subject of Tree Preservation Order on the south-western corner of the site shall be retained as part of the soft landscaping scheme for the Phase unless a justification for its removal has been submitted to and approved in writing by the Local Planning Authority.

(c) The full details of the hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate), drawings to scale to show lighting columns and lighting bollards, seating, the location of any public art features, details of balustrades to the communal podium open space and associated steps, details of any other balustrades, details of residents' only security gates to the communal podium

open space including location on the steps to the riverside corridor and any necessary methods of demarcating space as a result of its proposed long term maintenance.

(d) The details of hard landscaping shall also include full details of any walls, lower ground floor car park gates/barriers to ensure secure residents' only access, other gates and fences, fences and any gates to podium level external private spaces serving apartments and fences and gates to riverside apartment external private spaces (including height, width and depth, materials, final finish colour) to be erected.

(e) The hard and soft landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority.

(f) If any trees and/or plants on land forming Phase A3 whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. To ensure that any planting is appropriate and carried out in a manner that will ensure maturation to the visual benefit of the urban environment and to ensure hard surfacing and boundary treatments are appropriate to the context of the site and are of acceptable design quality.

### **Environmental protection & CHP**

- 75 Any facilities used for the storage of oils, fuels or chemicals on the land forming Phase A3 shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

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

- 76 No Combined Heat and Power (CHP) plant shall be installed within the approved building on the land forming Phase A3 until full details of said plant have been submitted to, and been approved by, the Local Planning Authority in writing. Such details shall include noise levels during operation, measures to be taken to limit increases in nitrogen dioxide levels locally as a result of operation and details of the proposed fuel and the frequency, nature and duration of any deliveries of fuel. Thereafter, CHP shall only be installed and operated in accordance with such approvals.

**Reason:** No details of possible CHP installation have been submitted for approval. Details are required in order to ensure that any environmental

impacts are appropriately mitigated.

**Acoustic design measures for apartments**

77 (A) No development of land forming Phase A3 shall commence until a scheme of noise mitigation measures to be installed in the apartments (taking forward the recommendations in the applicant's acoustic report, energy strategy report and ventilation strategy necessary to achieve BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' or any successor standard) has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

(B) No development of land forming Phase A3 shall commence until a scheme for protecting balconies and terraces from noise exceeding 50dB LAeq. 16 hour through the use of including imperforate balustrade screens and Class A absorption to balcony undersides /soffits has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

**Reason:** To ensure satisfactory living conditions for residents given the context of the site and the nature of proposed commercial uses on nearby and adjacent land which may affect the necessary measures for either all or specific apartments.

**Sustainable drainage (including green and blue roofs to buildings)**

78 No development of land forming Phase A3 shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the land's surface water have been submitted to and approved in writing by the Local Planning Authority.

The submitted system shall comprise retention or storage of the surface water on the land or within the immediate area in a way which is appropriate to the land's location, topography, hydrogeology and hydrology and incorporate green / blue roofs as appropriate.

The submitted system shall be designed to

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010,
- (iv) promote biodiversity,
- (v) enhance the landscape,
- (vi) improve public amenities,

- (vii) return the water to the natural drainage system as near to the source as possible and
- (viii) operate both during construction of the development and post-completion.

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

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

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

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

### **Code of construction practice**

- 79 Prior to the commencement of the development on land forming Phase A3, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Full details of the provision of off-road parking for all site operatives
- Full details of measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials

- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works, , including a programme for community consultation/communication setting out how the developers intend to liaise with and keep members of the public informed about the development for the duration of the construction period.

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

- 80 In relation to the land forming Phase A3, 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.

- 81 No construction activities shall take place until a dust management plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that appropriate measures are put in place during construction to mitigate the impact of dust arising from construction works on local air quality.

### **Archaeology**

- 82 Prior to the commencement of development of land forming Phase A3 the applicant, or their agents or successors in title, will secure and implement;-

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

### **Ecological Works & Management Strategy**

83 (A) Prior to commencement of development on the land forming Phase A3, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include;-

(i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as part of the development, and how such works and measures are proposed to be managed in the long-term.

(ii) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.

(iii) a timetable for implementation, demonstrating that the proposed on-site habitat ecological works and other measures and any off-site reptile mitigation strategy are aligned with the proposed phasing of construction,

(iv) the persons responsible for implementing the on and off-site works, including a programme identifying when a specialist ecologists need to be present on site to oversee the ecological works.

(B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** In order to ensure that any ecological works to be carried out are justified, accord with good practice and appropriately mitigate the impacts of the development and to ensure that an appropriate management strategy is put in place to properly monitor the success of the ecological works carried out for an agreed period of time.

#### **Riverside Corridor Landscaping, Lighting & Management Plan**

84 (A) Prior to commencement of development on land forming Phase A3, a Riverside Corridor Landscaping, Lighting & Management Plan (RCLLMP) shall have been submitted to and approved in writing by the Local Planning Authority. The RCLLMP shall include;-

(i) the area forming the RCLLMP shown on a plan drawn to scale,  
(ii) a statement identifying how hard and soft landscaping detail within that area is intended to balance the objectives of public access to and recreational use of the riverside corridor with the need to protect and enhance the adjacent/nearby Great Stour Ashford to Fordwich Local Wildlife Site,



- (iii) details of all proposed soft landscaping (including details of tree, shrub, hedge and other planting) within that area,
- (iv) details of all proposed hard landscaping within that area,
- (v) details of how lighting in the area will either be minimised or negated in order to increase bat foraging opportunities in the riverside corridor,
- (vi) a timescale for the implementation of the identified soft and hard landscaping and lighting details, and
- (vii) details of the long term maintenance and management arrangements for the area covered by the RCLLMP.

(B) Thereafter, the approved RCLLMP shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** In order to ensure that the river corridor landscaping scheme protects and enhances the adjacent Local Wildlife Site (and the species it supports) balanced against a design that also allows public access to and enjoyment of the proposed additions to the river corridor space and to ensure that appropriate arrangements are put in place for long term maintenance and management.

#### **Fibre broadband To The Premises**

- 85 Prior to the first occupation of the land forming Phase A3, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030.  
Water efficiency

- 86 Each apartment shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the apartment will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No apartment shall be occupied unless the notice for that apartment 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 and in order to continue with the same level of water efficiency as would have been achieved under the Code for Sustainable Homes standard referred to in Core Strategy policy CS10(A).

### **Refuse collection**

87 No apartment on the land forming Phase A3 shall be occupied until the following details have been submitted to, and approved in writing by, the Local Planning Authority;-

(a) Details of secure access doors, ventilation, internal amenity lighting, wash-down facilities and measures to keep doors in a fixed open position at collection time in relation to the lower ground floor internal refuse store areas.

(b) 1:20 details of the surface level refuse store facilities shown on Drawing No. 15.043.036 including proposed detailing to deal with changes to levels along the frontage to the stores

(c) Details of the proposed arrangements to be put in place in relation to the collection of residents' waste from the lower ground floor internal refuse stores and the external surface level communal refuse store.

The approved details shall be implemented and the stores made available for use prior to the first occupation of any apartment. The stores shall thereafter be permanently retained available for use unless the Local Planning Authority has agreed to any variation to refuse store arrangements in writing.

**Reason:** To ensure that the fine detail of the refuse stores is appropriate for residential occupiers and to ensure that satisfactory arrangements are put in place for the collection of waste generated by residents given the location of the stores serving the apartments related to the public highway.

### **Occupation related to improvements to the local highway network**

88 Unless the Local Planning Authority agree otherwise in writing, no more than 50 apartments shall be occupied on the land forming Phase A3 until improvements to the nearby Beaver Road/Victoria Way and Elwick Road/Station Road junctions as set out on Drawing 4300472/0100/01 P01.1 forming part of planning permission 15/01671/AS (or an alternative scheme to substantially the same effect) have been carried out and are open to traffic.

**Reason:** To ensure that there is sufficient capacity available within the highway network to accommodate the movements associated with the proposed homes.

### **Adaptation of ground floor units to meet wheelchair user requirements**

89 Prior to the laying of foundations to the building approved to be constructed on the land forming Phase A3, a plan to show the location of five ground floor apartments available for adaptation to meet wheelchair user requirements shall be submitted to, and approved by, the Local Planning Authority in writing

and thereafter the development shall only proceed in accordance with such details unless the Local Planning Authority has agreed to any variation in writing.

**Reason:** To order to promote inclusion and community cohesion by catering for differing needs.

**Green wall/screen to Beaver Road petrol filling station**

90 Prior to first occupation of any apartment on land forming Phase A3;-

(i) full elevation and cross section details of the green wall/screen within the application site (as shown on Drawing GHA001) including materials, colour and supporting structures, and

(ii) details of any green wall/screen irrigation, proposed planting with particular benefits to habitat and site biodiversity and proposed maintenance regime, and

(iii) a timetable for the green wall/screen construction within the application Site shall have been submitted to and been approved in writing by the Local Planning Authority. Thereafter, the green wall/screen shall be installed in accordance with the approved details and to the agreed timetable unless any variation has been subsequently agreed in writing by the Local Planning Authority.

**Reason:** Full fine details of the green wall/screen structure and proposed planting and maintenance regime have not yet been submitted. The construction of the wall in one single operation needs to be agreed in order to ensure against damage from building operations being carried out either on-site or on adjoining land.

**Notes to Applicant**

1. Working with the Applicant

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

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

In this instance

- the applicant/agent was provided with pre-application advice,
  - the applicant was provided the opportunity to submit amendments to the scheme to address issues raised.
  - The application was dealt with/approved without delay.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called ‘highway land’. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have ‘highway rights’ over the topsoil. Information about how to clarify the highway boundary can be found at

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

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

3. The developer/applicant must ensure that the proposal, both during construction and after completion of works on site, does not:
- encroach onto Network Rail land
  - affect the safety, operation or integrity of the company’s railway and its infrastructure
  - undermine its support zone
  - damage the company’s infrastructure
  - place additional load on cuttings
  - adversely affect any railway land or structure
  - over-sail or encroach upon the air-space of any Network Rail land
  - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer must comply with the requirements of HS1 and Network Rail by entering into Basic Asset Protection Agreement.

4. In respect of the brewery, the Local Planning Authority encourages the applicant to consider mood lighting of the building interior around the

fermentation vessels in order that the scale of the vessels can be appreciated at night via the strongly glazed façade to Victoria Road thus helping create a vibrant night time street scene at an important street junction. Appropriate external mood lighting to external storage vessels located to the west of the brewery building is also encouraged. The Local Planning Authority would wish to see the proposed soft and hard landscaping design of the entrance to the brewery shop/bar/restaurant incorporate appropriate acknowledgements of the site's past including previous uses.

5. In respect of the brewery odour and waste management conditions, the applicant is invited to meet Officers of the Local Planning Authority and the Borough Council's Environmental Protection Officer at an early stage to ensure that all aspects of the proposed brewery operation that might give rise to odour issues are refined with minimum best practice adopted (and preferably exceeded) so as to ensure the creation of a modern brewery that proceeds from the outset as a good neighbour to town centre uses.
  6. The hard and soft landscaping to the north of Phase A2 is expected to be the subject of adoption by the local highway authority as the currently missing element component of the upgraded street utilising quality materials to match existing paving and comprising the provision of street trees and pedestrian footway/cycleway.
  7. The applicant should note that an Ashford Borough Council refuse freighter would not normally pass onto private land as part of refuse collection of waste from homes and so Council collection cannot be assumed. The applicant is invited to discuss such issues further with the Council.
  8. In respect of SUDs design, Ashford Borough Council encourages the applicant to explore the feasibility of a controlled outfall of surface water to the River Stour south of the site with Kent County Council (as the Leading Flooding Authority), the Borough Council and the Environment Agency.
-

<b>Application Number</b>	18/00104/AS
<b>Location</b>	Repton Connect Community Centre, Repton Avenue, Ashford, Kent, TN23 3RX
<b>Grid Reference</b>	99665/43614
<b>Ward</b>	Godinton (Ashford)
<b>Application Description</b>	Placement of 1 No. internally illuminated sign, 9 No. non-illuminated signs and 1 No. window vinyl
<b>Applicant</b>	Mr Chris Kimmance, Chair, Repton Community Trust
<b>Agent</b>	Mr Mark Woolmer
<b>Site Area</b>	0.87ha
(a) 34/-	(b) - (c) KHS -

The Strategic Applications Team Leader drew Members' attention to the Update Report and the representation from Kent Highways and Transportation.

**Resolved:**

**Grant consent**

Subject to the following Conditions and Note:

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:-
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) 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.
2. The maximum luminance from sign A shall not exceed 400cd/m.  
**Reason:** In the interests of highway safety and convenience.
  3. The advertisement shall not be illuminated except during the hours that the premises to which it relates are open to the community.  
**Reason:** In the interests of visual amenity and road safety.
  4. The illumination of sign A shall be static and of a non- flashing type.  
**Reason:** In the interests of visual amenity and road safety.
  5. 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.

### 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,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted.
- 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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<b>Application Number</b>	17/01454/AS
<b>Location</b>	Little Goldwell Oast, Goldwell Lane, Great Chart, Ashford, Kent, TN26 1JS
<b>Grid Reference</b>	96780/41916
<b>Parish Council</b>	Great Chart with Singleton
<b>Ward</b>	Great Chart with Singleton North
<b>Application Description</b>	Insertion of new windows and doors to south east elevation
<b>Applicant</b>	Mr Charles Dehnel, Little Goldwell Oast, Goldwell Lane, Great Chart, Ashford, Kent, TN26 1JS
<b>Agent</b>	-
<b>Site Area</b>	0.14ha



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(a) 3/-                                  (b) +                                  (c) -

The Strategic Applications Team Leader drew Members' attention to the Update Report and the representation from Great Chart and Singleton Parish Council.

**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 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.

- 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.

**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 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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Queries concerning these Minutes? Please contact Rosie Reid: Telephone:  
01233 330565 Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)

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<b>Reference</b>	TPO/17/00027
<b>Report Title</b>	Confirmation of Tree Preservation Order No. 27, 2017
<b>Location</b>	Aldworth, Bromley Green Road, Ruckinge, Ashford, Kent TN26 2EG
<b>Parish Council</b>	Ruckinge
<b>Ward</b>	Saxon Shore

## 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 5<sup>th</sup> December 2017 to protect an area of ancient woodland to the southern part of the curtilage of Aldworth, (a residential dwelling) and a very small strip of land within the adjacent property Talavera, to the east. A location map may be found in annex 1a.
3. The area is designated as Ancient Woodland and is reported as such in the document - A revision of the Ancient Woodland Inventory for Ashford Borough, Kent (Sansum and McKernum 2009). The tree species are largely oak and birch but with occasional hazel, hornbeam and sweet chestnut. The wood within the curtilage of 'Aldworth' forms part of a larger tract of Ancient Woodland including the local Chequertree Wood, Little Hurst, Long Hurst and Twelve Acre Wood. The area has significant biodiversity interest and the amenity value of the woodland may be gained from footpath AE552, which bisects the larger complex of woods from east to west.
4. The tree's protection is expedient owing to the recent felling and partial clearance of approximately 0.25ha of Ancient Woodland. The domestication of the Bromley Green area has resulted in the loss of a large amount of Ancient Woodland in the last seventy-five years. There are concerns that further woodland could be felled without the regulation of the Forestry

Commission licence scheme and that the quality of the woodland will be denuded as a result.

5. The woodland meets the TEMPO criteria for the consideration of a TPO. 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 18 was derived - any score exceeding 16 fits into the classification 'Definitely Merits TPO'. A copy of the assessment may be found in Annex 1d.
6. 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;

It is considered that the criteria have been satisfactorily met.

7. The purpose of the TPO is to ensure that further clearance and felling works do not occur within the Ancient Woodland whilst respecting the right of the owners to engage in legitimate silvicultural management. A copy of the Order may be found in annex 1b.

## **Representations**

8. Following the serving of the TPO a letter of objection dated 21<sup>st</sup> December 2017 was received from a planning agent on behalf of the owners of the land. A summary of the points is listed below:
  - The standardised format of the documentation does not supply sufficient evidence to justify the serving of an order;
  - No survey of the trees has been undertaken by the Council to determine the need for an order;
  - There are a number of dead, dying and veteran trees that require removal;
  - The Council did not state the reasons for the serving of the order

- The Council did not apply the test laid down in Section 118 in the NPPF to determine the retention of the woodland;
- The TPO prevents the reasonable beneficial use of the woodland;
- The Forestry Commission Licence Scheme provides sufficient protection to the woodland;
- The signature of the Mayor and Solicitor signing the plans is illegible;
- The name of the Mayor is not supplied;
- The covering letter to the documentation is unsigned;
- Under application 17/00527/AS an application was refused that had woodland management and biodiversity at its centre – the council is inconsistent in its approach.

## **Assessment**

9. A site visit was undertaken by the Council's Tree Officer on the 23<sup>rd</sup> November 2017 which assessed and photographed the Ancient Woodland area. The species present were noted in addition to the scale of felling and clearance works. This site visit and assessment form provided the information required which underpin the decision to serve an order. Site photographs may be found in Annex 1e.
10. The serving of the order was expedient owing to the continued removal of Ancient Woodland over a period of approximately a year. Small sections have been removed without the need for a Forestry Commission Licence, as it was claimed that the five cubic metres threshold in any one quarter had not been breached. Had the order not been served, further sections of Ancient Woodland could have been legally removed each calendar quarter. Over a period of time this would equate to the loss of a significant area.
11. The woodland is clearly visible from Public Right of Way AE552. This footpath provides a link from Capel Road to Shadoxhurst and is regularly frequented by local dog walkers.
12. The woodland has significant amenity value in both the Aldworth section and the wider woodland tract. It is characterised by a mature Oak and Birch canopy with an understory of other species and the amenity value may be characterised as visual, recreational and economic.

13. As a component of the wider tract of Ancient Woodland that runs along the south side of Bromley Green Road, the area of woodland plays a part in the cumulative importance of woodland cover and the associated biodiversity benefits. The similar area to the north of Bromley Green Road (Bishops Wood) was the subject of a TPO in 1991 and with the ongoing small-scale clearance of the woodland to the south of Bromley Green Road it is important to consider the wider impact of the Ancient Woodland tracts.

### **Representation Points**

14. The format of the documentation accords with the model schedule as specified in The Town and Country Planning (Tree Preservation) (England) Regulations 2012, Regulation 3(1).
15. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012, Regulation 14 (1), exceptions apply to the removal of dead trees and limbs allowing them to be removed once a notification has been made in writing to the Council; no individual veteran trees were noted on the site.
16. The reasons for serving the order were clearly set out in page 8 of the documentation (See Annex 1c.) as served to the owners.
17. Section 11, Paragraph 118 of the National Planning Policy Framework sets out that the ... "loss or deterioration of irreplaceable habitats, including ancient woodland" ... are a reason for planning permission refusal. Whilst the TPO does not directly relate to a planning permission, the reason for the clearance of the land is unknown and could relate to a future application, on these criteria, it is clear that significant harm has occurred to the woodland and that paragraph 118 is a relevant guiding principle.
18. The serving of a TPO does not preclude appropriate silvicultural management from being undertaken to the woodland. An application may be submitted which is straightforward and free to the applicant.
19. The legibility or otherwise of the Mayor's or Solicitor's signatures and the printed name of the Mayor are not a requirement set out within Regulation 5 (1) and (2) of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. The covering letters are not generally signed as they are system generated, again this is not a requirement under the regulations.
20. Application 17/00527/AS (submitted by the same planning agent making representations on this particular application) sought prior approval for the erection of a structure to house a tractor, elevator and forestry equipment. The application was not successful as it was considered to not be reasonably



necessary for the purposes of forestry on the site and would be likely to result in adverse harm to TPO trees. This application was determined on its own merits as is the case with all applications.

21. In conclusion, 0.25ha of Ancient Woodland has been cleared, the Forestry Commission Felling Licence Scheme does not regulate small-scale works and in this case, a TPO is the only satisfactory method of protecting the Ancient Woodland from further clearance works. The visual amenity value of the Ancient Woodland is easily appreciated but this is augmented by the recreational and economic amenity value. Ancient Woodland is a habitat that has been identified as being a priority habitat under the UK Biodiversity Action Plan and the planning system by virtue of serving TPOs as in this case has a part to play in addressing woodland loss.

## **Recommendation**

To confirm the order notwithstanding the objection.

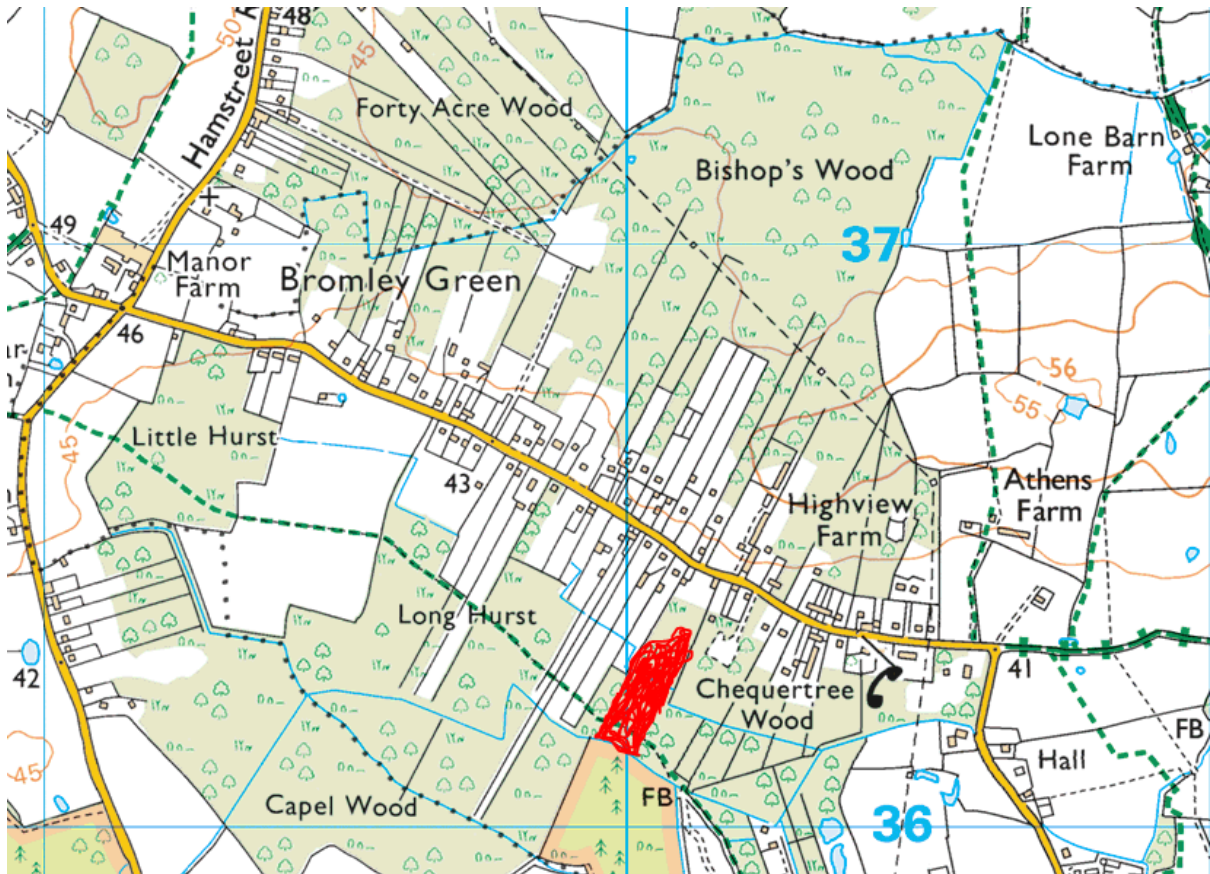
**Contact Name:** Phillip Cook

**Telephone:** (01233) 330206

**Email:** phil.cook@ashford.gov.uk

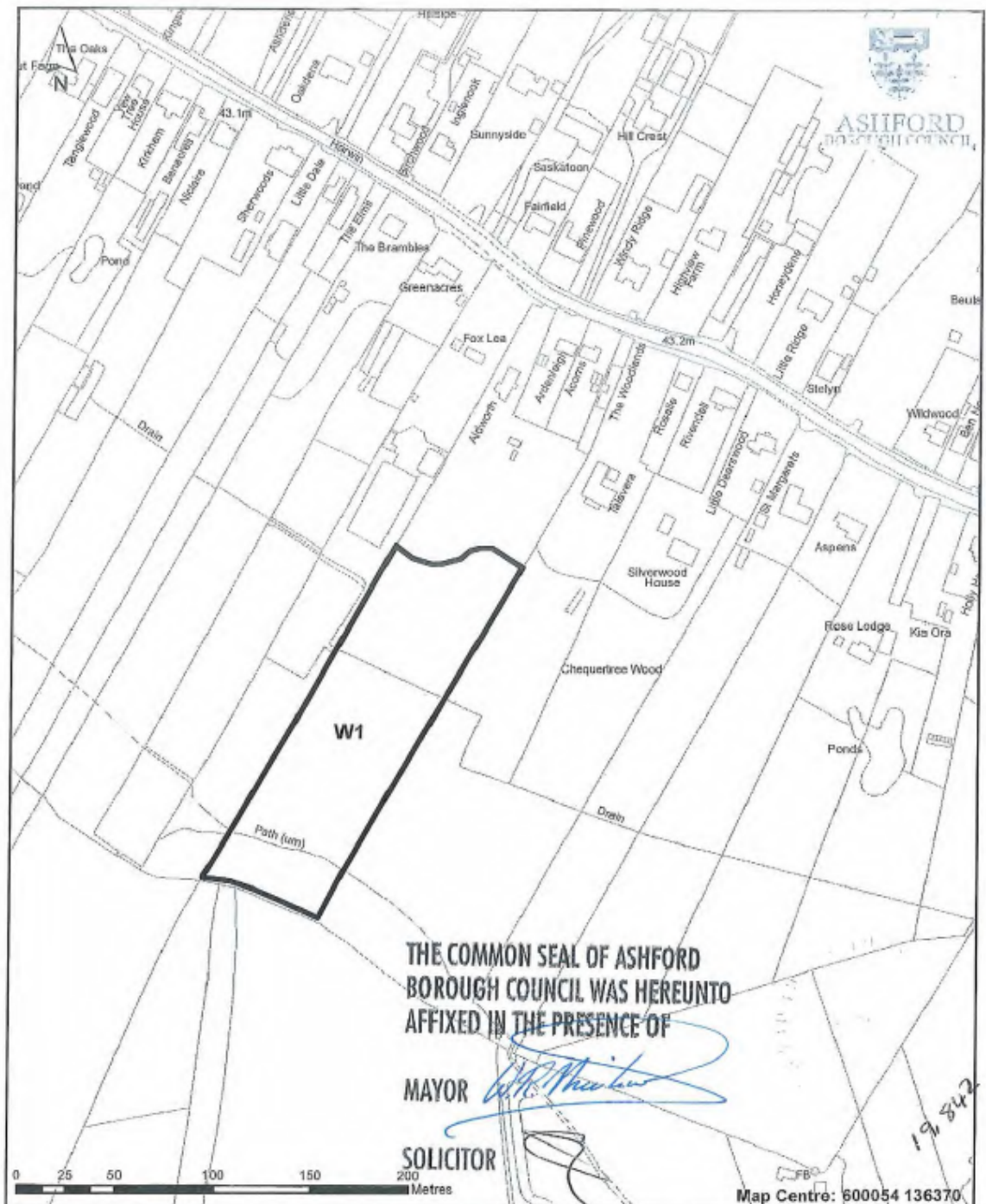
Annex 1a.

Location Map – TPO Area Marked in Red



Annex 1b.

Copy of Tree Preservation Order - TPO no.27, 2017.



**ASHFORD BOROUGH COUNCIL**  
**TREE PRESERVATION ORDER NO 27, 2017**  
 Aldworth, Bromley Green Road, Ruckinge,  
 Ashford, Kent. TN26 2EG

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

December 2017      Scale: 1:2500

**TOWN AND COUNTRY PLANNING ACT 1990**

**ASHFORD BOROUGH COUNCIL  
TREE PRESERVATION ORDER NO. 27,2017  
Aldworth, Bromley Green Road, Ruckinge, Ashford, Kent TN26 2EG**

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 27,2017 - Aldworth, Bromley Green Road, Ruckinge, Ashford, Kent TN26 2EG

**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
		None

**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
W1	Oak and Birch Woodland	Northern boundary of the ancient woodland to the South of Aldworth stretching southwards to watercourse 25 metres south of PROW AE552

## Annex 1c.

### Reasons for the making the Order

This is a **Formal Notice** to let you know that on **05 December 2017** the Council made the above Tree Preservation Order.

A copy of the Order accompanies this Notice and a list of persons served with these documents is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping, uprooting or damaging any of the trees described in the First Schedule to the Order and shown on the map within it, without the Council's consent.

Some explanatory guidance on Tree Preservation Orders (*'Protected Trees: A Guide to Tree Preservation'*) is available from the DCLG website at: -  
**[www.communities.gov.uk/publications/planningandbuilding/guideprotectedtrees](http://www.communities.gov.uk/publications/planningandbuilding/guideprotectedtrees)**.

If you are unable to access this document, please telephone planning enquiries on (01233) 330264 who will send you a hard copy of the document.

The reasons for making the Order are as follows:-

The area is designated as Ancient Woodland and is reported as such in the document - A revision of the Ancient Woodland Inventory for Ashford Borough, Kent (Sansum and McKernum 2009). The tree species are largely oak and birch but with occasional hazel, hornbeam and sweet chestnut. The wood within the curtilage of 'Aldworth' forms part of a larger tract of Ancient Woodland including the local Chequertree Wood, Little Hurst, Long Hurst and Twelve Acre Wood. The area has significant biodiversity interest and the amenity value of the woodland may be gained from footpath AE552, which bisects the larger complex of woods from east to west.

The tree's protection is expedient owing to the felling of approximately 0.25ha of Ancient Woodland without the requisite Forestry Commission felling licence. The domestication of the Bromley Green area has resulted in the loss of a large amount of Ancient Woodland in the last seventy five years. There are concerns that further woodland could be felled without the regulation of the Forestry Commission licence scheme and that the quality of the woodland will be denuded as a result. The woodland meets the TEMPO criteria for the consideration of a TPO.

The order is being made in accordance with Section 11 Paragraph 118 of the National Planning Policy Framework, CS1 of the Ashford Borough Council Local Development Framework (July 2008), saved policy EN32 of the Ashford Borough Council Local Plan 2000 and the Draft Ashford Local Plan Policy ENV5 - Protecting Important Rural Features.

Annex 1d.

Tempo Assessment

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 23 NOV 17	Surveyor: P LOOK
Tree details	Tree/Group No: WOODLAND
TPO Ref (if applicable):	Species: Oak, Birch, Hornbeam
Owner (if known):	Location: Aldworth hazel sweet ch.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

Score & Notes

5

\* 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 |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

Score & Notes

5

\* 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     |
| 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 |

Score & Notes

2

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                    |
| 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                  |

Score & Notes

3

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |   |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree                 |
| 2) Perceived threat to tree                   |
| 1) Precautionary only                         |

Score & Notes

3

Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add Scores for Total:

18

Decision:

Y

Annex 1e.

- 1) Cleared area viewed from the west.



- 2) Felled mature Oak and Birch





3) Character of adjacent retained Ancient Woodland



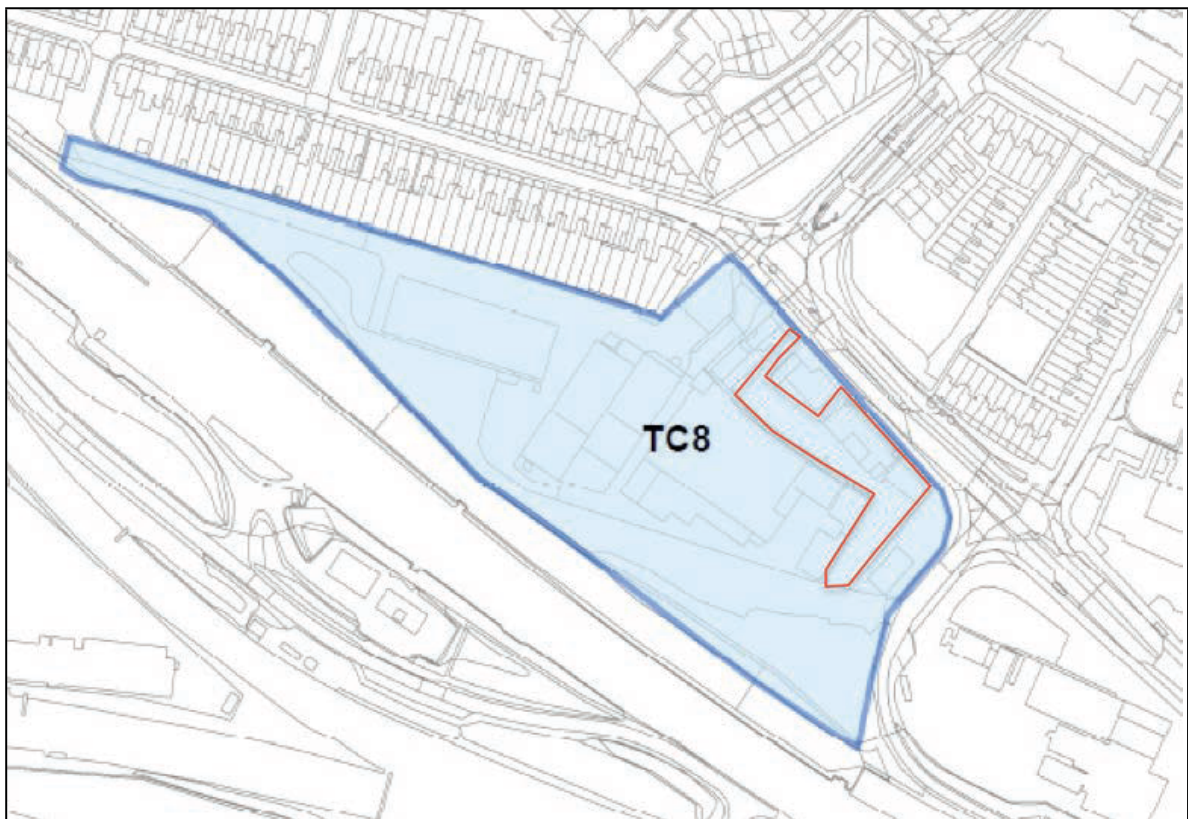
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<b>Application Number</b>	17/01511/AS	
<b>Location</b>	Godinton House, Godinton Road, Ashford, Kent	
<b>Grid Reference</b>	00635/42688	
<b>Ward</b>	Godinton (Ashford)	
<b>Application Description</b>	The change of use from snooker hall and 2nd floors - Use D2) and part change of use of retail (ground floor use Class A1) to residential end use, to include the erection of a four storey side extension (south-east) and the creation of a recessed upper floor (4th) to comprise, in total, twenty eight apartments (1 no. 3-bed, 15 no. 2-bed and 12 no. 1-bed ) along with ancillary works to include basement and surface car parking and landscaping. Part retention of retail use (A1) on ground floor	
<b>Applicant</b>	R&W holdings Ltd c/o Agent	
<b>Agent</b>	Kember Loudon Williams, Ridgers Barn, Bunny Lane, Eridge, Tunbridge Wells, TN3 9HA	
<b>Site Area</b>	0.3 hectares	
(a) 69/ 1R 1X	(b)	(c) ABC Refuse R, AAG X, EA X, EHM (EP) X, HM X,HCS X POL X, KCC (DCU) X, KCC flooding X, NE X, SW X , KHS X, PCT X, KCC (Ecology) X
		Amends
		ABC Refuse X, KCC (DCU) X, KHS X

## Introduction

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

2. The site forms part of a wider site allocation under policy TC8 of the adopted Ashford Town Centre Area Action Plan. The majority of the site allocation includes the former Godinton Road industrial estate where Croudace homes have recently built 83 dwellings granted planning permission in 2015.
3. Figure 1 below shows the TC8 allocation and the application site edged in red.



**Figure 1**

4. The original proposals were subject to a design review by Design South East whose comments are attached to this report as **Annex 1**. This has resulted in amendments to the scheme having regard to the Design Panel's comments and those from officers. The amendments relate mainly to the detailed design and appearance of the building and in summary are as follows:
  - Reduction in units from 29 to 28 flats
  - Minor change to accommodation with a new 3 bed flat and two x 1 bed flats in place of 4 x two bed flats as originally proposed.
  - All affordable housing provision removed
  - Top storey of building provided with a greater setback.

- Minor roof slope added to top floor to emphasise different nature of extension.
  - Change in external materials using brick in two colours (red/grey) instead of white render. The grey zinc panelling with raised vertical seams originally proposed on the top floor and part of the elevations changed to a darker zinc panelling on top floor with zinc cladding/panelling on the rest of the elevations.
  - Fine detail added such as textured brick, window reveals to have metal feature panel liners and use of red panels at corners.
  - Entrances to flats to have revised canopies
  - Rear roof overhang reduced opposite nearest houses.
  - Internal accommodation change with single Class A1 commercial unit split into two Class A1 units with reoriented entrance to flats in between the units and relocation of domestic refuse stores.
  - Indicative development shown on adjoining Enterprise car site as part of an indicative masterplan for the wider site and how it would front Godinton Road.
5. The amended scheme has been subject to full reconsultation.

## Site and Surroundings

6. The application site is approximately 0.3 hectares in area and relates to Godinton House (a three/four storey flat roof building) and its surrounding hard surfaced area located on southern side of Godinton Road close to Ashford Town Centre. A site location plan is attached as **Annex 2**.
7. Godinton House has a reinforced concrete frame with brick elevations, a series of natural anodised aluminium projecting bay windows (front and rear) under a grey three ply felt roof. The site levels drop away to the south hence the rear part of the building has an additional basement level. The building is unoccupied but had a previous retail ground floor use (Ashford Fabric Warehouse) with the upper floors in use as a snooker hall. The application site wraps around the Enterprise rent-a-car centre which lies immediately to the north-west of Godinton House. It is in the same ownership but does not form part of the formal application proposals. At present the application site has two vehicular access points onto Godinton Road. The first is adjacent to the north-west elevation of Godinton House. The second narrower access is at the far north-west boundary just beyond the Enterprise rent-a-car premises

which have a right of way under the provisions of an existing lease agreement.

8. A photograph of the existing building frontage from Godinton Road is shown in **Figure 2** below.



**Figure 2**

9. The rear elevation is shown in **Figure 3** below.



**Figure 3**

10. To the north of the site on the opposite side of Godinton Road are Tower Point (seven storeys) Meridian House (five storeys) and further to the south-east beyond the East Street junction is a row of two storey terraced houses.

11. To the north-west of the site beyond the Enterprise car centre are two semi-detached dwellings and then the main entrance to the recently constructed Croudace residential development which accesses to and from 'The Bolt' roundabout.
12. The Croudace development comprises 83 dwellings and extends around the southern and eastern boundaries of the application site. To the south and south-west of the application site are a mix of 65 two/three storey houses and flats beyond which is the main Ashford to Maidstone railway line and the Channel Tunnel Rail Link. To the south-east is a four storey building containing 18 flats which fronts both Gasworks Lane and Godinton Road. Further to the south-east is Elwick Place currently under development and the boundary of the Ashford Town Centre Conservation Area which is over 200m away.
13. The site location plan is shown in Figure 4 below

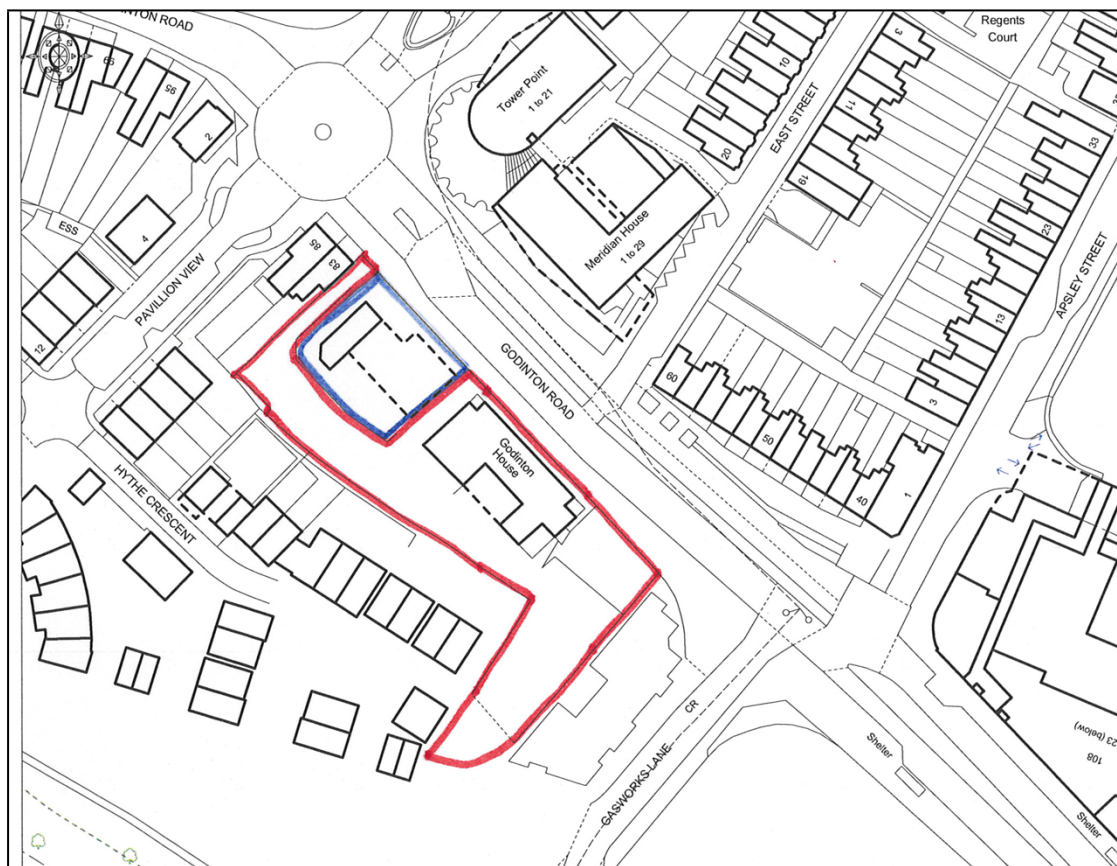
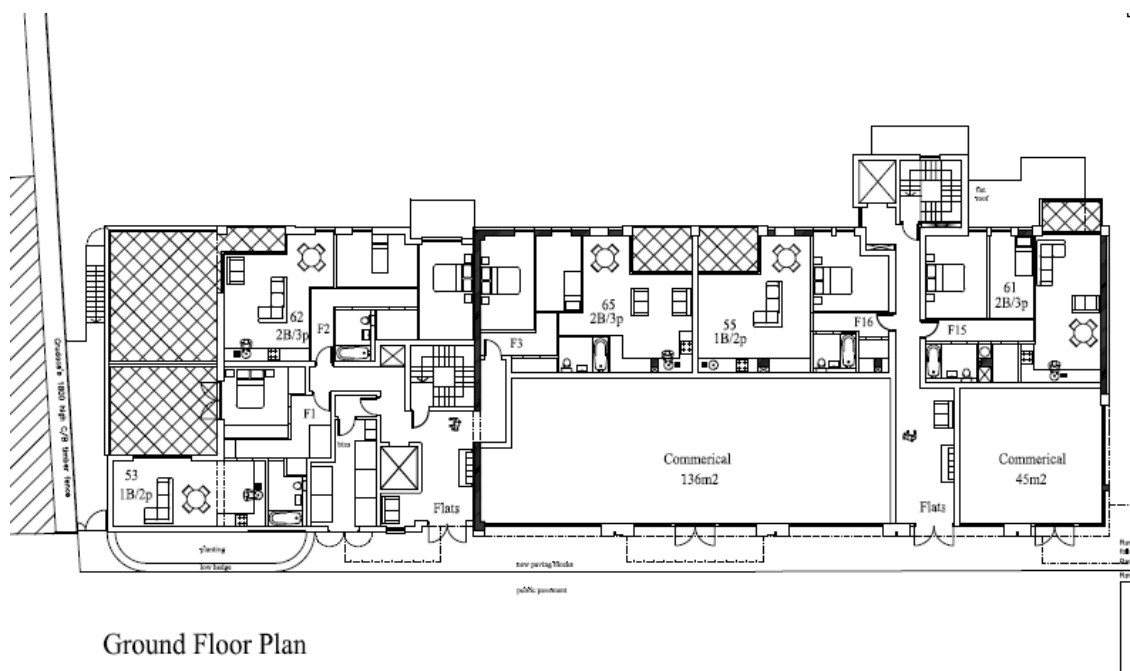


Figure 4

## Proposal

14. The application involves the conversion and extension of the existing building to 28 apartments (1 x 3 bed, 15 x 2 bed and 12 x 1bed). Two ground floor commercial A1 units measuring 45 sqm and 136 sqm respectively are proposed facing Godinton Road. At present there is no confirmed occupier given for these units. The ground floor of the proposed building showing the commercial units is shown in **Figure 5** below.



**Figure 5**

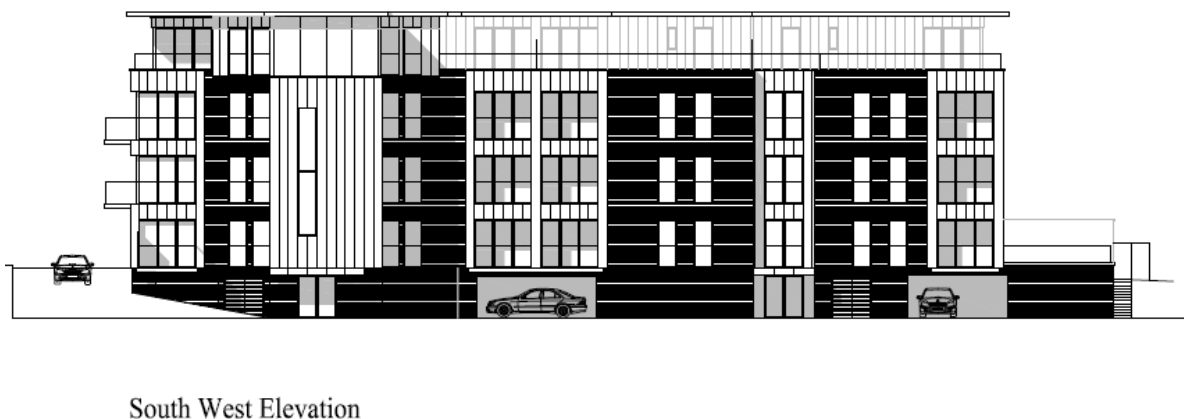
15. The extension of the existing building includes the addition of a further top floor and a 4/5 storey 12m wide extension added to the south-east elevation. The roof on the top floor over the original building has a small slope. The roof over the south-east extension has is marginally lower. A further single storey extension is attached to the end of this. The flats would have a combination of either projecting or recessed balconies. The two end south-east ground floor flats would have their own small curtilage areas.
16. The scheme aims to retain as much of the existing building fabric as possible. This would include almost all of the existing concrete floors, beams and columns. The proposed elevations of the building would be finished in a combination of materials. This includes the use of brick with brick cladding added to the existing building. Red brick would predominantly be used with a contrasting grey brick on the lower floors and partly on the side elevations. The brick elevations would be broken up with zinc cladding with a zinc plinth and fascia on the front ground floor containing the shop fronts and entrances



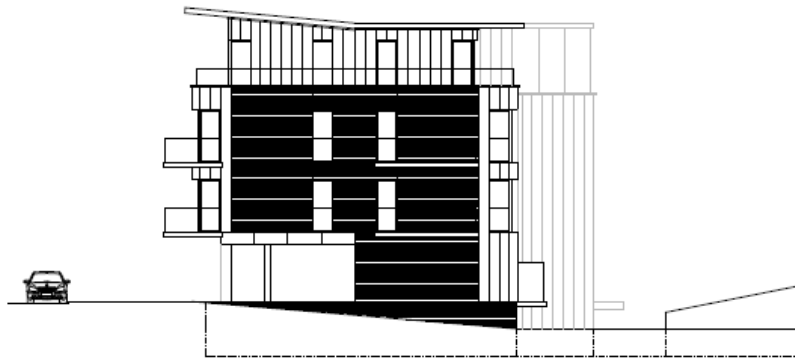
to the buildings. A darker anthra colour standing seam zinc is proposed for the top floor. The elevations of the proposed building are shown below in **Figures 6, 7, 8 & 9.**



**Figure 6:** Front elevation facing Godinton Road



**Figure 7:** Rear elevation facing Croudace development



North West Elevation

**Figure 8:** side elevation facing Enterprise car centre

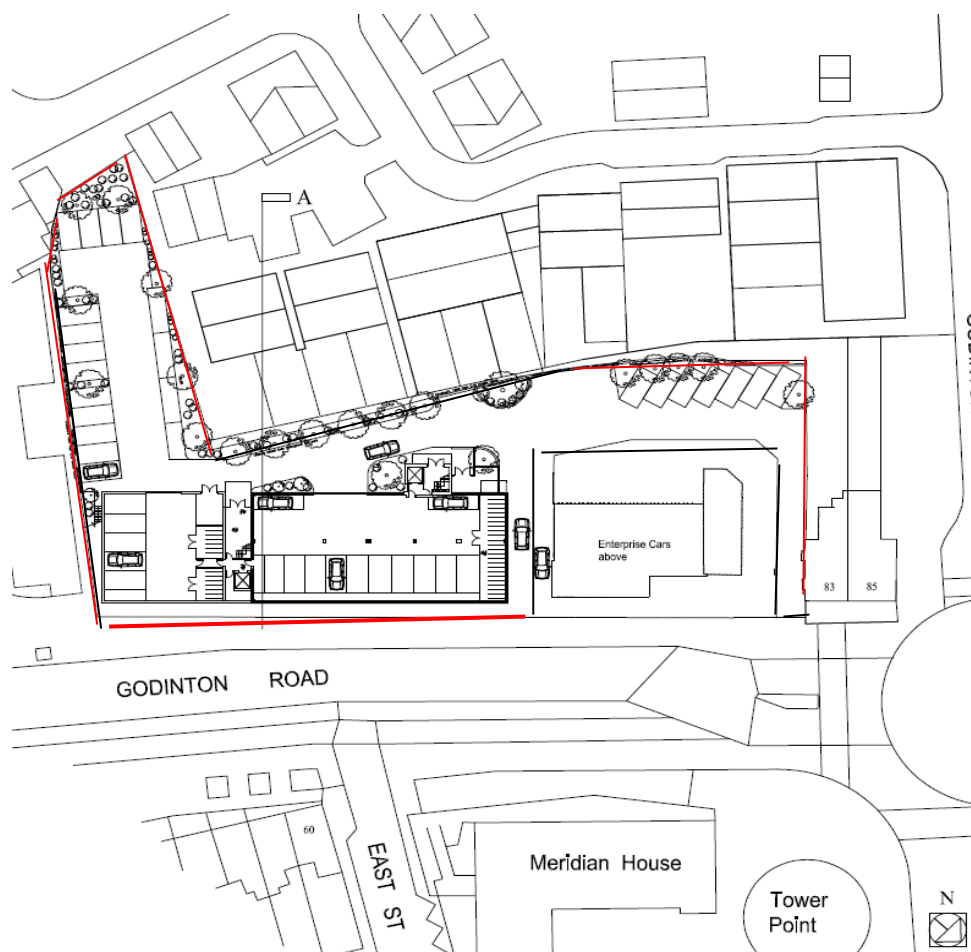


South East Elevation

**Figure 9:** Side elevation facing Croudace Flats

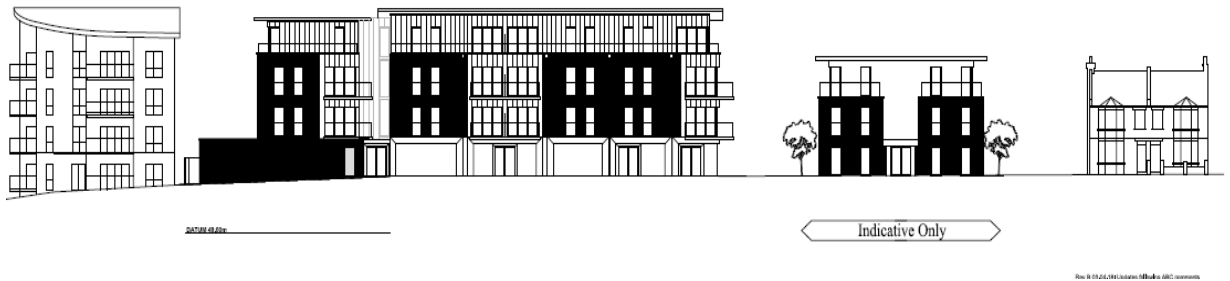
17. The existing two vehicular accesses to Godinton Road will be retained for use by the new development. 41 car parking spaces would be provided with 15

spaces located in the basement floor of the building and 26 parking spaces sited in the surrounding hardsurfaced grounds. 30 cycling parking spaces would be provided in the undercroft basement level. Further planting, including new trees, is proposed. The front south-east forecourt would contain a small planted area adjacent to a ground floor flat. Two domestic bin stores would be provided, the first being internal with double door access to Godinton Road and the second being covered and located at the rear of the building. Commercial bin storage at present is not indicated. The site plan with the lower ground floor parking area is shown in **Figure 10** below.



**Figure 10:** Site plan showing open and lower ground floor parking

18. The applicant has also included an indicative plan showing a potential redevelopment of the adjacent Enterprise car centre for 3 storey flats. This is in response to the Design Panel's comments about the wider future planning of this site. The illustrative street elevation is shown in **Figure 11** below. This has no planning status but shows how the wider remaining frontage could be developed in the context of the wider street scene.



**Figure 11:** Indicative plan of potential Enterprise car centre site

19. The applicant has provided the following documents in support of the proposals. The key points are summarised below:
20. Planning/ Design and access statements
  - Godinton House, the application building, is vacant with little prospect of being used as a snooker club again.
  - The proposal will positively contribute towards much needed new housing and enhance the role and vitality of the town centre within which it is located.
  - It is a good example of where efficient and effective use would be made of previously developed land.
  - The scheme was subject to pre-application discussions.
  - The proposal is of appropriate design and layout that improves the character and appearance of the locality without resulting in any adverse impacts in terms of highways or any other environmental considerations.
  - In the absence of a five year supply of housing within the Borough, there is an urgent need to deliver housing on suitable and sustainable sites such as this.
  - The new flats will be designed to comply with lifetime Homes design criteria.

21. Daylight and Sunlight Assessment

- The detailed analysis undertaken as part of this assessment has examined the impact of the proposed development on the amount of daylight enjoyed by neighbouring buildings.
- It has been shown that the reduction in daylighting to windows of the neighbouring buildings will be either less than the value that is considered to represent a notable impact, or the retained daylight levels post development in the associated rooms will provide sufficient illumination commensurate with the room use, which is in accordance with the intention of the BRE guide.
- The impact on the sunlight enjoyed by the neighbouring buildings has also shown that whilst there will be reductions in the number of probable sunlight hours enjoyed by these windows, this reduction is again within the limits prescribed by the BRE guidelines as being acceptable.
- In summary the proposals have been appraised in line with the guidelines set out in the BRE document 'Site layout planning for daylight and sunlight –A Guide to Good practice, second edition 2011". When assessed against the criteria for establishing whether the proposed development will have a significant impact it has been possible to conclude that with the proposed development in place, the neighbouring buildings will retain acceptable levels of daylight and sunlight.

22. Desk study and environmental ground appraisal report

- The appraisal findings show that polycyclic aromatic hydrocarbons (PAHs) and hydrocarbon contamination elevated concentrations of ground gases were encountered.
- Given the brownfield nature of the site and results of the chemical tests, a barrier pipe protection will be required for all new water supply pipes.
- All remedial works would need to be undertaken in accordance with a Local Authority approved Remedial Strategy and Verification Plan and the remedial works would need to be validated by an Environmental Consultant and detailed within a final Verification Report to be submitted to the Local Authority

23. Drainage Impact Assessment

- The objective is to identify a sustainable solution for managing both surface water runoff and the foul effluent from the development.

- This concludes the most viable solution to manage all of the surface water runoff discharged is via a connection to the public surface water system (south of the site).
- To restrict the rate at which surface water runoff is discharged off-site, various SuDs including bioretention systems, permeable surfacing, cellular storage and detention basin will be used to store water on-site before it is discharged to the public sewer system.
- A hydro-brake flow control device will attenuate surface water runoff to a maximum rate of 2.3l/s. Foul effluent will be through a connection to the existing combined sewer which will be agreed by Southern Water.
- The assessment confirms that the incorporation of a combination of SuDS into the proposal, there is potential to accommodate all the surface water runoff from the site up to, including the design rainfall event. The assessment further advises on the maintenance and management techniques necessary to ensure the continued operation of the surface water drainage system.

24. Assessment of risk of flooding

- The site is located within flood zone 1. It is evident that the development will pass the sequential test and the exception test is not applicable in this instance.
- There is no significant risk of flooding to the development site from all sources
- The impact that the development could have elsewhere has also been considered, and it has been demonstrated that the proposals will reduce the risk of flooding offsite by including SuDS
- The proposed development will meet the requirements of the NPPF and local planning policy with respect to flood risk.

25. Noise assessment

- The noise survey results have been used to determine the typical daytime (07:00 to 23:00) and night-time (23:00 to 07:00) ambient noise levels incident at the facades of Godinton House from all local sources of noise, as well as the typical night-time maximum noise level.

- In the absence of construction activity, the dominant source of noise at the rear façade would have been from train pass-bys along the railway to the south-west of the building, and road traffic.
- The existing external noise levels, and the proposed plan and elevation drawings, have been used to determine the required sound insulation performance of the external building envelope, to meet the guideline internal noise levels set out in BS 8233:2014.
- The required sound insulation performance of the external building envelope is presented in this report, along with example construction designs that would achieve these requirements.
- A vibration assessment has not been deemed necessary by the Environmental Health Team of Ashford Borough Council and, therefore, has not been undertaken.

26. Preliminary Bat Roost Assessment

- Concludes that roosting bats are very likely absent from Godinton House and the immediate surroundings and the application site is considered to provide very limited foraging and commuting opportunities for bats.

27. Sustainability statement

- The proposed flats will be designed to be sustainable and energy efficient and to comply with, or exceed, current building regulations in terms of Conservation of Fuel and Power, Approved Document L1A.
- This will be achieved through high levels of insulation and air tightness and will be supported with renewables, such as solar heating panels on the large flat roof, as required
- Summer overheating to the south-western elevation is addressed by having the larger windows set behind recessed balconies that provide shade from the high summer sun.
- The major design move in terms of sustainability is the decision to retain as much of the existing building fabric as possible. This will include almost all of the existing concrete floors, beams and columns and also much of the brick and block external walls.
- Site waste will be controlled with a full site waste management plan and construction materials will be sourced from local suppliers where possible to minimise delivery distances and support local economies

- Conservation of internal potable water consumption will be achieved with reduced capacity baths, dual flush wc's and restrictors to limit flow rates for the showers and taps for a target water use of no more than 110 litres per person per day (as per Policy ENV7 'Water Efficiency' of the emerging Local Plan).
- The extensive existing aluminium bay windows will be removed and recycled.

28. Transport assessment

- The site is highly accessible to pedestrians and cyclists and located close to frequent bus services and the Ashford International Rail Station.
- The main pedestrian entrances and exits to the proposed development would be from a number of access points directly onto the wide 'shared surface' area to the front of the property on Godinton Road with additional pedestrian entrances to the rear and basement.
- Total of approximately 41 car parking spaces are proposed which would comply with Kent County Council maximum parking guidelines.
- Servicing and emergency access would remain largely as existing and access to the rear of the building,
- The development would result in reductions in trips at the site by all modes of travel when compared to the existing permitted use of the site.

## **Planning History**

Planning application AS/72/333. Petrol filling station with accessories, salesroom, showroom, car wash, workshop and ancillary offices. PP granted 9/6/72

Planning application. AS/75/631. New aluminium shop front to existing showroom area: PP granted 22/1/75

Planning application ref AS/81/30. Erection of ramp for access to ground floor showrooms: PP granted 19/2/81

Planning application. ref AS/86/1646. Proposed beer store/cellar: PP granted 10/5/88

Planning application AS/84/414: Change of use of first and second floor to snooker club: PP granted 6/6/84



Planning application. AS/14/1305: Erection of 83 dwellings with associated access parking and open space (This is the adjoining Croudace development on the policy TC8 site allocation of the Ashford Town Centre AAP). PP granted 29/10/15

## Consultations

### Original proposals

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

**ABC Culture open spaces:** Request following contributions:-

- Outdoor Sport: Contribution towards new/additional changing facilities for Courtside outdoor sports area at Stanhope
- Informal / natural: Improvements towards Watercress Fields riverside projects to improve access, interpretation and education
- Play: Improvements towards Victoria Park play
- Allotments: Improvements towards allotment infrastructure at Repton & Westrees. To include improved parking, security and access
- Strategic Parks: contributions towards the development of Victoria Park in terms of a contribution towards street furniture
- Cemeteries: No known projects by ABC at this time

**ABC Refuse:** comment one of the bin store must be a maximum of distance of 10m from Godinton Road and is not of sufficient size for this number of properties.

**Ashford Access Group** comment: "There will be considerable traffic movement on a rather cramped site, possibly too cramped to make pavements a possibility. If this proves to be so, please consider very restricted speed limits, e.g.5m.p.h. for safety of residents, children, prams etc., etc. perhaps painted lines could indicate safe 'walkways'"

**Environment Agency:** No objection subject to conditions requiring prior approval of the LPA of the following:

- A remediation strategy to deal with the risks associated with contamination of the site including a preliminary risk assessment, a site investigation scheme, an options appraisal and remediation strategy and a verification plan.

- A verification report demonstrating the completion of works set out in the approved remediation strategy.
- If, during development, contamination not previously identified is found to be present a remediation strategy detailing how this contamination will be dealt with.
- No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.
- Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority.

**Environmental Protection:** Request conditions on the following:

- imperforate balustrades shall be installed on the balconies that will be exposed to levels exceeding 55dB .
- scheme to deal with contamination of land and/or groundwater and unexpected contamination.

**Housing Enabling Officer:** comment as follows:

“Based on the design and the fact that the affordable housing quota is 'stand alone' section of the new development with a single access the tenure of the affordable housing would be best served if it were of a single tenure. My preference would be for an affordable rent tenure however further discussion would need to be had with the preferred provider of affordable housing as to which tenure lends itself to this location. I am satisfied the units meet the Nationally Described Space Standards”.

### **Kent Police**

Confirm contact with the applicant's agent and comments made on following:

- Recessed areas in the build should be avoided due to rough sleeping.
- The hedging and tree planting planned for the front elevation should be a max. 1m to encourage natural surveillance.
- Some lighting of the car parking area is required.
- It would also be worth considering a secure parking scheme to reinforce the private nature of the development.

- Cycle storage: it should be in a ventilated, locked area with plenty of natural surveillance.
- Advise that there should be CCTV be added.

Having discussed the application with the agent if it is approved at planning then there Kent Police advise that there is a strong chance that this development could achieve an SBD Silver award.

**KCC Ecology** : Advise that sufficient information has been submitted in support of the application and recommend a condition securing ecological enhancements.

**KCC Economic Development:** Request contributions to libraries and an informative is attached to any decision on providing next generation access broadband.

**KCC Flood and Water Management:** No objection subject to conditions requiring prior approval of the LPA of the following:

- A detailed sustainable surface water drainage scheme
- The maintenance and management of the sustainable surface water drainage scheme
- Verification Report which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed

It is recommended that the connectivity of the site to the public sewer should be proven with surveys prior to undertaking detailed design.

**Kent Highway and Transportation:** No objection subject to conditions on submission of a construction management plan, permanent retention of the vehicle parking spaces, vehicle loading/unloading and turning facilities, cycle parking facilities and completion and maintenance of the access details shown.

**Natural England:** Has no comments to make on this application.

**NHS Clinical Commissioning Group:** comment that in this case it will not be seeking any s106 contributions.

**Southern Water:** comment:

- Southern Water can provide foul and surface water sewage disposal to service the proposed development.

- Request an informative that Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- Request a condition requiring approval of the means of foul and surface water sewerage disposal in consultation with Southern Water.

**Neighbours:** 69 neighbours consulted.

One neighbour objected commenting: “more flats are not needed or wanted in the area, causing more congestion and more social issues in the town centre and will de-value the area. We are strongly against having more flats built overlooking our property”

A further local resident had no objection to the flats but was concerned about the new shop near his business affecting trade and the effect on the local community of a new alcohol licence causing unsocial behaviour

### **Design South East**

The original scheme was subject to a Design Panel Review held on 13 December 2017. The Panel made a number of comments in their report dated 5 January 2018 attached as **Annex 1**. In summary the key points made were as follows;-

- Development must perform the difficult task of stitching all of the surrounding new development together – ‘final piece of jigsaw’ but as yet not adequately addressed and suggest a number of areas the relationship to the wider area could be improved.
- The slab form of the proposed block creates an overly monotonous presence on Godinton Road – suggest revisiting some ideas about articulating this frontage as shown pre-application.
- Surface parking impedes the provision of better on-site amenity space – parking recommended to be reduced.
- Open up new route to housing development to south. More development here of 2/3 storey small scale could be added with the result in loss of surface parking.
- Daylight assessment suggest some properties negatively affected. Overhangs to rear may impact on the outlook of existing houses to south.
- Material palette. Use of white render a concern. Use of bricks, greys and reds has emerged as a theme on neighbouring development and responding to this could help unify the area. Use of brick relating to houses to south and existing snooker hall could help make proposal more contextual.

- Look at internal circulation – reduce number single aspect flats particularly on north-east side.
- Retention of commercial use at street level is positive. Concern that locating commercial units in centre of frontage between bin stores and access to residential units is detrimental. Moving commercial space to south-east corner would allow more separation from the residential uses.
- 2m strip in front of development is significant. Any proposal should be sensitive to high quality paving on the street, opportunity to plant street trees and to add to life on the street with spill out from the commercial units such as café seating would be beneficial.
- North-west area addressing Enterprise car centre. At some stage this site will be developed. A planning application for whole site would be beneficial even if not implemented. Flats facing Enterprise site may limit what can be done in the future and relationship with Victorian houses to north-west should also be considered.

## Amended scheme

The amended plans have been subject to full reconsultation. The consultation period expires before the date of this committee. Any further consultation received not within this report will be added to the Update Report.

**ABC Refuse:** Confirm happy with the amended plans.

**Environmental Protection:** No objections to the revisions, provided that the proposed materials will still provide the noise attenuation specified in the previously submitted noise assessment.

**KCC Economic Development;** Request contributions to libraries and informative on providing next generation access broadband.

**Kent Highway and Transportation:** No further comments from those previously made.

## Planning Policy

29. 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 Ashford Local Plan to 2030, (Submission

Version December 2017) has now been submitted for examination and as such its policies should now be afforded some weight.

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

**Ashford Borough Local Plan 2000**

EN32 - Important trees and woodland.

TP6 - Provision of cycle parking.

LE5 - Equipped public open space.

LE6 - Off-site provision of public open space.

LE7 - Play facilities.

CF21 - School requirements for new housing development

**Local Development Framework Core Strategy 2008**

CS1 - Guiding principles for sustainable development.

CS2 -The Borough Wide Strategy

CS3 - Ashford Town Centre

CS8 - Infrastructure contributions.

CS9 - Design quality.

CS10 - Sustainable design and construction.

CS11 - Biodiversity.

CS12 - Affordable Housing

CS13 -Range of dwelling Types and sizes

CS15 - Transport.

CS18 - Meeting the community's needs.

CS20 - Sustainable drainage.

CS21 - Water supply and treatment.

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

Site Policy TC8 – Former Godinton Way Industrial Estate

“The former Godinton Way Industrial Estate site is allocated for residential development. This should include the provision of a range of accommodation including a significant proportion of town-houses or other non-flatted residential development.

Proposals will need to show that they will not create any significant adverse impact on the residential amenity of occupiers of properties in Godinton Road.

Should the whole of the site not come forward for development, a comprehensive masterplan will be needed which shows how development can take place in phases without prejudicing an overall scheme for the site. Development coming forward on the Godinton Road frontage should seek to promote active ground floor uses.

TC1 - Guiding principles

TC22 - Office, Retail and Leisure parking standards

TC23 - Residential parking standards in the town centre

TC24 - Cycle parking standards in the town centre

TC27 - Open Space, Recreation, Sport & Play facilities

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

### **Ashford Local Plan to 2030**

SP5 Ashford town centre

SP6 Promoting high quality design

HOU1 Affordable housing

HOU12 Residential space standards

HOU 18 Providing a range and mix of dwelling types and sizes

EMP1 New employment uses

EMP6 Promotion of fibre to the premises

TRA3a Parking standards for residential development

TRA3b Parking standards for non-residential development

TRA 6 Provision for cyclists

ENV1 Biodiversity

ENV6 Flood Risk

ENV7 Water efficiency

ENV8 Water quality, supply and treatment

ENV9 Sustainable drainage

COM1 Meeting the community needs

COM2. Recreation, sport, play and open spaces

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

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Residential Space and Layout SPD 2011

Sustainable Design and Construction SPD April 2012

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

### **Informal Design Guidance**

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

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



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

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2012

32. 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:-

Paragraph 14 - the presumption in favour of sustainable development.

Paragraphs (47 -53) delivering a wide choice of high quality homes.

Paragraphs (56 -68) Requiring good design.

Paragraphs (69-78)- Promoting healthy communities.

33. 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).”

### **Assessment**

34. 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 considering the response to comments made by the Design Panel.
  - c. The impact on the surrounding highway network and car parking/refuse provision.
  - d. The impact on residential amenity.
  - e. Other planning issues such as affordable housing, contamination, drainage and flooding, ecology, sustainable design and construction, ecology and 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
35. The Core Strategy policies CS1, CS2 and CS3 support sustainable development and the use of appropriate brownfield urban sites and development that will help revitalise the town centre as a matter of principle. These strategic adopted policies are carried forward in policies SP1, SP2 and SP5 of the Ashford Local Plan 2030 Submission Version. The site is part of one allocated for residential development under policy TC8 of the Adopted Ashford Town Centre Area Action Plan. The major part of the site allocation has been developed by Croudace Homes following the grant of planning permission for 83 dwellings in 2015. The policy allocation includes Godinton House and the adjoining frontage premises including the Enterprise car centre and two semi-detached dwellings. The TC8 policy encourages the redevelopment or refurbishment of these as part of a comprehensive redevelopment package for this area. Residential development is appropriate as are active ground floor non-residential uses such as local shops and services along the Godinton Road frontage. The proposed use of the site for residential and ground floor A1 retail uses is therefore acceptable in principle.
36. One of the requirements of policy TC8 is that should the whole of the site not come forward for development, a comprehensive masterplan will be needed which shows how the development can take place in phases without prejudicing an overall scheme for the site. At the time of the policy adoption it was assumed that the frontage premises including Godinton House would not be available for redevelopment. This was the case in 2015 when the Croudace application was submitted, as it was in different ownership.

37. To deal with masterplanning, the Croudace application provided some basic indicative proposals showing development (around four storeys) replacing Godinton House and the Enterprise car centre with lower scale development replacing the two semi-detached houses. The owners of Godinton House had not put forward any indicative proposals and there was no joint working between the parties. I advised Members that the indicative plans had no planning status and did not amount to the comprehensive masterplanning envisaged by the policy. However I did not consider there were grounds to withhold planning permission for the Croudace scheme. It had been sufficiently demonstrated that the development, by its detailed orientation, would not adversely prejudice redevelopment of the Godinton Road frontage site in line with the policy.
38. The current applicant owns the adjoining Enterprise car centre but that site does not form part of the application as the business wishes to continue operating from the site. The applicant has therefore provided an indicative masterplan and elevation showing a potential 3 storey detached block of flats on the Enterprise car site (Figure 11 above). The plan has no planning status but shows a potential redevelopment that would result in the gradual increase in height of the frontage development along Godinton Road from the 2 storey semi-detached dwellings adjacent to the Bolt, the indicative 3 storey flats on the Enterprise car site and the current application's 4 storey (at the frontage) proposals with the existing 4 storey Croudace flats scheme located beyond.
39. In summary, I consider the principle of the development is acceptable and fits with the existing development plan policies CS1, CS2 and CS4 of the Core Strategy, policy TC8 of the Ashford Town Centre Area Action Plan and emerging policies SP1, SP2 and SP5 of the Ashford Local Plan 2030 Submission Version in terms of use and location. The site is adjacent to the town centre with good access to facilities and public transport and therefore complies with general advice in the NPPF that states that development should be considered in the context of sustainable development. It would not adversely prejudice the development of the small remaining part of the TC8 allocation if this ever came forward. I have no objection in principle to the proposals in this location.
- b. The design quality of the scheme and the impact on the visual character of the surrounding area considering the response to comments made by the design panel.
40. The adopted development plan policies CS3 and CS9 of the Core Strategy, TC1, TC2 and TC8 of the adopted Ashford Town Centre Area Action Plan and Ashford Local Plan 2030 Submission Version policies SP5 and SP6 emphasise the importance of high quality design that makes a real and significant contribution to improving the character of the town centre. This

includes not just the buildings proposed but the spaces around them and links to the wider public realm. The NPPF also emphasises, as a core principle, the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is a prominent site within the town centre where there has been significant redevelopment which is continuing with developments such as Elwick Place located 200m to the south east.

41. The original proposals were subject to design review. The design panel comments are attached as Annex 1. The panel acknowledged that the development must perform the difficult task of stitching all of the surrounding new development together as the 'final piece of jigsaw'. It considered the original proposals however had not adequately addressed this and suggested a number of areas in which the relationship of the proposal to the wider area could be improved. This has resulted in a number of amendments to the design through negotiations with officers. I have highlighted these below and assess how they respond to the design panel comments.
- (i) The slab form of the proposed block creates an overly monotonous presence on Godinton Road - revisit some ideas about articulating this frontage as shown pre-application.
42. The amended scheme has sought to deal with this by introducing a more significant top storey setback and a slight lowering of the extended roof area. The pre-application proposals had shown a significant top storey setback albeit it involved a scheme a storey higher than that in the current application. Concern about potential impact on the surrounding properties resulted in the application proposals losing a storey. However, this had resulted in a more monotonous elevation which was a concern in particular along the prominent Godinton Road frontage. The top storey setback now proposed I consider helps address the design panel's concern by providing some variety and articulation to the form of the building. This is combined with amendments to the materials and fine detail outlined in the next paragraph.
- (ii) Material palette. Use of white render a concern, Use of bricks, greys and reds has emerged as a theme on neighbouring developments and responding to this could unify the area, Use of brick relating houses to south and existing snooker hall could help make proposal more contextual
43. The original proposed elevations were finished in a combination of white render and grey standing seam zinc. The use of white render was a particular concern to the design panel given the poor condition of comparable materials found on developments in the town centre. The render has been removed and changed to mainly a red brick with some contrasting grey brick. Brick is the

main material of the existing building which would have an external brick cladding added. Below the top storey, zinc remains the proposed material but has been changed to a cladding panel rather than a standing seam arrangement as the extent of standing seam shown is one that I consider made the proposed building look too 'industrial'. A standing seam zinc top storey is still proposed but now finished in a darker colour which, in my view, would provide a contrast to the lower elevations and help break up the slab form of the development (being a criticism of the original scheme). Textured brick and extended metal reveal/liner to the windows will be added to provide further articulation to the building. The material changes together with the setback all combine to provide a building with greater richness in its detail, form and appearance in contrast to the more monotonous appearance of the original scheme

(iii) Open up a new route to housing development to south. More development here of 2/3 storey small scale could be added with the result in loss of surface parking.

44. The envisaged route would be at the far southern end of the site through to the Croudace development. However, the adjoining land to enable this route is outside of the applicant's control. In design terms, I do not consider this is essential to the success of this scheme and it would result in the potential loss of parking and landscaping on both sites. Accordingly, I have not taken this forward.

(iv) Surface parking impedes the provision of better amenity space – parking recommended to be reduced.

45. I decided not to reduce parking levels which are mentioned in more detail in the highway section below. The site is already surrounded by existing development and space is limited to provide a meaningful and pleasant amenity area. ABC Culture Open Spaces have not requested any on-site amenity space provision. There is open space nearby at the main Croudace site which is part of the TC8 Ashford Town Centre Area Action Plan policy allocation. There are also nearby parks in the town centre as well as Victoria Park. The flats would have balcony space which is in accordance with the Council's Space Standards SPD.

(v) Look at internal circulation – reduce number of single aspect flats particularly on north east aspect

46. I note the Design Panel's comments as these flats will receive limited direct sunlight but the applicant has not been able to make any fundamental changes to the overall layout. Some flats turn the corner at the Godinton Road

frontage. I consider the Panel's point is not an issue to object to the overall scheme.

(vi) Retention of commercial use at street level positive. Concern locating commercial units in centre of frontage between bin stores and residential unit is detrimental. Moving commercial to south east corner will allow more separation from residential uses.

47. The amended scheme shows the bin store removed and entrance to the flats moved from the corner. The commercial units have not been moved to the south east corner but one of the commercial units is in the opposite NW corner thus providing a corner position for a potential commercial use. The Design Panel considered the retention of commercial use floorspace at street level would be positive and I agree.

(vii) 2m strip in front of development is significant. Any proposal should be sensitive to high quality paving on the street, opportunity to plant street trees and to add to life on the street with spill out from the commercial units such as café seating would be beneficial.

48. The applicant has responded by showing new paving blocks to replace the concrete paving slabs in this area the final details which can be conditioned. A small planted area is also proposed in the front forecourt at the south-east end of the building where there is more of a dead frontage,

(viii) North-west area addressing Enterprise car centre. At some stage this site will be developed. A planning application for whole site would be beneficial even if not implemented. Flats facing enterprise site may limit what can be done in the future and relationship with Victorian houses to north-west should also be considered.

49. As stated above, the applicant has provided an indicative masterplan/ elevation showing a potential 3 storey detached block of flats on the Enterprise car site. The plans have no planning status but show how a potential future redevelopment would fit in with these proposals. I consider that the proposal would not prejudice the acceptable redevelopment of that adjacent site in the manner envisaged by planning policy and the applicant's plan demonstrates the ability to create an attractive street scene.

c. The impact on the surrounding highway network and car parking/refuse provision.

50. Policy CS 15 of the adopted Core Strategy outlines that development proposals must show how all public transport, walking and cycling needs arising from the development will be satisfied. The site is located in a highly

sustainable location with good access to non-car based modes of transport such as buses and trains and is very accessible to pedestrians and cyclists. The site already has an existing lawful use and is served two vehicular access points direct to the Godinton Road shared surface. The Transport Statement outlines that the development would result in a reduction in trips at the site by all modes of travel when compared with the permitted use.

51. A total of 41 on-site parking spaces would be provided. The site is in an area identified in the adopted Residential Parking and Design Guidance SPD where 'central' location standards are applied and on-street parking controls are pro-actively enforced. The "central" standards in the SPD are also 'maximum' standards and state the following:-
- 1 and 2 bed flats/dwellings = 1 space per dwelling.
  - 3 bed dwellings = up to 1.5 spaces per dwelling
  - Additional visitor parking at 0.2, spaces per dwelling where layout permits.
52. Policy TC23 of the adopted Ashford Town Centre AAP states that residential development in the Town Centre shall apply a maximum parking standard of 1 space per residential unit of 3 bedrooms or fewer. The emerging TRA 3 (a) Ashford Local Plan 2030 Submission Version policy requires a minimum standard of 1 space per residential unit on average. The proposals can clearly achieve parking for the flats at one space per unit with additional visitor parking to total 34 spaces in accordance with the SPD and existing/emerging residential development plan policy parking standards as mentioned above.
53. For the commercial A1 use (which could be either a food or non-food A1 use) a further 7 parking spaces in addition to the residential SPD maximum standard provision can be provided on site. This provision is above the maximum (6 spaces) retail parking standard outlined under policy TC22 of the Ashford Town Centre AAP. KCC SPG4 has a higher parking standard of 7 spaces for non-food A1 retail and 10 spaces for food A1 retail uses but, again, is a maximum-based standard. The emerging Ashford Local Plan 2030 Submission Version policy TRA3 (b) has similar commercial parking standards as SPG4 but these are stated as a minimum. If food retail A1 uses operated in the commercial area a further 3 spaces would be required. However, the site's town centre location means it is highly accessible and significant nearby town centre public parking is available. These are mitigating circumstances for departing from the minimum standard under policy TRA3 (b) which is also an emerging policy and so carries less weight at present. 30 secure bicycle parking spaces would also be provided located within the lower ground floor of the building. Kent Highways and Transportation raise no

objection to the proposals subject to suitable conditions such as the permanent retention of the parking spaces.

54. Two domestic refuse storage areas are provided at the front and rear of the building both of which are accessible to refuse vehicles. ABC Refuse Unit are satisfied with the provision. Commercial waste is not the responsibility of the Council but the use of the front forecourt area for commercial bin storage needs to be avoided. Further commercial bin storage space at the rear needs to be shown which can be conditioned. In summary I consider the proposal would have an acceptable impact on the highway network and provide acceptable on-site parking notwithstanding that this is a highly sustainable town centre location.

(d) The impact on residential amenity

55. Policy TC1 of the adopted Ashford Town Centre AAP outlines that all development proposals in the Town Centre should protect existing residential environments and residents' quality of life and create new living environments of lasting quality. There are existing dwellings surrounding the site. The relationship of the proposed development with this has been considered resulting in a storey being removed. A sunlight/ daylight survey has been undertaken and the relationship with the nearby dwellings at Croudace is considered reasonable. Recessed balconies at the rear are provided to help with overlooking distances at the rear which will be no more than from the existing building. The side SE elevation has a close relationship with part of the rear of the Croudace block of flats. However, the private accommodation window(s) affected are only to a secondary window to a master bedroom that has its primary windows facing towards Godinton Road. Other nearby windows on the Croudace flats are either obscure or serve communal lobby/stairs and so I do not consider the relationship unreasonable for a tight urban environment. Overall, I consider the scheme would have an acceptable impact on the residential amenity of occupiers and adjoining neighbouring development.

(e) Other planning issues

Affordable housing

56. Policy CS12 of the adopted Core Strategy requires the provision of 30% affordable housing on schemes of 15 or more dwellings. Policy HOU1 of the Ashford Local Plan 2030 Submission Version states that within the Ashford Town area, flatted development will not be required to provide any form of affordable housing. The proposals involve all flatted development and in this case I consider the emerging policy should be given a significant degree of weight and therefore no affordable housing provision is justified in this case.



### Contamination

57. A Desk study and environmental ground appraisal report found some contamination on site including concentrations of ground gases. Both the Environment Agency and Ashford Borough Council Environmental Protection Unit consider this can be dealt with through suitable planning conditions which include a remediation strategy to deal with the risks associated with contamination.

### Drainage and flooding

58. Policies CS20 of the adopted Core Strategy, ENV9 of the Ashford Local Plan 2030 Submission Version and the adopted Sustainable Drainage SPD state that all development should include appropriate SuDs for the disposal of water in order to avoid any increase in flood risk or adverse impact on water quality. The site lies within flood zone 1 with a very low risk of flooding. The proposed method to restrict surface water runoff includes various SUDS such as bioretention systems, permeable surfacing, cellular storage and a detention basin. These will store water on site before it is discharged to the public sewer with maximum runoff rates being controlled. KCC Flooding and Drainage raise no objection to the proposals subject to suitable conditions dealing with the final drainage scheme and maintenance. I consider the proposals comply with the objectives of providing sustainable drainage systems under policy CS20 of the Core Strategy and the Sustainable drainage SPD and policy ENV9 of the Ashford Local Plan 2030 Submission Version. Southern Water confirm that it can provide foul and surface water sewage disposal to service the proposed development in accordance with policy CS21 of the Core Strategy. .

### Ecology

59. The site is not within or near any designated ecological site. A Preliminary Bat Roost Assessment concludes that roosting bats are very likely absent from Godinton House and the immediate surroundings and the application site is considered to provide very limited foraging and commuting opportunities for bats. I consider there are no ecological issues. Natural England make no comment.

### Sustainable Design and Construction

60. The proposals will comply with the requirements of policy ENV7 of the emerging Ashford Local Plan 2030 Submission Version restricting water consumption to no more than 110 litres per person per day that will be secured through planning condition. Policy ENV7 is in line with current government planning policy /advice on sustainable construction which have

effectively superseded the previous requirements of the adopted CS10 Core Strategy Policy.

### **Planning Obligations**

61. 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
  
62. 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>Libraries contribution</p> <p>Towards the additional bookstock required to meet the demands of the additional borrowers from this development at Ashford Library</p>	£48.02 per dwelling	Upon occupation of 75% of the dwellings	<p>Necessary as no spare bookstock available to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Local Plan 2030 submission version policies COM1 and IMP1, Ashford KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				based on the number of dwellings
2.	<p>Outdoor Sports Pitches</p> <p>Contributions towards new/additional changing facilities for Courtside outdoor sports area at Stanhope</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for future maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<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, Ashford Local Plan 2030 Submission Version policies COM1, COM2 and IMP1, 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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				because amount calculated based on the number of dwellings and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
3.	<p>Strategic Parks</p> <p>Contributions towards the development of Victoria Park and street furniture</p>	<p>£146 per dwelling for capital costs.</p> <p>£47 per dwelling for future maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Urban Sites and Infrastructure DPD policy U24, Ashford Local Plan 2030 Submission Version policies COM1, COM2 and IMP1 Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>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 dwellings and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	<p>Informal/Natural Green Space</p> <p>Contributions towards improvements towards Watercress Fields riverside projects to improve access, interpretation and education</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	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 Local Plan 2030 Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Environment SPD and guidance in the NPPF</p> <p>Directly related as occupiers will use informal/natural green space and the space 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</p>
5.	<p>Allotments</p> <p>Contributions towards improvement to allotment infrastructure at Repton and Westrees to include improved parking security and access</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for future maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>applicable), Ashford Local Plan 2030 Submission Version policies COM1, COM3 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years</p>
6.	Children's and Young People's Play Space  Contributions towards	£649 per dwelling for capital costs  £663 per dwelling for	Upon occupation of 75% of the dwellings	Necessary as children's and young people's play space is required to meet the demand that would be generated and must be



	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	improvements towards Victoria Park play	maintenance		<p>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), Ashford Local Plan 2030 Submission Version policies COM1, COM2 and IMP1, 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 play space 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</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				provided and maintained an to 10 years d the maintenance period is limited
7.	<p>Monitoring Fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	<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>

## Human Rights Issues

63. 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

64. 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

65. The proposals involve the conversion and redevelopment of an existing building in Ashford Town Centre for a mixed residential/commercial use. I consider the principle of the development is acceptable and complies with the existing development plan policies CS1, CS2 and CS4 of the Core Strategy, policy TC8 and the Ashford Town Centre Area Action Plan and emerging policies SP1, SP2 and SP5 of the Ashford Local Plan 2030 submission version in terms of use and location.
66. I consider that the design quality of scheme following amendments to the original proposals are acceptable. The changes have looked to address the comments made by the Design Panel. They would accord with policies CS3 and CS9 of the Core Strategy, TC1, TC2 and TC8 of the adopted Ashford Town Centre AAP and emerging Ashford Local Plan 2030 Submission Version policies SP5 and SP6 which emphasise the importance of high quality design that makes a real and significant contribution to improving the character of the town centre.
67. The proposals would have an acceptable impact on the existing highway network and result in a reduction in trips at the site by all modes of travel when compared with the permitted use. It would comply with policy CS 15 of the adopted Core Strategy. The proposals would provide acceptable levels of car parking/cycling provision in accordance with standards in the adopted Residential Parking and Design Guidance SPD, policies TC22 and TC23 of the adopted Ashford Town Centre Area Action Plan and the emerging

- TRA3(a) and (b) Ashford Local Plan Submission Version policies. There would be acceptable refuse provision.
68. A sunlight/ daylight survey has been undertaken and the relationship of the development with the nearby dwellings at Croudace is considered acceptable. The proposals would comply with Policy TC1 of the adopted Ashford Town Centre AAP requiring that all development proposals in the Town Centre should protect existing residential environments and residents' quality of life.
69. No affordable housing is proposed which is in accordance with policy HOU1 of the Ashford Local Plan 2030 Submission Version. For the reasons set out in the report it does not comply with policy CS12 of the adopted Core Strategy which requires the provision for 30% affordable housing.
70. The issue of contamination has been assessed through a desk top study and remediation can be dealt through suitable conditions.
71. I consider the proposals comply with the objectives of providing sustainable drainage systems under policy CS20 of the Core Strategy, the Sustainable drainage SPD and policy ENV9 of the Ashford Local Plan 2030 Submission Version. Southern Water confirm they can provide foul and surface water sewage disposal to service the proposed development in accordance with policy CS21 of the Core Strategy.
72. The proposals would comply with the requirements of policy ENV7 of the emerging Ashford Local Plan 2030 Submission Version restricting water consumption. For the reasons given in the report more weight should be given to this emerging policy than policy CS10 of the adopted core strategy which is not in line with current government planning advice. I consider there are no ecological issues to object to the scheme.

## **Recommendation**

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in Table 1, in terms agreeable to the Head of Development, Strategic Sites and Design, or the Development Control Managers in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Head of Development, 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 planning conditions or deleting 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.

**Approved plans**

2. The development hereby permitted shall be carried out in accordance with the following approved plans TBC

**Reason:** Specifying the application drawings and other details which form part of the permission is best practice under government guidance and in the interest of visual amenity.

**Highways**

3. The area shown on the drawing numbers 1101-P80 D and 1101-P81 and as vehicle parking spaces, garages and turning shall be provided before the use is commenced or the premises occupied, 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

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

The code shall include,

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

**Reason:** To protect the amenity of local residents

5. The bicycle storage facilities shown on the approved drawing 1101-P80D shall be provided prior to occupation of the development and shall thereafter be retained.

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

6. The access details shown on the approved plans shall be completed prior to the use of the site commencing and shall thereafter be retained in accordance with the approved plans

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

7. 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 interest of visual amenity

8. Imperforate balustrades shall be installed on the balconies that will be exposed to noise levels exceeding 55dB and Class A acoustic insulation will also be applied to those same balcony undersides and soffits to provide a reduction in noise levels at these locations prior to the occupation of the flats and shall thereafter be retained.

**Reason:** to mitigate excess noise for future occupiers

### **Contamination**

9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework. The submitted Desktop Study & Environmental Ground Appraisal Report (ref. GE16282rev3-GAR-MAY-17, version 1.0), dated 29/09/2017, prepared by Geo-Environmental is considered sufficient to discharge part 1 of the above condition. We concur with the recommendations of the report that further ground investigation works are necessary to fully delineate the contamination on site

10. Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reason:** To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.



**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

12. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason

**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. With respect to any proposals for piling through made ground, we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilized to design appropriate piling regimes at the site.

14. Prior to occupation of the first dwelling a foul drainage strategy detailing the proposed means of foul disposal and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** in the interests of proper foul drainage disposal.

15. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all

rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

16. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

a) a timetable for its implementation, and

b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker,

or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

**Reason:** To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

17. The development during its construction only 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.

### **Water efficiency**

18. Each apartment shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the apartments will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No apartment shall be occupied unless the notice for that apartment 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 and in order to continue with the same level of water efficiency as would have been achieved under the Code for Sustainable

### **Fibre broadband To The Premises**

19. Prior to the first occupation of the premises, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband to The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030 Use

### **Use**

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the apartments hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning (Use Classes) Order 2015 or any subsequent Order revoking or re-enacting that Order.

**Reason:** To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

### **Landscaping**

21. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant].

**Reason:** In order to protect and enhance the amenity of the area.

22. The details of soft landscape works required in condition [21] above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

23. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

24. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to

the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

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

### **Remaining detail**

25. Details of the following shall be submitted to and approved by the Local Planning Authority in writing before development is commenced and the development shall be carried out in accordance with the approved details:
- (a) Balcony structures – to include detail of connections between glass panels to balustrade and means of fixation to wall
  - (b) Joinery detail (including panel detail) to all external windows and
  - (c) Degree of setback of all windows and doors
  - (d) Details of doors, rainwater goods, eaves, fascia and entrance canopies (including materials and finish), details of any supporting posts and related brick plinths and roofing materials.
  - (e) Refuse areas to the commercial units.

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

### **Ecology**

26. Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

**Reason:** To enhance biodiversity

## 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/ agent responded to our initial contact, agreed to a design review and was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.

3. "A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

4. The following points should be considered wherever soakaways are proposed at a site:
- Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hard-standings and car parking areas to reduce the risk of hydrocarbons from entering groundwater.
  - Only clean uncontaminated water should drain to the proposed infiltration system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
  - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
  - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of infiltration system and the water table.
  - A series of shallow infiltration systems are preferable to deep bored systems, as deep bored systems can act as conduits for rapid transport of contaminants to groundwater.

Please note that the use of soakaways in the Hythe Beds are not recommended as they can promote instability of the geology via washout of the sandier horizons, leading to the opening and enlargement of fissures within the Hythe Beds, and subsequent collapse.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01511/AS.

**Contact Officer:** Mark Davies

**Telephone:** (01233) 330252

**Email:** [mark.davies@ashford.gov.uk](mailto:mark.davies@ashford.gov.uk)

**The proposals had looked to address any future development of the frontage site by orientating the main balconies/windows of the four storey apartment building away from the boundary of the frontage site, and to have the rear gardens of houses backing onto the frontage site elsewhere.**

**Annex 1**

**d:se**

Design Review

**Godinton House  
Godinton Road  
Ashford**

5 January 2018





**Godinton House, Godinton Road, Ashford, TN23 1LH**  
Reference: 670.1-1033

Report of Design Review Meeting  
Date: 13 December 2017  
Location: Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL

**Panel**

Richard Portchmouth, (Chair), Architecture  
Nimi Attanayake, Architecture  
Robert Barker, Architecture  
Neil Porter, Landscape Architecture/Urban Design  
Robert Sakula, Architecture

**Also attending**

Huw Trevorror, Design South East  
Mark Davies, Ashford Borough Council  
Cllr Bernard Heyes, Ashford Borough Council  
Roland Mills, Ashford Borough Council  
Thomas Ruddy, Thomas Ruddy RIBA  
Julian Black, Kember Loudon Williams

**Site visit**

A full site visit was conducted by the Panel ahead of the review



## Summary

This prominent site in the centre of Ashford is in need of regeneration, and we support the principle of development. The provision of commercial use at street level and 8 affordable housing units is positive, and the amount of accommodation provided overall seems appropriate for the site. However, we feel the way the proposal has been resolved lacks ambition, and re-addressing some key issues could allow a more successful scheme to emerge.

The surrounding area has seen extensive development over recent years, and as the last major site to come forward this scheme must perform the difficult task of stitching this all together; described by the panel as the 'final piece of the jigsaw'. We do not yet feel this has been adequately addressed, and suggest there are a number of areas where the relationship to the wider area could be improved.

The proposal for surface parking throughout the site impedes the provision of an amenity space for residents, and limits opportunities for the proposed development to respond to the surrounding context. With the central location and excellent transport links we recommend this parking requirement should be reduced.

The slab form of the proposed block risks creating an overly monotonous presence on Godinton Road, and we suggest that revisiting some of the ideas about articulating this frontage shown in the earlier proposal could be beneficial. Internally, circulation is often convoluted and we feel the layout could be further rationalised. Re-considering the location of the cores could help address this. The opportunity to reduce the number of single aspect flats should be explored, particularly those with a north-eastern aspect.

The use of white render is also concerning and we suggest darker colours or the use of brick could better relate to surrounding developments.

## Background

This is a proposal for 29 residential apartments (8 of which will be affordable), 163 sqm of commercial space and associated landscape works on Godinton Road in the centre of Ashford. This involves the retention of the frame of the existing snooker hall building, and the construction of an upper storey and side extension. 41 parking spaces are proposed as part of this application, 17 of which are located in the basement, and 24 externally. This meets the maximum number of parking spaces as recommended by the Council.

The development site, along with the area to the south, is within an allocated site. A development of predominantly 2 to 3 storey houses is approaching completion on the neighbouring site. Over recent years Godinton/Elwick Road underwent public realm upgrades to create a shared surface. This provides a direct link to Ashford International train station, within close proximity to the site. Further large scale developments, including a new cinema, are taking place in this area. The site is subject to the site specific policy area, referenced, 'Godinton Way Industrial Estate' within Policy TC8. The site forms part of the identified 'Town Centre Area Action Plan' which allocates the site for residential development.

A planning application was submitted in October 2017 for this proposal with a decision due in January 2018. Previous to this, a pre-application meeting was held in which an earlier



proposal with an additional storey was shown. Discussion in this meeting focused mainly on the form and massing of the building, and concerns over negative impacts on the housing behind led to the reduction in height of the proposal.

### **Integration with the surrounding area**

This proposal must mediate between the smaller scale housing to the south and larger scale blocks lining Godinton Road. This is a challenging brief, but we suggest that further thought at urban design, rather than architectural scale could help inform this:

**South-eastern wing of the site** – this area could be an important element of a strategy to better address the wider area. Opening up a route to the new housing development to the south (and the new green amenity boundary space beyond) could help the area feel more cohesive. The potential for additional development more related to the scale of the houses to the south could also be explored in this area. For example, a small intervention of two of three small scale houses could be used to help integrate the surrounding development and complete the neighbourhood. This would require the loss of some surface parking.

**North-western area addressing the Enterprise site** – the decision to retain the Enterprise site limits the length of the proposed block, which could be considered as beneficial in terms of the presence on the Godinton Road. However, it is likely that at some future stage this site will be developed, and this proposal should take this into account. A planning application for the whole site including this area (building upon the massing study already undertaken) would be beneficial, even if it were not fully implemented in the first instance. Flats facing directly on to the Enterprise site may limit what can be done in future. The relationship with the two Victorian houses to the north-west and how any future proposals may relate to these should also be considered.

**Godinton Road** – the retention of commercial use at street level is positive, however, this could be more carefully considered. This frontage will be the most conspicuous part of the development, therefore further detail will be required. We are concerned that locating commercial units in the centre of this frontage, sandwiched between bin stores on one side and residential units on the other, is detrimental. Moving commercial uses further to the south-eastern end of the block would give them a corner position, allowing more separation from residential uses and creating the opportunity for interaction with the outdoor terrace area. Relocating the bin store that divides this space would make this outdoor area more usable.

The 2 meter strip in front of the development between the building and Godinton Road is significant, and any proposals should be sensitive to the high quality paving on the street. Opportunities to plant street trees and add to the life of the street, with spill out from the commercial units such as café seating would be beneficial.

### **Amenity space**

The high parking provision means that there is no real opportunity to create a significant amenity space at ground floor level within the current proposal. We feel this is highly detrimental to the scheme, particularly where many people may be living in single aspect north-east oriented flats. The opportunity to remove some parking and create a residents' garden area should be explored. The single line of trees proposed on the boundary between



the site and the new housing to the south will be of limited benefit, and we suggest this planting should be bolstered to be more effective.

A further opportunity could be to utilise the roof space for outdoor amenity. North east facing balconies are unlikely to be well used, therefore consideration should be given as to whether they should be provided at all. Access to a shared roof terrace could be more valuable.

### **Form and layout**

The first proposal shown at pre-application stage showed a more articulated proposal, with setback upper storeys and a clearer expression of the junction between the original building and the extension. Although we recognise sensitivities with the increased height of this scheme and the houses to the rear, some of the thinking behind this proposal could better inform the current scheme. In the current proposal, the additional wing and upper floor extension within the same plane contribute to the slab form that risks coming across as overly monotonous on Godinton Road. We suggest that revisiting some of the ideas about articulating this frontage could be beneficial. The slight triangular shape of the main area of the site and increasing distance from neighbouring houses towards the west could be further taken advantage of with a building form that is more responsive to this condition.

The proposed floor plans create convoluted internal circulation, with areas of particular concern including the route from the western entrance on Godinton Road to the core behind, and the layout of the F6 type flat & F12 & F3. Corridors appear excessively narrow in some cases. We suggest that further manipulation of this plan should allow this to be resolved more rationally, with a view to minimising single aspect, north east facing flats. Adjusting the position of the cores may help resolve this.

### **Daylight**

The daylight assessment indicated that some properties would be negatively impacted by the development and therefore the council should review this information carefully to satisfy themselves that the development scale is acceptable. The overhangs to the rear may impact the outlook to the existing houses to the south and some change to these may improve the situation. It was also noted that the height of the proposal may not need to be the same across the whole upper floor.

### **Material palette**

The proposed use of white render is concerning, particularly given the poor condition of comparable materials used in neighbouring developments relatively recently. As there is no mechanism to ensure this will be any better maintained on the current proposal, we feel the use of white render is inappropriate. Neighbouring developments are eclectic, but the use of brick, greys and reds has emerged as a theme, and responding to this could help unify the area. The use of brick relating to the houses to the south and the existing snooker hall could help make the proposal more contextual, or alternatively darker colour renders could be considered.



**Service strategy**

A combined service strategy for the development site and the adjacent Enterprise site should be developed.

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[www.designsoutheast.org](http://www.designsoutheast.org)



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**Annex 2 site location plan 17/01511/AS Godinton House**



# Ashford Borough Council



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<b>Application Number</b>	17/01807/AS
<b>Location</b>	Car Park opposite health and fitness club, Pluckley Road, Charing, Kent
<b>Grid Reference</b>	694635/48473
<b>Parish Council</b>	Charing
<b>Ward</b>	Charing
<b>Application Description</b>	Erection of a single storey building to accommodate an office and beauty salon with associated parking, services, infrastructure, ground works and landscaping
<b>Applicant</b>	Mr Quinn
<b>Agent</b>	Quinn Estates
<b>Site Area</b>	0.107 ha

(a) 11/10R 1S AMND 1R19S	(b) Charing R AMND R	(c) BTOH X; KCCE X, RAM X, PROW - AMND BTOH X
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## Introduction

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

## Site and Surroundings

2. The application site is located to on the eastern side of Pluckley Road to the south of Charing village and comprises an overspill car park which was once used in connection with the former Green Health Club at the Old Pumping Station opposite and this use has now ceased.
3. Falling just outside of the built-up confines, the site is in the countryside and the Charing Farmlands Landscape Character area. Surrounded by undulating pasture land dissected by hedgerow field boundaries and vegetation the site is open and spacious. The open nature of the site, together with the surrounding pasture land and provides a soft edge to this part of the

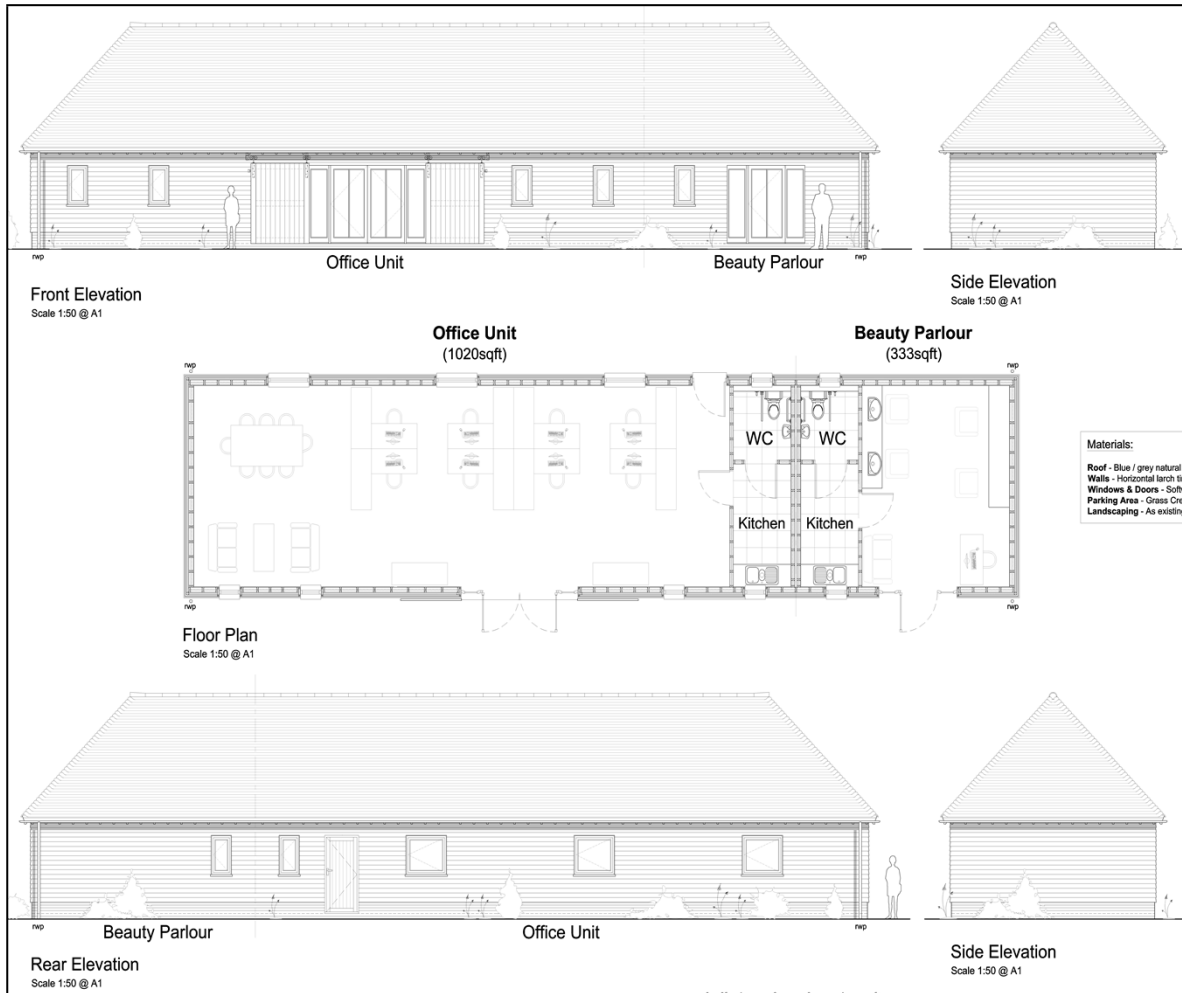
settlement. It forms a transitional area between the open countryside to the south and the village to the north.



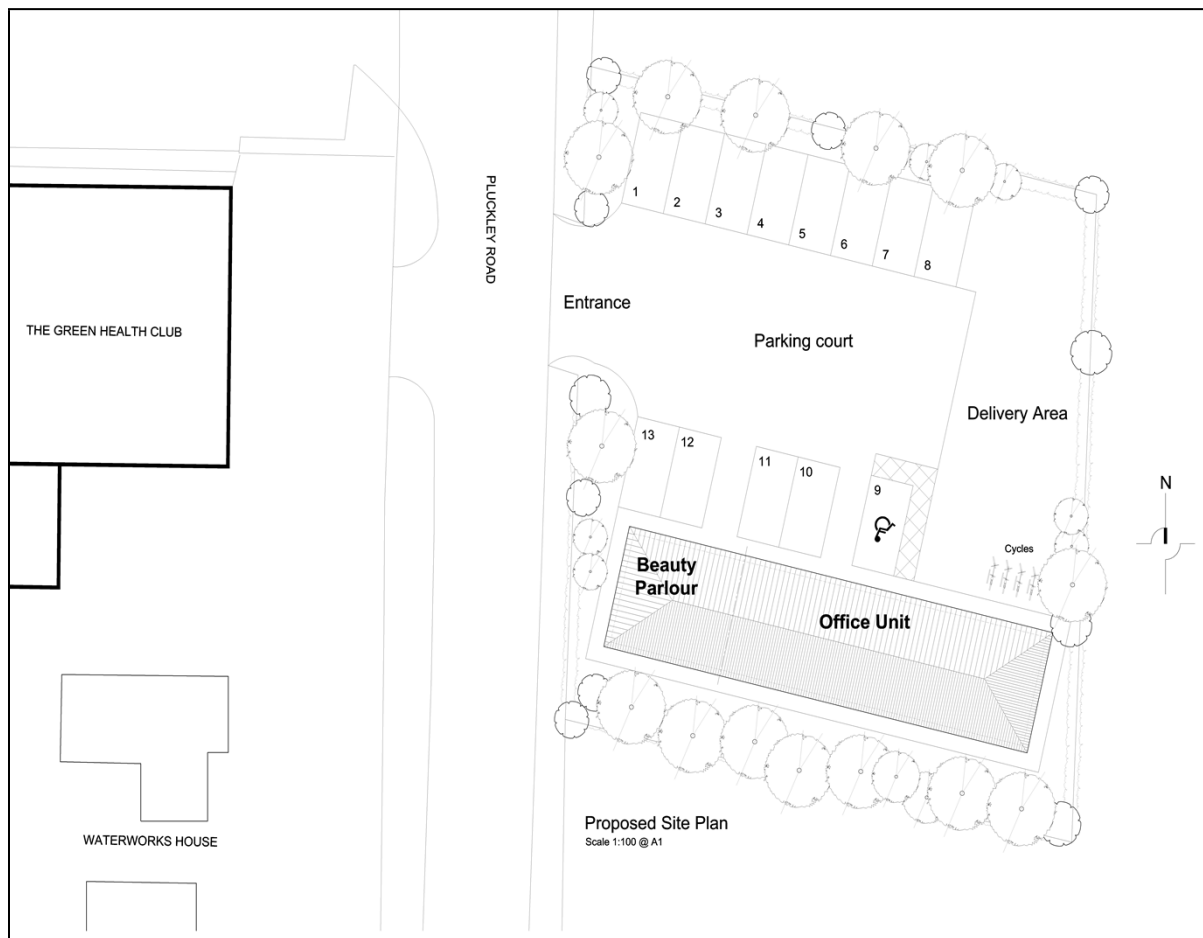
**Figure 1: Site Location**

## Proposal

4. Planning permission is sought for the erection of a single storey building to accommodate an office and beauty salon with associated parking, services, infrastructure, ground works and landscaping.
5. The proposed building would measure 24.5m wide and 6m deep and have a ridge height of 6m clad in black timber weatherboarding with a slate roof the proposed building would be sited to the south of the site facing a proposed parking court of 13 spaces.
6. Permission was initially sought for a farm shop and beauty salon but following objections from the Parish Council and neighbours the application was amended removing reference to the farm shop and proposing an office in its place.



**Figure 2: Proposed Floorplans and Elevations**



**Figure 3: Proposed Site Layout**

## Planning History

DC	FA	17/00530/AS	Demolition of existing swimming pool extension, conversion of the existing building, erection of a second floor extension and stair well to form 8 self-contained apartments. Erection of 2 storey building to accommodate 1 x 3 bedroom dwelling. In addition, associated parking, associated services, infrastructure, landscaping, ground works and earthworks.	PERMITTED
DC	FA	03/01308/AS	Re-application for overspill car park (on land opposite)	PERMITTED
DC	FA	00/00571/AS	Proposed overflow car park on adjoining land	PERMITTED

Planning application 03//1308/AS granted permission for the land to be used as an

overspill car park to the Green Health Club subject to the following conditions

1. The car park shall not be used other than for purposes ancillary to the Green Health Club.

**Reason:** Permission is only granted as an exception to rural strength policies due to the parking problems created by this use.

2. If the car park is no longer required for the use permitted the site shall be restored to its former condition.

**Reason:** In the interests of visual amenity of the special Landscape Area.

These conditions mean that the use of the land as a car park was only temporary, ancillary to the Health club for as long as the Health Club was in use.

## Consultations

**Ward Members:** The Ward Member is a member of the Planning Committee

**Charing Parish Council:** Object

The Parish Council recommends refusal of the application to build a beauty parlour and a farm shop for the following reasons:

1. When planning permission for the overspill car park was granted in 2003 (03/01308/ AS) it contained a condition that: "If the car park is no longer required for the use permitted the site shall be restored to its former condition". We feel this condition should be adhered to so that the site is restored to greenfield as part of the surrounding meadow. We see a risk that development there would lead to pressure to build in the gap between it and the last houses on that side of the road.
2. While the Beauty Parlour was an existing business so would not generate additional traffic, the farm shop will generate additional traffic on a road which is already considered too busy and dangerous. Further there is no pavement for the last stretch of the road so few, if any, people will walk there.

On receipt of amended plans:

The Parish Council recommends refusal of the application to build a beauty parlour and office as the first reason above also applies. However, if the borough council were to decide that the condition need no longer apply and that it is appropriate to build on that site, the office and beauty parlour combination would be the preferred

use as it would generate less traffic. We have evidence that Charing needs more office accommodation and the Beauty Parlour is an existing business.

**KCC Highways:** No Objection subject to conditions

On receipt of amended plans:

No Objection subject to conditions

**KCC Biodiversity:** No Objection subject to conditions

**Ramblers Association:** No Objection

**Neighbours:** 11 neighbours consulted. 10 letters of objection received stating the following objections:

- Development would impact upon vitality and viability of the village and local business.
- Development would cause significant visual harm.
- Example of village creep into the countryside.
- No safe passage to the site for pedestrians.
- Uninspiring design and architecture.
- Car park should be removed and the field restored now the health club has ceased operating.
- Additional traffic generated would be detrimental to highway safety.
- Sets a precedent for future development in this field.

1 letter of support received stating the following

- Development would make a welcome addition to the village.

On receipt of amended plans:

1 letter of objection received stating the following stating the following objection:

- Inappropriate development for this location.

**19** letters of support received stating the following:

- Development would benefit wider community.
- Proposal would create jobs and support local economy.
- Good opportunity to attract new business to Charing.
- Development would deliver a high quality finish.
- Office space is needed.
- Opportunity to expand existing business.
- Small scale development which would not be incongruous within the landscape.

## **Planning Policy**

7. 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.
8. The relevant policies from the Development Plan relating to this application are as follows:-

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

- |      |   |
|------|---|
| GP12 | Protecting the countryside and managing change  |
| EN9  | Setting and entrances of towns and villages     |
| EN10 | Development on the edge of existing settlements |

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

- |     |  |
|-----|--|
| CS1 | Guiding Principles                     |
| CS2 | The Borough Wide Strategy              |
| CS7 | The Economy and Employment Development |

CS9 Design Quality

CS20 Sustainable Drainage

**Tenterden & Rural Sites DPD 2010**

TRS10 New Employment Premises in the Countryside

TRS17 Landscape character & design

**Ashford Local Plan to 2030**

SP1 Strategic Objectives

SP3 Strategic approach to Economic Development

SP6 Promoting High Quality Design

EMP5 New Employment uses in the Countryside

TRA3b Parking Standards for Non Residential Development

ENV1 Biodiversity

ENV3a Landscape Character and Design

ENV9 Sustainable Drainage

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

**Supplementary Planning Guidance/Documents**

Dark Skies SPD

**Government Advice**

National Planning Policy Framework (NPPF) 2012

10. 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:-



11. 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**

12. The main issues for consideration are:
- a) Principle of Development and Impact upon Visual Amenity
  - b) Impact upon Residential Amenity
  - c) Highway Safety and Impact upon the local highway network.
  - d) Ecology

### **Principle of Development and Impact upon Visual Amenity**

13. When considering applications for town centre uses which are not within an existing centre, the NPPF requires LPA's to adopt a sequential approach. However, the proposal is for a small scale office development and a beauty salon in the rural area. In accordance with Para. 25 of the NPPF the sequential test need not be applied in this case
14. Development plan policy TRS10 seeks to control new employment premises in the countryside. The preamble text to the policy states that new employment premises in the countryside will not be permitted unless exceptional circumstances can be demonstrated to set aside the normal presumption against such developments such as a functional need for a countryside location. This is supported by emerging local development plan

- policy EMP5. The emerging Local Plan currently carries some weight in decision making, therefore, is a material consideration.
15. Central to the development plan and the NPPF is a presumption in favour of sustainable development. Delivering sustainable development relies upon a careful balance between economic, social and environmental factors. These factors are mutually dependent. Therefore, to achieve development which is sustainable there has to be economic, social and environmental gain.
  16. The application site is the former overspill car park for The Green Health Club which has permission to be converted into flats (17/00530/AS). Justification for the proposal is that the site is brownfield land, and that the proposal would assist in the expansion of existing local business, providing new jobs which would contribute to the local economy. However no end user has been identified for the proposed office.
  17. No functional need for the proposed development has been demonstrated. It is noted that one of the units would accommodate a beauty business which has been displaced as a result of the redevelopment of the health club. However, the displacement of this business does not justify the erection of a news building where one would not normally be permitted. It has not been demonstrated that the needs of business could not be met within Charing or the surrounding villages, in a more sustainable location and it is not essential that the business is located in the countryside. The environmental harm which would result outweighs any economic and social gain which would otherwise be achieved.
  18. Policies TRS10 and EMP5 seek development which can be integrated sensitively into its context respecting the character of the landscape. This is consistent with the NPPF which, requires development to recognise the character and beauty of the countryside and the rural communities within it
  19. Located to the east side of Pluckley Road the application site is an open and highly visible area of land which is not dominated by large, bulky buildings which impede on the long distance views of the village of the surrounding landscape. Notwithstanding the existing hardstanding it is rural in both character and appearance and signifies the transition from village settlement to open countryside. Its rural appearance is characteristic of peripheral development on the edge of large villages such as Charing.
  20. Entrances to the villages create an important visual impression. Local development policies EN9 and EN10 seek to ensure that important landscape features or views which, contribute to the setting of the village are preserved. These policies are supported by policy TR17 and emerging policy ENV3a

which place great emphasise on new development which respects the character of landscape in which it is located.

21. The proposed development by virtue of its siting, bulk and mass would appear both visually prominent and intrusive. Situated to the south of the site with the largest elevations facing north and south the proposed building would dominate views of the countryside from the north and erode the medium distance views of the village on approach from the south. The open character of the site and its surroundings would be eroded.
22. Whilst the proposal has been designed to reflect that of a converted rural building the scale of the development proposed with its associated parking court would have a significantly urbanising impact, creating the impression of sprawling urban development, much to the detriment of the character and appearance of the countryside and surrounding landscape.
23. Permission for use of the land as car park is only temporary with a condition in place requiring the land to be returned back to paddock once the car park was no longer required. It is therefore not brownfield land and this only serves to further exacerbate the harm which would be caused.
24. The NPPF and the Development Plan encourage and promote the provision of a sustainable rural economy. However, the justification for the proposed development and the associated social and economic benefits of granting this proposal, do not outweigh the environmental harm which would be otherwise caused. The proposal thus fails to accord criteria a) and b) of policies TRS10 and EMP5, and would result in significant and unacceptable visual harm, contrary to policies EN9, EN10, TRS17 and ENV3a

### **Impact upon Residential Amenity**

25. Well divorced from existing residential property, no harm to the amenity would result from this proposal. The proposal therefore meets the requirement of criterion c) of policies TRS10 and EMP5.

### **Highway Impact**

26. Access to the site is existing and 13 car parking spaces are proposed to be provided to serve the development.
27. Compared to its existing use, the proposal would result in increased use of the access. However, adequate visibility splays can be provided and compared to the original proposal, the number of trips generated from the proposed development would be unlikely to have a significant or detrimental impact upon highway safety or on the rural road network which serves the

site. KCC Highways have been consulted and do not object to the development on highways grounds.

28. In light of the above, the proposal is considered acceptable in terms of its impact upon the highway and in accordance with criterion d) of policies TRS10 and EMP5.

### **Ecology Impact**

29. A desktop ecological appraisal of the application site concludes that the ecological potential of the site is low. Indeed the site comprises an area of existing hardstanding and it lies adjacent to the road surrounded by grazed paddock. With the site considered to have limited potential to be used by protected/ notable species the impact of the prospected development upon flora or fauna is considered to be low.
30. Subject to the proposed ecological enhancements and mitigation measures being implemented, no objection to the development is raised by KCC Biodiversity.

### **Human Rights Issues**

31. 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**

32. 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**

33. Paragraph 14 of the NPPF planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework, taken as a whole; or specific policies in the framework indicate development should be restricted.

34. Policies in the Development Plan and the NPPF support the sustainable growth of business within the rural area. Balanced against this however are the impacts upon the local landscape, the amenities of local residents and the impact on the highway safety
35. The proposal would result in the erection of a new employment premises which by virtue of siting size and design would appear visually prominent and intrusive and it has not been demonstrated that there is an essential or functional need for the building.
36. The harm caused by this proposed development significantly and demonstrably outweighs the benefits of granting planning permission and any economic benefits arising from the development. The proposal fails to comply with the requirements of the NPPF and Development Plan policy as whole. For this reason therefore I recommend the application is refused

## **Recommendation**

### **Refuse**

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

1. The proposed development would be contrary to policies EMP5 and ENV3a of the Draft Ashford Local Plan 2030, Policies GP12, EN9 and EN10 of the Ashford Borough Local Plan, policies CS1 and CS9 of the Local Development Framework Core Strategy (2008) policies TRS10 and TRS17 of the Tenterden and Rural Sites Development Plan Document (2010) and to Government guidance contained in the National Planning Policy Framework (2012) and is therefore considered development harmful to interests of acknowledged planning importance for the following reasons:
  1. The proposal fails to demonstrate an essential need to be located in the countryside and therefore would result in an unjustified and unsustainable form of development.
  2. The proposed development, by virtue its scale, siting and design would result in a visually prominent and incongruous form of development on the periphery of Charing village and, would erode views of the village and the surrounding countryside from Pluckley Road. The development would therefore cause unacceptable harm to the character and appearance of this area and the surrounding countryside.

## **Note to Applicant**

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

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

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

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

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

In this instance

- The applicant was informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters and provided the opportunity to amend the application or provide further justification in support of it.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site (All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/1807/AS.

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Annex 1



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