



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 16th January, 2019 at 7.00 pm.

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The Members of the Planning Committee are:-

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

Cllrs. Bennett, Bradford, Buchanan, Clarkson (ex-Officio), Clokie, Dehnel, Galpin, Heyes, Hicks, Krause, MacPherson, Ovenden, Waters, Chilton, Knowles and Wedgbury

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**

1 - 2

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

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

See Agenda Item 2 for further details

### 3. Minutes

To approve the Minutes of this Committee held on 12<sup>th</sup> December 2018

<https://ashford.moderngov.co.uk/documents/g3252/Public%20minutes%2012th-Dec-2018%2019.00%20Planning%20Committee.pdf?T=11>

### 4. Requests for Deferral/Withdrawal

**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”.

### 5. Schedule of Applications

- |     |  |           |
|-----|--|-----------|
| (a) | <b>18/01140/AS</b>   | 3 - 42    |
|     | Land fronting Canterbury Road at Ashford Hockey Club and land to the north of Ball Lane, Kennington, Kent - Outline application for the erection of 9 dwellings with access from Canterbury Road (with all other matters reserved), and change of use of land from agriculture to provide two football pitches on land at Ball Lane  |           |
| (b) | <b>18/00448/AS</b>   | 43 - 98   |
|     | Land South of Tilden Gill Road, Tilden Gill Road, Tenterden - Application for the approval of reserved matters (access, appearance, landscaping, layout, and scale) pursuant to outline permission ref 14/01420/AS for the erection of up to 100 dwellings, parking, landscaping, open space and associated works  |           |
| (c) | <b>18/01168/AS</b>   | 99 - 234  |
|     | Kent Wool Growers Ltd, Brundrett House, Tannery Lane, Ashford, Kent, TN23 1PN - Demolition of existing buildings (except Whist House) and redevelopment to provide 254 residential units within four apartment buildings and works associated with the restoration of Whist House to provide a 4-bed dwelling. All together with associated areas of new public realm, hard and soft landscaping, parking, plant and storage and access works. |           |
| (d) | <b>18/01256/AS</b>   | 235 - 260 |
|     | Whist House, Tannery Lane, Ashford, TN23 1PL - Demolition of two pre-1948 brick buildings. Internal and external restoration works to Whist House relating to its restoration to provide a 4-bed dwelling (associated to corresponding planning application  |           |

18/01168/AS for redevelopment of the site to provide to provide 251 residential units within four apartment buildings and works)

(e) **18/01369/AS** 261 - 290

Old Corn Store and former Ashford Youth Theatre, Dover Place, Ashford, Kent TN23 1HU - Refurbishment of the existing Corn Store and former Youth Theatre buildings to provide workspace, food, drink, and event space. Demolition of the existing Youth Theatre Store to provide an enlarged flexible outdoor event space

(f) **18/01627/AS** 291 - 300

Pound House, Trumpet House, Waterman House and Bears End House, Godfrey Walk, Ashford, Kent - Replacement of existing UPVC windows and balcony doors for maintenance reasons. Although the material and colour will remain, the fenestration design is intended to change

#### **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.

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DS  
10 January 2019

Queries concerning this agenda? 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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## Declarations of Interest (see also “Advice to Members” below)

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

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

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

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

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

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

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

### **Advice to Members on Declarations of Interest:**

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

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<b>Application Number</b>	18/01140/AS
<b>Location</b>	Land fronting Canterbury Road at Ashford Hockey Club and land to the north of Ball Lane, Kennington, Kent
<b>Grid Reference</b>	02823/455078
<b>Parish Council</b>	-
<b>Ward</b>	Kennington
<b>Application Description</b>	Outline application for the erection of 9 dwellings with access from Canterbury Road (with all other matters reserved), and change of use of land from agriculture to provide two football pitches on land at Ball Lane.
<b>Applicant</b>	Ashford Hockey Club
<b>Agent</b>	Mr S Davies, Hobbs Parker, Romney House, Monument Way, Orbital Park, Ashford, TN24 0HB
<b>Site Area</b>	2.98ha

- |                           |       |   |
|---------------------------|-------|---|
| (a) 372/193S, 53/R,<br>1+ | (b) - | (c) SE/X, KAS/X, KHS/X, KCC<br>LLFA/X, BTOD/X, KCCE/X,<br>EA/X, EHM/X,<br>KCCPROW/X, Kent<br>Police/X, CPRE/R |
|---------------------------|-------|---|

## Introduction

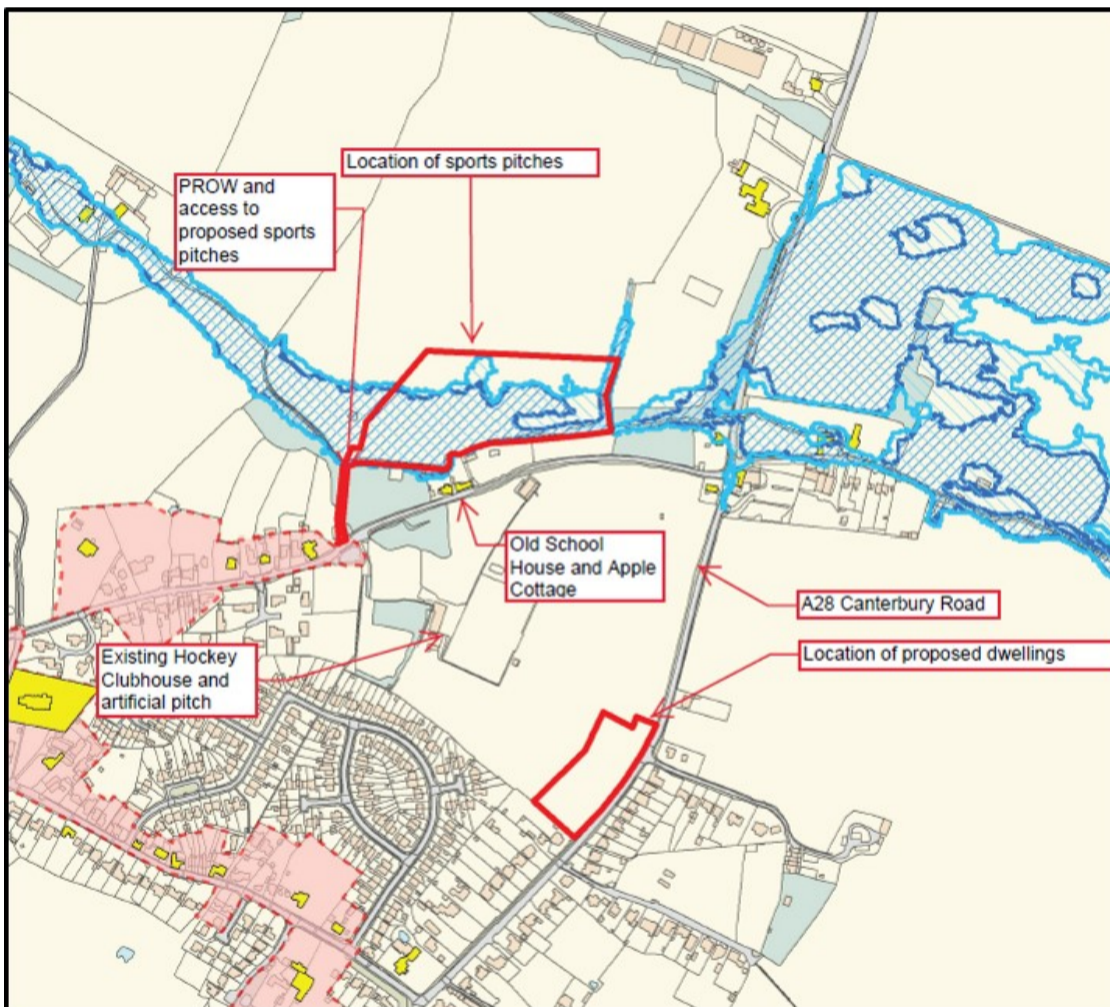
1. This application is reported to the Planning Committee because it is considered to be in the public interest given its contentious nature and the level of public interest in the scheme.

## Site and Surroundings

2. The application site relates to two areas of land, one is currently utilised for football pitches at Ashford Hockey Club, accessed off of Ball Lane. This land fronts onto A28 Canterbury Road to the west of the East Mountain Lane. The land is currently undeveloped and designated as playing fields. To the north of this, is the main club house for the Hockey Club, artificial hockey pitch, which is floodlit, and a loose chipping unmarked out car park. To the north west of

this is the former home of Ashford Cricket Club. This is all part of the wider Hockey and Cricket Clubs' site but does not relate to the development proposed at the site.

3. The second part of the application site is land to the north of the existing Hockey Club site, also accessed off of Ball Lane along a public right of way (PROW AU12) which is a concrete track and latterly, unmade public footpath which leads to agricultural land to the rear of Ball Lane on its northern side. The land is grade 1 agricultural land and currently uncultivated but used for grazing and pasture.
4. The site is not within the Ball Lane Conservation Area but is in close proximity to it at the point of access to the footpath outlined above. There are a number of residential dwellings which back onto the site outlined above, two of which are grade II listed buildings, the Old School House and Apple Tree Cottage.
5. The part of the site where the replacement pitches are proposed is within an area of archaeological potential and Floodzones 2 and 3. This does not impact upon the part of the site where the 9 dwellings are proposed.





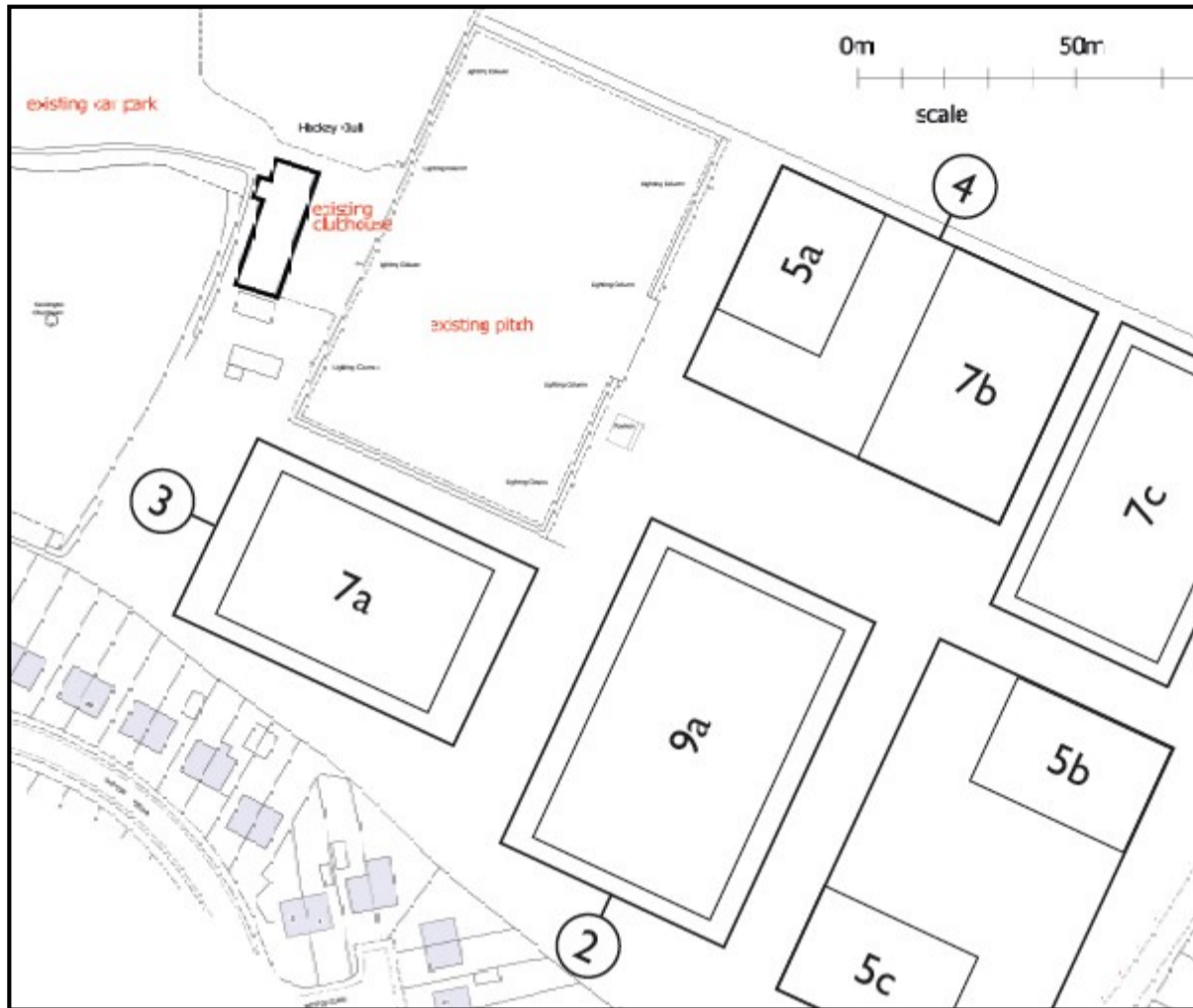


Figure 1 - Existing wider Hockey Club Site Layout with pitches marked

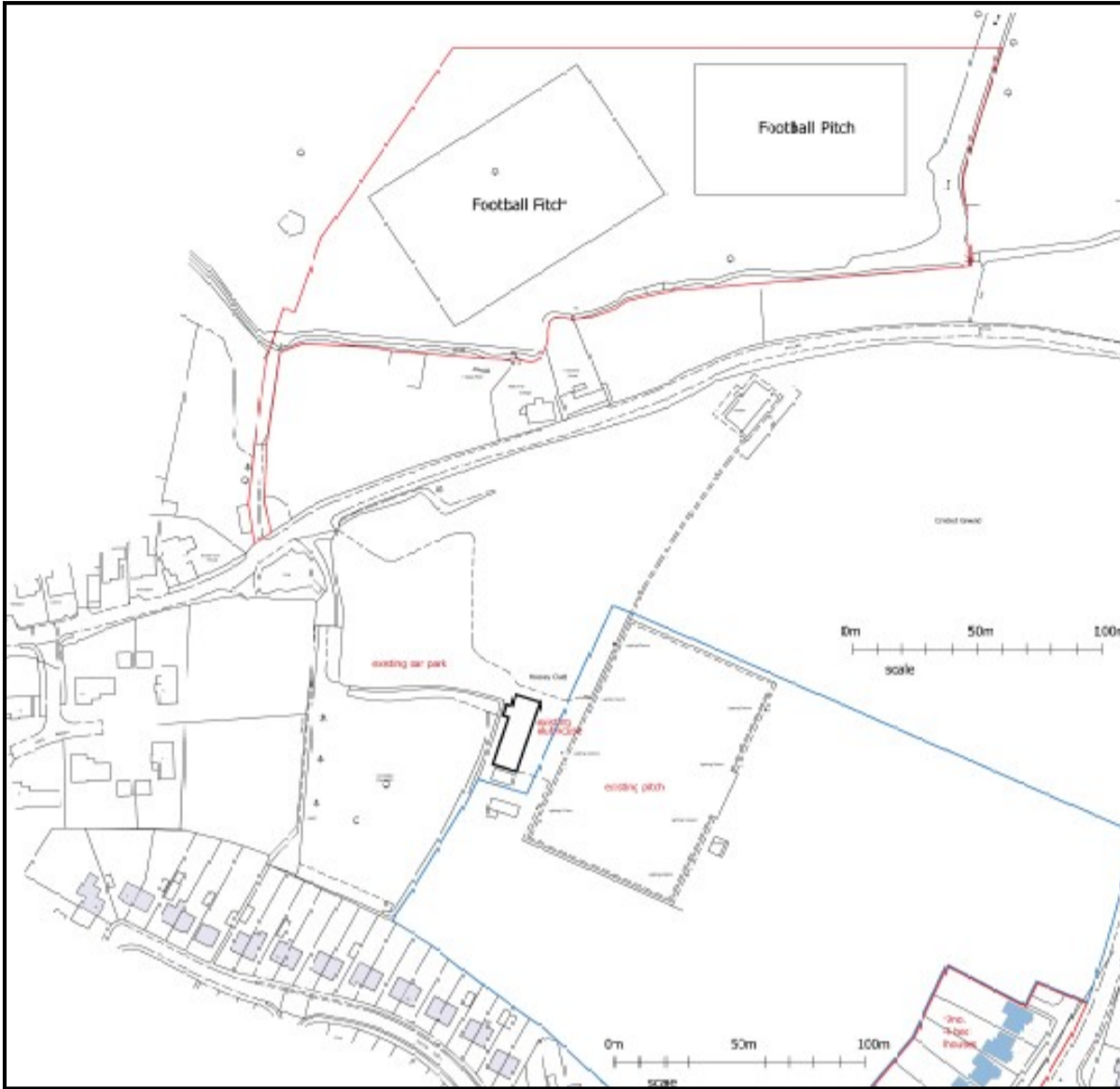
## Proposal

6. Outline planning permission is sought for the erection of 9 detached dwellings with associated vehicular access off of the A28. All matters other than access details from Canterbury Road into the site, including appearance, landscaping, layout and scale, and internal access are reserved for future consideration.
7. As a result of the proposal, one of the existing sports pitches at the Hockey Club, which is also utilised by Kennington Juniors Football Club would be lost. The previous application on this site, which was subsequently withdrawn failed to address the loss of the sports pitch and therefore this application seeks to address this concern.

- 8. The sports pitches would be located on land to the north of the existing Hockey Club site which is currently agricultural. There is no means of enclosure proposed or significant re-grading of the land envisaged as the land is relatively level. No floodlighting or ancillary facilities (i.e. changing rooms) would be provided on this part of the enlarged hockey club site. The figures below show details of the proposed development.



Figure 2 Site Layout Plan (Indicative) for dwellings fronting Canterbury Road



**Figure 3 - Wider Site Layout Plan including location of proposed replacement sports pitches to north of existing pitches accessed off of Ball Lane**

In support of the application several documents were submitted including a planning statement and a business plan.

9. The planning statement and business plan outline that the clubs current facilities are deteriorating and the club currently survives on membership fees and therefore costs associated with the upkeep of the grounds, all weather astroturf pitch and clubhouse must be borne by these fees. Currently the pitch will be unsafe and unplayable within 1-2 years. The monies raised from the proposed 9 dwellings would enable the astroturf pitch to be re-surfaced and a further re-surface in 10 years, the mortgage on the site to be cleared to enable membership subscriptions going forward to be utilised for the maintenance of the site, the provision of the two new pitches proposed under

this application and an extension to the clubhouse in the future to provide female changing facilities and replacement of leaking and rotting windows. As a result of the proposal, the use of the site for hockey and junior football will be protected for 20 to 25 years.

10. Historically hockey on the site was played on grass pitches but the sport now plays exclusively on artificial surfaced pitches, requiring less land for playing pitches. Currently the club has 150 adults and 200 junior playing hockey and up to 450 juniors every week. The Kennington Juniors and several schools use the facilities each week and it has been confirmed as part of the Ashford Borough Council Playing Pitch Strategy that the pitch quality is currently in a poor state and is a priority 1 issue and recommends a playing surface sinking fund is established going forward for its replacement.
11. The club owns the hockey pitch and clubhouse which sit within an 11 acre site. Capital assets exist but there is insufficient monies available to meet the £220,000 cost of the new astroturf pitch surface when taking into account the interest costs on the outstanding mortgage balance for the current pitch. The cost of the replacement playing surface would be in the region of £220k, additional associated costs could easily double this cost depending on what is required.
12. As a result of the depreciation of the quality of the playing pitch, together with improvements to facilities elsewhere members have left the club and gone elsewhere to play resulting in a complete men's team in the 2014-15 season. The new pitch would secure the future of the club and the new changing facilities for women would need to be met to ensure England Hockey's Equality Standards are adhered to. The land to the north of Ball Lane has been secured on 30 years tenancy to provide the two replacement sports pitches.

## Planning History

DC	OA	16/01845/AS	Outline application for the erection of 9 dwellings to consider new access from Canterbury Road, with all other matters reserved	WITH	31/07/2018
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The above application sought a similar proposal for dwellings, but as outlined in the proposal section failed to off-set the loss of the existing sports pitch to facilitate the development.

### Related history

DC	FA	15/01183/AS	Installation of no.4 5m columns with 5 LED	PERM	25/11/2015
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			floodlights attached		
DC	FA	89/00681/AS	Construction of one all weather hockey pitch with ancillary fencing and lighting	PERM	02/08/1989

## Consultations

**Ward Members:** no comments received

**Sport England: no objection raised subject to conditions:**

- The development would meet exception 4 of Sport England's Playing Fields Policy, as it is proposed to re-provide the lost playing field
- Consultation was carried out with both the Football Foundation (FF) on behalf of the FA, and England Hockey (EH).
- The site is used extensively by Kennington Juniors Football Club with 450 players. The site is the club's 'home' and currently the number of pitches do not meet the clubs need.
- The Hockey Club has seen a doubling in its membership.
- A community use agreement needs to be agreed with Sport England and Kent County FA in line with the intended usage levels of the facility by the Football Club.
- The Playing Pitch Strategy for Ashford (2018) identifies the need to protect this site for football and that they are overplayed and there is a need to enhance pitch provision in the area to accommodate the demand.
- WC provision would not be possible but would be of benefit.
- Several key conditions need to be met including design of the pitches, construction, quality, maintenance, drainage
- EH has no objections to the proposed housing development, the existing Hockey AGP and Clubhouse needs an injection of finance to improve both facilities.
  - EH advise a condition is used to improve the facilities on the site from the monies raised.

**KCC Highways:** no objection subject to conditions with the following observations made:

- As the application is outline with all matters reserved except for access, layout has not yet been considered.
- The car parking associated with the two new pitches will be from the existing car park, players will then have to walk across to the pitches. A form of control will need to be provided to prevent vehicular access to the pitches apart from maintenance vehicles. Several lockable bollards should be secured by condition.
- The proposed T-Junction access is suitable for the proposed 9 units.

**KCC PROW:** do not wish to comment on the application.

**KCC Ecology:** general comment received requesting additional information to be submitted prior to determination, specifically the Ball Lane part of the site.

- Canterbury Road site has not changed significantly since the last ecological appraisal, this is still relevant, no further information is required for this site.
- Ball Lane site has not had any ecological information submitted for it and aerial photographs and biological records requires further information to be submitted to assess the potential ecological impacts. These must be submitted prior to determination.

**Following receipt of additional information:** raise no objection in light of the additional information received subject to a condition requiring the measures outlined in the Biodiversity Enhancement Strategy to be incorporated into an Ecological Management Plan.

**KCC Heritage: consulted;** raise no objection subject to a condition with the following observations made:

*The site of the application lies in an area of archaeological potential associated especially with Palaeolithic remains and Roman activity. The site of the proposed football pitches lies on River Terrace Gravels and within an area where the deposits have potential to contain Palaeolithic artefacts and palaeoenvironmental remains.*

*The site of the football pitches is also crossed by the projected alignment of a Roman road which extends from the Weald, through Westhawk Farm Roman small town and up to Canterbury. This is just an alignment however, and there seem to be no clear indications of where this Roman road actually ran and in what condition it is currently. It may extend northwards along the alignment of Canterbury Road, closer to the proposed houses.*

*The site is within close proximity to some designated historic buildings, most of which are later post medieval residential but there are indications that Kennington was a medieval community and St Mary's Church is of 13th century date although it may have earlier origins.*

*Based on current information the proposed scheme has potential to impact on Palaeolithic Roman and later archaeology. As such it would be appropriate for some assessment of archaeological issues.*

*I note the application is supported by a Heritage Statement. This report considers the designated buildings and seems to focus on the impact on the setting of these buildings and the Conservation Area. There is no assessment of the archaeological potential although the AAP is mentioned. It would be preferable for this application to be supported by a full Archaeological Desk-based Assessment which should include a geoarchaeological assessment. The football pitches could impact on a Roman road and on rare Palaeolithic remains. I note that the groundworks are considered*

*shallow but the archaeology could be at surface level. The supporting Heritage Statement and the Design and Access Statement suggest the site has been ploughed but plough marks are only identifiable on a 2012 aerial photograph and before that the aerial photographs suggest the fields were predominantly pastureland. If a Roman road does survive on site, it may be in good condition including camber and parallel ditches, with associated cultural material.*

*In view of the potential for this scheme to impact on early prehistoric and Roman remains, there is a need for further consideration of archaeology. It may be that archaeology can be addressed through conditions on a detailed planning consent but this should be informed by an Archaeological DBA, including geoarchaeological assessment, and an Archaeological impact assessment.*

**KCC Lead Local Flood Authority (LLFA):** request a drainage strategy for the site prior to determination.

**Following receipt of additional information:** raise no objection subject to condition as the drainage strategy provided demonstrates that the site would have a proposed run-off rate of 2l/s which complies with the requirement for small sites in our drainage and planning policy statement (June 2017).

**ABC Drainage:** understood further information is requested by KCC as LLFA, further comments will be provided on receipt of this information.

**Following receipt of additional information:** no objection raised but should the LPA be minded to permit, I recommend that conditions requested by KCC as LLFA are imposed.

**Environmental Services:** raise no objection with the following observations made:

3G and astroturf multi-use games pitches are often subject to assessment in respect of noise due to their specific use in respect of their:

- Proximity to housing –commonly occurring in urban and densely populated locations
- Reflection/propagation of sound on hard surfacing
- Ball strikes on boarding/fencing
- Shouts/whistles
- PA systems
- Multiuse issues i.e. hockey or other potentially noisy clubs/activities etc.
- Intensity of use – commonly used at a much higher intensity level than grassed pitches, for a much longer period especially when flood-lit and in use throughout the day and into the late evening (i.e. 2200hrs)

With reference to the submitted plans for two traditional grass pitches, the pitches stand at closest approx. 50m from the nearest dwellings, there is little in the way of hard surfacing, there is no planned boarding/fencing to create ball-strikes, there is no PA system, there are no significant multi-use issues, and given the lack of floodlighting and limited multi-use opportunities gives little concern with reference to

the intensity of use. The only noise source liable to be of interest is that of shouts and whistles associated with the sporting activity. Both of these noise sources are particularly difficult to assess due to the variability in terms of volume, intensity of noise incidents, intensity of use of the pitches, and location on the pitches. Accordingly it is my opinion that an acoustic assessment is not liable to provide a robust or reliable assessment.

**Environment Agency:** raise no objection with the following observations made:

- Dwellings outside of floodzone 1
- A surface water flood risk would be required at reserved matters stage
- The conveyance of water must not be impeded, the minimum floor level should be set an acceptable minimum height above the identified flood level.
- KCC LLFA should be consulted for their comments on surface water management.
- No concerns about the design or location of the proposed sports pitches but we would wish to be consulted at Reserved Matters stage on the precise layout and construction requirements.
- We would object to any loss of floodplain conveyance or storage capacity that may be caused by land-raising or bunding [**HDM&SS comment:** there is no proposal at this stage and any subsequent application in respect of the landscaping of the site and drainage strategy can be considered at this stage in consultation with the EA and KCC as the LLFA]

**Southern Water Services: consulted;** raise no objection subject to an informative

**Kent Police: consulted;** need to consider the layout, security of the dwellings, boundary treatments, access to pitches, placement of parking to ensure adequate surveillance opportunities and management of visitor spaces. [**HDM&SS comment:** the application is currently only at outline stage with all matters reserved other than access and therefore this would follow at reserved matters stage where it is considered it could be addressed.]

**CPRE:** object to the application on the following grounds:

- the loss of high grade agricultural land from agricultural production
- no facilities provided for new pitches
- site in floodzone 3.
- Other existing pitches at cricket club
- Future development [**HDM&SS comment:** this would require planning permission and consideration of the impact would be assessed under any such application, this is not currently being considered].
- Highway safety
- Planning obligations should be sought to upgrade the existing facilities from other development sites

**Neighbours: 372 neighbours consulted:**

**192 support comments;** with the following points raised:



- Support the proposal as it is beneficial for Ashford
- The scheme will provide much needed funding that will secure the future of the club
- The club is important to the community and the development will help retain it
- The scheme brings forward much needed housing in a good location
- The scheme will ensure the societal wellbeing of the community
- The additional pitch at the club will help attract new members
- The facilities at the club will be improved, helping to keep valuable players at the club
- Retaining and improving sports facilities like this in Ashford are vital to keep children and adults fit and healthy
- Provide first class sport to the local area and allow the club to move forward and progress
- Optimises existing site
- There is no clear planning policy conflict against the development and therefore there seems no reason that would prevent this development from being approved
- A new access would mean less inconvenience for local residents at Ball Lane
- The developments would take up some of the sports field but would still leave ample room for those sports to still take place
- The club would not be able to function without this development and could close or relocate out of the area
- Limited impact on existing dwellings

**53 objection comments;** with the following points raised:

- There have been no local consultees at Ball Lane or Orchard Lane [**HDM&SS comment:** consultations have been carried out by letter to over 300 local residents, planning notices were posted on Canterbury Road and on Ball Lane opposite the two parts of the site and a notice published in the local press as part of the planning application process]
- Speed of traffic and highway safety concerns including for pedestrians

- Impact of the closure of the A28 if permitted [**HDM&SS comment:** this would be a matter for the highways authority during construction work if approved and deliveries and site personnel parking could be secured by condition]
- Width of Ball Lane
- Loss of privacy as a result of the new dwellings proposed [**HDM&SS comment:** this is an outline application and would be considered as reserved matters stage should the application be permitted]
- Loss of privacy to the Old Schoolhouse and Apple Tree Cottage utilising the footpath along the fence line
- Impact on setting of the listed buildings (Old Schoolhouse and Apple Tree Cottage)
- Impact of future expansion of the site on the ability of vehicles to use the A28 [**HDM&SS comment:** this would be subject to consideration at a later date should an application be submitted, this is not currently something the Council are being asked to consider]
- Additional access for further development when they need additional funding in the future could a S106 agreement be imposed to prevent this from happening [**HDM&SS comment:** each application would have to be assessed on its own merits and any future development would need to be assessed in the future if an application is submitted]
- The houses at Tritton's Field would be affected by the new access road
- The entrance to the proposal is on a dangerous bend in the road – visibility onto the road will be poor
- The bus stop will require relocating [**HDM&SS comment:** this is a matter for the Highway Authority to consider with the applicant]
- The cricket club are also proposing housing [**HDM&SS comment:** this is not something being considered under this application and no planning application for any such development has been approved or submitted for consideration]
- Impact on wildlife and the validity of ecological surveys given their age [**HDM&SS comment:** the ecological information submitted and the update to it satisfies KCC Ecology]
- Impact on bats
- Quinn Estates proposed sports pitches nearby but it is understood that the club have confirmed they do not intend to have discussions to relocate [**HDM&SS comment:** this is not a material planning consideration]

- Pollution
- The pitches are within Floodzones 2 and 3
- Strain on public services which cannot cope [**HDM&SS comment:** the proposal does not generate the need for financial contributions in line with the Planning Practice Guidance thresholds]
- Loss of views [**HDM&SS comment:** loss of a view is not a material planning consideration]
- Longstanding bottleneck so the road is not suitable for this development or the one opposite unless KCC widen the road
- Many support comments come from those who do not live near the site [**HDM&SS comment:** any person is able to make a representation on the application, it is acknowledged that many of the support comments come from those who are/have been members at the club]
- No proof of other avenues of funding being exhausted have been proven [**HDM&SS comment:** this is not a material planning consideration in this case]
- Individual costings and certification of the destination of funds raised needs to be provided [**HDM&SS comment:** this is not a requirement of the planning policies nationally or locally which needs to be provided]
- Previously the club stated it had outgrown its site but now it states it needs to build on part of it
- There have been no copying across of the original comments on the initial application to this one and no community consultation [**HDM&SS comment:** fresh consultation on each application is required to be carried out as set out in the legislation, the LPA cannot assume the same comments apply on this revised application, the onus is on persons wishing to comment to submit these for consideration]
- The size of the dwellings would not address the shortage of affordable housing [**HDM&SS comment:** the proposal does not meet the threshold for affordable housing provision]
- The football club could utilise pitches at local schools [**HDM&SS comment:** this is not something which we have been asked to consider by Sport England or the FA as an alternative to offset the loss of the existing pitch]
- Impact of Brexit on farming and need for land
- Loss of and deterrent to those utilising the public footpath [**HDM&SS comment:** the public right of way would be unaffected by the proposal]

- Injuries from the waterlogging and muddy pitches [**HDM&SS comment:** this is not a ground for refusal]
- Potential for fatalities
- The new pitches are of a lesser quality than those which currently exist [**HDM&SS comment:** the proposed pitches would need to comply with the FA requirements in terms of specification]
- The NPPF clearly states that enabling development is only intended to be used for conserving and enhancing the historic environment.
- This is development outside of the built confines
- It is unclear how the pitches would be retained solely for the use of the Football Club as they are adjacent to the public right of way [**HDM&SS comment:** whilst the pitches are adjacent to the PROW, this would not prevent them from being used by the Football Club]
- There will be pressure in the future for changing facilities, floodlighting etc. **HDM&SS comment:** this is not currently something the Council are being asked to consider, this report seeks to make a recommendation on the merits of the application before us]
- The extra pitch will bring with it more people and more traffic
- The proposed two new pitches are on an area of farmland and are only being added in an attempt to appease bodies like Sports England.
- The development would not address the fundamental cash flow issues that the club is suffering from in the long term. How long before the money runs out and we move to the next piece of land.
- The club do not own the existing car park or access and that is why they are seeking alternative access so they do own it. People should be able to assess the proposed future access as those with houses backing onto the field would be interested to know where this will be [**HDM&SS comment:** this does not form part of the application under consideration]
- The proposal suggests there will be a total of 604 movements through the new access per day, going above and beyond what is proposed.
- The entrance to the development on a busy road would be dangerous with the new houses and with this being the main access to the club.
- Have major concerns as to the safety of pulling on and off of the development onto the Canterbury Road as it is a very fast road

- There is a blind bend near where the access is proposed which poses a danger
- This is only a temporary fix on sustaining the hockey club, with the rest of the club likely to be developed at some point [**HDM&SS comment:** this is not something which is currently under consideration]
- A28 is already a busy road, if the M20 closes traffic along the road doubles as traffic is diverted onto this road from the M2. If there is an accident the whole road into and out of Ashford comes to a standstill or is closed [**HDM&SS comment:** this is not a ground for refusal]
- If the hockey club can lease the ground in Ball Lane for 30 years why is this money not going into their new pitch.
- The access is perfectly suitable from Ball Lane so why is there a need for a new access that will potentially overload the A28 with traffic waiting to turn off
- This development would be inappropriate in a sensitive countryside location around the Ashford urban area and will damage the natural rural character of the area.
- It will cause damage to residential amenity through noise impact from games going on.
- There are no amenities at the site; for example parking, lighting, changing rooms, toilets, showers or any health and safety facilities in case of an accident.
- For each extra pitch there will be an increase of traffic down Ball Lane. With 5 additional pitches there would be a 20% increase in traffic down Ball Lane. A further two pitches on the cricket pitch would take that up to 60%.
- There is already sufficient land at the hockey club to accommodate the necessary pitches [**HDM&SS comment:** the loss of the existing pitch needs to be offset in accordance with policy]
- Sad to see the recreational land being sold off for financial gain
- This housing application, alongside proposals in the Greater Burton area, Julie Rose area, and other sites/ lands off Canterbury Road (including a park and ride proposal) will themselves bring significant traffic and traffic related issues to the Canterbury Road **HDM&SS comment:** consideration of their impact in this respect will be considered under the relevant planning applications and are not material to this scheme]
- This proposal should be part of a comprehensive masterplan rather than as a piecemeal approach. If the long term plan is for the club to move site and sell up for housing, this should be considered by the Council and Sport England to

become part of the Borough Plan [**JDCM comment:** the Council have to consider the merits of the application as submitted]

- Prevent the ability of the club to expand in future
- The future roadway will see more playing fields lost [**HDM&SS comment:** this would require the benefit of separate planning permission and is not currently being considered under this application]
- S106 monies from Conningbrook and Julie Rose developments could be used to fund the Hockey Club [**HDM&SS comment:** the monies secured through s.106 from already-consented developments within the Borough have already been secured for projects identified in those s.106s, these cannot be now diverted elsewhere]
- There is only a 30 year lease for the land for the pitches [**HDM&SS comment:** any development proposals which would cause the loss of these pitches would be likely, if they were in active use, to require them to be off-set elsewhere]

## Planning Policy

13. 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.
14. The new Ashford Local Plan to 2030 has now been examined and the Local Plan Inspectors' report sets out the elements of the Submission Local Plan that they consider require amendment in order to be sound. In the context of paragraph 48 of the NPPF, this provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, these policies are sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' report, significant weight should be attached to the Inspectors' advice in the application of those policies.
15. 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 to Towns and Villages

**EN10** – Development on the edge of existing settlements

**EN23** – Sites of archaeological importance

**EN31** – Important habitats

**HG5** – Sites not on the proposals map

**LE12** – Loss of playing fields

**Local Development Framework Core Strategy 2008**

**CS1** – Guiding Principles

**CS2** – Borough Wide Strategy

**CS9** – Design Quality

**CS11** – Biodiversity and Geological Conservation

**CS15** – Transport

**CS18** – Meeting the communities needs

**CS19** – Development and Flood Risk

**CS20** – Sustainable Drainage

**Tenterden and Rural Sites DPD 2010**

**TRS17** – Landscape Character and Design

**Urban Sites Development Plan Document 2012**

**U0** – Presumption in favour of sustainable development

**U23** – Landscape character and design

16. The following are also material considerations to the determination of this application.

**Ashford Local Plan to 2030 (Submission Version December 2017 as recommended to be modified by the Inspectors in their report)**

**SP1** – Strategic Objectives

**SP2** – The Strategic Approach to Housing Delivery

**SP6** – Promoting High Quality Design

**HOU3a** – Residential windfall development within settlements

**HOU5** – Residential development windfall development in the countryside

**HOU12** – Residential Space Standards internal

**HOU14** – Accessibility Standards

**HOU15** – Private External Open Space

**TRA3a** – Parking Standards for Residential Development

**TRA5** – Planning for Pedestrians

**TRA6** - Provision for Cycling

**TRA7** – The Road Network and Development

**ENV1** – Biodiversity

**ENV3a** – Landscape Character and Design

**ENV4** – Light Pollution and Dark Skies

**ENV5** – Protecting important rural features

**ENV6** – Flood Risk

**ENV7** – Water Efficiency

**ENV9** – Sustainable Drainage

**ENV13** – Conservation an enhancement of heritage assets

**ENV15** – Archaeology



**COM2 – Recreation, Sport, Play and Open Space**

**Supplementary Planning Guidance/Documents**

Landscape Character Area SPD

Sustainable drainage SPD

Residential Parking SPD

Residential Space and Layout SPD 2011 – External Space Standards Only

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) 2018

17. 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:-
18. Paragraph 48 states in relation to the stages of preparing a Local Plan that:  

“Local planning authorities may give weight to relevant policies in emerging plans according to:

  - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) 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

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

19. Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
  - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
20. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
21. Paragraph 170 states that the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services should be included in the decision making process. This includes the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Footnote 53 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
22. Paragraph 175 outlines when determining applications, local planning authorities should apply principles to ensure if significant harm to biodiversity cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused... development whose primary objective is to conserve or enhance biodiversity should be supported; whilst opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
23. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

24. Paragraph 189 outlines the requirement for applicants to submit a desk-based assessment and where necessary a field evaluation for sites where the proposal includes or has the potential to include, heritage assets with archaeological interest. Paragraphs 192-194 outlines the requirement to assess the impact of a proposed development on the significance of a designated heritage assets. It goes on to state:

*great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

National Planning Policy Guidance (NPPG)

## **Assessment**

The following issues are considered to be raised by the application

- The principle of the development
- Visual Amenity and impact on heritage assets
- Residential Amenity
- Highway Safety & Parking
- Ecology
- Archaeology
- Flooding & Surface Water Drainage

- Other issues

### **The principle of the development**

#### Dwellings

25. The application site is not allocated in the adopted or emerging local plan and therefore is a windfall site and considered against the adopted development plan policies and the guidance contained within the NPPF. The Local Plan Inspector's recent report to the Council confirms that they have concluded that there is a 5-year housing land supply. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para. 11 of the NPPF (where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits) does not need to be applied.
26. The Local Plan was submitted for examination in December 2017. The Council may now adopt the Plan as soon as practicable with the amendments required in the Inspector's report unless the Secretary of State intervenes. Once adopted, the Local Plan 2030 will form the main part of the statutory development plan for the borough. Formal adoption is expected in February 2019. The emerging Local Plan policies should now be afforded significant weight in the planning balance.
27. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
28. The National Planning Policy Framework is one such material consideration. As set out above, the Framework indicates that the weight to be attached to existing policies in the development plan will depend according to their degree of consistency with the Framework as outlined under paragraph 48.
29. The proposed erection of 9 dwellings on the land to the south of the site would front onto Canterbury Road. Whilst the proposal is outside of the built up confines of Ashford, the location is not considered to be isolated in NPPF terms as the dwellings are in close proximity to every day community facilities and services including the local primary schools, Towers secondary school, St Marys Church and the local centre on Faversham Road and nearby Little Burton Farm estate. Regular bus services run along Canterbury Road to and from Ashford Town Centre and Canterbury as well as other local routes.

30. Saved policy HG5 states that residential development of five or more dwellings on sites which are not on the proposals map, except for windfall sites which have come forward for development within the confines of Ashford, Tenterden, Charing, Hamstreet or Wye would be permitted subject to

(a) the site being within walking or cycling distance of work, school, shopping, community and leisure facilities. The site would be sustainably located as outlined above and whilst outside of the confines, the site is adjacent to the confines of Ashford.

(b) The site must not displace other uses including leisure uses for which there is a need. This issue will be addressed as set out in the report which follows below.

(c) The proposal does not result in town or village cramming and is of a good design, this would be considered under the subsequent reserved matters application but given the number of dwellings and the site area, there is no reason to consider the proposal will lead to bad design.

The proposal would not generally conflict with the criteria set out under this saved policy, although it is contrary to the policy in terms of its location outside the confines of Ashford. However, this approach to “confines” is out of date under the NPPF’s policies, and the new Local Plan will replace this approach with one based on policy HOU5 as outlined below. Therefore this current non-compliance with saved policy HG5 should be given very little weight in the planning balance.

31. The development must also be considered against emerging policy HOU5, as Ashford is outlined as a settlement where new residential development close to or adjoining its built up confines is acceptable subject to meeting certain criteria which include the following:

*a) the scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development, in liaison with service providers;*

*b) the site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;*

*c) the development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;*

See highway safety/parking section.

*d) the development is located where it is possible to maximise the use of public transport, cycling and walking to access services;*

*e) conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality;*

See ecology and visual amenity sections.

*f) the development (and any associated infrastructure) is of a high quality design and meets the following requirements:-*

*i) it sits sympathetically within the wider landscape,*

See visual amenity section.

*ii) it preserves or enhances the setting of the nearest settlement,*

See visual amenity section.

*iii) it includes an appropriately sized and designed landscape buffer to the open countryside,*

See visual amenity section.

*iv) it is consistent with local character and built form, including scale, bulk and the materials used,*

See visual amenity section.

*v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*

See residential amenity section.

*vi) It would conserve biodiversity interests on the site and /or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.*

See ecology section.

32. The proposal only includes consideration of access from the A28, with all other matters reserved, consideration of how the proposal would comply in relation to the relevant sections is found in the corresponding section of this report. However, the principle of the development in respect of its

sustainability and access to services (criteria b. and d.) and ability of Ashford to absorb this level of development (criteria a.) is considered below.

33. Ashford has a wide range of services, the number of dwellings proposed is 9, and this would be commensurate with the size of the town and service provision available. In line with central government guidance contained within the Planning Practice guidance, there is no requirement to seek financial contributions to provision of off-site services including education, health and public open space to mitigate any harm in any case. The site is in very close proximity to these services and these can be reached both on foot, by cycle or public transport safely and with ease.
34. It is considered the development proposed would comply with criteria a, b and d of emerging policy HOU5.
35. The NPPF states, under paragraph 97 that existing open space, sports and recreational buildings and land, including playing fields, should not be built on. This is unless there is either:
  - a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
36. In this particular instance, there would be the loss of one existing sports pitch and the provision of two new sports pitches resulting in a net increase of one sports pitch which is a public benefit. Improvements to the existing recreational building and artificial pitch on the site, both of which are in need of renovation and enhancement, would be potentially able to be funded by the applicant by the monies raised from the housing, but these improvements have not been designed, do not form part of this application and may require separate planning permission so they cannot be secured now even if there were a good planning reason to do so, which there is not.
37. Development plan policies both saved, adopted and emerging all take the same stance and therefore are in compliance with the NPPF. Saved policy LE12 states that proposals which include the loss of playing fields will be permitted where there is no significant impact on the quality or character of the local environment and, in this instance, an alternative playing field is provided of at least equal leisure value and located so that the local community can readily use it. As outlined above, the proposal would result in

the replacement of these facilities with like-for-like provision with a net benefit for users of the club and the wider community of an additional sports pitch. Sport England request a community use agreement be secured and this can be required by condition, therefore, in compliance with this aspect of the policy. The impact on the character of the local environment will be assessed under the following section of this report.

38. Adopted policy CS18 states that the loss of community facilities, which include recreation, sports and leisure facilities will be resisted, unless they no longer are required or are obsolete. The facilities are still required and are being replaced with like-for-like provision, therefore would comply with the policy.
39. Emerging policy COM2, which carries significant weight is in line with the provision within the NPPF under paragraph 97 in that it states that existing sport and recreational buildings and land shall not be redeveloped for other purposes, unless any loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
40. The existing pitches are all contained within a single site served by the Hockey Club pavilion and car park. The loss of one of the sports pitches and its replacement, like-for-like with a net increase of one pitch in terms of the current situation across the road, to the north would not be unacceptable. This would be easily accessible along the public right of way.
41. There is potential, as outlined in the comments received from concerned residents, that the pitches at the former cricket club, which is immediately adjacent to the hockey club at Ball Lane could be utilised. The Cricket Club have moved elsewhere within the Borough. However, its land is not within the control of the applicant but has been used by agreement with the Cricket Club. This form of permissive agreement cannot be relied upon in planning terms and this proposal seeks permission for development of a pitch on the application site and its replacement as described. Officers consider subject to conditions, that the proposal would comply with the aforementioned policies and guidance contained within the NPPF.

#### Replacement Sports Pitches

42. The NPPF outlines that where significant development of agricultural land is considered to be necessary, areas of poorer quality should be preferred to those of higher quality. Whilst the land on which the sports pitches are proposed is grade 1 agricultural land, which is the highest quality, a site visit and aerial photographs confirm it has not been used intensively in recent years for any arable crops and is used only for light grazing for pastoral farming. Furthermore, the proposed development would not preclude its future use given there is no intrusive operational development proposed which



would inhibit this use in the future. Therefore, it is not considered that the development in terms of the NPPF would be considered significant in scale or impact to conflict with this guidance.

### **Visual Amenity and impact on heritage assets**

#### Replacement Sports Pitches

43. The proposed sports pitches are located to the rear of the existing dwellings fronting onto Ball Lane within the Stour Gap Landscape Character Area. Two of these are dwellings which back directly onto the site are Apple Tree Cottage and Old School House (Grade II listed). The rear of their gardens back onto the site with the dwellings set forward fronting onto Ball Lane. These sit within generous plots with large rear gardens.
44. Consideration of the impact of the proposal on the designated heritage assets would need to be assessed against the criteria set out under emerging policy ENV13 which states:  
  
*Proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.*  
  
*Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.*
45. The above is supported by the guidance contained in the NPPF under paragraph 193 which seeks to ensure that the impact of development on heritage assets is considered against the significance of the heritage assets. Great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to the significance of a designated heritage asset including development within its setting, should require clear and convincing justification. Paragraph 196 goes on to outline where the harm caused by the development is less than substantial, this harm should be weighed against the public benefits of the proposal.
46. It is acknowledged that there may be some corner flags and goal posts erected. Control over any fencing that may be necessary to prevent stock straying onto the pitches can be secured by condition in order to ensure that it does not generate noise from ball-strike or harm visual amenity or the

landscape. The resultant visual impact would be minimal and not uncharacteristic of an edge of town location where sports facilities such as these transition into the open countryside beyond. This would not significantly harm the setting of the two listed buildings immediately adjacent to the site and the less than substantial harm caused would be outweighed by the public benefit of increased provision of sports pitches for the community. It is considered that the wider Conservation Area would be preserved by the proposed development of the sports pitches.

47. The site of the proposed sports pitches is within the Stour Gap Landscape Character Area and therefore development here would be considered against policy TRS17 and emerging policy ENV3a. The landscape objective here is to conserve and restore. The characteristics of the landscape here are of cattle grazed pasture with streams and scrub with willow, alders and poplars. The landscape is a parkland setting which is not visible from Ball Lane but is accessible on foot along a public right of way, so is visible from public vantage points. The proposal, as outlined above, would have a minimal impact on the landscape by virtue of the marking out of pitches and ancillary equipment such as flags and football goals. These would not have a significantly urbanising effect on the landscape, provided that any fencing is carefully controlled by condition, and overall the impact would not be uncharacteristic of an edge of settlement recreation facility.

#### Dwellings

48. This application is not considering the appearance, layout, landscaping or scale of the proposed dwellings only the vehicular access serving the site off of Canterbury Road. However, the indicative layout shows 9 detached dwellings arranged in a linear pattern of development. This is not dissimilar to the current rhythm and pattern of development which exists along this part of Canterbury Road. Whilst it would extend the built form along the Canterbury Road, this would not be out of character and the slight set-back location of the dwellings within the site enables landscaping to be considered to mitigate the loss of the existing hedgerow which would need to be removed to provide the relevant sight lines. This could be considered at reserved matters stage. While the detailed consideration as to whether the proposal would comply with criteria f. i)-iv) cannot be considered at this stage, it is considered that they can all be met in an acceptable manner at reserved matters stage. The proposed vehicular access onto Canterbury Road would result in a degree of urbanisation following the removal of the hedgerow but this could be mitigated through the replacement of hedgerow behind the sight lines which could be conditioned at reserved matters stage.
49. In light of the above, it is considered that the proposed development would not result in visual harm or significant harm to the setting of the designated heritage assets identified given its location and on the basis of the indicative

details provided. Details relating to the appearance, layout, landscaping and scale would be considered under any future reserved matters application.

## **Residential Amenity**

### Replacement Sports Pitches

50. The provision of two sports pitches would generate additional noise and disturbance. This is something which has been raised by residents. However, the proposal, would not result in significant harm to the amenity of existing or future residents as the pitches would only be in use during day light hours by virtue of the lack of external lighting and any public announcement system, both of which the Council could control by the imposition of a condition. Also there is no means of enclosure proposed which could result in noise emanating from ball strike and the pitches are located approximately 50 metres from the private garden areas of the nearest dwellings, Old School House and Apple Tree Cottage. Given this and that the only noise being generated being from shouts and whistles being blown, this would not give rise to a significantly harmful impact to the amenity of neighbours. As outlined by the Council's Environmental Health Officer, this is particularly difficult to assess due to the variability in terms of volume, intensity of noise incidents and the location of the pitches. It is considered, that whilst no noise assessment has been submitted, in the professional opinion of the Council's Environmental Health Officer, an acoustic assessment is not liable to provide a robust or reliable assessment of the impact, therefore no such report has been requested from the applicant. Based on this assessment, whilst there would be noise generated, it is unlikely to result in significant harm to the amenity of residents. Environmental Health, raise no objection on this basis.
51. Residents have also raised concerns regarding their amenity as a result of increased noise and disturbance and pollution as a result of the new pitches. The existing site does not have a condition which caps the number of persons who are able to utilise it at any one time. It is located on a no-through road which in places is narrow, this prevents vehicles from travelling at speed. It should be noted that whilst there is an increase in the number of pitches, given there is only a net increase of one pitch above and beyond the existing situation, which also takes into account the part of the wider site formerly used by the Cricket Club, this would not significantly alter the status quo.
52. Residents who back onto the land have also raised concern regarding overlooking of their gardens and a resultant loss of privacy. Given the size of these gardens, the separation distances from the pitches and the existing agricultural land, where a permissive footpath passes through without any means of enclosure, this would not result in any significant loss of privacy.

### Dwellings

53. Criteria f. v) of emerging policy HOU5 requires new residential development to not result in harm to the amenity of nearby residents. Whilst the layout plan is only indicative, there is a sufficient separation distance between the existing dwelling adjacent to the site (No.352 Canterbury Road) and each of the proposed dwellings and as a result, there would not be overbearing impact to the amenity of the occupiers of this neighbouring dwelling. The details of the proposed dwellings is not for consideration at this stage. When being considered at the reserved matters stage it will be ensured that there are no windows on any of the proposed dwellings that would cause any unacceptable overlooking of existing dwellings and their private garden areas.
54. The indicative layout plan suggests that gardens can be provided to a size which complies with the Council's Residential Space and Layout SPD. The reserved matters application should ensure that the internal accommodation proposed complies with the National Space Standards. This can be secured by condition.
55. The proposed dwellings would be located to south of the existing pitches. Similar to the existing dwellings along Canterbury Road, there would not be any significant adverse impact on their amenity by virtue of the separation distances from the artificial pitch which is floodlit and can be utilised during the winter months during the evening period, whilst the remaining unlit pitches can only be used on the same basis as the proposed replacement pitches and are unenclosed and as they are not directly floodlit would not give rise to use at unsociable hours. Therefore, the proposed dwellings would not be subjected to undue noise and disturbance which would result in significant harm to the residential amenity of future occupiers.
56. Given the above, I am satisfied that the development would not result in unacceptable levels of harm to the residential amenity of neighbouring dwellings or future occupiers and as such the proposal would be acceptable in terms of impact on residential amenity.

### **Highway Safety & Parking**

#### Replacement Sports Pitches

57. As outlined in the residential amenity section of this report, the existing site does not have a condition which caps the number of persons who are able to utilise it at any one time. It is located on a no-through road which in places is narrow, this prevents vehicles from travelling at speed. It should be noted that whilst there is an increase in the number of pitches, given there is only a net increase of one pitch above and beyond the existing situation, which also

takes into account the part of the wider site formerly used by the Cricket Club, this would not significantly alter the status quo. There is a large car park on site and whilst concerns have been raised about parents and those utilising the new pitches parking on Ball Lane, the Council cannot enforce where people park their vehicles but are satisfied that there is sufficient on-site parking to prevent parking on the road which would otherwise result in harm to highway safety.

### Dwellings

58. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. This is reinforced by the requirement under emerging policy HOU5 under criteria c.
59. The site would be served by a new vehicular access off of the A28. Suitable visibility splays can be provide and turning on site through the provision of an internal access which would run parallel to the existing highway. It is considered by the Highway Authority, subject to conditions, that the proposed development would not give rise to highway safety concerns. Therefore, the development would be able to be safely accessed from the local road network. The vehicle movements associated with the 9 dwellings proposed can be accommodated without harm to highway safety.
60. Whilst this is only an outline application, the indicative layout proposed shows parking to serve each of the dwellings. This is in accordance with the Council's Residential Parking SPD but not the Council's emerging policy TRA3a which seeks 3 parking spaces for any dwelling with 4 or more bedrooms. It is, however, considered that the development would be able to accommodate sufficient parking and this could be demonstrated at reserved matters stage with a condition imposed at outline stage to secure sufficient parking in accordance with policy TRA3a. Therefore the development would comply with criteria c. of emerging policy HOU5.

### **Ecology**

#### Replacement Sports Pitches

61. An ecological scoping survey was not submitted originally with the application in line with the requirement to consider the impact on biodiversity on and/or adjoining the site to ensure that there is no adverse impact to international and nationally protected species and their habitat. This is a requirement under saved policy EN31, emerging policy ENV1 and adopted policy CS11 which

are in accordance with the guidance contained within the NPPF under paragraph 175. It is also a requirement of European and National legislation. Following concerns raised by KCC Ecology, a scoping survey was submitted which concluded that the proposed development, which may include some levelling and subsequently, ploughing and sewing of new playing surfaces in accordance with the Football Association specification, and which is not dissimilar to an agricultural use on the site. Therefore, the proposal would not result in the need for a European Protected Species Licence. KCC Ecology are satisfied that subject to a condition imposed if permission is granted for an Ecological Management Plan, there would be no harm in respect of ecology and protected species. It is therefore considered, the proposal complies with both local and national policies.

#### Dwellings

62. The existing site is well maintained and of low ecological interest. There would no harm caused to protected species or their habitats in line with the requirement under criteria f. vi) of emerging policy HOU5.

#### **Archaeology**

63. The proposed development of the replacement sports pitches would lie within an area of archaeological potential. A desktop study has been carried out as part of the submission which KCC Heritage's Senior Archaeologist confirms is sufficient to enable her to raise no objection subject to a condition to be imposed should permission be granted. It is considered that given the nature of the development and the imposing of this condition, there would no harm to the significance of any archaeological remains which is in line with the requirements of the NPPF, saved policy EN23 and emerging policy ENV15.

#### **Flooding and Surface Water Drainage**

##### Replacement Sports Pitches

64. The replacement sports pitches are within floodzones 2 and 3, however their use is considered, under the planning practice guidance to be classified as 'a less vulnerable use' which is compatible with areas at risk from flooding. KCC as the Lead Local Flood Authority and the Council's Drainage Engineer have commented on the application and following the receipt of a Surface Water Drainage Strategy and a Flood Risk Assessment, the latter of which is required by emerging policy ENV6, the run off from the site would not be significantly altered.

#### Dwellings

65. The remainder of the site, is outside of the floodzones 2 and 3 and it is considered that there is the ability to control surface water run-off in line with the Council's Sustainable Drainage SPD and KCC's LLFA requirement under their drainage and planning policy statement (July 2017) for small sites.
66. No objection has therefore been raised in respect of flooding or surface water run-off as a result of the development proposal when taken as a whole. It is considered that there would not be an increase in surface water run-off or flooding elsewhere. Details of the design, construction and drainage of the proposed pitches would be addressed by condition to ensure they are able to be utilised all year in line with the comments from Sport England.

## **Human Rights Issues**

67. 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**

68. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

69. The proposed development would result in the loss of an existing sports pitch but this would be off-set with two new sports pitches on land which is in close proximity to the existing site. The proposed loss of grade 1 agricultural land would not be significant and could easily be reversed in the future should the land no longer be required for the use proposed.
70. There is scope to secure provision which is of equivalent or better provision in terms of quantity and quality in a suitable location and this can be secured by condition as requested by Sport England. Whilst the site of the Replacement Sports Pitches is within Floodzones 2 and 3, given the nature of the use, this would be compatible with this designation and the Environment Agency and KCC as the LLFA raise no objection. There would be control of hours of construction, provision of lockable bollards to prevent anti-social behaviour,

control of permitted development, provision of parking spaces for the proposed dwellings, restrictions to prevent public address systems and floodlighting for the replacement sports pitches through condition to ensure there is no significant harm to amenity of local residents.

71. The proposed dwellings do not comply with saved policy HG5 in principle, but little weight should be given to this in this case, and they would comply with emerging policy HOU5 as they would be in close proximity to everyday shops and services and be in a sustainable location by virtue of this proximity and access to public transport. Matters relating to layout, scale, appearance, and landscaping are reserved for future consideration. However, based on the information available and indicative drawing submitted I am confident that a scheme can be designed which will represent an appropriate form of development that sits comfortably within its contextual setting in accordance with policy.
72. In terms of the impact of the development on the setting of the adjacent Listed Buildings and conservation area, I am satisfied that a scheme can be designed that would result in less than substantial harm to the setting of the Listed Buildings in accordance with policy. The public benefits of this proposal in terms of the replacement and additional pitches, and the modest contribution towards maintaining the Council's 5 year housing land supply would outweigh any limited harm that may arise.
73. There would be no unacceptable levels of harm to highway safety, ecology, drainage, flood risk and residential amenity which would warrant refusal of the proposed development.

## **Recommendation**

**Grant Outline Planning Permission subject to planning conditions, including those dealing with the subject matters identified below, with delegation to the Head of Development Management & Strategic Sites or the Joint Development Control Managers to settle the wording of planning conditions as she/he sees fit with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 1<sup>st</sup> October 2018**

**Subject to the following Conditions and Notes:**

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application
3. Biodiversity enhancement measures



4. Ecological Management Plan
5. Access and visibility splays
6. Parking spaces
7. Hours of construction
8. Construction and Transport Management Plan
9. Footways and carriageway works
10. Cycle Parking
11. Details of the lockable bollards to prevent vehicular access to the site off of Ball Lane
12. SUDs
13. Maintenance manual for the proposed sustainable drainage system
14. Submission of a Verification Report pertaining to the surface water drainage system
15. Protection of trees
16. Protection of hedgerows
17. Walls, fencing and boundary treatments
18. Removal of Permitted Development rights and requirement of prior approval of any means of enclosure or boarding around and adjacent to sports pitches off of Ball Lane
19. Landscape Management Plan
20. Living accommodation in accordance with National Space Standards
21. Control of use of approved dwellings as single dwellinghouses.
22. Refuse storage
23. Electric car charging points
24. Water consumption measures
25. Removal of household Permitted Development rights
26. Broadband Fibre provision
27. Disposal of sewage
28. Measures to protect existing sewage pipes
29. Archaeological Watching Brief
30. The development of the 9 dwellings hereby permitted shall not be commenced until the replacement playing fields have been completed and made available for use and a community use agreement approved and in place.

31. Pitches to be used only for football or hockey and retained and operated in accordance with the community use agreement.
32. Detailed design of proposed replacement sports pitches
33. Evaluation of ground conditions for replacement pitch site and specification of proposed soils, construction, drainage, maintenance and cultivation to enable it to be used for playing.
34. No external lighting for the new replacement pitches.
35. No public address system for the new replacement pitches
36. Development in accordance with the approved plans.
37. Development to be available for inspection.

### **Notes to Applicant**

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

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance .....

- the applicant/agent was updated of any issues after the initial site visit,
  - was provided with pre-application advice,
  - the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
  - the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
1. There is merit in meeting Kent Police to discuss the design and potential CPTED concerns at outline stage, also any formal applications e.g. SBD. We

would welcome a meeting with the applicant/agent to discuss site specific Crime Prevention in detail, any notes from the meeting may be passed back to Planning as part of our full response to this planning application. If the applicant/agent fails to contact us, it may affect the development and have a knock on effect for the future services and duties of the Community Safety Unit (CSU) and local policing.

2. The conveyance of surface water must not be impeded, the minimum floor level should be set an acceptable minimum height above the identified flood level and included in the submission for reserved matters.
3. No development or new tree planting should be located within 3 metres either side of the external edge of the public foul and surface water sewers and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public foul and surface water sewers.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

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). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

No surface water is to be permitted to discharge to the public surface water network without prior approval from Southern Water.

4. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation (web:[www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

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

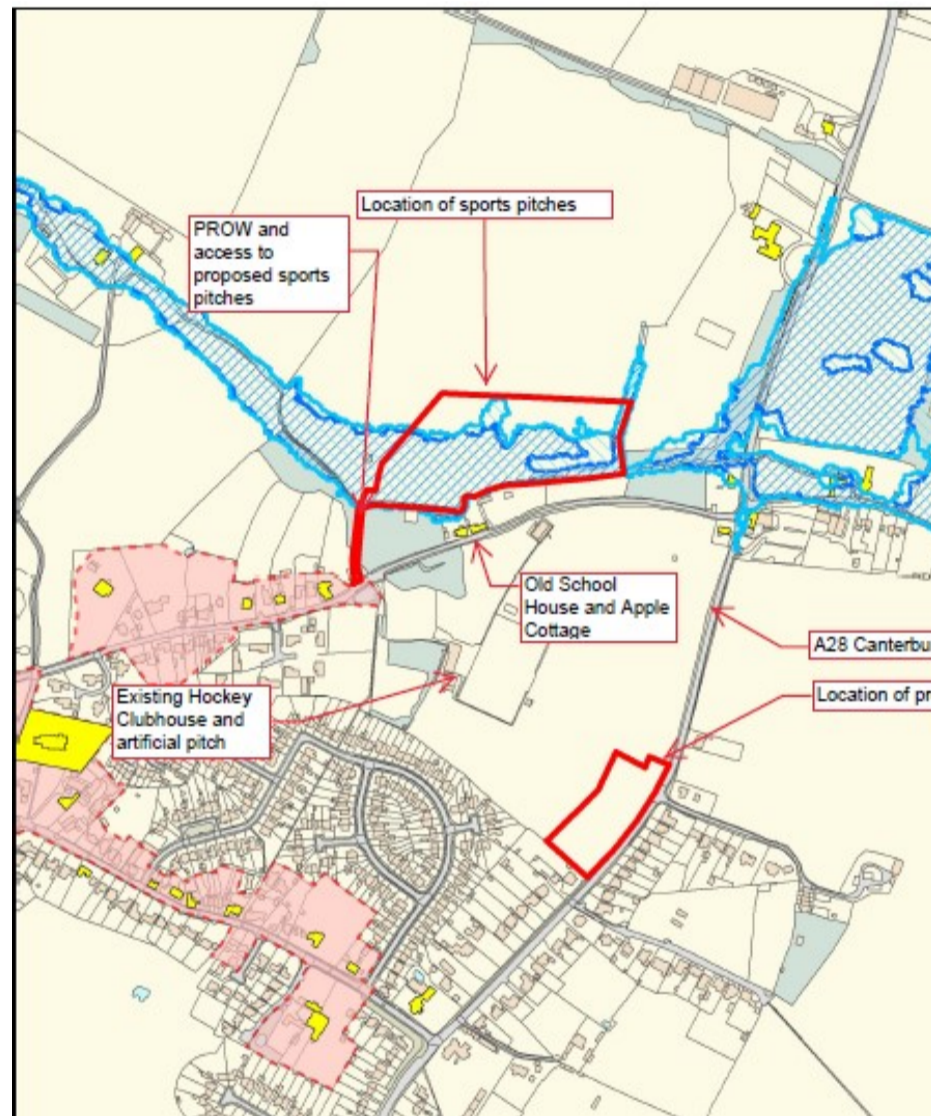
5. In accordance with BS5489 in new streets where trees are to be planted the lighting should be designed first and planting sites fixed afterwards.
6. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

## 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 18/01140/AS)

**Contact Officer:** Rob Bewick  
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**Telephone:** (01233) 330683

Annex 1



<b>Application Number</b>	18/0448/AS
<b>Location</b>	Land South of Tilden Gill Road, Tilden Gill Road, Tenterden
<b>Grid Reference</b>	89372/33117
<b>Parish Council</b>	Tenterden Town Council
<b>Ward</b>	Tenterden South
<b>Application Description</b>	Application for the approval of reserved matters (access, appearance, landscaping, layout, and scale) pursuant to outline permission ref 14/01420/AS for the erection of up to 100 dwellings, parking, landscaping, open space and associated works
<b>Applicant</b>	Redrow Homes, Prince Regent House, Quayside, Chatham, Kent, ME4 4QZ
<b>Agent</b>	Redrow Homes, Prince Regent House, Quayside, Chatham, Kent, ME4 4QZ
<b>Site Area</b>	Ms J Hanslip, Urbanissta Ltd, Eastside, London, N1C 4AX

## Introduction

1. This application was previously considered at the 12 December 2018 Planning Committee and was deferred by Members for officers to seek amendments. The resolution of the Planning Committee was recorded as follows:  
  
***‘Deferred to a future meeting of the Planning Committee to allow the applicants to submit amended plans showing the deletion/re-siting of plots 46 and 56 to allow an increased buffer width on the eastern boundary adjoining Belgar Farm’***
2. In accordance with this resolution and following the receipt of amended plans, the application is reported back to the Planning Committee for determination.

## Site and Surroundings

3. Please refer to 12<sup>th</sup> December 2018 Planning Committee Report (which is appended as annexe 2 to this report).

## Proposal

4. The development proposals remain as previously submitted i.e. reserved matters approval sought for access, appearance, landscaping, layout, and scale, pursuant to outline permission ref 14/01420/AS for the erection of 100 dwellings, parking, landscaping, open space and associated works.
5. The development remains largely the same as the proposals previously considered at the 12 December 2018 Planning Committee with the exception of a relatively minor change to the layout which has seen plots 46 and 56 re-sited.
6. Whilst the layout change does affect one of the affordable housing units, it has simply been relocated and therefore the percentage of affordable housing to be provided remains unaltered.
7. **Figure 1** below details the proposed amended layout.



**Figure 1: Proposed layout**

8. Figures 2 and 3 below highlight the differences between the amended plans and the previous proposal. **Figure 2** below details the previously proposed locations of plots 46 and 56. **Figure 3** below shows where these units are proposed to be relocated.





**Figure 2: Layout as previously proposed (plots 46 and 56 circled)**



**Figure 3: Proposed amended layout (re-sited plots 46 and 56 circled)**

9. The net result of these layout changes is that a wider landscaped buffer strip of between 15-16 metres (where the development is closet to Belgar Farm) is now proposed to be provided along this particular boundary.
10. Following the submission of amended plans, I understand that the applicant arranged a meeting with Tenterden Town Council, the Ward Member, Cllr Knowles, and representatives of the Belgar Residents Group. This meeting took place on the 20<sup>th</sup> December 2018. The purpose of the meeting was for the applicant to present the proposed amendments to these parties. I also understand that Redrow subsequently sent a letter to Town Council, the Ward Member and representatives of the Belgar Residents Group, summarising the revised plan and responding to the issues raised during that meeting.

## Planning History

11. Please refer to 12<sup>th</sup> December 2018 Planning Committee Report (which is appended as Annexe 2 to this report).

## Consultations on Amended Plans

**Ward Member:** No comments received.

**Tenterden Town Council:** No comments received at the time of finalising this report.

**Belgar Farm Residents Group:** No comments received at the time of finalising this report.

**[HoDM&SS comment:** Any additional representations received will be detailed within the Planning Committee Update Report]

## Planning Policy

12. Please refer to 12<sup>th</sup> December 2018 Planning Committee Report (which is appended as Annexe 2 to this report).

## Assessment

13. Plots 46 and 56 have been re-sited within the proposed layout. The amendments have resulted in a wider buffer strip being provided along the eastern boundary of the site where it adjoins the boundary with Belgar Farm.
14. The buffer strip, which would be landscaped, has been increased to between 15-16 metres in width in the location where plots 46 and 56 were previously proposed.

15. The re-siting of the units would not result in a significant change to the rest of the layout and I am satisfied that they can be accommodated in the amended locations without compromising the overall quality of the development as a whole. I am satisfied that the proposed amended locations are acceptable when balanced against the benefits that would be derived from moving them.
16. The amendments to the layout would provide a greater level of protection to the trees located along the eastern boundary and would also be of increased benefit to the setting of the listed buildings that form the Belgar Farm group.
17. The proposed amendments are in line with the resolution of the Planning Committee of the 12 December 2018 and, in all other respects, my assessment of the other elements of the scheme remains unchanged. Please refer to Annexe 2 to this report.
18. In light of the proposed amendments to the layout received I am satisfied that the proposal is acceptable.

## **Human Rights Issues**

19. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## **Working with the applicant**

20. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

21. The proposal would accord with the Development Plan as a whole.
22. This is a reserved matters application and therefore the principle of the development has been accepted and cannot be revisited. Outline permission was granted at a time when the Council was unable to demonstrate a deliverable 5 year housing land supply.

23. The proposed number of dwellings would be in accordance with the outline permission. The proposed density of 19dph is considered to be acceptable given the location of the development on the edge of the town and adjacent to the AONB. It would provide an appropriate transition from the higher density development of Shrubcote and Priory Way.
24. The proposals take account of supplementary planning documents and guidance.
25. The proposed type and mix of homes has been chosen to meet local market demand and is also in broad compliance with the Council's SMHA. The amount of affordable housing (35%) is in accordance with the S106.
26. The development would accord with the Council's adopted parking standards
27. The development would meet the nationally described Space Standards and the Council's adopted standards in relation to internal space and private external space.
28. The applicant has gone some way to amend the design of their standard 'Heritage' house types in an effort to provide a higher design quality. Whilst the Council has clear design expectations and seeks to raise the standard of design across the Borough the outline permission was granted pre 2018 NPPF and prior to the submission of the new Local Plan. The improvements to the overall design of the housing is considered to be acceptable in the specific context of this case
29. I consider that the application (in its amended form) now represents a scheme that can be approved. The revised layout received in late December 2018 has taken account of, and is in accordance with, the resolution of the 12<sup>th</sup> December 2018 Planning Committee.

## **Recommendation**

### **(A) PERMIT**

**Subject to the following conditions and notes including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018 with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

### Conditions

1. Provision of a resident's information pack (refers to landscaped areas, Management Company, parking etc.)
2. Rainwater butts
3. Removal of PD rights
4. Parking
5. Soft landscaping implementation plan/Landscaping maintenance
6. Landscaping details
7. For the flats details of signage/lighting/secure access for bicycle stores etc
8. Use of dwellings as C3 dwellings only
9. External fine details elevations
10. Suds
11. Ecology
12. Lighting
13. Diversion of the PROW
14. Provision of new parking spaces and new access in accordance with plans
15. Details of bollards for emergency access
16. Electric vehicle charging points

### Notes to Applicant

#### 1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## 2. Southern Water

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 S021 2SW (Tel: 0330303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

## 3. PROW

Any proposed work on PROW must be approved and authorised by Kent County Council's PROW and Access Service prior to works taking place.

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

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

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

Any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

## **Background Papers**

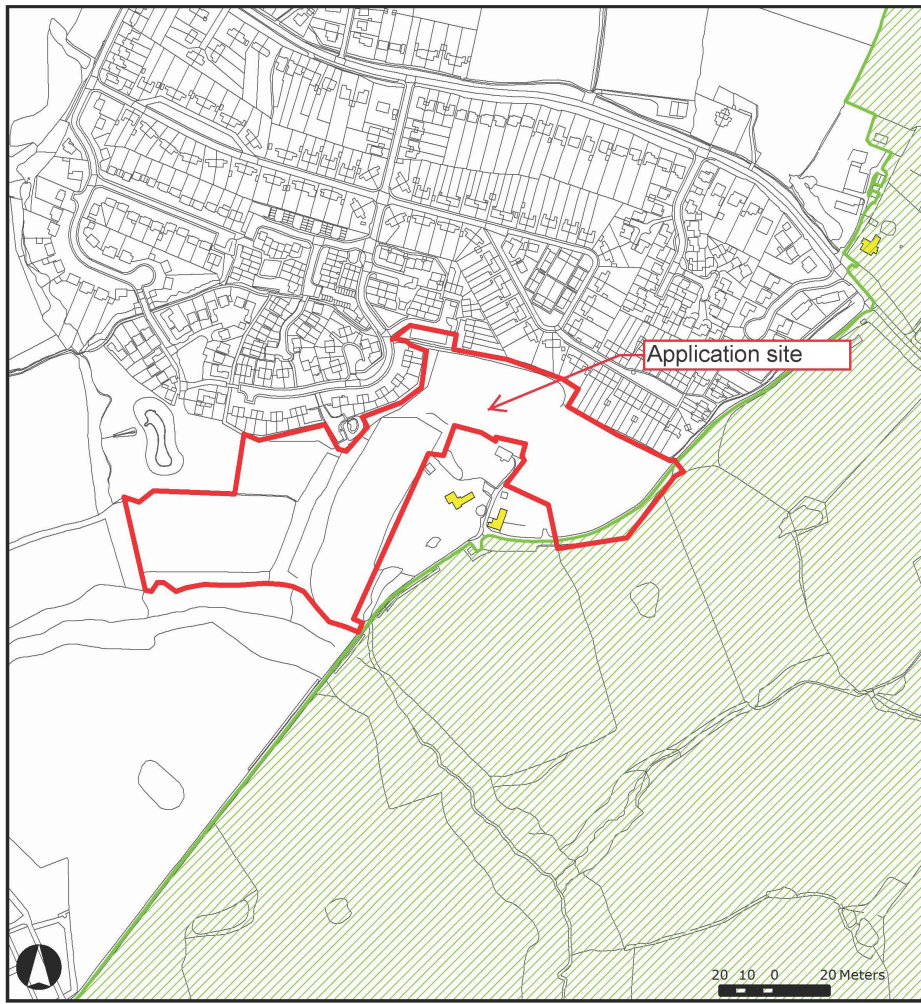
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**Contact Officer:** Alex Stafford  
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Annex 1



# Ashford Borough Council



- AONB
- Listed Building
  - LISTED
  - DELISTED
  - REMOVED
  - UNKNOWN

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<b>Application Number</b>	18/00448/AS
<b>Location</b>	Land South of Tilden Gill Road, Tilden Gill Road, Tenterden
<b>Grid Reference</b>	89372/33117
<b>Town Council</b>	Tenterden Town Council
<b>Ward</b>	Tenterden South
<b>Application Description</b>	Application for the approval of reserved matters (access, appearance, landscaping, layout, and scale) pursuant to outline permission ref 14/01420/AS for the erection of up to 100 dwellings, parking, landscaping, open space and associated works
<b>Applicant</b>	Redrow Homes, Prince Regent House, Quayside, Chatham, Kent, ME4 4QZ
<b>Agent</b>	Ms J Hanslip, Urbanissta Ltd, Eastside, London, N1C 4AX
<b>Site Area</b>	5.6 ha

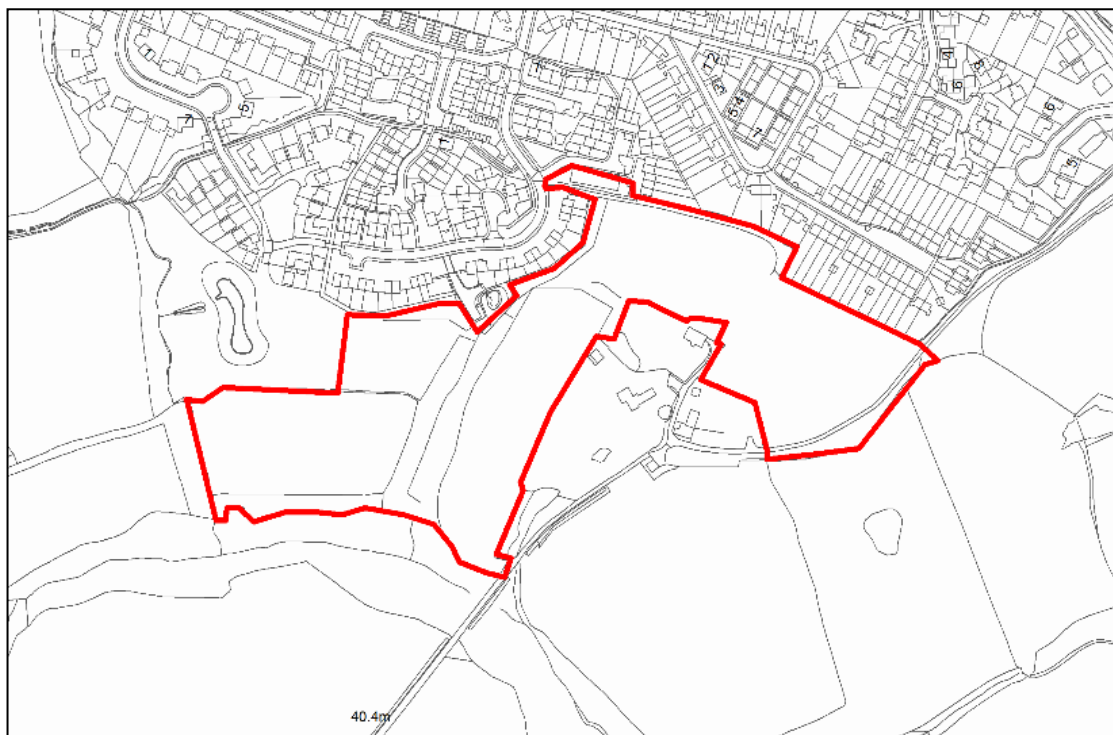
## Introduction

1. This application which is a major development is reported to the Planning Committee at the request of the Ward Member Councillor Knowles.
2. Outline planning permission was granted in 2014 on appeal for the erection of up to 100 dwellings including access, parking, landscaping, open space and associated works.
3. This reserved matters application has been submitted pursuant to the outline permission. It seeks to deal with all of the outstanding reserved matters which are access, layout, appearance, landscaping and scale.

## Site and Surroundings

4. The site comprises an irregular shaped piece of undeveloped land of approximately 5.6 ha in size. It is located to the south eastern edge of Tenterden where it adjoins the Shubcote Estate which is a series of modern

residential developments dating from the 1950's onwards. **Figure 1** below shows the site and its relationship to the surroundings.



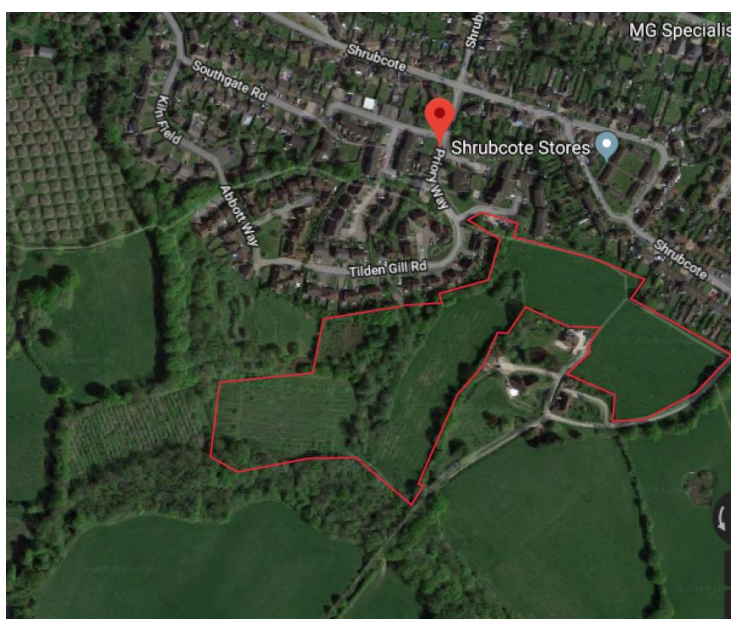
**Figure 1: Site Location Plan**

5. The character of the existing development to the north of the site is one of modern semi-detached and terraced dwellings and flats, two storey in height and set out along a series of cul-de-sacs very much in accordance with the layout conventions appertaining at the time. In general the modern residential development, whilst pleasant, is of no great architectural character or merit, is not distinctive to the best of the local area and so, again, is very much of its time.
6. The site is bounded to the north by the rear gardens of dwellings along Tilden Gill Road, Shrubcote and Priory Way - and to the east, south and west by open countryside and an area of ancient woodland. The application site is also located on the northern edge of the High Weald Area of Outstanding Natural Beauty.
7. Long views over open countryside characterise the site which comprises rough grassland together with belts of woodland.
8. There are a number of trees in the centre of the site which are protected by virtue of a Tree Preservation Order. A further 14 trees and x 4 groups are also subject of a recent TPO which was served on the 16 November 2018.

9. A group of 4 residential properties, including 2 listed buildings – the former Belgar Farmhouse (now known as Belgar) and a converted barn Weavers Barn/Old Belgar Barn - as well as Belgar Oast House, are positioned in the centre of the southern edge of the site. As such their curtilages are surrounded by the application site on 3 sides. **Figure 2** below shows these constraints and **Figure 3** is an aerial image of the site that shows the woodland within the site and beyond its southern boundary.



**Figure 2: Locations of the listed buildings and TPO's**



**Figure 3: Site Location Aerial Map**

## Proposal

10. Reserved matters approval is sought for access, appearance, landscaping, layout, and scale, pursuant to outline permission ref 14/01420/AS for the erection of 100 dwellings, parking, landscaping, open space and associated works.
11. The proposed development has the benefit of outline planning permission granted in 2016 on appeal for a residential development of 'up to' 100 dwellings. The proposal would provide 35% affordable dwellings.



**Figure 4: Illustrative approved outline layout**

12. Upon granting outline planning permission, the Planning Inspector took account of the illustrative layout supplied by the outline permission application that showed how the site could be laid out. The Inspector noted that the quantity of development proposed in relation to the size of the site could be achieved without harming the nearby designated and non-designated heritage assets and would not be unacceptably harmful to the visual and environmental character and appearance of the area.
13. At the time of the appeal a Statement of Common Ground was agreed between the applicant and Kent County Council Ecology and Biodiversity. This set out a number of parameters relating to ecological mitigation matters which has driven elements of the detailed layout now proposed.
14. The outline planning permission is also subject to a s106 legal agreement. In terms of formal and informal open space, sports provision and play space off-

site contributions to mitigate scheme impacts are to be provided including contributions towards informal green space improvements to the north west of the site at Abbots Way which is an existing area of open space.

15. The proposals have been amended during the course of this application with the most recent changes being received in October 2018. The amendments seek to address outstanding concerns in relation to layout, housing design, detailing and materials. The amendments also seek to overcome objections raised by technical consultees. Additional information has also been submitted in relation to ecology matters and drainage. A full re-consultation has been carried out as a result.
16. Access to the development is proposed off Priory Way, through an area of hardstanding that has served as a car park for many years and is owned by the Borough Council. A sale has been agreed between the applicant and the Council for this land and it has recently been fenced off to allow the applicant to take vacant possession. At the time of writing this report this land is still understood to be within the ownership of the Borough Council.
17. The proposals include the provision of an emergency access to the access track to the east of the site that leads to the aforementioned group of buildings at Belgar (and beyond). This would provide access for emergency vehicles from Appledore Road but would be secured by lockable bollards to prevent any non-emergency vehicular use.
18. Landscaped areas would be maintained by a management company.
19. A substation and pumping station are also proposed on the far eastern and southern side of the site. The proposed site layout is shown as **Figure 4** below. As can be seen, it involves a central access point from the existing development to the north around which a number of homes would be located. The estate road would then branch westwards and eastwards. The westward element moves southwards on declining land levels to an area occupied by an existing pond and trees. Homes would be located fronting that road and around the pond which would be retained as part of an on-site surface water SuDS system. West of that pond, homes would be clustered in a former orchard. Turning to the eastern branch of the estate road, this would serve homes on either side of the road with the road culminating in an area adjacent to the aforementioned track bordering the site. The northern side of this estate road involves land forming the rear garden of existing homes and a public right of way runs through this area.



Figure 4: Proposed Site Layout

### Density

20. Given the site area of approximately 5.6 hectares, the proposals would result in a density of approximately 19dph and allows for spaces between dwellings and in some cases larger gardens which is intended to reflect the character of the surrounding area. The density also allows for some areas of open space which would serve as a combination of amenity areas, ecological mitigation and SuDS.

### **Housing Mix**

21. The scheme comprises the mix as shown in **Figure 5** below:

2 bed private ownership	10
3 bed private ownership	25
4 bed private ownership	30
Total	65

2 bed affordable rented	12
3 bed affordable rented	9
Total	21

2 bed affordable shared ownership	12
3 bed affordable shared ownership	2
Total	14

**Figure 5: Housing Mix**

22. Dwellings are all proposed to be two storeys in height and comprise a mixture of detached, semi-detached and terraced properties. X 3 flat blocks are also proposed between 2 and 3 storeys in height.
23. 35% of the development is proposed as affordable housing which equates to 35 dwellings. These are proposed to take the form of semi-detached and terraced housing and flats. 21 units would be affordable rented properties and there would be 14 shared ownership units which is in accordance with the requirements of the S106 agreement.

### **Parking**

24. In total 243 allocated parking spaces are proposed with a further 44.5 (unallocated parking and visitor) spaces proposed. Allocated parking is largely on plot or in parking courts with unallocated spaces and visitors parking designed into the street.
25. A number of garages are also proposed, although these are not counted towards the required number of allocated parking spaces (given the propensity for garages (with doors) to be utilised as domestic storage areas rather than for parking of vehicles). Garages are therefore viewed as an additional resource by the Council under the terms of the existing Residential Parking and Design Guidance SPD 2010.

### Character/design and detailing

26. The proposed dwellings are part of Redrow's 'Heritage' brand.
27. The palette of materials proposed has been amended to address concerns raised. Most notably the use of grey roof tiles has been omitted. A 'red' and 'sunrise blend' tile of a clay tile size and appearance is proposed and these are grouped together in two main character areas. Two different types of brick are proposed – a red and a multi stock. An amended hanging tile that better reflects a traditional Kent hanging tile has also been recently confirmed.
28. Two main character areas are proposed: broadly on an east and west basis. Area 1 would be characterised by a multi stock brick with weatherboarding and red tiles. Area 2 would favour a red brick with some cladding and tile hanging. A sunrise blend tile would be used.
29. The use of render has been deleted in response to my concerns and the extent of weatherboard has been increased throughout the site in an attempt to better reflect the traditional Tenterden vernacular.
30. The applicant has introduced picket fencing to properties along the 'main street' estate road again to better reflect the Tenterden historic character.
31. None of the proposed dwellings would have chimneys weather just as features articulating the roof line or as functional components of heating. The applicant has advised that this is largely a commercial decision. **Figure 6** below shows some typical street scenes.







**Figure 6: Example of proposed street scenes**

**Condition 05 of the outline permission**

32. Condition 05 of the outline planning permission refers to the arboricultural report dated 6 November 2014. The condition states that no trees shall be removed other than those specified for removal within the report. Written approval is required for any additional change to this agreed position.
33. A new tree survey and arboricultural Impact assessment was undertaken by the applicant in 2017. This identifies a number of additional trees (T98, T99, T102 and G102) to be removed in order to facilitate the development. These trees, whilst the subject of a TPO, have been assessed to be of a poor quality.
34. The updated tree report also identifies the removal of 31 individual trees, 5 groups and part of an additional group together with part of the old orchard. The applicant proposes to mitigate these losses through additional tree planting.
35. This reserved matters submission also seeks to obtain approval for these additional tree works in accordance with the requirements of Condition 05 of the outline consent.
36. In support of the application, the following information has been submitted by the applicant and is summarised below:

## **Design and Access Statement (October 2018 version)**

DA1.1 The site is located within a sustainable location 0.5 miles from the town centre of Tenterden where there are bus stops offering regular services. The nearest access to the national rail network is in Headcorn, 8 miles to the North West.

DA1.2 The context of the area comprises a variety of buildings of differing styles and materials, many of which are modern and predominantly 2 storey. A few have rooms in the roof. Houses are largely set back from the road with modest front gardens. Windows in the vicinity of the site are timber and uPVC. Bricks are red or multi stock with tiles being a mixture of red/brown and there are examples of tile hanging.

DA1.3 The layout has evolved in response to site constraints and the developer's requirements. The layout represents a clear structure with ease of access and permeability to the surrounding footpaths and roads.

DA1.4 Access to the site would be via a new junction. The alignment of the road and landscaping has been considered in relation to the topography. Safe pedestrian routes would be provided and safe turning for service and emergency vehicles.

DA1.5 Density would equate to approximately 19 dph.

DA1.6 Trees and hedges located within the site would be retained with further planting proposed to complement the existing.

DA1.7 Houses are proposed to be 2 storey with the flat blocks at 2.5 and 3 storey. The scheme includes single storey garages. Dwellings would be a mix of 1-4 bed units.

DA1.8 Parking would be accommodated in accordance with the Council's parking standards. Generally the majority of the detached properties would benefit from a garage and 2 other parking spaces.

DA1.9 Refuse collection points have been incorporated into the scheme together with refuse vehicle turning heads.

DA1.10 The dwellings have been designed to take account of local distinctiveness. Buildings would take a simple form. Key buildings are proposed in key locations. Roofs would be steep pitched and of hipped construction with bonnet or half round hip tiles. White eaves and fascia boards are proposed with black rainwater goods. Facing materials would comprise red bricks, tile hanging and weatherboard. Windows would be white uPVC.

### **Planning Statement (updated version June 2018)**

PS1.1 The objective of the development is to provide a sustainable development of new family homes set within a high quality landscape that protects and enhances the environment and provides a mix of homes for the local community.

PS1.2 The development has been designed to high standards of sustainable development both in location, mix, design and construction, to minimise the carbon footprint.

PS1.3 The site is sustainably located within Tenterden which provides a wide range of goods and services including supermarkets, schools, shops, leisure facilities, places of worship and sports facilities.

PS1.4 The site is located near to two grade II listed buildings and a non-designated heritage asset (Belgar Farmhouse, Belgar Barn and Belgar Oast). The development would not affect the setting of the Belgar group of buildings.

PS 1.5 In granting outline planning permission, the principle of the development on the site has now been accepted. The outline permission was accompanied with a Unilateral Undertaking. The payments set out in this would be phased in accordance with the triggers that are set out within the agreement. 35% affordable housing is proposed.

PS 1.6 The outline masterplan created a scheme built on enhancing the local community whilst protecting and enhancing the countryside and the adjacent AONB. This scheme proposed a spacious arrangement of dwellings with large landscaped gardens connected by a series of links. The tree lined southern site boundary would be retained and enhanced.

PS 1.7 Application to discharge the planning conditions related to the outline permission will be submitted in due course following the determination of the reserved matters application. (Condition 06 has been submitted for discharge and approved. This related to the Construction Management Plan and was required to be submitted to enable a European Protected Species Licence to be obtained from Natural England).

PS 1.8 The layout has been significantly informed by ecological matters and the requirement to retain areas of the site for ecological purposes.

PS 1.9 Through pre-application discussions, design review and client review the layout submitted has been through several iterations. Further alterations were made during the course of the application to take account of statutory consultee comments and ABC's officer's comments.

PS 1.10 A Statement of Common Ground between Kent Highways and the applicant agreed out the outline appeal stage confirmed that one access point was required into the site. Access would be from Priory Way at the Junction with Tilden Gill Road, through the existing car park which the applicant has recently taken ownership of from the Council. 13 car parking spaces are proposed to be re-provided at the site access to mitigate the removal of the existing car park.

### **Extended Phase I Habitat Survey (revised 04 October 2018)**

E 1.1 This type of survey provides information relating to habitats within the site and identifies potential for and, if apparent, evidence of use by protected species within the site. In addition, it provides recommendations for further surveys if required.

E 1.2 The site was originally subject to surveys in 2014 and further updated in 2017 and 2018. Surveys have been carried out in relation to bats, badgers, great crested newts (GCN), reptiles, dormice and breeding birds.

E 1.3 No rare or endangered botanical species or habitats have been identified.

E 1.4 Suitable terrestrial habitat for great crested newts is present within the Site and presence/likely absence surveys were undertaken. Desk study records of GCN presence were also taken into account. A *Medium* population of GCN was considered to be present in the local landscape and pond network. There were no changes in site conditions during the update 2017 survey that are likely to affect this evaluation. A European Protected Species (EPS) mitigation licence from Natural England is required to permit the work.

E 1.5 Terrestrial habitat for reptiles was identified in 2014 and an *Exceptional* population of slow worms was found, as well as a *Good* population of common lizard and grass snake. The former orchard and former arable fields have become more suitable for reptiles and the proposals have altered to include the re-landscaping however the mitigation strategy is still fit for purpose.

E 1.6 Trees with potential bat roost features have been identified. In 2014, a common pipistrelle was recorded emerging from one of these trees (T7) during a June emergence survey, however this field maple is not due to be affected by the proposed development. Three willow trees are due for removal (T9, T10, T11) and two bat emergence surveys (May-September) are required to determine whether a roost is present.

E 1.7 On 15th May 2018 the first survey was undertaken and no bats emerged from the trees in question and a second survey is due in early June. Aside from the results of the two emergence survey, a supervised soft-felling

approach will be required for these trees. An EPS licence may be required pending the results of the June emergence survey.

E 1.8 Badger activity has been recorded in and around the site, including a well-used latrine within the site and a sett with two entrance holes on the southern boundary. The design layout avoids impacting this sett and precautionary advice has been given to maintain foraging and commuting routes.

E 1.9 Suitable dormice habitat is present but there was no confirmed presence recorded during 2014 surveys.

E 1.10 An ecological management plan has been devised to maintain and enhance biodiversity.

### **Ecological Management Plan**

EMP 1.1 The strategy aims to enhance the site for all biodiversity including plants, invertebrates, reptiles, amphibians, bats, badger, birds and small mammals. The principal species that are targeted as part of this plan are great crested newt and reptiles. It is proposed that the mitigation measures would provide a range of biodiversity benefits.

EMP 1.2 Monitoring is proposed to be carried out to determine whether the mitigation, habitat enhancement and habitat creation measures have been successful and whether the management recommendations within are being carried out successfully. In the event that monitoring finds a failure in mitigation or management, then remedial measures are proposed.

### **Arboricultural Impact Assessment**

AIA 1.1 This report looks at the effect of proposed development on trees within influence of the application site.

AIA 1.2 The previously submitted tree survey information prepared for the site (outline application) is out of date. . The information has been replaced, including additional work not included at the time of the original application.

AIA 1.3 The site does not occur within a Conservation Area, but does contain trees protected by a Tree Preservation Order.

AIA 1.4 To implement the development proposals it will be necessary to remove 31 individual trees, 5 groups of trees, and partially remove on further group and one area of dilapidated orchard. The removals major on lower quality components, and have been the focus of a site meeting between Aspect and the LPA's tree officer during November 2017. The principal difference between the currently proposed layout and the approved, is the agreed removal of an additional 2 Willows.

### **Statement of Community Involvement**

SCI 1.1 The applicant has carried out a programme of stakeholder engagement and consultation to seek feedback from residents, councillors and other stakeholders on the proposals for the site.

SCI 1.2 An online consultation was carried out between 12th the January - 26th January 2018. There were a total of 65 respondents, with all responses coming digitally via the website or by email. Around 25 percent of respondents agreed with the proposals as set out in the consultation and on the project website ([www.homesfortenterden.co.uk](http://www.homesfortenterden.co.uk)). Ahead of the consultation, leaflets were distributed to 508 addresses in the immediate vicinity of the site off Tilden Gill Road.

SCI 1.3 Contact was made with local ward members, Councillor Knowles and Councillor Clokie. A meeting was held with Cllr Knowles in January 2018. Councillor Clokie and Councillor Burgess, chair of the Planning Committee, declined the opportunity to meet with Redrow.

SCI 1.4A meeting was held with the Belgar residents group on 24th January 2018, to discuss the latest revised plans for the development, the consultation programme, and the details of the outline planning consent.

### **Surface Water Drainage Technical Note (October 2018)**

SWD 1.1 The technical note provides details of the drainage survey carried out to confirm the existing flow control on the existing surface water drainage from Belgar Farm development and what effect this has on the proposed surface water strategy.

SWD 1.2 Foul water from the development will be collected via a system of piped drainage and directed towards a new pumping station proposed to be constructed towards the southern portion of the site. It is proposed that all foul water pipes are to be adopted by Southern Water.

SWD 1.3 The proposed foul water pumping station is to be designed to adoptable standards and adopted by Southern Water.

SWD 1.4 It is proposed that there will be a dedicated access track and turning head for the pumping station to facilitate any required access and maintenance.

### **Heritage Statement**

HS 1.1 The application site comprises an area of land located to the SE of Tenterden. Tenterden first grew in prominence during the thirteenth century due to the wool trade. It was not until the late twentieth century that Tenterden was

subject to eastern expansion. Given this twentieth century context, the application sites south eastern environs presently represent the logical potential for twenty-first century expansion.

HS1.2 Despite not being subject to any heritage designation itself, the application site nevertheless abuts the curtilage boundary of a Grade II listed farm complex – comprising two individually designated properties. As such, current proposals have been consciously evolved to achieve the provision of additional housing without effecting negative impingement upon the setting of the heritage assets.

HS1.3 Proposals aim to implement a considered and high quality design, ensuring that the setting of the listed buildings are both preserved and enhanced without adversely any special inherent interest to these. This has been achieved by ensuring that all proposed built form is sufficiently set back from relevant boundaries (where practically possible), in conjunction with extensive buffer planting; thus reducing the potential for directly impinging impacts upon setting.

HS1.4 Enhanced landscape screening is proposed to these important boundaries and throughout the wider scheme more generally to ensure that any views of the new development are softened and/or broken up. Otherwise it is proposed that a semi-rural approach into Tenterden will be maintained, although it is pertinent to reiterate that this approach – and therefore the settings of Belgar Farm and its associated barn have already been subject to extensive alteration following the late twentieth century residential growth.

HS1.5 Proposals can therefore be seen to have responded to not only the relevant Act but also the wider regulatory context. The NPPF sets out that the LPA should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Proposals will therefore respond positively to the historic context and would achieve a high standard of design and layout that would not adversely impact upon either the listed buildings or their settings.

### **Design South East Design Review**

DR 1.1 This application was subject to a design review with Design South East in December 2017. The Panel's report is attached as **Annexe 2** to this report.

### **Planning History**

**18/00858/AS** - Variation of conditions 5 (tree works) and 08 (highways improvements) on planning permission reference 14/01420/AS. This application was withdrawn at the applicant's request. The additional tree works are proposed to be dealt with under the reserved matters application subject of this committee report.

**15/01187/AS** – Full planning permission granted for the erection of a two storey block of 4 flats, with associated car parking and external works. This proposal which relates to part of the current application site (the area of access) has not been implemented.

**14/01420/AS** – Outline planning permission was granted by the Planning Inspectorate for the erection of up to 100 dwellings, parking, and landscaping, open space and associated works. (During the course of this appeal the outline application was amended to remove access as an outline matter. This subsequently became a reserved matter).

**14/0001/EIA** - Screening opinion in respect of proposals for residential development of the site. The LPA concluded that an EIA was not required for the proposed development. As part of the current application a further screening opinion has been undertaken. It is the Council's view that the proposed development does not require an EIA.

## Consultations

**273** Neighbours consulted, **5** letters of objection received. Issues summarised below:

- The development would result in additional traffic and congestion.
- There are already cars regularly parked on the roads causing junction visibility problems.
- There should be another access from Appledore Road to serve the development.
- The loss of the parking area on priory way will be an inconvenience and displace a number of cars.
- Services are already overstretched.
- There has been insufficient public consultation.
- There is new housing in Tenterden being built now that has yet to be sold. Another 100 houses are not needed.
- The site access is poor.
- The proposals would have a negative impact upon wildlife.
- The doctor's surgery and schools will not be able to cope with the additional residents.



- The Council lost the outline appeal because of its failure to demonstrate a 5 year housing land supply. That position has now changed and this housing is therefore not needed.

[HoDM&SS comment: The development has the benefit of outline planning permission. As such it is not possible for the Council to revisit the principle of the development but it is correct that the 5-year housing land supply was a significant issue considered at the appeal. The Tilden Gill site, with the benefit of the outline permission, now forms part of the Council's 5 year housing supply.]

- The proposed parking would not be adequate. Even though it meets KCC guidelines these are unrealistically low.
- The town does not provide adequate employment opportunities.
- Public transport provision in the area is poor.
- The proposed density is not low and the gardens are not generous.
- The development would result in the loss of one of the last green areas in Tenterden.
- The increase in traffic movements will be dangerous for pedestrians.
- Cars will be queuing at the crossroads where many elderly residents live nearby.
- The development would put an increased demand on water demand. This will reduce the pressure and supply. Weather conditions this year have already had an impact.
- The number of HGVs will likely cause damage to vehicles and create duct and other disruption. Who will pay the compensation for damage or cleaning?
- The boundary adjacent to Belgar farmhouse should have an increase buffer strip in order to protect its setting.

**Belgar Residents' Group:** Object stating the following;

Arboriculture: The original tree report is out of date. A new report should be considered as things on site will have changed. It should also consider trees along the boundary outside of the site. Root protection areas would be compromised as a

result of the layout.

[HoDM&SS comment: A new arboriculture report has been provided with this application. The applicant's arboriculturalist also engaged with the Council's tree officer at the pre application state to look at the condition of the trees on the site. The outline permission also required the tree works to be carried out in accordance with the approved arboricultural report.

Boundary Treatments: The proposed fencing would not be adequate along the boundary. ABC's cabinet report agreed the inclusion of a buffer strip along the site boundary. This should be a meaningful buffer.

[HoDM&SS comment: The amended plans show a mixture of boundary treatments along this part of the site boundary. Soft landscaping is also proposed.

Heritage: No acceptable heritage assessment has been submitted with the RM application. The setting of the heritage assets would not be enhanced.

Drainage: The Belgar properties do not have modern drainage. The proposals are not clear about how drainage would be dealt with.

House types: The proposed style of housing is out of character with Tenterden. A style more in keeping with the listed buildings would be more appropriate. Redrow should be able to do better.

**Tenterden Town Council:** Objects for the following reasons:

1. The style of housing is out of character with the area.
2. The buffer strip is not sufficient.
3. Boundary treatments are inadequate.
4. A play park should be included within the development as the proposed access is located adjacent to one which is dangerous.

[HoDM&SS comment: The outline permission secured off site play contributions rather than on site provision.

5. The flats should be located nearer to the access into the site.

[HoDM&SS comment: This layout alteration was put to the applicant but has not been taken forward in the amendments submitted]

**Tenterden and District Residents' Association: Object.** Comments are summarised as follows:

1. There is no relevance to using the 'arts and crafts' style for Tenterden. A meaningful and detailed study of the local vernacular architecture is required and the materials and detailing need to be interpreted in a high quality and convincing manner.

2. The 3-storey flats at the south-east end of the proposed development will have a negative impact on the adjacent AONB and should be relocated towards the entrance to the site.
3. The protective buffer zone adjacent to the listed setting of Belgar is insufficient.

**KCC Flood and Water Management (SuDS):** Holding objection whilst awaiting an updated strategy and additional information.

[HoDM&SS comment: This has now been received and further comments received – see re-consultation response]

**KCC Highways and Transportation:** Requests further information and amendments to the scheme.

[HoDM&SS comment: Amendments received. See re-consultation response.

**ABC Project Office (Drainage):** Comments as follows:

The application has been reviewed in conjunction with comments from Kent County Council's Flood Risk Project Officer (In their capacity as Lead Local Flood Authority). It is understood that a pre-application meeting has taken place with KCC and it has been agreed that further information is to be submitted with regards to the surface water management proposals. As such, further comments shall be made once this additional information is forthcoming.

**KCC Public Rights of Way:** Comments as follows:

Public footpath AB36 will be directly affected by the development. The walked route is not the definitive footpath route. If a diversion is therefore required this should be considered at an early stage.

As a result of the development a section of footpath AB36 will become enclosed behind houses which do not overlook the route. To incorporate AB36 within the development, ensuring the permeability and natural surveillance required; AB36 should run within a wide corridor of green space.

**Environment Agency:** No objections and no comments to make.

**KCC Biodiversity and Ecology:** No objection stating that the proposed mitigation can be implemented within the site layout. Also comment that the information submitted within the ecological management plan is acceptable and advise that it must be implemented as soon as the habitats have been established.

**High Weald AONB Unit:** Comments as follows:

The AONB unit recognises that the proposal already has the benefit of outline planning permission. It is considered that the flats are poorly located and should be relocated closer to the access.

Requests that a condition requiring a management plan for open spaces and drainage systems be attached to any permission.

**River Stour Internal Drainage Board:** No comments.

**Romney Marsh Internal Drainage Board:** No objections stating the following:

The site is located outside of the Stour IDBs district and as it is believed to drain eventually to the Romney Marsh. The proposal will not affect RSIDB interests. Surface water should be managed in accordance with ABC's SuDS Policy, with details agreed with KCC's SuDS Team and ABC's own Project Engineer.

**Kent Police:** No objections but request that the applicant contacts Kent Police to discuss crime prevention measures.

**Kent Fire and Rescue:** No objections stating that the means of access is considered satisfactory.

**ABC Housing Manager (Affordable Housing):** Comments as follows:

There should be a balanced, tenure-neutral mix rather than a cluster of properties on the development. Additionally, properties should meet the Nationally Prescribed Space Standards.

**Weald of Kent Protection Society:** Objects. Comment are summarised below:

1. There should be a 10-15 metre buffer strip between the development and the ancient woodland and a similar buffer along the Belgar farm boundary.
2. The arts and crafts design approach would not reflect the location.

**Ashford Access Group:** Comment that paths should comply with regulations regarding widths and wheelchair accessibility. Also dropped kerbs and textured paving should be carefully alienated.

**Re- consultation (carried out after the receipt of amended plans October 2018)**

**273** Neighbours consulted, **4** additional letters of objection received. Issues are summarised below:

- The development would generate additional traffic that would pass through Shrubcote,

- Why are no garages being built? Residents need them for storage purposes.

[HoDM&SS comment: Some integral garages are proposed but have not been counted as a parking resource given the tendency of many residents to not use them for parking vehicles].

- The pedestrian access point between Tilden Gill and Abbot Way should be staggered to prevent illegal use by motorbikes.
- Concerns that the construction of the new access will cause disruption for residents.
- Residents do not want this development in any shape or form.

[HoDM&SS comment: This application is a reserved matters application and therefore the site already has planning permission in principle for a development of housing].

**Belgar Residents' Group:** Object. Comments are summarised below:

1. The revisions relate to some of the detailed issues around materials specifications and other details, but the fundamental design of the scheme has not changed.
2. No changes have been made to the configuration of development on the western boundary of the Belgar settlement. This is the boundary that is closest to the listed building of Belgar Farmhouse and the layout as proposed would have a detrimental impact on the setting of the listed building.
3. The revised landscape plans continue to show little detail regarding the planting along the western boundary, relying on the planting that already exists within the Belgar property, which is outside of the applicant's control. The development should provide its own buffer zone, with suitable planting, along this boundary to protect the setting of the listed buildings at Belgar.

**Belgar Residents Group (additional comments received 28 Nov 2018):**

Objection comments summarised as follows:

1. Having met with the developer it is clear that the decision to position 5 dwellings close to the boundary with Belgar Farm is a commercial decision to allow the building of 100 dwellings. It appears that the developer is not minded to move these units unless the planning authority requires them to do so despite strong objections from neighbours.  
We discussed with them the directive given at Appeal for them to respect the setting of the listed building.
2. The sale of the land for the access by ABC requires the provision of a buffer strip along the Belgar Farm boundary. This is a condition of the sale of the land.
3. The listed buildings and their settings must be protected.

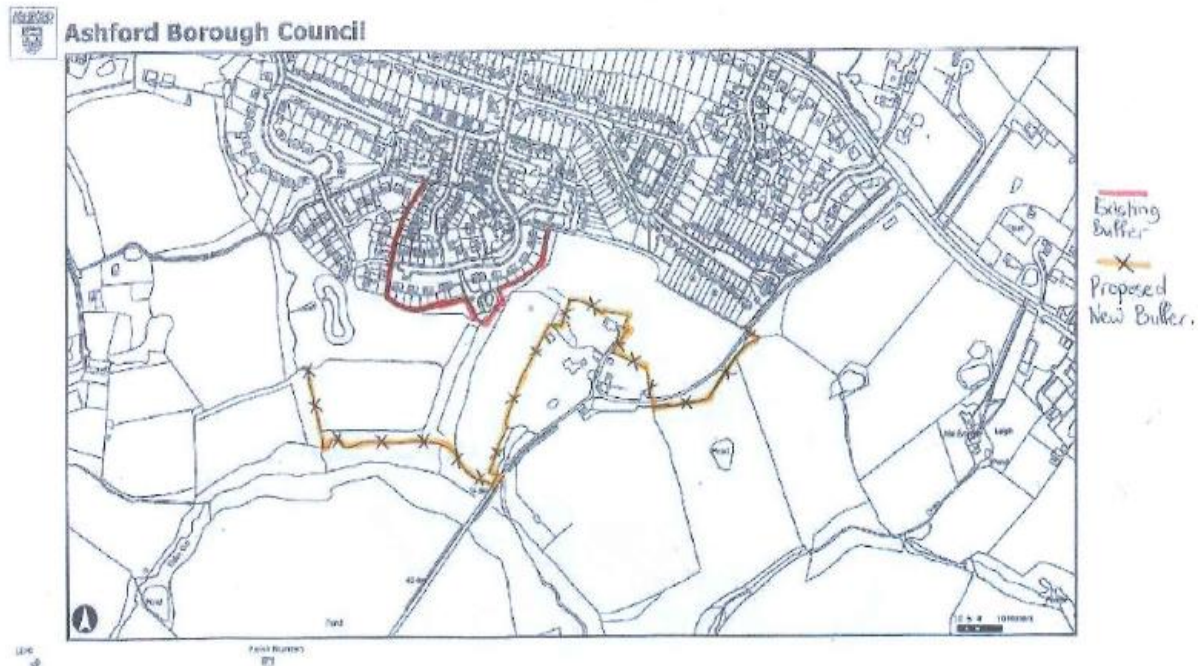
4. The trees along the boundary also need to be protected (now subject to a TPO).
5. We highlighted the need to protect the trees on the western boundary (particularly given that they are now subject to TPO's).
6. The tree protection areas are not being respected by the design and layout.
7. The neighbouring dwelling currently has a noisy biomass boiler located within the garage which would be close to one of the proposed new dwellings.
8. The depth of the proposed buffer strip is not defined in the cabinet report (June 2017). This should be at least 10 metres but ideally 15.

[HoDM&SS comment: The agreed buffer strip width is 30cm.

**Tenterden Town Council:** Objects for the following (summarised) reasons:

1. Redrow have not made any changes to the configuration of the development on the western edge of the Belgar Settlement regarding elevations.
2. The Town Council requests a suitable buffer strip on the perimeter of the development, especially around the existing Belgar site. ABC made the inclusion of this buffer strip a condition of agreeing to sell land to the developer. The new buffer strip should run right round the whole Belgar settlement: the barn, the Oast and the farmhouse. Currently Redrow propose to build 5 houses right on the western boundary, within the buffer strip. The buffer strips should be a minimum of 15 meters wide.

[HoDM&SS comment: The land sale was the subject of a report 15<sup>th</sup> June 2017 to the Cabinet by the Head of Housing. The agreed terms of the land sale by the Council do propose that an area of land along the boundary with Belgar Farm is provided as a new buffer strip. The requirement, however, is only for a 30cm buffer. This 30cm strip involves the southern boundary of the site as well as the boundary around the Belgar group of buildings: this is shown in **Figure 7** below (marked yellow) At the time of writing this report contracts have not been signed and the land sale is therefore not completed.



**Figure 7:** the 30cm buffer strip (shown yellow)

3. The developer's ecology agents have erected herpetosure reptile fencing, with a view to collecting and clearing the site of Great Crested Newts. Natural England have confirmed this work should only be carried out between February and October and no newts should be captured when temperatures drop below 5 degrees. Any open traps should be checked every 24 hours. The Belgar residents have confirmed that the traps were open all weekend, with no checks made and temperatures have dropped given the time of year. ABC should monitor the developer's activities regarding the traps and ensure that Kent County Council Biodiversity & Ecology department also do so.

[HoDM&SS comment: The ecological mitigation works that have been recently taking place on the site are subject to a licence from Natural England. The concerns raised have been reported to KCC Ecology and Biodiversity who have in turn spoken with the applicant ecologists who are caring out this work. KCC Ecology have confirmed that they are satisfied that the works being carried out are acceptable and there is no risk to protected species].

4. The developer has not been in contact with either the residents who are affected by the development or Councillors and the TC are therefore disappointed. The Town Council would like there to be a condition imposed that, before the site layout is finalised and building work starts, the applicant must hold a proper consultation with affected residents and the town council and incorporate into the proposed development the outcome of those consultations.

[HoDM&SS comment: A meeting has subsequently taken place between the developers and the Belgar Residents group and at the time of writing this report it is understood that a further meeting is due to take place between the developer and the Town Council and other residents.

**Southern Water:** No objection stating that they have undertaken more detailed network modelling as part of a network growth review. The results of this assessment, (to current Modelling procedures and criteria), indicates that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can therefore facilitate foul sewerage disposal to service the proposed development. A formal application will be required to be submitted for a connection to the public sewer. Southern Water requests an informative relating to this.

**KCC Ecology:** No further comments to make. This is based upon further additional information provided by the applicant's ecologist that demonstrates that the amended layout will not significantly impact or alter the implementation of the protected species mitigation which has been previously agreed.

**Natural England:** No additional comments to make.

**Kent Wildlife Trust:** Raise objection stating the following:

1. There are a considerable number of minor alterations that together represent a significant loss of green space, and we wish to reiterate the concerns expressed by KCC Ecology.
2. On-site trapping works were being undertaken at the end of October. The submitted Great Crested Newt and Reptile Strategy, states that "the installation and removal of fencing and pitfall traps, newt trapping, reptile trapping and destructive searches will all be carried out during the active period which is mid-March to mid-October pending weather conditions and outside of the period of night frosts". The observations of our member suggest that mitigation measures are being undertaken inappropriately and outside agreed time scales.

[HoDM&SS comment: The ecological mitigation works that have been recently taking place on the site are subject to a licence from Natural England. The concerns raised have been reported to KCC Ecology and Biodiversity who have in turn spoken with the applicant ecologists who are carrying out this work. KCC Ecology have confirmed that they are satisfied that the works being carried out are acceptable and there is no risk to protected species].

**KCC Flood and Water Management:** No objections but request a condition requiring a verification report for surface water drainage to be submitted prior to occupation of any units. Further comments are providing relating to the information that they would ask to be submitted pursuant to condition 04 of the outline permission. This information is required to be submitted prior to the commencement of development.



**ABC Project Office (Drainage):** No objections subject to the condition proposed by KCC (as the Lead Local Flood Authority) being imposed on any approval of reserved matters.

**ABC (Refuse):** No objections subject to bin pull distances not exceeding 25 metres (10m for communal bins). Advises that if roadways within the development will be unadopted then an indemnity will need to be sought.

[HoDM&SS comment: Drawing number 6107-SK-024 Rev P06 shows that all roads are proposed to be adopted with the exception of an area of land in front of plots 29-32]

**Weald of Kent Protection Society:** Object for the following reasons:

1. There should be a balanced mix of housing and no clusters of affordable housing.
2. The proposed new houses (in particular plot 46) is located too close to the heritage assets with an insufficient buffer.
3. A substantial buffer should be introduced to protect the setting of the listed buildings. WKPS will continue to object until this is provided.

**Kent Police:** Comment that whilst there are many positive Crime Prevention through Environmental Design (CPTED) elements to the application they would encourage the developer to contact Kent Police to discuss avoiding potential conflict, opportunities for crime, anti-social behaviour and nuisance.

**Kent County Council Highways and Transportation:** No objection stating the following:

1. Street lighting - It is likely that any remaining street lighting matters can be discussed through the adoption process.
2. The applicants have proposed various on street parking bays throughout the site. According to the submitted parking and adoption plans various on street parking bays are shown as allocated rather than visitor bays. To reduce confusion for future occupiers and to rationalise future maintenance, the highway authority maintains that visitor parking bays alongside the public highway should be unallocated and included within adoptable areas.
3. Many of the proposed on street allocated bays are located on private drives. The HA insists that the bay shown as allocated opposite number 98, located on the main spine road through the site, must be changed to a visitor bay and maintained as public highway. The remaining allocated bays throughout the site appear acceptable.

**[HoDM&SS comment:** The applicant has confirmed that they are seeking to address this point – which might simply related to numbering for proving purposes as opposed intended allocation to a plot - and propose to submit an amended plan prior to the determination of the application.]

KCC Highways and Transportation also suggest that a condition is imposed on any permission to ensure that parking areas are retained for parking in the future and to ensure appropriately bounded surfaces are used at the edge of the highway.

**Ashford Access Group:** Comments that the texture of surfaces on roads and pavements should be carefully considered to ensure that they do not present difficulties for users. Also states that it is vital that dimpled paving should align exactly with crossings.

## Planning Policy

37. 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.
38. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies. On 13 September the Council commenced consultation on the main modifications to the draft plan, this consultation has now closed.
39. The relevant policies from the Development Plan relating to this application are as follows:-

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

GP10 – Conserving and enhancing Tenterden's special character.

GP12 – Protecting the countryside and managing change.

EN9 – Settings and entrances to towns and villages.

EN10 – Development on the edge of existing settlements.

EN30 – Nature conservation sites.

EN31 – Important habitats.

EN32 – Important trees and woodland

**Local Development Framework Core Strategy 2008**

CS1 – Guiding principles

CS2 – The borough wide strategy

CS9 – Design quality

CS10 – Sustainable design and construction

CS11 – Biodiversity and geological conservation

CS12 – Affordable housing

CS13 - Range of dwelling types and sizes

CS15 - Transport

CS19 – Development and flood risk

CS20 – Sustainable Drainage

**Tenterden and Rural Sites Development Plan Document 2010**

TRS2 – New residential development elsewhere

TRS17 – Landscape character and design

TRS18 – Important rural features

40. The following are also material considerations to the determination of this application.

**Ashford Local Plan to 2030 (Submission Version December 2017)**

SP1 – Strategic objectives

SP2 – The strategic approach to housing delivery

SP6 – Promoting high quality design

HOU1 – Affordable housing

HOU5 – Residential windfall development in the countryside

HOU12 – Residential spaces standards internal

HOU18 – Providing a range and mix of dwelling types and sizes

TRA3a – Parking standards for residential development

ENV1 – Biodiversity

ENV3a – Landscape character and design

ENV4 – Light pollution and promoting dark skies

ENV5 – Protecting important rural features

ENV6 – Flood risk

ENV8 – Water quality, supply and treatment

ENV9 – Sustainable drainage

ENV12 – Air quality

ENV13 – Conservation and enhancement of heritage assets

**Supplementary Planning Guidance/Documents**

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Sustainable Design and Construction SPD 2012

Public Green spaces and Water Environment SPD 2012

Dark Skies SPD 2014

### **Informal Design Guidance**

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

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

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

### **Government Advice**

#### **National Planning Policy Framework (NPPF) 2018**

41. 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:-
42. Paragraph 48 states in relation to the stages of preparing a Local Plan that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

  - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) 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
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

43. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available .... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
44. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Governments objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. It also states that land with permission (as is the case here) is developed without unnecessary delay.
45. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:
- Will function well and add to the overall quality of the area. not just for the short term but over the lifetime of the development.
  - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
  - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
  - Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
  - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and
  - Create places that re safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...

46. Paragraph 129 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.
47. Paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 200 makes it clear that new development within the setting of heritage assets should enhance or better reveal their significance. Proposals that preserve the setting and make a positive contribution to the asset should therefore be treated favourably.

## **Assessment**

48. The main issues for consideration are:
  - The principle of the development
  - Whether the proposed accommodation mix is acceptable
  - Whether the proposed approach to car parking is acceptable
  - How well the proposal performs in relation to the Council's adopted Residential Space Standards
  - Acceptability of approach to refuse collection
  - Whether the built form in terms of scale, massing, appearance and layout would be appropriate, would help to deliver character areas and be in keeping with that which is aspired to.
  - Impact of the development upon designated and non-designated heritage assets.
  - Whether the applicant's approach to surface water drainage, landscaping, ecology and biodiversity is acceptable.

### **The principle of the development**

49. The site is a windfall site rather than a site allocated within the Development Plan. As such there is no specific planning policy or related Development Brief associated with the development. The housing numbers proposed are included within the Council's housing trajectory.

50. The Planning Inspectorate, in granting outline permission, made it clear that the 'up to' quantity of housing proposed was not one that would preclude an unacceptable layout. The Inspector also stated in granting permission that the proposal would make a particularly important contribution to the provision of affordable housing and would provide land for development of the right type and in the right place with only moderate harm to the environment.
51. Given that the site has the benefit of outline planning permission for up to 100 dwellings, whilst it is clear that some of the objections to the proposals relate to an objection to the development as a matter of principle, residential development has been accepted for this site and cannot be revisited under the scope of this application.

#### **Whether the proposed accommodation mix is acceptable**

52. Policy CS13 of the Core Strategy and emerging policy HOU18 of the Local Plan requires major development proposals to deliver a range and mixture of dwelling types and sizes to meet local needs.
53. The proposed development would provide a mixture of 2, 3 and 4 bedroom dwellings and flats. The overall density is relatively low and the majority of the private ownership dwellings would be detached dwellings as is fairly standard for the applicant's chosen 'Heritage' range. Further, the introduction of x 3 apartment blocks has consequentially allowed for a higher proportion of detached dwellings to be included. Notwithstanding this, I consider that the proposals provide a reasonably varied mix of 2, 3 and 4 bed units and the approach to affordable housing is also suitably varied in order to comply with the policy requirements: the Housing Manager raises no objection.
54. I consider the proposed mix to be acceptable and consistent with the requirements of planning policy and in terms of how it would contribute to the overall mix within Tenterden.

#### **Whether the proposed approach to car parking and bicycle storage is acceptable**

55. The proposed car parking provision would meet that which is required by the Council's Residential Parking SPD and in some cases the provision is exceeded in relation to the larger detached properties that are proposed (where more is then able to be provided on plot).
56. Parking is proposed to be provided in a variety of forms, including garages, on plot open spaces and on street parking. Parking Courts would serve the apartments. A number of house types would have integral garages and whilst I do not consider that this fits well with the applicant's description of the



homes as 'Heritage' style housing and creates an element of inactive frontage as a result it is a modern approach that has been accepted elsewhere. The applicant is unwilling to alter the house types concerned. Where enclosed garages are proposed I have not counted them towards the quantum of parking that is needed: they will remain an additional parking resource if so desired by the occupiers.

57. Each dwelling would be provided with a shed in the garden which is proposed to function as bicycle store as well as additional domestic storage. In addition the proposed apartment blocks also make adequate provision for the secure covered storage of resident's bicycles via extensions to the buildings concerned also containing separate communal refuse stores.
58. Further, the applicant has confirmed that all dwellings with a private parking space will be provided with electric vehicle charging points in the form of a 'WallPod Ready' socket. It is also proposed that similar provision will be made within the parking areas of the apartment blocks through the provision of a 'Charge Online' or similar system. Should permission be granted it is suggested that this is secured by condition. The provision of appropriate facilities for the charging of electric vehicles is welcomed and is in accordance with emerging policy ENV12 of the emerging local plan which seeks to reduce emissions and improve air quality. The fine details of this condition can be refined in due course including making sure car parks are future proofed in design to easily accommodate changes to private car propulsion.
59. In the light of the above, and following consultation with KCC Highways and Transportation, subject to a minor change relating to the parking arrangements for plot 98 (which has been agreed in principle at the time of writing this report with the applicant) the parking and bicycle storage arrangements are acceptable.

#### **How well the proposal performs in relation to the Council's adopted Residential Space Standards**

60. Each individual house type proposed accords with the nationally described space standards and the Council's Residential Space and Layout SPD essential minimum floor areas and room dimensions. In some cases these standards are exceeded given the large number of larger detached dwellings proposed.
61. The proposed garden sizes also meet the standard and each block of apartments would benefit from a landscaped communal garden area that would provide an attractive area for residents without being overtly overlooked from the public gaze whilst remaining overlooked by residents in the interest of security.

62. The apartments would each additionally benefit from private balconies or ground floor terrace space and some of the balconies would benefit from views across the AONB to the east. In light of the above, I consider that the scheme would incorporate an acceptable level of amenity space (private and communal) for residents and is therefore acceptable and in line with the Supplementary Planning Document published further to Core Strategy Policies CS9 and CS10.

**Acceptability of the approach to refuse collection**

63. All refuse bin pull distances for both householders and bin operatives are within the distances specified within the British Standard and Part H of the Building Regulations. Whilst there are a handful of pull distances that fall slightly below the stricter good practice distances set out within the Councils Residential Layouts and Wheeled Bins guidance (Dec 2014) this relates to very few properties and is therefore marginal and in these cases the arrangement is straight and simple, with as few turns as possible. I am consequently satisfied that an appropriate balance has been struck with the aim of keeping distances to pull bins manageable for the occupiers together with good design/place-making.

**Whether built form in terms of scale, massing, appearance and layout would be appropriate**

64. As a result of my concerns, whilst the architectural style proposed is a standard Redrow product ('Heritage' range) replicated at sites all over the UK, the applicant has made a number of changes to the elevations of properties to improve the extent to which style and materials move towards those commonly found within the historic areas of Tenterden. The chosen materials are now suitably varied and of improved visual quality, particularly the quality of vertical tile hanging. The materials are a good improvement from those originally submitted.
65. The layout has also been refined to ensure that houses are now grouped together in a more coherent way and the creation of two distinct character areas is also a positive change to the scheme. Whilst the majority of the houses have hipped roofs there are some gabled elements which helps to provide some variety and interest. Officers I am, however, disappointed that the applicant has decided not to include chimneys which would have further improved the design by providing a vertical emphasis and would have been more in keeping with a more faithful heritage approach as these are typical traditional features and other volume developers do provide these.

66. The proposed two-storey scale of the dwellings and two and three storey blocks of apartments is appropriate and in context with the surrounding development and rural character. The applicant has declined to take up my suggestion of moving one block to a location close to the entrance which is disappointing given the comments from the Town Council on this matter. However, this would not, in my opinion, constitute a reason for refusing approval of the application.
67. The layout has been amended through negotiations however it has to be noted that the parameters of the appeal decision, the shape of the site, the illustrative layout supporting the outline application together with the ecological mitigation needs and the challenging levels change combine to limit the scope for fundamental changes to the delivery of new homes at this site.
68. To the north of the site, where it adjoins the public right of way, the layout has been changed to respond to the concerns raised by KCC PROW officers. The applicant has chosen to retain the public right of way where it currently runs. Because the walked path does not follow the definitive route a small diversion is required to the rear of plot 9. KCC will need to agree to this diversion through normal procedures separate from this application. Further, in order to accommodate more space around the footpath, plots 4-7 have already been reoriented into a courtyard arrangement: a response from KCC is awaited as to whether the amended layout removes the previously stated concerns
69. The area to the west of the development known as the orchard has also been amended to create a slightly more irregular form of development. The houses have been set back at different distances and these 'pushes and pulls' will, in my opinion, aid the visual impact of the development as there is no layout reason for a highly regular straight building line arrangement in this part of the site.
70. In terms of the location and grouping of the affordable housing, this has been clustered in 3 locations which are to the east of the site, in the centre with the largest number then located to the west of the site adjacent to the boundary with the AONB.
71. Whilst the affordable units would be better slightly more dispersed throughout the development, I consider the locations are considered acceptable in relation to the requirements of the Council's SPD and the approach has been agreed by the Housing Manager. Furthermore, balconies have now been provided to the affordable apartments and elevational improvements been made to improve their design quality and the areas around them. The combination of the two will help them to appear tenure blind.

72. However, at the time of finalising this report I am still negotiating with the applicant to improve the hard landscaping to the area at the east of the site where the affordable units are proposed as part of a shared surface arrangement. At present, this is tarmac. I wish to see block paving to (a) help slow vehicle speeds in an environment that will be shared surface, (b) to stitch this end to the site together in a cohesive manner that is appropriate to the location close to the AONB boundary and (c) ensure that the surfacing approach is also 'tenure blind' by providing enhanced quality surfacing of the same calibre as the applicant is proposing at the western side of the site. I will update the Committee as to the outcome of this issue and, obviously, if not achieved Members may wish to consider whether the scheme should be approved without such changes.

**Impact of the development upon designated and non-designated heritage assets.**

73. In allowing the outline appeal the Planning Inspector concluded that it was not necessary for the Belgar farmstead to remain physically isolated from all other development in order either to continue to be able to understand its historic use or to ensure the conservation of the heritage assets here. The Inspector also made it clear that the quantity of development (i.e. up to 100 dwellings) could be achieved with a suitably detailed layout that would not affect the significance of the heritage assets. With this in mind, and taking into account the illustrative layout that was before the Inspector at the time of reaching this decision, it is not possible to assume that he envisaged that no development would be possible adjacent to the boundary with the group of buildings that make up the historic Belgar farmstead.
74. Whilst it is disappointing that the layout has not gone further by sensitively making these existing heritage buildings more of an overt focal point adjacent to the new development by surrounding them with a greater sense of space (the proposed nearby dwellings instead largely would back onto these assets) In essence, the majority of the comments made by the Panel cover the same overarching issue i.e. seeing the constraints presented by the shape of the site and its changing levels as one that needs a more bespoke approach. Nevertheless, I do not consider that the scheme could be refused on this basis in the light of the appeal context relating to the granting of outline permission. It remains, in my opinion, a missed opportunity to create a more attractive development with greater sense of place related to its surroundings (which would, itself, generate enhanced sale values) and as I have identified, the changes negotiated (and still under consideration) improve the design quality.

75. The concerns of objectors and the Town Council are also noted: both wish to see a more substantial buffer strip provided along the boundary with the Belgar farmstead group. The applicant is aware of this. Given the level of dissatisfaction from the existing community on this point I would welcome improvements to this boundary to meet the concerns raised. If changes are not forthcoming then Members may wish to defer the application for an improved width buffer strip here to provide additional screening and set homes clear of that. I consider that this would assist manage the relationship between new and existing homes in an improved manner notwithstanding the lack of overt consideration by the Planning Inspectorate in granting outlain planning permission.

**Whether the applicant's approach to surface water drainage, landscaping, ecology and biodiversity is acceptable.**

76. The application site does not fall within Flood Zones 2 or 3 and as such it is classified as Flood Zone 1 meaning that it has a low probability (<0.1%) of fluvial or tidal flooding.
77. Surface water drainage has been designed and is proposed to be constructed in line with the drainage strategy which has been agreed with KCC who are the Lead Local Flood Authority. I am satisfied that there would be no increase in surface water flood risk at the site. The proposal involves retention of a reasonable number of existing water management elements at the site including ditches and pond areas in an interlinked manner and so provides a conjecturally appropriate 'blue grid' structuring the site. The aforementioned wider buffer strip issue would work well with this.
78. In terms of soft landscaping the proposals would include the retention of some of the existing trees which would be further enhanced through the provision of additional tree planting around the site boundaries and within the site. These would consist of native and ornamental species and the applicant proposes to utilise larger stock sizes where possible. The area of informal open space with wildlife/SuDS pond would be surrounded by areas of long grass, trees and scrubs.
79. To the southern edge of the site adjacent to the ancient woodland, a buffer strip of 15 metres is proposed. As well as providing protection to the woodland this will also assist in providing a variety of habitats. This area will be managed to replicate a natural woodland edge with native species.
80. Increased tree provision has also been negotiated as part of the design negotiations. Trees are proposed throughout the site in gardens and on street to help to soften the street and the impact of the development. The presence

of trees will also assist in creating shade for residents, micro-climate modulation and further provision of habitat.

81. Further, following discussions with the Council's tree officer I have concerns about the proximity of the development to the eastern boundary where it abuts the garden of Belgar Farm. These concerns have also been raised by the Town Council and residents of Belgar Farm.
82. I am satisfied that the development would not be located within the RPA of the trees along this boundary, some of which are protected by the recent TPO. I am further satisfied that some further growth could be accommodated. As such, the development would be located within minimum tolerances but a wider buffer would be of greater comfort and would help to ensure the longevity of the trees. I also feel that a wider buffer strip here would provide an improved visual break between the new development and the existing Belgar group, further enhancing the setting. Such a change would also lessen local residents concerns. This change would result in the loss of plots 46 and 56 however I consider that these could easily be relocated elsewhere without significant changes to the overall quantity of development. The proposed relationship between the new development and the Belgar Farm boundary can be seen in **Figure 8** below.



**Figure 8: Boundary with Belgar Farm**  
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83. In light of the above, I would recommend that if members of the planning Committee are minded to approve this application that it is subject to the receipt of appropriate amended plans that provide a more meaningful buffer strip along this boundary.
84. Detailed ecology survey work has been ongoing since outline permission was granted for the scheme in 2014. This is in accordance with the requirements of the outline permission. The key findings of these surveys to date appear consistent with information previously gathered in relation to protected species and habitats.
85. In line with the comments of KCC Ecology, I am satisfied that the key ecological impacts associated with the development have been appropriately dealt with.
86. The applicant proposes bird boxes and a landscaping approach that balances visual interest and creation of spaces with different character with approaches that will generally help boost biodiversity. Overall, I consider the way that biodiversity is approached within the scheme to be acceptable.

## **Human Rights Issues**

87. 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**

88. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

89. The proposal would accord with the Development Plan as a whole.

90. This is a reserved matters application and therefore the principle of the development has been accepted and cannot be revisited. Outline permission was granted at a time when the Council was unable to demonstrate a deliverable 5 year housing land supply.
91. The proposed number of dwellings would be in accordance with the outline permission. The proposed density of 19dph is considered to be acceptable given the location of the development on the edge of the town and adjacent to the AONB. It would provide an appropriate transition from the higher density development of Shrubcote and Priory Way.
92. The proposals take account of supplementary planning documents and guidance.
93. The proposed type and mix of homes has been chosen to meet local market demand and is also in broad compliance with the Council's SMHA. The amount of affordable housing (35%) is in accordance with the S106.
94. The development would accord with the Council's adopted parking standards
95. The development would meet the nationally described Space Standards and the Council's adopted standards in relation to internal space and private external space.
96. The applicant has gone some way to amend the design of their standard 'Heritage' house types in an effort to provide a higher design quality. Whilst the Council has clear design expectations and seeks to raise the standard of design across the Borough the outline permission was granted pre 2018 NPPF and prior to the submission of the new Local Plan. The improvements to the overall design of the housing is considered to be acceptable in the specific context of this case
97. On balance, and subject to the satisfactory resolution of the outstanding items needing final resolution I consider that the application (in its amended form) now represents a scheme that can be approved.

## **Recommendation**

### **Permit**

**Subject to resolution, to the satisfaction of the Head of Development Management and Strategic Sites or the Joint Development Control Managers, of any outstanding matters relating to the submission of appropriate amended drawings relating to hard and soft landscaping, the provision of a wider**



**planted buffer strip along the boundary with Belgar Farm and updated parking provision for plot 98.**

**Subject to the following Conditions and Notes:**

**(with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

Provision of a resident's information pack (refers to landscaped areas, Management Company, parking etc.)

Rainwater butts

Removal of PD rights

Parking

Soft landscaping implementation plan/Landscaping maintenance

Landscaping details

For the flats details of signage/lighting/secure access for bicycle stores etc.

Use of dwellings as C3 dwellings only

External fine details elevations

Suds

Ecology

Lighting

Diversion of the PROW

Provision of new parking spaces and new access in accordance with plans

Details of bollards for emergency access

Electric vehicle charging points

## **Note to Applicant**

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

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **2. Southern Water**

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 S021 2SW (Tel: 0330303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

### **3. PROW**

Any proposed work on PROW must be approved and authorised by Kent County Council's PROW and Access Service prior to works taking place.

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

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

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

Any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

### **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 18/00448/AS.

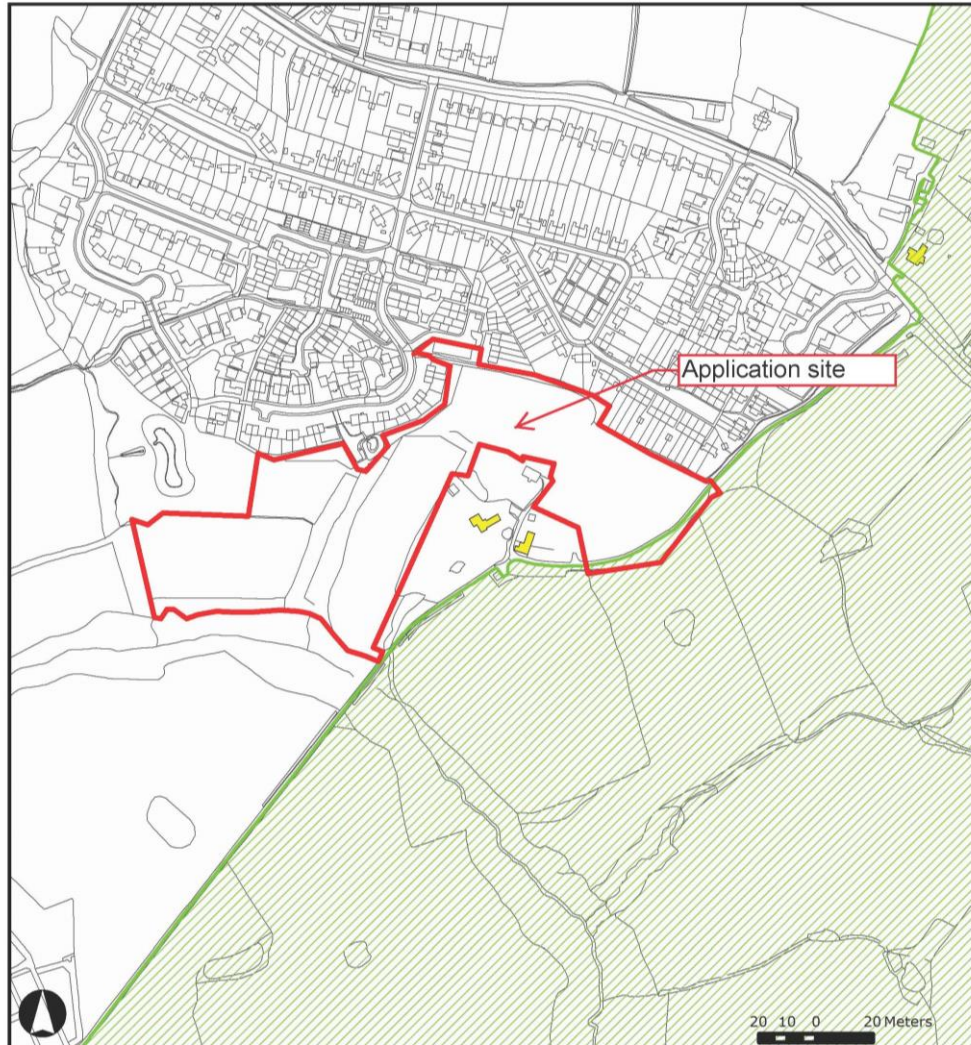
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**Telephone:** (01233) 330248



## Ashford Borough Council



AONB

Listed Building  
 LISTED  
 DELISTED  
 REMOVED  
 UNKNOWN

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## Annexe 2: Report of Design Review Meeting (12 December 2017)

d:se

### Summary

This is an exceptional site with a number of landscape and heritage assets which have the potential to enable this to be a very attractive development. The proposal has taken into account the need to accommodate the ecology of the area, or mitigate its loss. Unfortunately, this need has been treated as a constraint which has driven the design. This together with a very standardised approach to architecture, layout and landscape design means that this proposal will not achieve its potential in terms of design quality or value. An approach is needed which reflects the rural character of the area and uses the natural and heritage assets as an opportunity to create an exceptional and high-value residential development in a unique tranquil location.

### Background

This is a proposal for up to 100 homes on a 5.64 hectare site in Tenterden, Kent. Outline approval has been secured for the development (April 2016) with all matters reserved. The intention is now to submit a reserved matters application.

There are two listed buildings to the south of the site boundary and an ancient woodland to the south and south west. The High Weald AONB is to the immediate south-east of the site and a small section of the site, located on the eastern side of a public right of way is designated as being within the AONB.

### Response to the landscape

The shape of this site is long, narrow and irregular, making it impossible to create any grid of streets and quite difficult even to create loops. In addition, there are requirements to allow areas for wildlife habitat and corridors and landscape buffers. These have been treated as constraints and not opportunities, and a standard Redrow development squeezed into the space left over. While the panel would much prefer to see an architecture that was more responsive to the local vernacular of Tenterden, not just in terms of materials but also farm clusters or cottage typologies, or that reflected a contemporary response to the natural setting, we understand that Redrow will insist on providing their standard product, in this case the Heritage Range. However, a standard Redrow approach to plot and street layout, as illustrated in slide 25 of the presentation, is not only inappropriate for this site but will fail to maximise its value.

The constraints of the site need to be reconsidered as opportunities. These include:

- Views of the oast house. The design team seem to have become distracted by the heritage designations of the buildings to the south of the site and dismissed the oast house because it is not listed. While there have been some insensitive additions to this building, its roof remains very distinctive and the thing that visitors to the site will spot well before the listed buildings.
- The mature trees on the north east boundary, the North West boundary and south of the proposed attenuation pond.
- The lane and views into the AONB to the south east.
- Views out into the ancient woodland to the west.
- Watercourses and ponds developed as part of a more sophisticated approach to drainage (see below).

d:se

Streets could be aligned and houses clustered and orientated to make the most of these assets, and the highest value houses located to benefit from them. All this requires an approach which is not simply based on houses clipped onto streets with regular building lines but a more rural layout of buildings on plots and dispersed clusters reflecting the Wealden landscape. While we agree that the concept of character areas is often over-used especially on smaller sites, each of these natural and heritage assets requires a separate response in terms of the character of the development around it. A requirement to maintain darkness at night next to wildlife areas need not prevent the approach we propose, there are approaches to lighting that can meet those requirements while still keeping lanes safe for people.

Landscape design has a very special importance in this peri-urban situation. Reference should be made to the Landscape Character Appraisal for the area to give a general guide. There is scope to respect historic landscape features of the site such as hedge-lines, orchards, spinneys, ponds and damp flushes that can give a subtle differentiation of character to each part of the site. Character is not merely a function of the architectural style and in this respect the layout of houses is also an important element. Local villages are notable for the front gardens with picket fences, or houses hard onto the road, using this local character can inform and lift the quality of the layout. Add to this a combination of seeing ecological constraints as opportunities, combining them with a true water sensitive design approach, and one that also addresses the serious problem of predation on wildlife by domestic cats and the scheme could be of the highest quality.

### Access and entrance

Access to the site has been agreed through a rather narrow entrance off Priory Way where there is currently visitor parking. Although we are sure that all property in Tenterden will be in high demand, the Shrubcote area is not the most attractive part of the town. The proposal places small pockets of green either side of the entrance to the site to almost create a buffer between the old and the new. This arrangement has no doubt been arrived at with the future sales and marketing requirements for the development in mind. However, the designers can decide what is the point of arrival into the new development. A tighter layout at the access point with houses either side, would not only use less attractive parts of the site more efficiently but could lead one into a small green to give a sense of arrival from where some of the key assets of the site could be viewed and would therefore be a stronger marketing opportunity.

It is understandable that the lane to the south east cannot be used as an access to the site although we are pleased to see it will provide an emergency access. However, this does not mean that the development should turn its back on it and additional pedestrian and cycle connections here should be encouraged and will be attractive for residents.

The panel did not have time to discuss wider pedestrian connections but we would normally ask for these to be given greater consideration and for internal paths to connect with the wider network. This site is not far from the town centre but awkwardly situated for walking and cycling using the road network. Connections to rights of way and desire lines that make it easier to get to local facilities (if only in good weather) should be considered.



### Sustainable drainage

It is telling that in slide 12 of the presentation the attenuation pond to the south-west of the development is labelled 'Open space and SUDs'. A single attenuation pond, fed by conventionally engineered drainage systems does not add up to sustainable drainage and the planning authority should not allow any requirement for SUDS to be interpreted so crudely. Indeed, such a pond would need to work very hard to deal with both the volume and pollution of the run-off from a conventional system over a site of this size.

Sustainable urban drainage should be considered as a system for dealing with, and benefiting from, run-off water throughout the site. An integrated system of swales, rills, ponds, rain gardens and soakaways across the site would not only be more sustainable in terms of embodied energy, promotion of biodiversity, and reduced pollution, but also much cheaper to implement and maintain. Such a system would also enhance the existing character of the site and create a variety of attractive features for residents. It is also important to acknowledge that ancient woodland buffering is not just a matter of minimum distances but also of the water quality entering the system.

### Affordable housing

We were told by the local authority that there is a requirement for 35% affordable housing which should be tenure blind. Tenure blindness should not simply be interpreted in terms of architecture, but includes the setting of homes. The proposed layout shows large areas of uninterrupted front-of-plot parking in front of the affordable homes, which immediately signals its tenure. On the eastern boundary of the western part of the site, two rows of affordable homes are shown set in a back-land courtyard of hard surfaces. The location of affordable homes in the far eastern corner of the site not only fails to take advantage of views out to the AONB but also means that affordable housing tenants and residents are placed furthest away from the facilities of the town and have to travel through the rest of the development to get to them. We understand that locating affordable housing close to the entrance to a site challenges Redrow's conventional practice, but it depends how it is designed. As we argue above, a tighter entrance consisting of terraces of cottages could lead to what could then be considered as the arrival point into the development.

<b>Application Number</b>	18/01168/AS	
<b>Location</b>	Kent Wool Growers Ltd, Brundrett House, Tannery Lane, Ashford, Kent, TN23 1PN	
<b>Grid Reference</b>	01316/42484	
<b>Parish Council</b>	None	
<b>Ward</b>	Victoria (Ashford)	
<b>Application Description</b>	Demolition of existing buildings (except Whist House) and redevelopment to provide 254 residential units within four apartment buildings and works associated with the restoration of Whist House to provide a 4-bed dwelling. All together with associated areas of new public realm, hard and soft landscaping, parking, plant and storage and access works.	
<b>Applicant</b>	U+I (Ashford) Limited c/o Agent	
<b>Agent</b>	Lichfields, 14 Regents Wharf, All Saints Street, Islington, London, N1 9RL	
<b>Site Area</b>	1.19 hectares	
(a) 31/2R	(b) -	(c) AIA/R, EA/X, HE/X, KP/X NE/+, SG/X, SW/X, SER/X KCCCH&T/R, KCC-H/R, KCC-ES/R, KCC-ED/X, KCCF&WM/X , ABC-EH/R, ABC-ES/X, ABC-HS/X, ABC-D/X, ABC-CSE/X

## Introduction

1. This application is reported to the Planning Committee because it is classified as a 'major' development and is of a scale that requires determination by the Planning Committee under the Council's scheme of delegation. The application is made as a 'full' application. The site plan is attached at Appendix 1. The amended site layout plan is attached as Annex 2.

2. The applicants carried out pre-application discussions with the local authority, as well as key stakeholders within the community. The proposal was also presented to the Ashford Design Panel – their feedback is attached at Annex 3.
3. The application site is designated through policy S1 of the Submission Draft Local Plan. The ‘vision’ for the commercial quarter is set out on page 11 of the Submission Version Local Plan and states that a *‘regenerated Ashford Town Centre will expand significantly its leisure, cultural, educational and residential offer. A new Commercial Office Quarter next to the railway station will be a major economic impetus for the area, helping to substantially increase employment, trigger more spending in the town centre economy, and improve wage rates and skills levels. The town centre’s heritage will be conserved and enhanced alongside quality new public realm reflecting the various different character areas.’*
4. Furthermore, at paragraph 3.104 the plan states that the commercial quarter will be the main business sector of the town, *‘intended to stimulate investment opportunities in new large-scale office space based around a high-quality environment with a location close to the domestic and international railway stations. The site is proposed for up to 55,000 square metres of new office floorspace.’*
5. The Preamble to Policy SP1 cites that there will be a strong emphasis within the Commercial Quarter on creating a strong network of routes and space, and a very high-quality public realm. It also states that the riverside frontage of the site is well suited to a residential-led mix of uses providing riverside access and direct pedestrian access over a new bridge to South Park and the Stour Centre. The listed (Grade II\*) Whist House should also be restored as part of any regeneration scheme.
6. Paragraph 4.10 sets out that unlike many parts of the town centre where a predominant, historic scale of 3-4 storeys exists, there is the opportunity for larger scale development blocks within the site.
7. Through consultation with officers, the applicants have made efforts to ensure that their proposal takes into account any potential future developments on wider neighbouring sites.
8. Given the scale of the development there is a requirement for Section 106 contributions to be provided. The applicant has submitted a viability report with the application, which provides an independent financial appraisal of the proposed development in order to assess the viability implications. This was to help identify the level of Section 106 costs that can be incurred without the

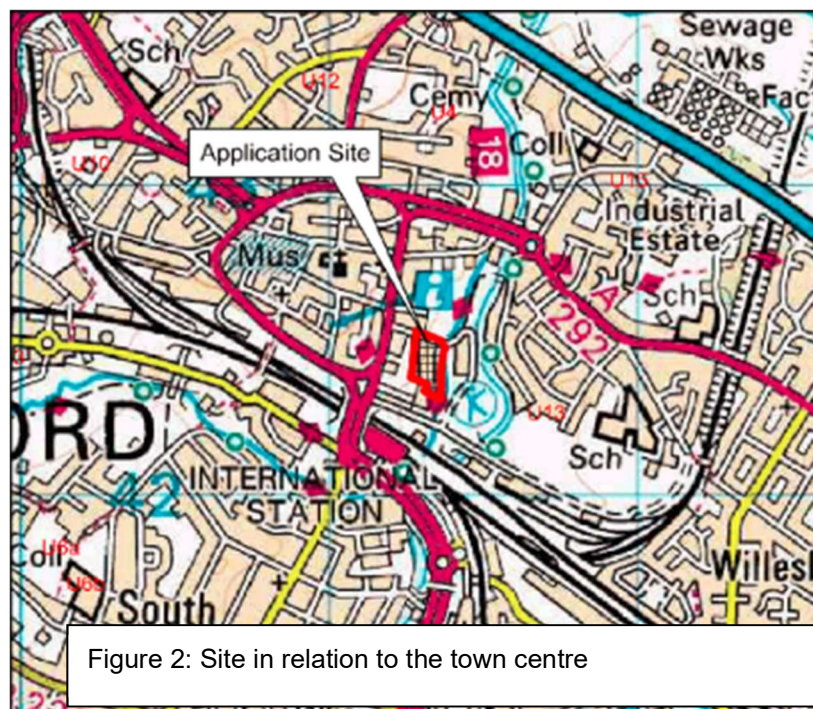


scheme becoming unviable in a planning context. This report was then assessed by the Council's independent Viability Consultant and this independent appraisal was conducted for the purposes of agreeing appropriate obligations.

## Site and Surroundings

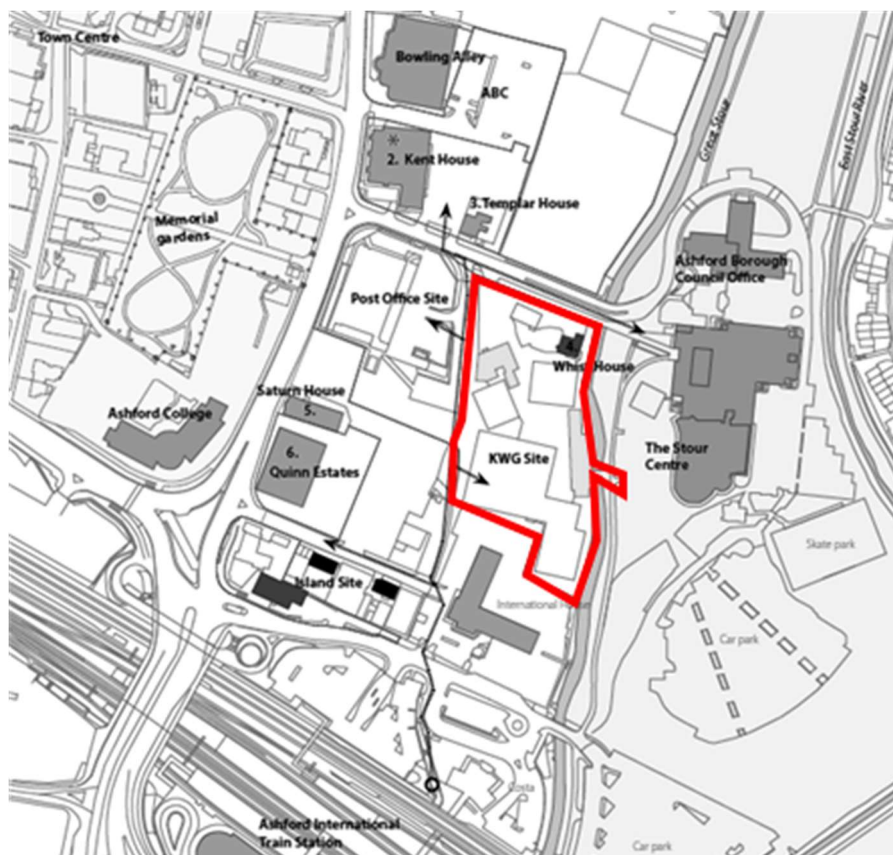
### The Site

9. The application site is located in Ashford Town Centre (part of the Commercial Quarter) and lies approximately 200metres east of Station Road and immediately adjacent to the east of the Royal Mail Sorting Office. The site lies to the west of the Stour centre and Civic Centre complex, both of which lie beyond the river Stour. North of the site is Ashford School Playing fields and south of the site is the large office complex, International House. To the south-west of the application site is the recently completed office block (connect 38), which contains a number of varying uses including offices, dentist and cafeteria.



10. The application site is 1.19ha in size, and currently includes a number of buildings, the majority of which are permanent structures, although there are a small number of temporary structures within the site. The majority of the site is covered by hardstanding, with vehicular access achieved from Tannery Lane.

11. Of the existing buildings within the site the most prominent is the Grade II\* listed Whist House which is located close to Tannery Lane. This is a two storey (with rooms in the roof) building constructed in 1707. It is an attractive building which contributes significantly to the character of the locality – although its significance has been reduced by some of the more recent additions to the site, which have affected its setting detrimentally.
12. In addition, there are a number of former tannery buildings on site which are to be removed. These are also of local interest, being of brick construction and directly related to the previous use of the site.

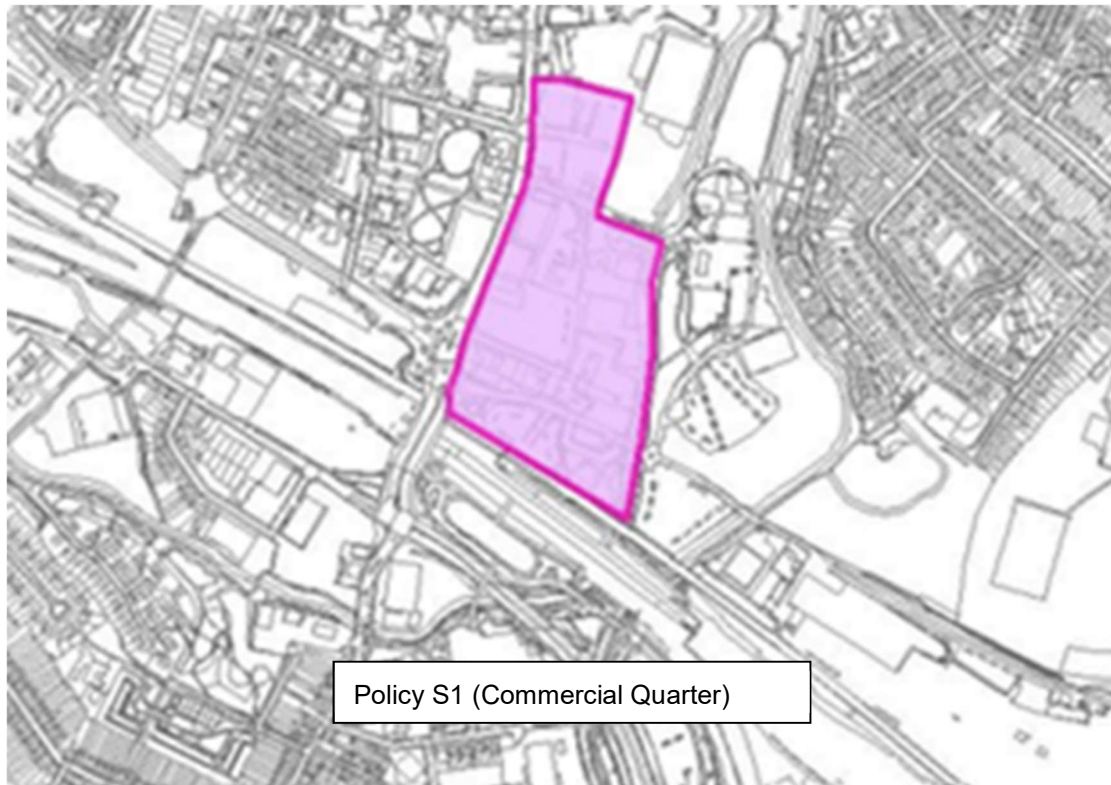


13. There is a good level of tree cover alongside the River Stour at present although this is rather unkempt and does little to contribute to either the setting of the listed building, or the river itself.



14. Along the western boundary to the Royal Mail are some self-seeded small trees and shrubs and a chain link security fence which also runs along the southern boundary. Immediately along the eastern boundary is the riverside with a relatively thick screen of self-seeded trees and shrubs. Along the north boundary with Tannery Lane is a 2m high metal railings and double gates at the access into the site. There are level differences along this northern edge of the site as Tannery Lane runs fairly level along this section as it has been constructed as a bridge over the river and is consequently elevated above the site as the site levels drop considerably down towards the river. This results in a significant retaining wall to the road being visible from within the site.
15. The site is covered by Policy S1 within the Submission Version Local Plan (2017) which identifies the site as being suitable for redevelopment – for both commercial and residential purposes. Figure 1 (above) shows the area that this covers which extends beyond this application site, and runs up to the railway line (beyond International House) and up to the A2042 (Station Road), including the Royal Mail delivery site.
16. The site is located within a highly sustainable location, being within the town centre, and within close proximity to a number of services and facilities. The site is only 160metres from Ashford International Station, 200m from Ashford College, 600m from the new cinema complex, 60m from the Stour Centre, and 650m from the core shopping area (County Square). For this reason, the Council

have identified that this site can accommodate a good level of both commercial and residential units, reflecting the sustainable nature of the site.



#### Transport Connections

17. An important consideration of this proposal is where the site is located, and how it will interact with existing public transport connections, and local facilities, reducing the necessity for the use of the private motor car. Given the site's proximity to the train station, there are good links to London, Maidstone, Canterbury and the rural hinterland (as well as mainland Europe) from this site. In addition, there are a large number of buses that stop at the station (and indeed along the A2040) which provide excellent links both within and beyond the borough. These links should reduce the reliance upon the use of the private motor car.

### **Proposal**

18. This is a full planning application, submitted in July 2018, and proposes the redevelopment of the existing site, with the following new development proposed:

- Demolition of the existing buildings (with the exception of Whist House); which will be restored as a single dwelling);
- The erection of 254 residential dwellings (all for market sale)
- 107 one-bedroom units, 136 two-bedroom units, and 8 three-bedroom units;
- 178 car parking spaces in total (168 for the apartments + 2 spaces for residents of Whist House and 8 visitor parking spaces);
- Vehicular and pedestrian access routes through the site, include a new pedestrian footbridge across the River Stour.
- Landscaping and public realm works within the application site.

#### Amendments to the Application

19. Since the application was deposited with the Council, there have been significant discussions between the applicant and officers, which have brought about the submission of two sets of amended plans. The most recent plans were submitted on the 22 November 2018 for review.
20. At the time of finalising this report, some fine detail drawings and information in the supporting documents are in the process of being updated to accord with these final plans. Furthermore, CGIs are awaiting which we anticipate being made available for Members prior to the determination of this application at Planning Committee.
21. In my opinion, none of the amendments made by the applicant require further public consultation, as these relate to the fine detail of individual buildings rather than the massing, scale or form of the buildings, or indeed the principle of development. There is however, further consultation with a number of statutory consultees, as these amendments do in part relate to comments that they have raised. At the time of writing this report, not all consultation responses have been received.

#### Access

22. Only one vehicular access into the site is proposed, being served from Tannery Lane on the northern side of the site. This access is proposed to not only serve this development but also potentially other parts of the Commercial Quarter as it comes forward.
23. This access would be in the form of a shared surface which would run in a north-south direction through the western part of the site. This road would have car parking along its eastern edge, between the main thoroughfare and the buildings. Pedestrian and vehicular movements would both utilise the same space which would be privately maintained.

24. Alongside Tannery Lane, an area of car parking would be provided that would serve the residential units, as well as provided visitor car parking – with a pedestrian access (stepped) provided at the eastern end linking up to Tannery Lane with the existing tall railings being replaced with smaller railings.
25. All car parking would be accessed from this singular route, which ‘hugs’ the perimeter of the site. Undercroft parking would be provided for all proposed blocks, with each having a singular point of access (this was amended from the original scheme which saw blocks C and D sharing the same access).
26. Pedestrian access is also to be provided across the River Stour into South Park, by means of a new bridge – this would allow both pedestrian and cycle movements. This bridge has been designed by Alex Chinnock and is considered to be a significant benefit of this proposal.

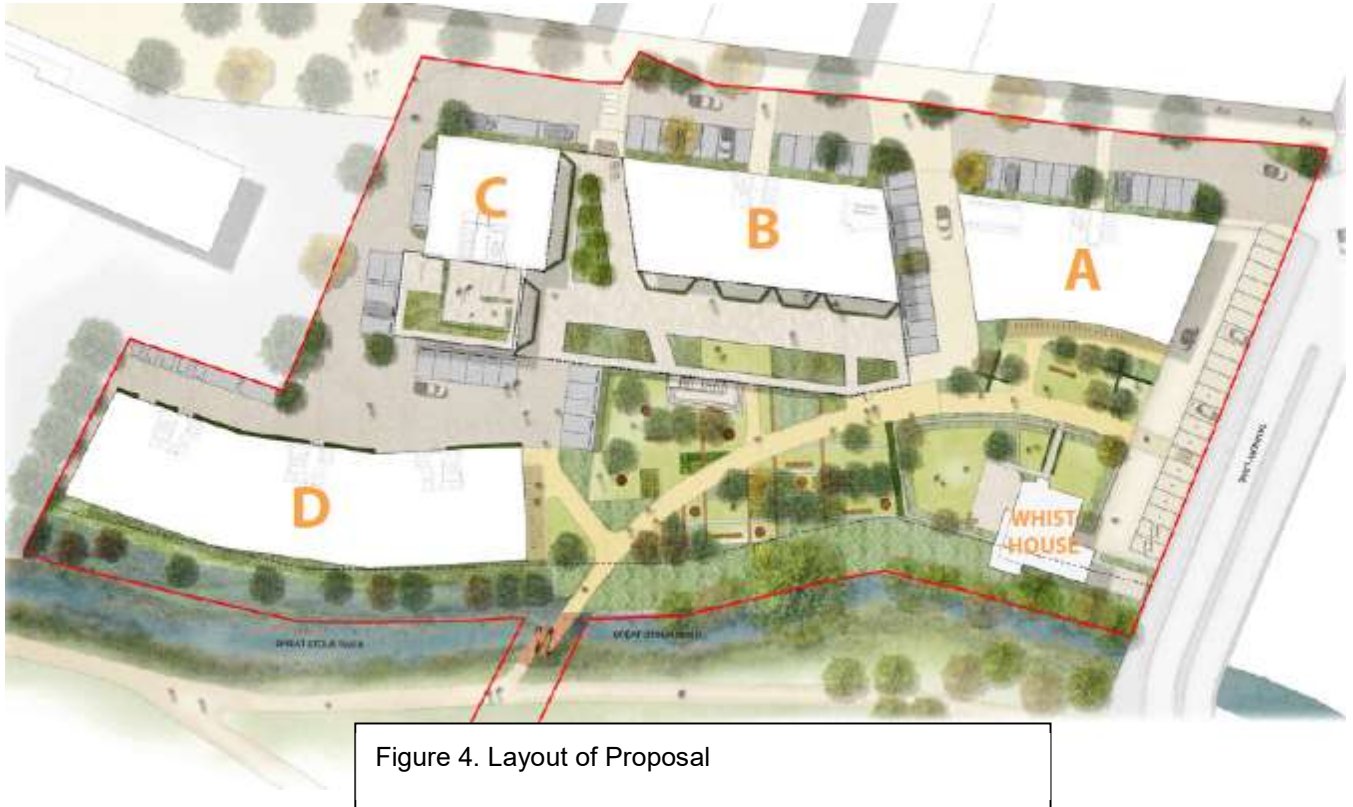
#### Layout

27. The residential units would be accommodated within four distinct blocks, all of varying height and character. The proposal has been developed with careful consideration of the overall masterplanning of the site, in order to ensure that other components of the site can be delivered without harm to the built form of this element, or the residential amenity of future residents.
28. Careful consideration has been given to the setting of the Grade II\* listed building Whist House which sits in the north-eastern corner of the application site. This, together with a desire to open up the riverside frontage has resulted in the majority of the built form being pulled back into the centre and western part of the site, with areas of open space provided alongside the river, as well as in front of Whist House. The exception to this being Block D which sits behind the riverbank, and affords future residents direct views across it.
29. The area of public open space lies immediately opposite Whist House and would extend down to the bridge which links across to South Park. This would open up the site to the general public, creating a link which does not currently exist.

#### Scale and Density

30. The proposal would be of a significant scale, rising up to 14 storeys at the highest point. The buildings would range from six storeys to 14 and would all be clustered relatively closely together (the detail of each block is set out below). This would be a significant development within the town centre,

although within a location that has been identified as being suitable for significant scale and massing.



31. The proposal would be of a high density (158 dph) which reflects the heights that are proposed. The use of this brownfield site, within a highly sustainable location for a development of this scale is acceptable in principle, subject to the detailed design being of a high standard that both reflects the quality of the built form within the town centre and also the aspirations of the Council in regeneration the town centre. An analysis of the form and design is provided later within this report.



32. Despite the relatively high density proposed, a small proportion of the site would be given over to public open space, which responds to the riverside location, and the necessity to provide communal open space for the future residents. The open space is important to provide a human scale to the development which would assist in softening the impact of the height and width of the proposal.
33. Figure 4 (below) shows the layout of the development, and the level of open space that is to be provided. This also shows the level of separation between the buildings, which enables permeability as well as 'breathing space' within the development.
34. The proposal would also allow for a suitable level of open space to the front of Whist House, which will ensure that its setting is not harmed.

Block A



35. Block A would be highly visible from Tannery Lane, given its proximity to the access point and would be located at the main thoroughfare for both pedestrians and those with vehicles entering and leaving the site.



Figure 5. Block A

36. The building is proposed to be of six storeys with the ground floor accommodating the car parking provision (a total of 17 spaces), with the access on the southern side. Above this, there would be four floors with a mixture of one, two and three bedroom units (and communal spaces – lifts etc.). The upper most floor – the fifth with accommodation would be set back from the northern, eastern and southern elevations, which would allow for a terrace area to be provided for each of the four flats.

Block A	
One Bedroom Units	9
Two Bedroom Units	18
Three Bedroom Units	2



37. The ground floor elevation would be provided with a hit and miss brick detailing, which would ensure that there would be some intervisibility between the internal parking area and the outside area. Above this the building would have a slight projection, and would be provided with metal cladding. Units would be provided with balconies that would overlook the opens space, as well as balconies to the rear.
38. The top floor of the building would be set back from the façade, providing for a terraced area for all four flats within.
39. The building would be accessed from the rear elevation, or from within the internal parking court. There would be level access to all floors from both means of access.  
The building is located close to Whist House as illustrated below.



### Block B

40. Block B is effectively the second building that is encountered as one enters the site from the vehicle access from Tannery Lane. This building, with a total of eight storeys is of a significantly greater mass than Block A, both in terms of height, but also width – and with the podium deck on the eastern side a greater perception of mass.



41. Due to the scale of the building, the architects have sought to articulate the building with a series of features that would 'break up' its mass. These features include the provision of projecting metal cladding 'squares' that would sit proud of the façade as well as balconies.

42. As with Block A – Block B would have car parking provided at ground floor level, with hit and miss brickwork which enables some inter-visibility between inside and out. Again, access would be from the rear of the building (the main thoroughfare into the site) with a podium access provided to the front – with steps down to the public open space.

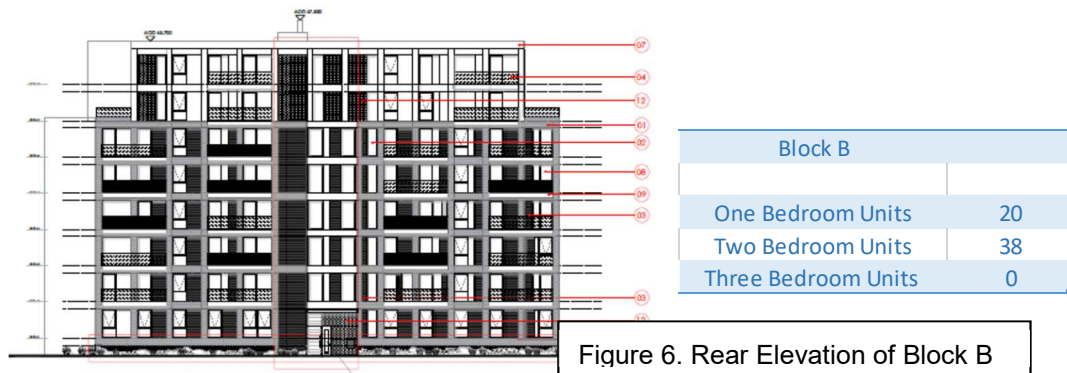


Figure 6. Rear Elevation of Block B



43. This building would have a total of eight floors of accommodation provided, with the top two floors being set back from the façade. Materials would be similar that of Block A, although there would be subtle differences in shades. This will be a substantial building, and as such officers have sought to ensure that the entrances into the building are of a sufficient scale to firstly be legible, but secondly be of an appropriate scale and form.
44. Block B would open out onto the podium deck at first floor level, which whilst a publicly accessible space can also be utilised as communal open space. This podium would have small areas of landscaping provided (although due to weight constraints this will be low level).

45. Again, the units within this block would be provided with balconies to ensure that private open space is in situ for each unit. These balconies are considered to be of a good size, to enable them to be utilised functionally.

Block C

46. Block C will be the tallest building within the development, and will be taller than all buildings within the immediate surrounds. As such, there will be clear

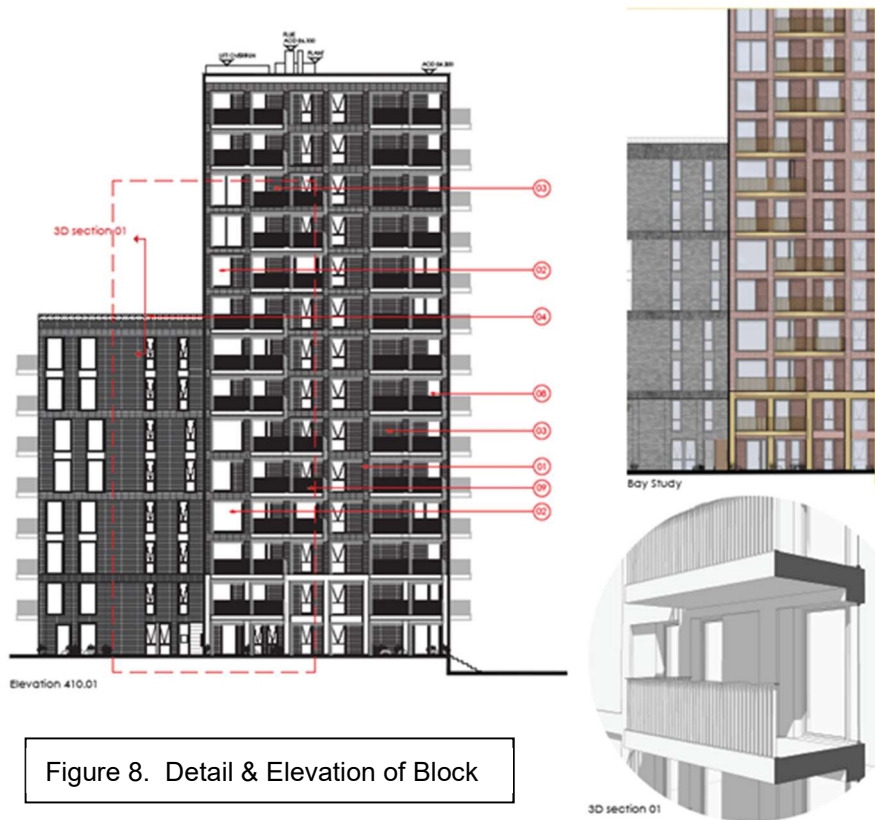


Figure 8. Detail & Elevation of Block



Block C	
One Bedroom Units	36
Two Bedroom Units	44
Three Bedroom Units	0

- views of the development from both the immediate vicinity of the site but also from medium and long distance views.
47. Given its prominent location and the scale of the building, its design has been subject to significant scrutiny, and through several design iterations. Initially concern was raised that the two elements of the building were too similar and as such there needed to be greater varying in both form and material. Amended plans were therefore submitted which show the significant change in materials.
48. The smaller of the two towers that form Block C would be constructed of a black (charcoal coloured) brick with contrasting banding and gold balconies. Parking would be provided at ground floor level (with access from the riverside) with pedestrian access from the front and also from within the parking area.
49. The taller of the two elements would be a total of 14 storeys in height, and would again be of a brick construction. Here, the bricks would be of a softer hue and would be detailed with an irregular square pattern. The building would be provided with balconies.
50. Through negotiations, the applicant has been asked to ensure that the building is designed in such a way as to ensure that it does not appear as overbearing. The applicant has responded to this by changing the character of the entrance points, as well as providing a subtle change in the materials to the ground and first floor which differentiate it from the remaining storeys above.

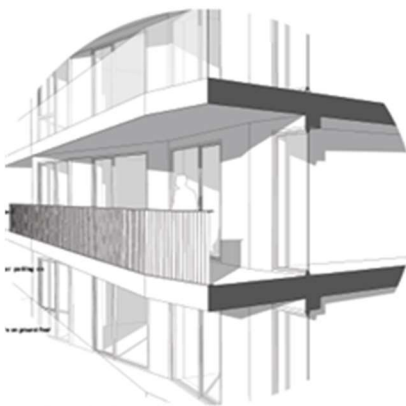
#### Block D

51. Block D, which lies adjacent to the river is proposed to be of a different form to the remaining blocks, with a much larger level of glazing proposed within the key elevation (facing the river). The building would be seven storeys of residential accommodation with car parking provided underneath. Access to this car parking area is from the rear of the building.

#### ***BLOCK D – Riverside Elevation & Detailing***



Section 310.01



3D section 01



3D section 02



Bay Study

Block D	
One Bedroom Units	42
Two Bedroom Units	36
Three Bedroom Units	6



52. The rear of the building is of a much different form, and throughout the life of the application significant amendments have been sought to address the shortcomings of this elevation in the first instance. The elevations now provided have a greater level of articulation, and variety of material which are considered to respond more positively to the form and appearance of the remainder of the development.
53. The building is now provided with two breaks in the rear elevation, that also respond to its form (being slightly splayed) as well as balconies which will provided layering as well as activity on this prominent elevation. The rear elevation would be constructed predominantly of brick, with a projecting element sitting above the ground floor which would again ensure that building does not appear as monolithic when approaching by car or on foot.
54. A large cycle store and bin store is also to be provided within the ground floor of the proposal which would serve all residents of this block.

Bridge and riverside green space





55. A new area of attractive open space is proposed between Whist House and the development. The concept is based on the former tannery use of the site



56. A new bridge is proposed to provide a connection between the site, and South Park and the station, Stour Centre and Council Offices thereafter. The bridge has been designed by artist Alex Chinneck and has been referred to as the 'loop-the-loop' bridge, creating a real focal point of the bridge as art in its own right. Whilst the plans submitted are illustrative only, the cost of delivering this bridge have been fully considered as part of the viability appraisal submitted with the application, and as such there is an expectation that a bridge of this quality will be provided as part of this application.



#### Whist House

57. This proposal seeks the restoration of Whist House back to a single dwelling. Its present lawful use is residential but property appears to have been vacant since the mid 1990's. The restoration would be achieved with little intervention to the fabric of the building although the development would necessitate some alterations internally. Whist House is in a relatively poor state at present and



this proposal would bring about the regeneration of this building, to provide a four bedroom dwelling.

58. The curtilage garden and interesting boundary walls, would be reconfigured and restored and the overall curtilage would significantly increase in size southwards as part of the proposals. Parking would be in a courtyard immediately to the north west of the property.

#### Supporting Documents

59. This section of the report sets out a summary of the main supporting documents submitted by the applicant.

#### **Planning Statement**

60. The planning statement sets out the background to the proposal and explains the rationale for the development of the site. It has identified certain key issues, considered the planning policy background at national and local levels and assessed the proposals against those factors.
61. It states that the proposal is consistent with the principles of the draft allocation within the Submission Version Local Plan and with the Ashford Town Centre Area Action Plan.
62. The Statement also sets out that the proposal would result in the improvement of the Grade II\* listed Whist House, and would deliver new links through the site to the town centre – improving permeability between the town and the civic centre and train station.

#### **Design and Access Statement**

63. The D&A includes an in-depth analysis of the site comprising a description of the site with photographs, its history, an analysis of its connectivity, vehicular, pedestrian, cycle movement, the surrounding land uses, and building heights in relation to the masterplan for the development of Commercial Quarter.
64. The D&A then goes on to examine the design process of the building, which involved different stakeholders (Design South East, Members of Ashford Borough Council and local residents) at different stages of the process. It explores different design, landscaping, sustainability options as well as the impact that the building will have on its surroundings.
65. The D&A states that the proposed development works within the development framework of the wider masterplan for the 'Commercial Quarter' with the character of the proposed buildings fitting within the masterplan.

### **Transport Assessment**

66. The report submitted which sets out the detailed parking provision for this development – although the plans have now been amended without an updated transport assessment being provided. At the time of writing, there remain a number of outstanding matters and a holding objection from Kent County Council Highways, and we are awaiting a response from the applicant to address these matters.

### **Air Quality Assessment**

67. The air quality assessment submitted with the application addresses the matter of dust during demolition and construction and also (to a lesser degree) the impact from additional traffic movements. The sustainable location and reduced car parking provision has resulted in lesser car movements from the site than might otherwise be anticipated within a development of this scale. The impact upon air quality is therefore considered to be negligible.
68. The proposal has however identified a 'medium risk' in terms of the impact from dust and has suggested appropriate mitigation that can be provided which reduces this risk to 'not significant'. These mitigation measures would need to be incorporated within any construction management plan agreed.

### **Arboricultural Assessment**

69. An arboricultural assessment was submitted with the application, which sets out the impact upon the trees within the application site. This identifies which trees would be retained, and which would be removed by virtue of the development. The category two group of trees is located along the riverside, where none are sought to be removed, whereas the category three trees (some of which are to be removed) are located along the western and southern border.
70. This assessment suggested a number of mitigation measures to ensure that the trees to be retained are suitably protected during both the demolition and construction phases.

### **Archaeological Appraisal**

71. In accordance with relevant government planning policy and guidance, a desk-based assessment has been undertaken to clarify the archaeological potential of the study area.

72. In terms of relevant designated archaeological assets, no World Heritage sites, Scheduled Monuments, Historic Battlefield or Historic Wreck sites are identified within the study area.
73. The study site is located within an Area of Archaeological Potential as defined by Kent Historic Environment Record, most likely associated with the former Tannery works on the study site. The Stour Palaeolithic Character Assessment locates the study site within an area of moderate/high potential for Palaeolithic remains.
74. Based on the available evidence the study site is considered likely to have a moderate archaeological potential for the Roman period, and a generally low archaeological potential for all other pre-Post Medieval periods of human activity. Evidence for residual artefacts and palaeoenvironmental remains related to the alluvial deposits of the Great Stour may be present within the study site, whilst evidence for the Post Medieval/Modern former Tannery is anticipated.

#### **Economic Benefits Statement**

75. This statement provides an understanding as to what the potential economic benefits of the proposal may be, both during the construction phase and thereafter. It should be noted that this document is produced on the basis of 251 units, rather than the 254 now proposed.
76. It is suggested that the construction value of the development would be approximately £60m, with 173 construction jobs created over a three year build period. In addition, a total of £1.4m initial 'moving in' expenditure would come forward, with up to 38 extra supported jobs within the local economy. The report also sets out benefits to the local authority through New Homes Bonus and extra Council Tax revenues.

#### **Daylight and Sunlight Amenity**

77. This report was written and based upon the requirements of BS8206-2: 1992, and it states that the design of the proposal has been developed in through careful consideration of this matter for future residents.
78. The analysis shows that the levels of daylight amenity received to the habitable rooms within the proposed development would be commensurate, or even exceed, that of many recent developments in town centre locations and are in line with the expectations of occupants of such an area. Most rooms meet or exceed BRE criteria and the scheme has been carefully

designed to provide living accommodation which meets modern day expectations.

79. The scheme has also been carefully designed to maximise the number of rooms with access to direct sunlight. Many of the apartments have access to balconies and these provide quality external amenity space, although this does mean that a trade-off must be made with the levels of sunlight received to the windows below the balconies, meaning that achieving the target values can be difficult to achieve.
80. The report concludes that the daylight and sunlight levels achieved are consistent with other modern urban developments and commensurate with expectations of occupants living in such a location.

### **Energy and Sustainability Statement**

81. This report sought to set out and justify (where necessary) the measures that could be incorporated across the lifecycle of the proposed development to ensure high levels of performance and long-term viability. This sets out that the buildings will be of a higher specification than current building regulations and that a number of matters have been considered through the design process – including:

The impacts of the building on air quality, external noise, and transport systems have been included to ensure that future residents have a high level of amenity. The report concludes by saying that the development will be a high quality, and sustainable form of build.

### **Environmental Acoustic Assessment**

82. In accordance with the requirements of the NPPF, significant adverse impacts on health / quality of life should be avoided and any adverse impacts should be mitigated and minimised. This report, sets out the mitigation by means of 'closed window' solutions will achieve the requirements of the NPPF and will allow benchmark standards to be met. It also concludes that residential developments are not typically considered as a source of noise during the occupational phase. As a result, the completed development is unlikely to introduce any significant noise sources that would have a negative impact on existing neighbouring sensitive receptors. However, they may be impacted upon during the construction phases. The use of good practice measures and standard controlled working hours will help to minimise any negative impact during the relatively short duration construction works.

### **Flood Risk Assessment**

83. The flood risk assessment highlights that there are some potential flood risks related to the Site predominantly from risks associated with fluvial and surface water flooding both to and as a result of the proposed development. However, it is considered likely that risks and impacts could be managed to an appropriate level with the adoption of mitigation measures as part of the proposed development such as locating new residential units outside areas of the site at the highest probability of flooding.
84. Furthermore, the proposed development plans include a reduction on the area of hard standing surfacing within the site as well as attenuating generated surface water flows from the site prior to discharge into the adjacent River Stour, therefore mitigating flood risk as a result of the development.
85. These details are considered in full within this report, with mitigation measures fully considered as part of this proposal.

### **Geo-Environmental Assessment**

86. A Geo-Environmental Assessment was requested by U+I (Ashford) Limited. The purpose of the assessment was to identify any preliminary contaminative issues associated with the site which might impact on the site's redevelopment.
87. In terms of remediation, it is thought to be limited to the excavation and treatment of locally impacted soils, including stabilisation, and provision of clean cover in soft landscaped areas. The removal of soil-based sources is considered to be sufficient to remediate contaminated groundwater, however, further investigation is required with regards to ammonia detected in groundwater. It is considered however that these matters can be dealt with through the imposition of suitable conditions.

### **Heritage, Townscape and Visual Impact Assessment**

88. This report was submitted to address the impact of the development upon the town centre and the immediate locality of the site. The reports findings are summarised below:
- Townscape – the proposed development would deliver either neutral or minor beneficial change to the Commercial Quarter and surrounding townscape character areas. The scheme would improve the townscape character of the site, replacing an area of generally low townscape value and sensitivity with a high quality residential scheme which creates

improved north-south connectivity. The architectural scale is informed by the existing townscape character established by existing buildings such as the Civic Centre and International House. The introduction of a fourteen-storey building meets local policy aspirations in creating a legible landmark within the local context and it would step up towards International House, lessening its currently prominent impact on the skyline. The materials have been informed by local character and would reinforce the industrial character of the historic buildings to the south west of the application site. The scheme would change the skyline context of the surrounding areas, but the change would be characteristic of their existing visual setting, and the scheme would benefit these areas by improving vibrancy between the town centre and the station.

- Visual Amenity – The proposed development would have neutral to minor beneficial effects on the surrounding visual amenity. The only adverse visual effects would be the obstruction of views of St Mary’s Church, a local landmark, in views from the south east. However, in this view the visual amenity would also be improved through the creation of an attractive new backdrop to the South Park Meadow, with neutral effect. Overall the scheme would, at worst, have neutral effects on the identified representative views. It should also be noted that these views of the landmark tower are likely to be obstructed over time by the trees lining the Great Stour and by future phases of the Commercial Quarter, as planned, in any case.
- Heritage – There would be direct effects and indirect effects on Whist House (and the two curtilage-listed buildings), there would be indirect effects on the identified surrounding heritage assets. There would be some minor loss of fabric through internal alteration and through the demolition of the curtilage-listed structures. This harm should be weighed against the heritage enhancements offered by the scheme, comprising comprehensive repair and restoration of Whist House, the demolition of unsightly modern commercial structures which lie in close proximity to the listed building, and the creation of an attractive private and public landscaped setting. The masterplan would enhance the setting of the listed building. Block A would be set over twenty metres from the listed building and would be appropriately scaled in order to create an attractive visual setting to the listed building, as would the introduction of residential uses and high-quality contemporary architecture across the site.

### **Preliminary Bat Roost Assessment**

89. In January 2018, Idom Merebrook Ltd commissioned Middlemarch Environmental Ltd to undertake a Preliminary Bat Roost Assessment. To fulfil



the above brief to assess the potential for the existing buildings and trees on site to support roosting bats, a Preliminary Bat Roost Assessment was undertaken on 13th February 2018 and has subsequently been updated in response to further site visits throughout May and June 2018.

90. This assessment revealed that buildings 1, 2, 3 and 6 had high potential to support roosting bats, building 7 had low potential to support roosting bats and buildings 4 and 5 had negligible potential. No evidence of roosting bats was identified within the buildings or trees during the survey. However, several external features, such as gaps under roof and hanging tiles and gaps in the soffit, could not be fully inspected due to the height at which they were located. A full internal inspection of buildings 2, 3, 4, 5, 6 and 7 could not be carried out due to a lack of access and health and safety issues therefore, further survey work is required to establish if the buildings and trees are currently supporting roosting bats. Following the results of the Preliminary Bat Roost Assessment, the following recommendations have been made:
- R1 Buildings 1, 2, 3 and 6 Buildings 1, 2, 3 and 6 have been identified as having high potential to support roosting bats. Bat Surveys: Good Practice Guidelines published by the Bat Conservation Trust (Collins, 2016) recommends that for structures with high bat roosting potential at least three dusk emergence and/or dawn re-entry surveys be undertaken during the bat emergence/re-entry survey season to determine the presence/absence of roosting bats within the structures.
  - R2 Building 7 Building 7 has been identified as having low potential to support roosting bats. Bat Surveys: Good Practice Guidelines, published by the Bat Conservation Trust (Collins, 2016), recommends for structures with low bat roosting potential that at least one survey (consisting of either a dusk emergence survey or a dawn re-entry survey) be undertaken during the peak season for emergence/re-entry surveys (May to August) to determine the presence/absence of roosting bats within the structure.
  - R3 Buildings 4 and 5 Buildings 4 and 5 were inspected and no bat roosts were identified. These structures had negligible potential for roosting bats. The survey data obtained for the site is valid for 12 months from the survey date. If development works to the surveyed buildings have not commenced within this timeframe it will be essential to update the survey effort to establish if suitable features have developed and if bats have colonised the buildings in the interim. In the unlikely event that a bat is found during demolition works all works must immediately cease and a suitably qualified ecologist should be contacted.

91. These surveys were undertaken and the following works are suggested:
- R1 Buildings 1, 2 and 7: As a bat roost/resting place has been identified in Buildings 1, 2 and 7, no unlicensed work can be undertaken which will contravene the legislation outlined in Appendix 1. Prior to any works being undertaken which are likely to result in a breach of the legislation, a development licence must be obtained from Natural England. The licence application process will include the submission of a method statement detailing the current status of bats on site and how the favourable conservation status of the bat population will be maintained. Prior to a licence being issued, planning permission must be granted and relevant conditions relating to protected species and habitat issues must be discharged.
  - R2 Buildings 3, 4, 5, 6 and Trees 1, 2 and 3: Buildings 3, 4, 5, 6 and trees 1, 2 and 3 have been subject to a full suite of activity surveys in line with Bat Surveys for Professional Ecologists: Good Practice Guidelines (Collins, 2016), and no bat roosts were identified. The survey data obtained for the site is valid for 12 months from the survey date. If development works to the surveyed buildings and trees have not commenced within this timeframe it will be essential to update the survey effort to establish if bats have colonised the buildings and trees in the interim.

### **Statement of Community Involvement**

92. The Statement of Community Involvement sets out the engagement with the Council and public prior to the submission of the application. This highlights the pre-application meetings, Councillor engagement, public exhibition (held on the 3 July 2018) and Stakeholder event (3 July 2018).
93. The document then analyses the responses that were provided by those who attended and set out how this influenced the proposals.
94. Over 150 people attended the public consultation event with the majority in support of the scheme. 95% of respondents said that they wanted the site to be redeveloped, with 87% generally in favour of a residential led scheme. The Statement also sets out that the scheme was amended to include more 2 and 3 bedroom units, and also the vehicle access was reviewed and amended.

### **Travel Plan**

95. The Travel Plan submitted highlights the sustainable nature of the site, and the mitigation that will be required to ensure that future residents best benefit from this sustainable location. These include a welcome pack that provides

residents of local infrastructure, further surveys to analyse travel patterns. Further to the submission of this plan, it has been agreed that a car club will be introduced, and additional cycle parking has also been provided.

### **Tree Survey**

96. Middlemarch Environmental Ltd was commissioned to undertake a pre-development Arboricultural Survey of a site at Kent Wool Growers on Tannery Lane in Ashford. It is understood that the site will be the subject of a planning application for development. To fulfil the project brief a desk study and a field survey of the trees present on site were undertaken in March 2018.
97. The survey identified that the site contains a number of young and early-mature trees which are predominantly in a good condition. The most significant trees recorded within the survey were a group of English Yew (*Taxus baccata*) and a single Western Red Cedar (*Thuja plicata*) which were located adjacent to the northern boundary of the site near to Tannery Lane.
98. In addition to the English Yew trees and the Western Red Cedar, which were considered to have a moderate to high retention value, a number of Sycamore (*Acer pseudoplatanus*) and a single Ash (*Fraxinus excelsior*) were also present within the site. These specimens were less significant in the local landscape and many were self-set and in decline, and as such these specimens were typically considered to be of a low retention value.
99. To ensure the protection of trees selected for retention during the course of the proposed development it is recommended that the guidance set out in Section 5 of this report is considered and that, during development of the site, the retained trees are protected by the erection of tree protection barriers to the specification set out in BS5837:2012.

### **Utilities Report**

100. A utilities report has been submitted that assesses the ability of this development to connect into key services, and the potential cost implications of doing so. This looks into the ability to connect into the electricity supply, water supply and gas supply – all of which are considered able to accommodate this development (subject to new connections).

### **Visual Impact Assessment**

101. This report was commissioned following on from the comments raised by the Council's Conservation Officer relating to the impact upon St Marys Church – particularly when viewed from Mersham. This report concludes that both

International House and St Mary's Church are very hard to distinguish on the horizon in views from Mersham Church. As such distance (approximately 5km) changes to Ashford's skyline are barely perceptible to the naked eye, and as such proposed scheme would have a negligible effect on the setting and significance of Mersham Church.

102. Even viewed through a telephoto lens, the proposed development would be seen to form a cluster alongside International House and would not obscure the view of St Mary's Church or diminish its prominence within the landscape.
103. Whilst it is noted that the historic inter-visibility between Churches is an important consideration, it should also be acknowledged that this particularly view is not identified as a strategic view and does not benefit from protection over and above the statutory requirements relating to the settings of listed buildings. This assessment clearly demonstrates that the proposed development can be delivered without harm to the settings of St Mary's Church and Mersham Church, both due to the position and stepped form of the scheme, but also due to the distance between Mersham Church and the town centre. As a result of the intervening distance the visibility and prominence of St Mary's church within its landscape setting is very limited, as experienced by the naked eye. The effect on the proposed scheme on the setting of the listed churches would be neutral.

### **Water Vole Survey**

104. Middlemarch Environmental Ltd completed a Water Vole Survey along the section of the River Stour adjacent to the eastern boundary of the proposed development site in May 2012. The section of the river surveyed was generally deemed as sub-optimal for water voles. At this time, two small mammal burrows were identified within the survey area. No evidence was identified to indicate that these had been created by water voles. No water voles or definitive signs of water vole activity, such as feeding stations, footprints, lawns or latrines, were recorded along the surveyed section of river. It was therefore concluded that water voles were not utilising this section of the river at the time of the survey.
105. The same section of river was subject to a habitat assessment and a presence/absence survey in May 2018, during the first half of the water vole breeding season, which extends between mid-April and the end of June. The habitat assessment confirmed that the section of river surveyed remains generally sub-optimal for water vole, with sections devoid of vegetation or heavily shaded.

106. During the presence / absence survey no evidence of water vole, such as burrows, latrines, grazing signs or runs, was identified. It is therefore considered that water voles are currently absent from the area. No impacts on this species are anticipated at present as a result of the proposed works. It should be noted, however, that water voles have previously been recorded on the River Stour and as such, they may use the stretch of river adjacent to the proposed development site to commute between more suitable habitat that may be present upstream or downstream – and as such conditions are recommended.

### **Wind and Microclimate Study**

107. This study was undertaken at the request of Officers, and summarises the wind conditions in an around the application site – both now and once the application is complete.
108. This concludes that the wind conditions in and around the site are currently acceptable in terms of pedestrian safety with the exception of the thoroughfares through the parking areas directly south of the site, and the areas located west and south-west of the proposed site along Station Road, and Saturn House (and Dover Place Commercial). Once the development is complete, safety issues would occur in the area between Block B and Block C at podium level and the south corner of Block C roof terrace. As such, mitigation is proposed that would ensure that these safety measures can be addressed. This is in the form of the provision of soft landscaping and higher parapets than previously shown.

## **Planning History**

- |                 |   |
|-----------------|---|
| 18/01256/AS     | Listed building application for the demolition of two pre-1948 brick buildings. Internal and external restoration works to Whist House relating to its restoration to provide a 4-bed dwelling (associated to corresponding planning application 18/01168/AS for redevelopment of the site to provide to provide 254 residential units within four apartment buildings and works). <b>Yet to be determined.</b> |
| 18/01487/AS     | Prior Notification for the proposed demolition of Brundrett House and the Central Warehouse Building. <b>Yet to be determined.</b>  |
| 18/00002/EIA/AS | EIA Screening opinion for Kent Wool Growers Site. <b>EIA not required.</b>  |
| 18/00001/EIA/AS | Screening opinion for the proposed residential development at Kent Wool Growers Site. <b>EIA not required.</b>  |

- 13/00713/AS Hybrid application for the demolition of all existing buildings (except Whist House). Erection of 159 residential units consisting 155 apartments (4-6 storeys) and 4 town houses and associated parking (outline application with approval sought for details of access, layout and scale with details of appearance and landscaping reserved). Works for the restoration of Whist House to a 4-bed dwelling, including new parking barn, garden/flood walls and landscaped gardens (full application). Planning permission granted 2 April 2015. This has now lapsed.
- 13/00007/EIA/AS: Screening opinion for the proposed residential development: screening opinion issued 7/6/13 - no EIA required.
- 91/00615/AS: Renewal of temporary permission 90/0373/AS. Portacabin to serve as staff rest area and wool department administration office on a temporary basis. Planning permission granted 18 June 1991
- 89/01786/AS: Demolition of part of canopy to bark barn as a result of vehicle damage and reconstruction in its original form: Planning permission granted 18 January 1990.
- 88/00641/AS Erection of phase 1 warehouse and demolition of part of existing buildings: Planning permission granted 30 November 1988.
- 88/00640/AS Bark barn: careful taking down of existing roof/wall cladding. Dismantling and identifying structural timber frame. Storage on site then transport to Evegate farms, Smeeth. (subject of a separate listed building application). Listed building consent granted 14 December 1988.

## Consultations

109. **Ward Members:** Cllr Dara Farrell and Cllr Charles Suddards are the Ward Members for this application and have made no comment on the application.

### Statutory Consultees

110. **The Ancient Monuments Society** were consulted and made the following representations:

*'Firstly, we would like to commend the applicants' heritage consultants (Lichfields) for producing a very clear, well-presented and thoroughly researched Heritage, Townscape and Visual Impact Assessment. The Ancient Monuments Society welcomes the retention and proposed repair of the Grade*

*II\*-listed Brundrett House. This is an important building - both architecturally and in telling the story of Ashford's early industrial development.*

*We note that two curtilage buildings are to be demolished. Two photographs have been submitted in the Heritage, Townscape and Visual Impact Assessment. Would it be possible to see further images of the buildings? It is difficult to tell from the information supplied whether the buildings are indeed of limited architectural interest.*

*We very much welcome the identification by Lichfields of buildings along Dover Place which are of local heritage value (Heritage, Townscape and Visual Impact Assessment pages 37-38). We urge your authority to consider setting up a local list to protect these important buildings as a matter of urgency and to undertake a survey to establish which other buildings of local merit could be added to the list.'*

111. **Ashford Borough Council Culture and Environment Department** were consulted and made the following requests for S106 contributions:

***'Requirements for the provision of public open space***

***Public open space is to be provided both on and off site.***

*At a potential 254 flats informal public open space is required on site to a value of £67,045.42 capital and £60,192.71 commuted sum, 0.88ha in area. However from the details in the Design and Access Statement p26, public amenity space is detailed at 1,240m<sup>2</sup>/ 0.12ha. This is substantially below the necessary 0.88, and therefore off-site contribution is required.*

*0.12ha is also well below our required standard of providing minimum public open spaces of a size of 0.25ha. Therefore the public open space provided as part of the development must be of high quality with necessary investment.*

*Given the lack of informal public open space on site, an offsite contribution is requested.*

*Off-site contributions calculate as:*

	<b><i>Total capital contribution for off-site provision</i></b>	<b><i>Total commuted maintenance sum for the development</i></b>
<i>Sport - outdoors</i>	<i>294,296.04</i>	<i>60,377.92</i>
<i>Informal/natural</i>	<i>80,380.42</i>	<i>60,192.71</i>
<i>Play</i>	<i>120,200.21</i>	<i>122,793.13</i>
<i>Allotments</i>	<i>47,783.75</i>	<i>12,223.75</i>
<i>Strategic Parks</i>	<i>27,040.42</i>	<i>8,704.79</i>

*Potential projects:*

- *Outdoor sport capital: Ashford Borough Council are seeking contributions towards the Stour Centre leisure site.*
- *Informal open space: Ashford Borough Council are seeking contribution towards improvements at North Park.*
- *Play: contribution towards play at the Stour Centre site or Ashford town centre.*
- *Allotments capital: the contribution would be spent on a project to provide improvements to allotments at Henwood, Orion Way, and Gas House Fields.*
- *Strategic Parks capital: Ashford Borough Council are seeking contributions towards improvements at Conningbrook Park, to create a new main car park for visitors to the park*
- *Cemeteries capital: no contributions are sought at this stage.*

*The above comments on the level of contributions for open space should not be taken to indicate that Cultural Services will approve the scheme. Contributions are calculated as per the Public Green Space and Water Environment SPD 2012 and will be subject to inflation.*

*Given the likely income from the development will not be immediate, the priority project is for commuted sum for play, which includes re-surfacing, new play equipment, new furniture. This allows for an income which will likely be stage payments.*

#### **Requirements for Cultural improvements**

*A contribution is required for arts of £62,674.50, towards arts programming in Ashford town centre.*

*A contribution is required for the voluntary sector of £22,098, towards Ashford Volunteers Centre.'*

In addition, they have provided detailed comments on the proposed landscaping provision within the application site:

#### **'Comments on the proposed layout**

##### **Open Space / Landscape**

*Informal open space provided as part of the development must be integrated within the built development, entirely overlooked, genuinely useable and fully accessible all year round. The public open space must include all the necessary infrastructure and planting to create a quality landscape scheme.*

*The following locations will not count towards the area of required informal public open space:*

- *Flood zone areas*
- *Necessary drainage features*



- *Landscape required as ecological mitigation*

### ***Landscape General Arrangement Plan***

*The development provides a welcome opportunity to connect to the west side of the river, although we would have liked to have seen a riverside path on the west side of the river linking directly with the station.*

*The current design does not demonstrate investment in the landscape, with too much emphasis on paving, and a very minimal relationship with the river. We need to see some investment in quality paving – not concrete block pavers and concrete slabs. A Cedec gravel is not acceptable either within a formal, urban location*

*The materials palette chosen for this scheme does not demonstrate any quality investment in the hard landscape. In terms of unit paving no natural stone has been specified, all paving is of concrete origin; there are limited features which add any value and give the scheme a specific identity. More investment in the hard landscape is required, with bespoke paving and features providing some interest and value.*

*The interface with the river is poor; the 'Tannery Gardens' layout does not transition well into the semi-ornamental planting specified for the riverside location, with no clear division between the two.*

*The river will be a draw for users - the current design does not exploit the riverside location enough. The central open space is the key public open space provision here, and therefore needs to provide informal recreation opportunities here, likely to be sitting, socialising and informal play. All seating must be in clearly visible locations, and not screened by planting. We will need to see details of proposed site furniture.*

*The current layout for 'Tannery Garden' with decorative bands and broken up areas of landscaping does not relate well with the surrounding landscape, buildings and route through. It does not provide a paved route adjacent to the river, or paved areas to and including any seating.*

*The large areas of paving need breaking up more; the communal roof terrace is limited in its scope and provides little cover for users in terms of shade. There is a large area of paving to the west of the southern building; very little breaks up this paving and there is limited landscaping to enhance the building.*

*More consideration needs to be given to the landscaping around all the buildings, where there is more potential to provide an attractive, softer approach to the landscape and more thought needs to be given to potential desire lines and routes from buildings. There is opportunity to break up the parking spaces more.*

*What is the detail for the southern boundary?*

*The proposed parking area adjacent to Tannery lane is too bleak and unimaginative in its approach. This is the approach and setting to the listed Whist House building, and the primary pedestrian and cycle route through the*

*scheme. The area in no way enhances or improves the character of the development.*

*Why is there a crossfall of 1:80 that falls towards the building, and not towards the river? There isn't logic to this approach.*

### **Planting Plans**

*The planting palette for trees is limited and unimaginative, and too dense within the 'Tannery Garden', where views of the river will become restricted. Next to the river native species should be specified, but they can be varieties e.g. *Crateagus laevigata* 'Paul's Scarlet', *Alnus incana Laciniata*. *Alnus cordata* is not appropriate for this location – too large.*

*We need clarification on which trees are to be removed and why. The group G is not listed for removal in the AIA.*

*Trees opposite buildings will become a liability, and as they increase in size it is likely there will be future pressure for removal work to the trees, or to the tree in its entirety. These need reviewing across the scheme and designed with some care and thought for their future growth.*

*The river Great Stour is part of the Ashford Green Corridor Local Nature reserve, and Great Stour Ashford to Fordwich Local Wildlife site. How have these designations been accommodated? The planting proposed for the entire riverside edge is very limited in its approach and requires far more variety, and consideration in terms of views across the river. It is not necessary to specify *Salix caprea* as this naturally seeds itself locally. How has the existing vegetation been considered and included within the scheme?*

*Parthenocissus quinquefolia is considered an invasive plant and should not be specified.'*

112. **Ashford Borough Council Environmental Services** were consulted and within their initial comments (23 August 2018) requested that additional information be provided to demonstrate that the site could be adequately served by refuse vehicles. The applicant submitted further information on the 14 December 2018 which has now been reviewed by the Council's Environmental Services Manager who has confirmed that this would overcome the previous concerns.
113. **Ashford Borough Council Housing Team** were consulted and confirmed that as the scheme is 100% flatted (aside from Whist House) and is located within the town centre, there is no requirement for affordable housing to be provided in this instance. These comments were reiterated within the second round of consultation.
114. **Ashford Borough Council Parking Services** made the following comments:

*The design accounts for a provision of 0.7 [spaces per dwelling] is premised on the close proximity of public transport, including train stations (domestic and international). The parking provision was reduced to allow for the podium to be reduced.*

*This level of parking provision is aspirational; it may not be borne out. The application considers that there is no clear and compelling justification to impose the local parking standards. This relies on the below average level of car ownership in central locations.*

*The development is considered 'central' and we would hope for a provision of at least one parking space per unit, in line with the SPD.*

*Reduced parking schemes can be allowed where the standard central typology cannot be achieved. It is argued that the location, available services and typology of the site allows for parking to be provided beneath the level outlined in the SPD.*

*Residents of the new scheme would not be eligible for residents' parking permits for long-stay on-street in the existing permit schemes (Controlled Parking Zones) in and around the town centre.*

*In certain places within the Design and Access Statement a site is shown indicating additional parking in a multi storey car park (located off Station Road Ashford). This is indicated as part of route planning but clearly does not form part of the site or a designated source of overflow parking for this site.*

*The multi storey car park shown is indicative. There are no plans for overflow parking from the Whist House site specifically to use any such new car park, other than as pay and display customers or season ticket holders. Any multi-storey car park, when built, would be primarily intended to serve the town centre and its amenities, in terms of maintaining and improving customer footfall, before any other potential use.*

*The internal access roads of the site will not form part of the adoptable highway. As a result, civil parking enforcement will also not be possible here. Control of parking within the site will be a private matter.*

*Any surplus in vehicle ownership that may arise from residents of the site cannot be accommodated therein. We would be mindful of the potential effects, with displacement of such vehicles to the nearest streets around the town centre currently not subject to widespread civil parking restrictions. Hythe Road and adjacent streets are outside those areas previously included in Controlled Parking Zone/permit schemes. The proposed development could bring increased parking demand to the area from both residents and visitors. Given that the alternative solution for overflow parking would be use of pay and display car parks, it is likely that residents would opt for free parking if possible. Any significant increase in such displacement over time would likely lead to a demand for parking schemes to be instituted which, by their nature, would not include residents of the new development as potential permit holders.*

*Consequently, The Travel Plan should be secured through a Section 106*

*Planning Agreement together with a £5000 fee to the borough council so that Ashford Borough Council can effectively monitor the development and its effects on areas currently not subject to Controlled Parking Zones, but potentially within reach of the effects of overflow parking. This would allow for the effects to be monitored and the potential for restrictions to be brought in as mitigation on existing streets.*

*'Existing car parks (and new ones) would likely continue to allow for season ticket holders, but no specific option has been identified for residents of the Kent Wool Growers site. For example, the current season ticket costs is £760 p.a. which, although a significant discount over the costs of daily parking, would not seem a very exciting prospect for a new resident.*

*As it is, there are a number of new developments within the town centre ring road with no or little off-street parking. It is made clear from the outset that there is no on-street parking in the existing CPZs in place on the streets nearby.*

*However, we are regularly rejecting permit applications from these residents and replying to repeated request for the rules to be bent in the favour of new properties. Complaints about not issuing additional permits have reached the ombudsman. All of this is a considerable waste of Parking Services time.*

*Clearly, it is somewhat foolish to purchase a property without parking and then insist that this be provided in nearby CPZs- particularly as the lack of parking would be reflected in the purchase price, but it is clear that the parking situation (i.e. non-availability of parking in other areas) is either ignored or glossed over during the purchase/rental process- my colleagues are then left to deal with the results. This is always going to happen, I am sure, but it would be helpful to reduce to the incidence as much as possible.*

*Unlike other developments in town this one is closer to the area currently not covered by a CPZ (KCC response is a little incomplete in this respect). For example, Hythe Road and its many tributaries (Linden Road, Mill Court etc) have no CPZ. The roads can be accessed using the bridge next to the Civic Centre (relatively close to the proposed site).*

*A small number of residents have recently requested some kind of parking scheme in the area (due to commuters etc), but no general support at present. I simply imagined that an overspill of parking from the new site would likely find its way to this area leading to a need to at least investigate the need for more controls here to stop residents being crowded out by vehicle growth.'*

115. **Ashford Borough Council Environmental Health Officer** was consulted and made the following comments: *'I have reviewed the Air Quality Assessment submitted and would make the following initial comments:*

- *There will need to be more information and modelling supplied in regards to the proposed CHP plant usage. The information required is something along the lines of that contained in the "CHP system information request template" on the IAQM website. <http://iaqm.co.uk/guidance/>*
- *There does not appear to have been any damage cost analysis completed for the site which we would usually require where the development is considered major using the criteria from DoT indicative thresholds for transport assessments (>50 residential units) as referred to in the KMAQP Air Quality Planning Guidance. They have now done some, however, at present the air quality assessment concludes that the site will not lead to a significant increase in vehicle movements and has therefore not considered this further. However, I note that KCC Highways raised several issues with the transport assessment, one significant one being that the proposed trip rate for the flats is considered too low. This means that this part of the assessment needs to be revisited as I cannot be sure that this element still remains insignificant. This may also have an impact on the damage cost analysis.*
- *The recommendations that have been made for mitigation through the demolition and construction phases are sensible and should be followed.*

*I have also reviewed the land contamination report and would have the following initial comments to make:*

- *It is not entirely clear whether reference was made to the DoE Industry Profiles for Animal and Animal Products Processing Works and Road Vehicle Fuelling, service and repair transport and haulage centres when determining potential contaminants and therefore the soil analysis requested from the lab. I would welcome further clarification on this from the applicant.*
- *At 3.1.2 the author states that the sampling locations were chosen on the basis of providing "broad spatial coverage of the site in accessible areas". Looking at the plan showing these locations I am not sure I agree that broad spatial coverage has been achieved and I was expecting the report to suggest further monitoring once the site was empty or at least post demolition. I am also unsure whether consideration was given to the proposed layout when selecting the sampling locations. The number of sampling locations also appears low at 5 new sites (and relying on 2 historical sites). I would welcome further comment from the applicant on the sampling.*

- *They have acknowledged the above saying that it was a preliminary assessment only. Therefore I am expecting more Phase II investigation.*
- *At 5.1.2 the author has taken the land use – residential without plant uptake – whilst this is acceptable for the proposed flats, Whist House will remain an individual dwelling with garden and as such does not fall within this category and should be assessed separately as residential with plant uptake. I would welcome further comment on this. Could I also briefly have further comment on why soil organic matter was assumed at 1%.*
- *Gas monitoring was only undertaken once for this report which may increase uncertainty in the results. However they appear to broadly reflect the prior 1 round of monitoring and the proposed design (under croft parking) addresses this type of concern. If the design were to change this would need to be considered further. At present looks like it might be sufficient.*
- *The proposed remediation suggests excavation and treatment of locally impacted soils and a clean cover system in soft landscaped areas. Whilst I have no objections to this in theory I am of the opinion that the sampling undertaken to date has not provided sufficient information to properly identify where those hotspots might be, and as such I would welcome further comment from the applicant. Again to be addressed by more Phase II assessment.*

*In regards to the noise assessment submitted I would make the following initial comments:*

- *I welcome further information on any potential noise affects from the proposed CHP plant once details of this have been confirmed. - I note that many of the proposed balconies will be exposed to noise levels above BS 8233 standards, however it is considered more desirable to have these external areas than not and this should not necessarily be a bar to the development.*
- *Further, many of the habitable rooms within the development will be reliant on closed windows to achieve the required internal levels, the report makes reference to a ventilation strategy and assessment of summer overheating risk which I have been unable to locate but this will be integral to ensuring residents are not frequently required to open windows for cooling thus exposing themselves to elevated levels of noise.'*

#### *Recommended Conditions*

- We note that the applicant proposes to dispose of sewage by a connection to the mains public sewer. As such, we would request the inclusion of condition E019 to avoid pollution of the surrounding area.

- We note that the development includes residential dwellings. To promote the move towards sustainable transport options and to take account of cumulative impacts of development on air quality we would request the application of E047 to provide electric vehicle charging facilities on driveways etc.
- We note that the proposed development is considered a major site, and as such I would request that condition E028 is applied with respects to providing a construction management plan. In particular we request this for the purposes of ascertaining the; 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), measures to minimise the potential for pollution of groundwater and surface water, and the arrangements for public consultation and liaison during the construction works.

*Recommended Informative* - "The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays. In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties. Finally the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites."

116. Head of Development Management and Strategic Sites (HSS&D) : amended plans deal with this issue.
117. **Ashford Borough Council Project Delivery Officer** was consulted and made the following comments:

*'The submitted application has been reviewed in conjunction with comments from Kent County Council's Senior Flood Risk Project Officer (In their capacity as Lead Local Flood Authority). The outline principles of the management of surface water volumes and runoff rates (based on the information provided) are considered to propose an acceptable and policy compliant (CS20) solution. As such, there is no objection to the above application.'*

*Should the LPA be minded to grant the scheme permission it is recommended that the conditions provided by KCC's Senior Flood Risk Project Officer are attached to the permission.'*

118. **The Association for Industrial Archaeology** were notified of the application and made the following comments:

*'The Association for Industrial Archaeology notes that this application is in respect of the conversion of Whist House (listed grade II\*) into a four-bedroom dwelling and the demolition of all other buildings on the site including the two curtilage listed pre-1948 buildings which are all that remains of the site's tanning industry. The Association for Industrial Archaeology commented upon a previous application (2013 - No 13/00716/AS), which was allowed in respect of this site, and the comments were only on the two pre-1948 buildings. The first building referred to as Building 1 is a single storey building which backs onto/ is adjacent to the Great River Stour. It is said to be dated between 1872 and 1898. It is brick built and there is limited decoration at eaves level. The second building referred to as Building 2 is in part earlier, with the back section being dated to the earlier part of the 19th century and the front section between 1898 and 1907. Building 2 was referred to as the "Sales Building" in 2013 but is now referred to as the Ashford Gun Room. It may be described as being in two sections. The first and newest is nearest to the road, Tannery Lane, being of red brick and of panel and pier construction. Attached at the rear is the older section and at right angles to the front section and beyond that a weatherboarded louvred section which may be indicative of the building's former tannery use. These two buildings Nos 1 and 2 are all that remains of the once extensive tannery on this site. It is suggested that this site has a long association with the tanning industry possibly as far back as the late 17th century, although the works last operated in the mid 20th century.*

*The site is mentioned and there are photographs of it in A Guide to the Industrial Archaeology of Kent by David Eve and published by the Association for Industrial Archaeology in 1999, page 12. More surprisingly it appears in the second edition of Pevsner of 1976 (corrected 1980): The Buildings of England, West Kent and the Weald, by John Newman, Penguin Books, page 136. Here it is referred to as "intriguing 19th century tannery buildings". This comment is not repeated in the 2012 edition, perhaps because the bark barn has been removed. It is unfortunate that these now sparse remains of one of Ashford's earlier industrial activities are to be lost.*

*In the 2103 application it was noted that the line of Building 1 was to be retained as a riverside walkway. However, it has to be said that it is a pity that Building 2 could not have been incorporated into the overall project. It represents an industry of Ashford and is an interesting building. It is*



*regrettable that Whist House itself has fallen into such a state of decay. It is also regrettable that this new application has not seen possible to reuse at least the Ashford Gun Room Building as this would add interest to the development. It is imperative that there is an adequate record is made of these buildings before they are demolished as well as to record any surviving below ground archaeological remains of the tanning industry, such as the pits, especially as some of them may be early.'*

119. **Historic England** were consulted, and on the 19 September made a number of detailed comments. Subsequent to this, amended plans were received and **Historic England made the following comments:**

*'Historic England is satisfied that the amendments minimise the harm to heritage significance (Para 190 of the NPPF). Your Council will also need to satisfy itself that any remaining harm is clearly and convincingly justified (Para 194) before weighing this against the public (including heritage) benefits of the proposal (Para 196). As noted in our advice of September 2018 we think securing the optimum viable use of the grade II\* listed house is a heritage benefit which you may consider in the weighing exercise provided this is secured. We suggest this might be achievable with a legal agreement attached to the planning application for redevelopment. This could require the submission of a costed specification for the repair and conversion of the Whist House to a residential use and its implementation and completion before the occupation of any new development on the site.'*

120. **The Environment Agency** were consulted and initially objected to the proposal, but following the receipt of amended plan have now withdrawn their objection subject to the imposition of suitable conditions relating to flooding, contamination and ecology. All suggested conditions have been included within this report. Their comments read as follows:

*'Thank you for consulting us on the amended plans submitted to overcome our objection. Based on the submitted information we consider that planning permission could now be granted for the proposed development if the following planning conditions are included as set out below. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application.'*

121. **KCC Ecology** were consulted and requested that additional information be provided prior to the determination of the application.

The applicant has subsequently submitted a response to this request, which suggests that a number of these matters can be dealt with by planning

condition rather than requiring the submission of material prior to determination.

Their consultation response (10 September 2018) states:

*'We have reviewed the ecological information which has been submitted with the planning application and have the following comments to make:*

**Local Wildlife Site**

*The proposed development is adjacent to the Great Stour, Ashford to Fordwich Local Wildlife Site and the submitted information has detailed that an 8m buffer is proposed between the development and the river bank.*

*We highlight that the plans submitted as part of the development do not clearly show that the buffer area is 8 metres. We advise that prior to determination we advise that the LPA must be satisfied that the 8m vegetated buffer can be created within the proposed development.*

**Reptiles**

*The report details that there is suitable habitat within the site for reptiles and a due to the small area to be impacted a precautionary mitigation strategy is proposed to clear this habitat. While in theory we agree in principal with the proposal we advise that it may not be appropriate as to ensure it works the retained reptile habitat needs to be directly adjacent to the habitat to be lost to enable reptiles to move in to it.*

*The submitted information has confirmed there is sufficient habitat for the reptile population to be retained and therefore we are satisfied that sufficient information has been submitted to determine the planning application. We advise that if planning permission is granted a detailed reptile mitigation strategy is required as a condition of planning permission.*

**Bats**

*Survey have confirmed the presence of roosting common pipistrelle in buildings 1, 2 and 7 (as numbered by the Dusk Emergence and Dawn Re-Entry Bat Survey (Middlemarch Environmental)).*

*The proposed development will result in the loss of the bat roost and therefore there will be a need for mitigation to be implemented as part of the proposed demolition/construction and a mitigation strategy has been submitted.*

*When we originally commented we raised concerns that it was only proposed to used bat boxes to re-create bat roosting sites rather than integrated bat boxes. Additional information has been submitted which has advise that they will incorporated roof and ridge tiles in to the Whilst House during renovations.*

*We are satisfied with this approach however highlight that traditional roofing felt **must be used** during any re-roofing works. Bats can get tangled within the fibres of breathable roofing felt and we advise that it **must not** be used in buildings where bat roof and ridge tiles will be used. Due to the proposed mitigation changes we advise that there will be a requirement for an updated bat mitigation survey to be submitted as a condition of planning permission.*

*Bat Emergence/re-entry surveys have been carried out on buildings 3,4,5, 6 and trees 1, 2, 3 but none were recorded during the surveys. As there are features suitable for bats within the buildings/trees is works does not commence within 1 year or the data of the survey an updated bat scoping survey must be carried out to consider if the survey results are still valid or if additional emergence/re-entry surveys are required.*

### **Condition suggestion**

*Prior to works commencing on site (including vegetation clearance) a detailed bat and reptile mitigation strategy must be submitted for written approval by the LPA. The strategy must include the following:*

- *Updated scoping survey*
- *Updated bat/reptile surveys – if required*
- *Over view of the mitigation required*
- *Detailed methodology to implement the mitigation*
- *Timings of the proposed works.*
- *Details of on-going management for the receptor area.*

*The strategy must be implemented as approved*

### **Lighting**

*The surveys have confirmed that at least 3 species of bats are roosting or foraging/commuting within the site and it is likely that additional species will be foraging along the river Stour. Therefore we advise that there is a need for the lighting to be designed to minimise impact on foraging/roosting bats.*

*A lighting strategy has been submitted and it details that the buffer along the river will be 1-2lux and we suggest that the lighting is reduced further.*

*We understand that there is a need for some lighting within the proposed development for health and safety reasons but we suggest that the number of lights could be reduced or a change of lighting design which would subsequently reduce the light spill in to the river and adjacent buffer.*

*We recommend that if planning permission is granted a revised lighting plan is submitted as a condition of planning permission demonstrating that there will be minimal light spill between along the LWS buffer and river.*

### **Water Vole**

*We are satisfied with the results of the water vole survey and are satisfied that there is no requirement for a water vole mitigation strategy to be submitted as part of this application.*

*However, water vole are known to be present within the River Stour and therefore it is possible that Water Vole could colonise the river. Due to the proposal to build a footbridge over the river there is a need for the pre commencement survey and precautionary mitigation approach detailed within the water vole survey to be implemented during construction.*

### **Breeding Birds**

*There are suitable habitats within the site for breeding birds and all nesting birds and their young are protected under the Wildlife and Countryside Act and we recommend the following informative is included if planning permission is granted:*

*The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.*

### **Enhancements**

*The application provides opportunities to incorporate features into the design which are beneficial to wildlife and this is in accordance with Paragraph 175 of the NPPF "opportunities to incorporate biodiversity improvements in and around developments should be encouraged".*

*The biodiversity enhancement strategy has made a number of recommendations to enhance the site for biodiversity (including bird boxes and hedgehog houses). However the locations of the proposed enhancements have not been included on the maps included within the biodiversity enhancement strategy therefore we advise that, if planning*

*permission is granted, it is updated as a condition of planning permission to clearly demonstrate they can be implemented.*

*We suggest the following:*

*Within 3 months of works commencing an updated biodiversity enhancement strategy is submitted for written approval by the LPA. The plan must be implemented as approved.*

*If you have any queries regarding our comments, please do not hesitate to get in touch.'*

122. **KCC Economic Development** were consulted and requested that financial contributions be provided for the following infrastructure:

<b>Infrastructure</b>	<b>Contribution (Per Flat)</b>	<b>Contribution (Total)</b>
Primary Education	£831.00	£119,644.00
Secondary Education	£1,029.00	£148,176.00
Community Learning	£34.45	£8,612.92
Youth Service	£27.91	£6,977.11
Library Bookstock	£208.93	£52,232.61
Social Care	£47.06	£11,765.00

123. Their justification for each request is set out below.

### ***Primary Education***

*'Based upon the housing mix provided in the planning application, this proposal gives rise to 10 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the expansion of St Theresa's Primary School.*

*This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.*

*The County Council requires a financial contribution towards construction of the new school at £3,324.00 per applicable house for each 'applicable' house and £831.00 per applicable flat for each applicable flat ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).'*

### **Secondary Education**

*'The proposal is projected to give rise to 7 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision an extension at Norton Knatchbull Secondary School.'*

### **Community Learning**

*'There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.'*

*To accommodate the increased demand on KCC Adult Education service, the County Council requests £34.45 per dwelling towards the cost of providing IT, Equipment and Additional Services at an adult education centre local to the development.'*

### **Libraries**

*'KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.'*

*To mitigate the impact of this development, the County Council will need to provide additional library books to meet the additional demand to borrow library books which will be generated by the people residing in these Dwellings.'*

*The County Council therefore requests £208.93 per household to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.'*

### **Youth Service**

*'To accommodate the increased demand on KCC services the County Council requests £27.91 per dwelling towards additional equipment at the Sk8side Youth Facility.'*

### **Social Care**

*'The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities)*

*services, however all available 5 care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments.*

*To mitigate the impact of this development, KCC Social Care requires: • a proportionate monetary contribution of £47.06 per household (as set out in Appendix 3) towards the provision of a town centre Changing Place Facility.'*

124. This application is subject to a viability assessment, which has been independently reviewed, which has resulted in a reduced level of contribution being provided by the applicant. This matter is discussed within the main body of the report.
125. **KCC Highways** raised a number of concerns with regards to the initial submission, issuing a holding objection until these were resolved. Their concerns are summarised below:

- The parking provision is less than 1 space per unit as set out within the car parking standards set out in the Submission Local Plan.
- The car parking spaces are not of sufficient size.
- There is no parking for two-wheeled vehicles.
- There is insufficient cycle parking.
- There is no segregation between pedestrian and vehicle movements within the site.
- The Transport Assessment needed to be updated due to changing circumstances, and because additional survey work is required.

Following the receipt of additional information, the County Council have requested that the following matters be addressed prior to the determination of the application:

- Full PICADY output models should be provided for the Tannery Lane / Site Access Priority Junction and Tannery Lane / A2042 Station Road Priority Junction so that Kent County Council Highways and Transportation can check the summary outputs with the model results.
- The Net Traffic Impact set out in Table 7 as a result of using the increase trip rates in the PM peak has demonstrated the net impacts on the following junctions
  - i) Vicarage Lane / A2042 Station Road Signal Junction - 41 movements

- ii) Somerset Road / Mace Lane / Wellesley Road Signal Junction - 41 movements
- iii) North Street / Somerset Road Signal Junction - 31 movements

As the net impact on these junctions is more than 30 movements in the peak hours, these junctions will need to be modelled, in accordance with standard industry practice which is dictated by Highways England's requirements. It is known that these junctions all currently operate in excess of capacity in the PM peak so the Highway Authority needs to understand what the impact of the proposed development would be on the operation of these junctions. KCC suggest that as these junctions are so closely related to one another they need to be modelled using TRANSYT as these junctions cannot be considered in isolation from one another.

- Cycle Parking - Please request that the applicant confirms the headroom of the bike storage area. There does not appear to be any elevational plans of the bike storage area. Headroom is the most important factor in the Josta 2 tier racking system. A minimum headroom of 2.6 metres is required for maximum capacity. If the headroom is less than 2.6 metres then the racks needs to be spaced at 60cm minimum distance apart. It is also stated that in recent alterations cycle provision has been amended to introduce some Sheffield stands. There are however no details of these in the updated masterplan document available on the Ashford Borough Council planning web-site dated 29th October 2018.

KCC therefore wish to place a holding objection until this information is satisfactorily resolved.

Further information was submitted and on the 6 December 2018, **KCC Highways** made the following comments:

*'Thank you for the consultation on the updated Technical Note 003. I have the following comments to make in respect of highway matters:-*

- 1) *Full PICADY output models have now been provided for the Tannery Lane / Site Access Priority Junction and Tannery Lane / A2042 Station Road Priority Junctions. The output model is accepted for the Tannery Lane / Site Access Junction. However the PICADY model for the Tannery Lane / A2042 Station Road junction does not replicate the junction in relation to the Tannery Lane arm of the junction. The width of the junction at 10 metres back from the centre line is approximately 3.6 metres rather than the 4.8 metres as set out in the model. This is because of the alignment of the centre island meaning that at 10 metres back you can only get one vehicle queuing rather than the 2 that is suggested in the model. The model should therefore be re-run accordingly based on the parameters above. It is likely that a mitigation scheme will be required at this junction*



*which will involve the relaxation of the kerb radii on the southern side of radii in order to get side by side queuing.*

- 2) *As discussed in my previous consultation response further junction modelling is still required for the following junction as a result of the trip impact of the development in the PM peak*
- *Vicarage Lane / A2042 Station Road Signal Junction - 41 movements*
  - *Somerset Road / Mace Lane / Wellesley Road Signal Junction - 41 movements*
  - *North Street / Somerset Road Signal Junction - 31 movements*

*As agreed with the transport consultant previously a TRANSYT model will be undertaken for the Somerset Road / Mace Lane / Wellesley Road Signal Junction and for the North Street / Somerset Road signal junction. A LINSIG model will be undertaken for the Vicarage Lane / A2042 Station Road Signal Junction. A further technical note is due to be produced by the transport consultant in due course.*

- 3) *The proposals still do not provide enough bicycle parking from my calculations. 23 cycle stands are provided next to Block A and 18 cycle stands are provided next to Block D. This provides for a total of 82 cycle parking spaces. These cycle stands are however not secure as they are not enclosed and are likely to raise security issues from Kent Police. The bike storage area is approximately 36.6 metres in length. Based on a requirement of the spaces being 45 centimetres apart (as set out in the Josta 2 tier racking system good practice guidance) a total of 81 spaces can be provided, which is 162 if double stacked. Therefore a total of 244 spaces can currently be provided. A total of 258 spaces are currently required based on the 254 flats and the 4 bedroom dwelling.*

*I therefore wish to place a holding objection until this information is satisfactorily resolved.'*

126. Further submissions were made to the Council and have been reviewed by Kent County Council. Their comments on these submissions are as follows:

*'The layout of the Tannery Lane / Station Road junction and the central pedestrian refuge island is such that drivers on the Tannery Lane arm of the junction wishing to turn right will not position their vehicles right up against the centre lining on Tannery Lane. Because of the alignment of the central pedestrian refuge island and the way that drivers will position their vehicles, at a distance of 10 metres back the realistic carriageway width is 3.6 metres as can be seen in the Google Maps image below: The achievable width of carriageway will further reduce at a 15 metre and 20 metre setback.*

*The PICADY model should therefore be re-run accordingly based on the parameters above. In relation to the cycle parking the agent has quoted the Cycle-Works Josta 2-Tier Bicycle Rack specification sheet that I have previously quoted. The agent has calculated the parking provision based on the bare minimum standard of cycles being 395mm apart. The specification does state that cycles should be placed 450 mm apart, 'to be a good planning spacing, giving capacity as well as ensuring ease of use.' Given that this site is a very sustainable one with less than the maximum car parking being provided, it is essential that as much cycle parking as possible is provided and this cycle parking is easy for residents to use. The cycle parking racks should therefore be 450 mm apart in my view.'*

*'The junction of Vicarage Lane / A2042 Station Road signal junction is still predicted to operate within capacity as a result of the proposed development. The maximum impact of the development is 3.1% in the Station Road arm in the PM peak with an increase of queue of 2 vehicles from 20 to 22. I am therefore satisfied that no further mitigation is required at this junction as a result of this development.'*

*The TRANSYT assessment as submitted in Table 2 should be broken down to include all of the degrees of saturation. Total delay and total cost of stops and delay on all of the links in the various scenarios. This should include:*

- 1) 2018 Surveyed Flows, AM*
- 2) 2018 Surveyed Flows, PM*
- 3) 2023 Base + Committed Flows AM*
- 4) 2023 Base + Committed Flows PM*
- 5) 2023 Base + Committed Flows + Development Flows AM*
- 6) 2023 Base + Committed Flows + Development Flows PM*

*I have however reviewed the full Transyt outputs in Appendix 2 of the technical note. There is a significant impact from the development on the Wellesley Road / Mace Lane / Somerset Road signal junction in the AM and PM peaks when compared to a 2023 Base + Committed Flow scenario.*

*The impact of the development is especially prevalent as the junction will be operating in excess of 90% on the Wellesley Road to Mace Lane arm, Mace lane straight on arm and Somerset Road to Wellesley Road arm in the AM peak and PM peaks. From site observations it appears that exit blocking from*

*both Mace Lane and Somerset Road onto Wellesley Road is the issue which causes increased queuing on the Mace Lane and Somerset Road arms.*

*The most affected arm of the junction in the AM peak is the Somerset Road to Wellesley Road which will see the mean delay increase by 41 seconds and the mean max queue increase by 4 vehicles. The result of this increase is such that the weighted cost of the delay goes up from £407 per hour to £493 per hour and the performance index from £419 per hour to £505 per hour. This is not insignificant and in my mind represents a severe impact. A mitigation scheme therefore needs to be found for this arm of the junction.*

*The most affected arm of the junction in the PM peak is the Mace Lane to Wellesley Road which will see the mean delay increase by 35 seconds and the mean max queue increase by 6 vehicles. The result of this increase is such that the weighted cost of the delay goes up from £153 per hour to £226 per hour and the performance index from £161 per hour to £235 per hour. This is not insignificant and in my mind represents a severe impact. A mitigation scheme therefore needs to be found for this arm of the junction.*

*I therefore wish to place a holding objection until the above concerns are addressed.*

127. **Kent County Council Heritage** were consulted on the application and made the following comments:

*'The site includes the designated heritage asset of Whist House. This is a Grade II\* listed building and any redevelopment needs to undertake appropriate consideration of a designated heritage asset in accordance with NPPF section 12.*

*Whist House is considered to have been one of the original main buildings associated with the Whist House Tannery, established by early 18th century but possibly being slightly earlier. Some of the existing buildings may also be part of the original tannery complex and there are likely to be many buried structural remains and associated cultural material. The 1st Ed OS map indicates a variety of structures and buildings associated with the tannery process. Even though the site has been substantially redeveloped, remnants of the earliest structures may survive on the site above ground or below. Any evidence of the earliest phases of this important tannery for Ashford town would be of considerable significance.*

*The site's topographical location would have made it favourable for Prehistoric activity and later industrial activity. There are indications of Iron Age in the area and a Roman road alignment is marked to the west.*

*I note this application is supported by a Heritage and Townscape Assessment, focusing on impact on Whist House and setting issues. Also to be welcomed is the CgMs Archaeological Deskbased Assessment. This provides a useful summary of archaeology, including the range of archaeological issues from Palaeolithic potential through to the modern industrial heritage. I generally agree with the recommendations referring to the need for formal and phased programme of archaeological works.*

*In my previous comments on the EIA consultation, I suggested there might be a considerable amount of industrial archaeological interest surviving on this site and, at that time, it was not clear whether any of these remains are of national significance. It seems possible that there are no extensive remains of high significance surviving but this has not been demonstrated in detail. I did comment that "If further deskbased assessment does still need to be done, there should be a detailed cartographic analysis and documentary research on the tannery." It is therefore disappointing that this detailed application is not supported by a detailed Archaeological Historic Built Environment assessment focusing on the heritage of the tannery.*

*I recommend that prior to determination of this application, there should be a detailed Historic Built Environment Assessment of the surviving heritage assets, archaeological remains, buildings and landscapes, within this site focusing on the tannery elements. This HBE Assessment should include a HE Level One historic building and landscape survey and assessment, with statements of significance and proposed mitigation. I suggest this is essential prior to a decision on the demolition approach being finalised.*

*I am also disappointed to note that the proposed landscaping still reflects natural environment rather than the historic environment. The Whist House Tannery site is a unique site and there is an opportunity to reflect a special and distinctive historic character in landscaping and design of the environment of the new build. Whist House itself was residential but it has always been directly related to the tannery, as far as we are aware, and as such the conversion could reflect its historical connections.*

*In the EIA consultation I recommended the need to consider heritage interpretation. Integration of the archaeological and historic dimensions of this site into the new development would enhance the distinctive character and quality of the scheme and address the aims of NPPF paragraph 126 on the historic environment. From the supporting details, there was little on heritage interpretation measures.*

*I recommend there is greater consideration of opportunities to integrate heritage interpretation measures in to the development scheme. Heritage*

*interpretation measures should be informed by the Archaeological DBA by CgMs, by the recommended Historic Built Environment Assessment, and by the results of formal archaeological fieldwork.*

*In summary I welcome the archaeological deskbased assessment by CgMs but recommend the need for further heritage reviews prior to determination of this application. These additional reviews should include:*

- *A Historic Built Environment (archaeology, buildings and landscapes) Assessment focusing on the historic elements of the Whist House Tannery and including documentary research, statements of significance and proposed mitigation;*
- *Heritage Interpretation Measures and greater consideration of the historic character of the site in the new design.*

*I suggest the reviews recommended above are essential prior to determination and prior to finalisation on demolition approach.*

**128.** *Head of Development Management and Strategic Sites HDMSS Comment: This is dealt with in paragraphs 262 and 263.*

**129. Kent County Council Flood and Water Management** were consulted and raised no objections to the proposal subject to the imposition of suitable safeguarding conditions that will ensure no adverse impact due to flooding. Further consultations took place and a further response was received on the 5 December, reiterating these comments, and requesting that the same conditions be imposed.

**130. Kent Police** considered the application in regard to Crime Prevention Through Environmental Design (CPTED) and have raised concern that the applicant has not considered CPTED in developing their plans. They raise a number of specific matters within this letter and request that the applicant meet with them prior to determination. The matter of safety and SPTED compliance is assessed within the main body of the report.

**131. KCC Ecology**

Local Wildlife Site - The proposed development is adjacent to the Great Stour, Ashford to Fordwich Local Wildlife Site and the submitted information has detailed that an 8m buffer is proposed between the development and the river bank.

We highlight that the plans submitted as part of the development do not clearly show that the buffer area is 8 metres. We advise that prior to

determination we advise that the LPA must be satisfied that the 8m vegetated buffer can be created within the proposed development.

Reptiles - The report details that there is suitable habitat within the site for reptiles and a due to the small area to be impacted a precautionary mitigation strategy is proposed to clear this habitat. While in theory we agree in principal with the proposal we advise that it may not be appropriate as to ensure it works the retained reptile habitat needs to be directly adjacent to the habitat to be lost to enable reptiles to move in to it.

The submitted information has confirmed there is sufficient habitat for the reptile population to be retained and therefore we are satisfied that sufficient information has been submitted to determine the planning application. We advise that if planning permission is granted a detailed reptile mitigation strategy is required as a condition of planning permission.

Bats - Survey have confirmed the presence of roosting common pipistrelle in buildings 1, 2 and 7 (as numbered by the Dusk Emergence and Dawn Re-Entry Bat Survey (Middlemarch Environmental)).

The proposed development will result in the loss of the bat roost and therefore there will be a need for mitigation to be implemented as part of the proposed demolition/construction and a mitigation strategy has been submitted.

When we originally commented we raised concerns that it was only proposed to used bat boxes to re-create bat roosting sites rather than integrated bat boxes. Additional information has been submitted which has advise that they will incorporated roof and ridge tiles in to the Whilst House during renovations.

We are satisfied with this approach however highlight that traditional roofing felt must be used during any re-roofing works. Bats can get tangled within the fibres of breathable roofing felt and we advise that it must not be used in buildings where bat roof and ridge tiles will be used. Due to the proposed mitigation changes we advise that there will be a requirement for an updated bat mitigation survey to be submitted as a condition of planning permission.

Bat Emergence/re-entry surveys have been carried out on buildings 3,4,5, 6 and trees 1 ,2 3 but none were recorded during the surveys. As there are features suitable for bats within the buildings/trees is works does not commence within 1 year or the data of the survey an updated bat scoping survey must be carried out to consider if the survey results are still valid or if additional emergence/re-entry surveys are required.

Condition suggestion - Prior to works commencing on site (including vegetation clearance) a detailed bat and reptile mitigation strategy must be submitted for written approval by the LPA. The strategy must include the following:

- Updated scoping survey
- Updated bat/reptile surveys – if required
- Over view of the mitigation required
- Detailed methodology to implement the mitigation
- Timings of the proposed works.
- Details of on going management for the receptor area.
- Monitoring

The strategy must be implemented as approved

Lighting - The surveys have confirmed that at least 3 species of bats are roosting or foraging/commuting within the site and it is likely that additional species will be foraging along the river Stour. Therefore we advise that there is a need for the lighting to be designed to minimise impact on foraging/roosting bats.

A lighting strategy has been submitted and it details that the buffer along the river will be 1-2lux and we suggest that the lighting is reduced further.

We understand that there is a need for some lighting within the proposed development for health and safety reasons but we suggest that the number of lights could be reduced or a change of lighting design which would subsequently reduce the light spill in to the river and adjacent buffer.

We recommend that if planning permission is granted a revised lighting plan is submitted as a condition of planning permission demonstrating that there will be minimal light spill between along the LWS buffer and river.

Water Vole - We are satisfied with the results of the water vole survey and are satisfied that there is no requirement for a water vole mitigation strategy to be submitted as part of this application.

However water vole are known to be present within the River Stour and therefore it is possible that Water Vole could colonise the river. Due to the proposal to build a footbridge over the river there is a need for the pre commencement survey and precautionary mitigation approach detailed within the water vole survey to be implemented during construction.

Breeding Birds - There is suitable habitats within the site for breeding birds and all nesting birds and their young are protected under the Wildlife and

Countryside Act and we recommend the following informative is included if planning permission is granted:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Enhancements - The application provides opportunities to incorporate features into the design which are beneficial to wildlife and this is in accordance with Paragraph 175 of the NPPF "opportunities to incorporate biodiversity improvements in and around developments should be encouraged".

The biodiversity enhancement strategy has made a number of recommendations to enhance the site for biodiversity (including bird boxes and hedgehog houses). However the locations of the proposed enhancements have not been included on the maps included within the biodiversity enhancement strategy therefore we advise that, if planning permission is granted, it is updated as a condition of planning permission to clearly demonstrate they can be implemented.

We suggest the following: Within 3 months of works commencing an updated biodiversity enhancement strategy is submitted for written approval by the LPA. The plan must be implemented as approved.

132. **Kent Wildlife Trust** were consulted and has no objection to the grant of planning permission for the proposed conversion of the land, subject to a condition of a conservation management plan being provided by the applicant to cover the relevant section of the Local Wildlife Site. This plan should indicate clearly how the redevelopment of the site will mitigate for impacts such as lighting, recreational disturbance and run-off and should provide a map detailing where enhancements will take place.
133. **Natural England** considered the application and confirmed that they have no comments to make but that the application should be considered in light of their standing advice.



134. **River Stour Internal Drainage Board** were consulted and stated:

*'I can confirm that this site is partly within the IDB district but as far as I am aware there are no watercourses affected, other than the adjacent Great Stour which is managed by the Environment Agency. If there are ordinary watercourses affected the IDB's consent would be required so I would be grateful to be consulted further if this is the case. I note that the proposals for this Brownfield site include for surface water drainage to be discharged into the river at a much restricted rate (in accordance with ABC's SuDS SPD) which is very much welcomed.*

*Provided that the Environment Agency's guidance is followed in respect of river and floodplain related matters (including pollution control) and KCC's requirements are met in respect of SuDS design, implementation and future maintenance I can confirm that I have no objection to this proposal.'*

135. **Southeastern (Railway)** were consulted and raise no objection to this proposal but do request that S106 monies be provided in order to improve pedestrian connectivity to the station from the application site. This matter is dealt with in the main body of the report.
136. **Southern Water** were consulted and stated that they believe that there is sufficient capacity within their network for a connection to be made, and as such, raise no objections to the proposal. They do however request that a suitable condition requiring details to be submitted be imposed.
137. **The Georgian Society** was consulted and whilst they believe that the proposal does have the potential to cause a degree of harm to the significance of Whist House, through changes to its setting and through the loss of the associated unlisted tannery buildings, they do not wish to formally object to the scheme. They do however, support Historic England's comments on the proposed alterations to Whist House, and would appreciate further details of the building's surviving fixtures and fittings.
138. The **Ancient Monuments Society** read the Heritage Additional Information report prepared by PRC Architecture & Planning Ltd in 2012 and wish to object to the demolition of Buildings 1 and 2.
139. Proposal - The proposal is for the total demolition of two buildings which are in the curtilage of the Grade II\*-listed Whist House. This forms part of the redevelopment of the adjoining former Tannery site to provide 251 residential buildings.

140. Interest of the buildings - The Tannery is included on Kent County Council's Historic Environment Record (Monument no TR 04 SW 98). The HER states:

*The date of the tannery is uncertain. It appears to have been operational by AD 1707 when Whist House was built. Buildings are shown on the site on the OS drawing of 1797.*

141. The applicant's Additional Heritage Information report states that "Whist House was constructed 1707" and "no evidence exists to show [that a] tannery existed prior to this date." This information contradicts the Historic Environment Record and requires clarification by an expert industrial archaeologist.
142. The *Additional Heritage Information* report goes on to say: "the other remaining buildings could have been used for a number of other purposes involved in the curing and tanning process, however, again this is pure conjecture."
143. We recommend that specialist advice is sought to establish exactly what functions in the tanning process the curtilage-listed buildings served. It seems unlikely that the form of the buildings cannot give clues as to their previous functions.
144. Building 1- Central Tannery Building - The first of the two curtilage-listed building is a handsome two-storey brick building with a single-storey louvered extension. The building has fine detailing, including arched windows, and appears to be relatively unaltered. No information has been given about the interior of the building. The *Additional Heritage Information* report states that: "the building is pre-1871 and likely to be early C19th." The report goes on to say that "its function could have been related to administration or sales" but then immediately contradicts itself: "it could possibly have been used for the feeding and resting of horses given its position and built form." The assessment, confusingly, concludes with: "it is unlikely in our view that it was used for any part of the tanning process referred to above with the exception of the finishing process."
145. The building has a distinct form and it should be possible for an expert to confirm its previous function(s).
146. Building 2- 'Building by the River' - The second curtilage-listed building is a single-storey red-brick building with a timber-framed frontage to the river Stour. The *Additional Heritage Information* report states that two buildings which are shown on an 1871 OS map "appear to be in existence today", but then goes on to say: "the existing building (Photo 1) appears to have been

constructed between 1871 and 1896.” This is contradictory information which requires clarification.

147. The report then goes on to say that “it would be logical to assume that the hides would be delivered to the site and taken to this building to be cured and soaked by the river.” Again, the report fails to give an authoritative assessment of the building’s function and significance.

148. AMS Position - The Ancient Monuments Society **objects** to the present application for the following reasons:

- Firstly, the information provided with the application about the significance of the buildings and wider tannery site is contradictory and inadequate. We recommend that a full analysis of the site is carried out by an industrial archaeology expert.
- Secondly, the photographs provided with the application show that the buildings are in reasonable condition and that nothing precludes them from being converted for either residential or communal use (Building 1) or storage (Building 2).
- Under Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990, there is a duty for local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

149. We believe that the loss of the buildings would represent harm which has not been justified. Paragraph 195 of the National Planning Policy Framework (NPPF) states that:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

150. We do not believe that the proposed residential development represents “substantial public benefit” as it is a private development. Nor have we seen evidence that the four conditions listed under Paragraph 195 have been met.
151. We therefore urge you to refuse the application and to enter into further discussions with the applicant to secure the retention and reuse of these buildings.

### **Public Consultation**

152. Two letters of representation have been received from members of the public relating to this proposal, one of which seeks to retain at least one of the buildings related to the previous use (tanning). The other letter states:

*‘Ashford has a history of approving high-rise developments which are aesthetically abysmal, soon fall into disrepair and scar the general impression of the town. This fits into that shameful history. This development has “Trashford” written all over it. It is too dense, too high-rise for a prime site and lacks adequate parking. It is aesthetically dispiriting and brings no amenities to Ashford Town Centre- an area which by the council's own admission struggles to attract prolonged and lucrative stays by locals and tourists for want of facilities and attractions. The trees are adequate.’*

153. In addition, one letter has been received from Royal Mail. This letter raises the following matters:

- The proximity of the residential use will give rise to amenity issues through the noise generated from the Royal Mail site.
- Concern is raised with regards to the provision of balconies in particularly along the rear elevation of these properties.
- The Noise Impact Assessment demonstrates that there will be unacceptable noise to future residents.

154. Following on from the receipt of amended plans, further consultations took place, and the consultation period for this will have expired prior to the Planning Committee meeting. Any late representations will be report to Members at that meeting.

### **Planning Policy**

155. 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.

156. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
157. The relevant policies from the Development Plan relating to this application are as follows:-

**Ashford Borough Local Plan 2000**

ET3 – Ashford Employment Core

TP6 – Cycle Parking

**Local Development Framework Core Strategy 2008**

CS1 – Guiding principles for sustainable development

CS2 – The Borough Wide Strategy

CS3 – Ashford Town Centre

CS7 – The Economy and Employment Development

CS9 – Design Quality

CS10 – Sustainable design and construction

CS11 – Biodiversity

CS12 – Affordable Housing

CS12 – Affordable Housing

CS15 – Transport

CS18 – Meeting the community's needs

CS19 – Development and flood risk

CS20 – Sustainable drainage

CS21 – Water supply and treatment.

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

Policy TC9 – The Commercial Quarter

The Commercial Quarter is proposed to play a leading job creation role for the town centre, predominantly from new office development (indicative capacity 55,000 sqm). Other uses, such as small-scale retail and/ or leisure uses (indicative capacity 2,500sqm), alongside residential (indicative capacity 150 units) and community-related development, would also be appropriate in this Quarter, providing they complement the objective to deliver the substantial commercial space envisaged here.

The Quarter should be planned comprehensively and a master-plan for the Quarter including public realm improvements outside the station entrance, shall be agreed with the Borough Council prior to consideration of individual schemes. These will need to demonstrate that they would not prejudice the ability to deliver the indicative quantum of office development.

Development in this Quarter should generally be an average of 5-6 storeys above ground level. In certain locations within the Quarter, development in the order of 10 storeys may be justified. The layout of the Quarter shall enable the creation of pedestrian routes through the area in line with the principles established in the Public Realm Strategy and Town Centre Design SPD.

Development in this Quarter should also help to facilitate and contribute towards the delivery of proposed public realm improvements around the domestic station approach and along Station Road.

TC1 – Guiding Principles for Town Centre Development

TC24 – Cycle Parking Standards

158. In addition to the adopted development plan, the Council's Submission Version Local Plan is now at an advanced stage with comments received from

the Inspectors relating to any modifications that would be required in order to make the policies sound. These policies are set out below, with explanation within the main body of the report with regards to their soundness (where appropriate/necessary).

159. Of particular importance is the most up-to-date allocation on this site, which takes into account the Council's current aspirations for the site (as part of the Commercial Quarter) which take into account current market conditions, housing need and viability, which will ensure that the site can come forward to address both employment and residential need, both within the borough and within the town centre.

### **Ashford Local Plan to 2030 (Submission Version December 2017)**

#### S1 – Commercial Quarter

**Policy S1 - Commercial Quarter**

The Commercial Quarter is proposed to become an important new office based district playing a key role in creating jobs for the town centre and growing the wider economy of the Borough. The site has the potential to deliver up to 55,000 sq m of new office floorspace.

In addition to offices, other secondary uses such as residential apartments, small scale retail and/ or leisure uses and a hotel would also be appropriate in this Quarter, providing they complement the wider objective to deliver the substantial commercial space envisaged here. The site also has the potential to deliver residential apartments. To the northern part of the site, a multi storey car park is envisaged to come forward.

The Quarter should be delivered in phases and this needs to be guided by a 'Design Framework' which may need revising as the Quarter is developed. The quality of the public realm linking the component parts of the Quarter and more widely to the stations and shopping heart of the town centre needs to be of an especially high quality and each phase will need to be designed and delivered with this in mind. Active uses will be needed to help animate key routes and important focal points at junctions.

Development in this Quarter should generally be an average of 5-6 storeys above ground level although slightly taller buildings may be appropriate towards the heart of the site. The riverside frontage should generally not exceed 4 storeys.

Non-residential development in the Commercial Quarter will be required to provide proportionate contributions towards the delivery of strategic parking provision in the town, such as the delivery of a Town Centre Multi-Storey Car Park and / or a Park and Ride site outside the Town Centre area.

#### Other Relevant Policies

SP1 – Strategic objectives

SP2 – Strategic approach to housing delivery

SP3 – Strategic approach to economic development

SP6 – Promoting high quality design

HOU1 – Affordable housing

HOU12 – Residential space standards (internal)

HOU14 – Accessibility standards

HOU15 – Private external open space

EMP6 – Fibre to the premises

TRA3(a) Parking standards for residential development

TRA4 – Promoting the local bus network

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

TRA7 – Road network and development

TRA8 – Travel plans, assessments and statements

ENV1 – Biodiversity

ENV2 – Ashford Green Corridor

ENV6 – Flood risk

ENV7 – Water efficiency

ENV8 – Water quality, supply and treatment

ENV9 – Sustainable drainage

ENV12 – Air quality

ENV13 – Conservation and enhancement of Heritage Assets

ENV15 – Archaeology

COM1 – Meeting the community's needs

COM2 – Recreation, sport, play and open spaces



IMP1 – Infrastructure provision

IMP4 – Governance of space

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

Affordable Housing SPD (March 2009)

Dark Skies SPD (July 2014)

Green Space and Water Environment SPD (July 2012)

Public Green Spaces SPD (July 2012)

Residential Parking SPD (October 2010)

Sustainable Drainage (SuDs) SPD (October 2010)

### **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) 2018

160. 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: -
161. Paragraph 48 states in relation to the stages of preparing a Local Plan that:
- ‘Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) 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
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
162. Key points from the NPPF material to the determination of this application are considered to be:
- (a) Principle of Development
  - (b) Five-Year Supply of Housing Land
  - (c) Highway Impact of the Proposal
  - (d) Layout and Design
  - (e) Heritage and Archaeology
  - (f) Residential Amenity
  - (g) General Landscaping and Open Space
  - (h) Sustainable Drainage and Flooding
  - (i) Ecology and Impact on Riverside Setting
  - (j) Other Matters
  - (k) Planning Obligations and Contributions (Viability)
163. The National Planning Policy Guidance is also a material consideration and is interrelated to the NPPF.

## **Assessment**

164. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be

made in accordance with the plan unless material considerations indicate otherwise. As set out within the policy section, Ashford Borough Council have an adopted development plan, and an emerging plan that can now be afforded significant weight in the decision-making process.

165. This section of the report assesses the proposal in light of all relevant guidance and policy, both adopted and emerging, with a balancing exercise undertaken to provide Members with a recommendation.
166. The main issues for consideration are:
- Whether the principle of development is acceptable within development plan policies and how the provision of residential development would impact upon the deliverability of the Commercial Quarter Development Framework.
  - Whether the design and layout of the development is acceptable in relation to the impact to the character and appearance of the locality; the grade II\* listed Whilst House (the impact on the building and its setting), and the impact of the demolition of the two pre-1948 buildings currently on site.
  - The impact on the highway network, highway safety, vehicle access and whether there is sufficient parking provision within the site.
  - Whether the development would be harmful to both existing and future residents in terms of residential amenity.
  - Consideration as to whether the proposal provides sufficient open space and amenity areas for residents.
  - Whether the development would provide adequate sustainable drainage.
  - The impact of the development on ecology in and around the site.
  - Whether the proposal would make suitable provision towards social infrastructure, including affordable housing, health and education provision when assessed against the viability of delivering this scheme.

### **Principle of Development**

167. As set out above, the starting point for understanding the principle of development are the policies within the adopted development plan. The Core Strategy seeks to ensure the creation of sustainable development and high quality design (CS1), development that creates homes in acceptable locations

(CS2), accommodating site specific impacts through the use of planning agreements (CS8), delivering high-quality design (CS9) and sustainable design and construction (CS10 – now non-residential only), avoiding harm to geological and biodiversity interests and wherever practicable delivering their enhancement (CS11). Policy CS12 would require the provision of affordable housing but the most recent evidence base – as set out in Policy HOU1 of the emerging Local Plan - identifies that flatted development within the town centre (which this is) would not be required to provide for affordable housing as it would not be viable.

168. The development of the Commercial Quarter has featured in the Council's development plan for several years, through the adoption of its Core Strategy in 2008 and the Ashford Town Centre Area Action Plan (ATCAAP) in 2010.
169. One of the key priorities of The Core Strategy is to provide an environment that is conducive to business growth and enterprise. The Economic Strategy within this recognises the importance to the town of the Commercial Quarter securing a strong office market within the town close to the domestic and international train stations, with a vibrant commercial centre to take advantage of fast journey times to London and the Channel Tunnel Rail Link. The Guiding Principles Policy CS1 highlights that sustainable development and high-quality design are at the centre of the Council's approach to plan making and deciding planning applications. It also identifies how the Council's key planning objective is to support the provision of a commercial environment that is conducive to encouraging new and existing businesses.
170. Policy CS2, sets out the importance of creating thousands of new jobs, the need to expand the town centre and the use of brownfield sites. Policy CS3 supports development that helps revitalise the town centre where it demonstrates a quality of design that makes a real, and significant, contribution to improving the character of the town centre. CS4 emphasises the importance of developing appropriate brownfield sites for helping job creation. Policy CS7 sets out the importance of aiming to improve the economy of the borough and providing for job creation and growth in the town centre to benefit from the fast rail links to London.

171. The local policy framework for the application site is established in the Ashford Town Centre Area Action Plan (ATCAAP). The site lies within the Commercial Quarter as allocated in Policy TC9 of the ATCAAP. The ATCAAP



**Figure 1-** Emerging concept for Commercial Quarter Masterplan

requires, given the fundamental importance of delivering significant amounts of new development in this Quarter, that development coming forward here must make the best use of land. The TCAAP stated the Quarter should be planned comprehensively and a master-plan for the Quarter including public realm improvements outside the station entrance, shall be agreed with the Borough Council prior to consideration of individual schemes. These will need to demonstrate that they would not prejudice the ability to deliver the indicative quantum of office development. This masterplan is currently work in progress, however, the architect of this proposal is also working with the Council on this masterplan, and the plans produced do demonstrate that this scheme would not prevent future phases being delivered appropriately.

172. Policy S1 of the Submission Version Local Plan (2017) effectively provides the Council's updated position on this site. This again sets out the requirement of office development (of up to 55,000sqm) as well as any residential apartments.
173. Existing policies seek to deliver a mix of uses within the Commercial Quarter, with an indicative figure of 150 dwellings for the whole quarter. The previously approved hybrid planning application permitted a total of 159 residential units within the site, a slight uplift on this number. That application approved a lesser number of houses than now proposed. The large site and adjoining land uses means the area generally feels quite open as it contains a mix of 1 and 2 storey low rise buildings and the associated forecourts, surface public car parks and green open space along the site's riverside edge. Although International House is a large-scale exception there is a substantial open car park between the building and the edge of the application site. There are also no residential buildings immediately adjacent to the application site. Due to site's size and its openness and the precedence of nearby large-scale buildings, I am confident the site can accommodate the principle of 254 units, which amounts to an increase of 95 units on previous outline approval. It is therefore considered that the use of all land within this site (which only forms part of the Commercial Quarter) is acceptable for residential use. It will help to achieve a more varied mix of uses in the Commercial Quarter in line with the emerging masterplan vision for the area.
174. Clearly however, the scale of the buildings significantly exceeds that set out within any existing or proposed planning policy, with Policy S1 suggesting an average of 5/6 storeys above ground level (although it does suggest taller buildings could be accommodated within the centre of the site). That said, this policy should be used to guide development rather than simply dictate exact parameters. Council Officers have engaged carefully with the applicant to ensure that the development would be of a scale and form that would not appear as incongruous within the locality and would not detract from the

setting of the town centre. The buildings are well-designed and would provide a contemporary and striking form of architecture within an area that can accommodate height.

175. The Policy does seek for a high level of employment provision within the site, and whilst this application is for a wholly residential development, it only takes up a portion of the overall commercial quarter, and it is clear that there is scope for a very significant development of office floorspace, of the scale envisaged by the Policy, within the other parts of the Quarter. Also, the riverside area, and also that adjacent to Whist House would be more likely to be suitable for residential use than that closer to the existing office and commercial uses (in terms of viability, outlook and noise).
176. In terms of how the site sits within the wider masterplan of the Commercial Quarter, the proposal would not prejudice the delivery of any other parcel and indeed has been designed to ensure that the main thoroughfare into this site can also provide access to the western parcel. Likewise, the buildings have been designed to provide natural surveillance over these areas of public domain.
177. I am satisfied the flexible street layout and thus spacing and arrangement of buildings across the site responds to the site constraints and I consider it has been designed with the vision and options for the emerging development framework masterplan in mind. I am confident it achieves a flexible dynamic and interesting layout that will not prejudice options for the future layout of the wider mixed use commercial sites that make up the rest of the Commercial Quarter and will therefore not prevent any other land parcels coming forward.
178. In terms of sustainability, the site is considered to be a very suitable one for residential use, being within a town centre location, close to the train station, other modes of public transport, retail and service provision as well as a number of employers within the locality – for example the Council Offices, Stour Centre, International House etc. Over the medium to long term, this will also compliment the additional employment opportunities anticipated within the remainder of the Commercial Quarter.
179. A key component of the Town Centre Area Action Plan (TCAAP) policy TC9 is the requirement to bring Whist House back into active use. The proposals for this site do include the restoration of this Grade II\* listed building into residential use (although it is noted that there is likely to be an application submitted to the Council in the next few weeks for the conversion and extension of this property into commercial use). Comments on the suitability of this conversion are dealt with later in this report, but the principle is accepted in accordance with both local and national policy.

180. As such, the principle of the residential redevelopment of this site is acceptable, subject to all other material considerations being carefully considered.

### **Five-Year Housing Land Supply and Status of the Emerging Development Plan**

181. Following the receipt of the (EIP) Inspector's recent correspondence relating to the progress of the emerging Local Plan following the completion of the hearings on the 13 June, the Council have concluded that they now have a five-year supply of housing land within the borough.
182. The Council received this correspondence on the 29 July 2018 (document reference ID/10) and in paragraphs 14-17, the Inspector summarises the Inspectors' conclusions on housing land supply matters. This confirms that the Inspectors have found that a five-year supply of housing land exists, with a total of 7,730 dwellings (after the discounting of a small number of allocations proposed) can be included, which is in excess of the five years required.
183. Consequently, for the purpose of assessing planning applications for the provision of new housing, the 'tilted balance' contained within paragraph 11 of the NPPF (where development proposals should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits) need not apply.
184. In accordance with paragraph 48 of the NPPF the local planning authority can now give the emerging local plan significant weight as it is at a significantly advanced stage, as there are no significant unresolved objections to the plan, and due to the level of consistency with the NPPF. As such, emerging policies are to be considered in the determination of planning applications.

### **Highway Impact**

185. Policy CS15 of the Core Strategy relates directly to transport impacts of development, and amongst other things states that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have capacity to accommodate the growth from any new development.
186. Kent County Council have commented on the application, and in the first instance raised a holding objection on the basis that the surveys were undertaken at the wrong point of time, and that some additional information was required. The applicant has sought to deal with these matters, through the submission of additional information which the County has now had a chance to review and comment upon.



187. However, the County Council have upheld their holding objection on this application on the basis that an understanding of mitigation to be provided is required which has yet to be submitted. This information is intended to be submitted to the LPA in advance of the Committee meeting and Members will therefore be advised of any formal response either before or at that meeting.
188. In terms of car parking, the applicant has sought to provide 0.66 spaces per unit (168 spaces in total) for the apartments, as well as 2 spaces for the restored Whist house, and visitor car parking at an appropriate level (8 spaces). This is a highly sustainable location, close by to public transport nodes as well as a large number of services and facilities. Whilst it is understood that it is often desirable to provide 1 space per unit on developments, in this instance, officers considered the balance to provide some car parking, together with a good level of landscaping on site to be important to high quality place making. The Council's own Residential Parking SPD sets out that the provision of 1 space per unit in central locations should in any event be a maximum provision. Furthermore, officers are minded that the existing junctions within the town centre are operating at capacity (or indeed beyond) and it is therefore important to seek to minimise the reliance upon the private motor car – reducing car parking provision is a way to achieve this.
189. Policy TRA3a of the emerging Local Plan requires a provision of 1 space per unit (on average) for larger developments within the town centre, with the provision to be made on site. Clearly this proposal would fail to comply with this emerging Policy, and given the weight to be afforded to the emerging Local Plan sound justification needs to be given as to why. In this instance, it is believed that the level of available car parking and public transport alternatives within this location makes the development particularly sustainable and accessible. Furthermore, the requirement to provide a high-quality public realm within the development results in a high proportion of the site being provided for open space rather than car parking. The applicant has sought to ensure that as much provision can be made as possible, without a detrimental impact upon the riverside. Nevertheless, the provision falls short, and in this instance on balance, it is considered to be acceptable, given the specific location of the site.
190. Officers are also minded that there is a good level of parking provision available within the Council run car parks nearby to the application site. These are often less well used during the evening hours (when residential car parking is in greater demand) and there is thus capacity for overspill should this be required. The site is well contained, as there are parking controls

within the nearby streets that would prevent overspill that could give rise to highway safety concerns.

191. In addition, through negotiations with Officers, it has been agreed that the site will provide a car club, with two parking spaces given over for this use. This will be operated by the management company for the flats and will be available on a (planned) first come first served basis. It does however reduce the reliance on the private car for future occupiers. A condition is recommended to address the need to set up a car club.
192. In addition to the sustainable nature of the site, the applicant has provided a minimum of 1 cycle space per unit within the development. It is also proposed that two spaces be given over to a car club, which officers believe would be well used should it be implemented. These additional measures would further reduce the reliance upon the use of private cars and is consistent with the requirements of the NPPF in seeking to make development sustainable.
193. The access into the site has been fully considered by Kent County Council, as has the internal layout of the proposal. Initially concern was raised with regards to some of the parking provision, and the size of the spaces. These concerns have now been fully addressed by the applicant. The access into the site would come off Tannery Lane which whilst a well-used highway is not subject to vehicles travelling at excess speeds. Suitable visibility splays can be provided on either side of the access to ensure safe egress and access into and from the site.
194. Internally, a new street would be provided that would run alongside the western boundary of the site. This is to be provided with car parking along its eastern side, with the highway a shared surface for pedestrian movements also. Speeds here would be slow, so officers are satisfied that a shared surface approach here would be acceptable.
195. The layout of the internal roads has been fully tracked, and this demonstrates that where appropriate refuse and emergency vehicles can enter and leave the site in a forward gear. Officers are therefore satisfied that all movements internally can be undertaken safely and without conflict with landscaping or car parking provision.
196. As can be seen from the current comments from the Highways Authority, further work is still anticipated from the applicants which will address the impact of the proposal on the following junctions:
  - Vicarage Lane/A2042 Station Road
  - Somerset Road/Mace Lane/Wellesley Road

- North Street/Somerset Road

197. This information is required as it has been demonstrated that there would be in excess of 30 additional vehicle movements within the evening pm peak and given that they are already in excess of their capacity at this time, a greater understanding is required as to the impact of this proposal. The junctions should be modelled cumulatively rather than in isolation. Officers believe that this modelling should take place, however are also mindful that this is an allocation site that would by definition increase the loading on these junctions irrespective of use. As such, delegated powers are sought to agree the detailing of this modelling, and any potential mitigation once it is complete. It is believed that this is a technical requirement, rather than one that goes to the heart of the principle, and therefore recommend that Members provide appropriate powers for Officers to determination post Planning Committee (subject to all other material considerations) unless the modelling shows a severe impact that cannot be mitigated.
198. Likewise, with regards to the detail of the cycle parking, Officers are content that this can be accommodated and that information will be forthcoming to address this concern. As such, delegated powers are sought in anticipation of the receipt of such plans to the satisfaction of officers.
199. To conclude, it is considered that the parking provision within the development is acceptable, and that the layout has been designed appropriate to allow for safe and convenient movement within. Whilst there remains some outstanding information to be submitted and assessed, it is anticipated that this will be provided shortly.

### **Layout and Design**

200. This application has been subject to significant analysis, both through the pre-application process and also through the life of the application. The applicants presented the proposals to Design South East (DSE) for review, with a number of points raised that the applicant then sought to address. This response is appended to the report (annex 1).
201. In particular the panel felt the proposal included high-quality buildings with good detailing and use of materials. However there were concerns over whether this quality was actually viable to develop in this location. The independent viability assessment of the scheme, conducted by Bespoke, has demonstrated however that the scheme could be viable to deliver, provided that its limited viability is reflected in a reduced requirement to provide s.106 contributions (see further below).

202. The panel also challenged some urban design elements they felt were not convincing. The panel questioned the relationship proposal has with the remainder of the site, as it has quite a different structure to previous masterplans for the commercial quarter area. Further negotiations were therefore sought to provide a much clearer understanding of how this scheme would fit into the wider network of streets and spaces in the commercial quarter and connect to the rest of the town. Since then this wider piece of work has been ongoing at the same time as the changes to the layout of the proposed development and I am satisfied it demonstrates a well design holistic layout that is flexible enough to respond to any future opportunities of developing adjacent sites. The Design review panel weren't convinced that it will deliver the quality of public realm that is required. The scheme was redesigned to establish new links through the site, reduce the podium and improve the character of the green spaces. In direct response to the comments of the panel the proposals now relate well to the disposition of connections and open spaces with well-designed places, entrances to building and better resolved landscaping. More variation in scale, massing and architecture has also been achieved and I am satisfied the comments of the design Review Panel have helped officers to negotiate on the design to ensure it positively enhances the overall scheme in response to its setting.
203. Further to the submission of the application, a meeting was held at the Council on the 25 September where additional concerns with regards to the form and detailing of a number of the blocks was assessed. Subsequent to this meeting, the applicant submitted amended plans on the 6 November 2018. These plans have sought to address the concerns raised by officers at that meeting. The main changes are set out below:
- The alteration to a number of accesses into the buildings.
  - Amendments to the rear of Block D.
  - Amendments to the façade of Block C.
  - Amendments to the form and façade of Block A.
204. Following the submission on these plans, a further meeting was held on the 14 November 2018, where additional amendments were sought. Primarily, these amendments which were subsequently made related to:
- The opening up of the site – with the removal of part of the podium.
  - Significant amendments to the rear elevation of block D
  - Changes to the bicycle storage facility.
  - Changes to the entrances of blocks B and C.

205. Further minor amendments have been sought subsequent to this submission, and these plans will be submitted post committee for review and consideration. The changes that are suggested relate to minor alterations to the landscaping provision, and doorways into the buildings.
206. Given the scale of the proposal, this section will appraise each building individually, and then provide an assessment of the cumulative impact of the development, both at a local level, and from further afield.
207. Within the Town Centre Area Action Plan (2010) a requirement of any development on this site is to show that *'the scale and massing of buildings reflect the topography of the Quarter and create a variety in both roofscape and streetscape. The layout of the Quarter should promote a network of pedestrian routes. These should be secondary in nature to the main pedestrian thoroughfares which should remain along the Station Approach and Station Road. These routes must provide interest and character – being animated by local amenities such as small shops, cafes or bars and public art.'*
208. Clearly with the increase in indicative numbers (from 150 to 254) there is an increase in the storey heights originally envisaged. This height is significant and therefore requires careful analysis in terms of impacts to the immediate surrounds and further afield. The applicant has submitted a townscape appraisal with the application that looks at the impact the proposal has upon the wider area. This appraisal also looks that the impact of the proposal in terms of heritage assets.

### **Character**

209. The overall vision and character of a compact residential development including the use of brick materials will create an urban feel that is sympathetic to the local form of industrial working history of both the current site and the surrounding area around Dover Place and the station where some original industrial buildings still exist. The innovative design and detailing of the development will create a unique place that I consider will be in keeping with the local distinctiveness as well as generating a contemporary character that is compatible with current residential requirements.

### **Layout**

210. I am satisfied the proposed layout of this constrained site has successfully considered the need to look at the wider connectivity with the Commercial Quarter and the town centre by providing access from Tannery Lane to station forecourt via a new link to the side of International House for pedestrians and cyclists. This will be especially important as a pedestrian route to the

proposed new multi storey car park behind the bowling alley which is currently being explored to ascertain whether it is feasible. It is considered important to ensure there is a lot of flexibility in any updated Masterplans for the remainder of the commercial quarter to allow for changing market requirements. This relates especially to floorplate areas, streets and route alignment, and any use mix and this can be accommodated alongside Woolgrowers. Officers have had discussions on wider masterplanning and the incorporation of a public square and route through the quarter leading to Memorial Gardens and Vicarage Field to the town centre. The proposed layout for the Kent Woolgrowers site does not prejudice that and I am satisfied that the proposed layout is flexible. I regard the proposals as being very capable of complementing the wider masterplan that is emerging for the Commercial Quarter.

211. Overall I regard the layout to be simple and will make it easy to move safely, conveniently and efficiently with routes that allow easy movement. I am content that the layout safeguards the potential to provide good connectivity to the wider area, town centre, station, civic buildings and the riverside corridor.
212. The increasing scale of buildings across the site from 6 storeys up to 14 storeys closest to the rail station is a welcome feature of the design. The scale helps emphasise the hierarchy of the place and importance of the area around the station. The proposed buildings are clustered to provide a strong sense of strong enclosure and effective continuity of built form along the main new street aligned through the site to connect Tannery lane to the station. These are all key placemaking principle of this development and will collectively help lead to a strong sense of place close to the heart of the town centre.
213. The layout also adequately respects the setting and space around Whist House and provides an enclosed private garden area reflecting the original curtilage of the property. These curtilage issues are dealt with in more detail in the accompanying report on the LBC proposals for Whist House.

### **Cohesive & Vibrant Neighbourhood**

214. The concentration of this number of people near the station and the commercial heart of the town centre and a range of activities as well as the green corridor a network of open spaces with opportunities for walking, cycling and recreation will result in a busy new place on the fringes of the town centre. I consider that the accessibility of the site in this urban location and this mix of residential units will create a cohesive and vibrant new neighbourhood that would create a pleasant place to live. This number of new residents will help boost the footfall and vibrancy of the town centre which will enhance its appeal and has clear benefits for the town centre economy.

### **Street Design & Public Realm**

215. The design of the new streets proposed are based on a shared surface approach with vehicles travelling at slow speeds. I am very supportive of this approach as it prioritises walking and cycling as travel modes and complements the proposed residential character and use. I am satisfied that the street designs will safely combine the safe functional needs of vehicles with safe accessibility for people walking and cycling. The need for the proposed level of car parking has been carefully integrated into the street and will be conveniently close to entrances and I consider the landscaping will enhance the streetscene and help soften the extent of hard surfacing required for vehicle access and parking.
216. The proposed quality of the public realm is evident through the design of the streets, artistic bridge and riverside green space with planting and footpaths and furniture responding to the historic character and themes of the Tannery that once operated from the site. In this respect the quality of the public realm is in accordance with one of the objectives of policy S1 of the Ashford Local Plan to create exceptionally high quality public realm links to the station and the heart of the town.

### **Open Spaces & Landscaping**

217. The open areas around Whist House enclosed by blocks A, B C and D will create a new and attractive green space with good public access leading through it. I consider that it will provide an excellent outlook for many residents and enhances the wider setting of Whist House. The podium open space above the car park is semi-public as routes through the site are also evident. It is relatively well landscaped given the structural limitations of the podium. The area to the rear of Block D has been amended to help break up the large area of hardstanding to improve the experience of residents living there. Whist House will include its own enclosed space that is reflective of its historic character and is appropriate. A rooftop terrace on block C above the 8<sup>th</sup> storey adds to the range of different spaces and experiences available. Overall, I am satisfied the open spaces provide attractive, safe, and accessible places that will be popular for residents to meet, relax and play. The landscaped planting and species has attempted to emphasise the quality of the green spaces and routes but further work is recommended required to ensure they better reflect the respective character of each part of the open space.

### **Built Form**

218. A mix of different stand-alone built forms are proposed which I consider to be important to the creation of an interesting and diverse place here. I satisfied in the way the taller buildings are designed differently at lower levels meet the ground to respond to the human scale.



219. The layout of proposed buildings ensure local access and movement routes are effective and the spaces around them are well defined. The evidence suggests that local wind and sunlight patterns have been carefully considered and will ensure the local microclimates on site are comfortable. The spacing between buildings ensure the scheme will feel intimate and comfortable rather than feeling cramped or oppressive. I am satisfied there are no overlooking or privacy issues

### Architecture



220. I am comfortable with the ambitious scale, size and massing of the buildings which will have a positive effect on the skyline of the town by creating a cluster of modern buildings close to the station but distinctly separate from the historic town centre core. The topography is fairly low on this site in relation



to the town centre core and forms a natural location for taller buildings especially in such a sustainable location in close proximity to the rail station. It is intended that the centre of the town be a vibrant location where high densities and significant structures (which are well designed) play a significant role in creating this character. Recent developments within the town centre have added height, and been contemporary in form, and this proposal responds positively for this.

221. The scale of the building exceeds those set out in policy S1 of the emerging Local Plan, which suggests an average of 5-6 storeys or slightly taller in the heart of the quarter. Block A is within this range at 6 storeys but Block B (9 storeys), Block C (14 storeys) and Block D (8 storeys) exceed 6 storey. However although the scale of blocks B, C and D are taller than 5-6 storeys as they are located in the heart of the Commercial Quarter and this just exceeds the requirements of policy S1, on balance I consider the scale to be acceptable as there is no significant harm to the visual amenities of the Commercial Quarter and any minor harm is outweighed by the benefits of this number of people living in the Commercial Quarter close to the station will help bring animation to the place and support the emerging commercial activities in the quarter.
222. Whilst a vibrant town centre is planned, clearly the existing heritage assets within the town centre need to be fully considered. The applicant has therefore submitted an appropriate townscape assessment, and additional assessment with regards to the impact upon historic church spires. As the evidence submitted suggests, the 4 blocks will not have a detrimental effect on the key views and vistas of the St Mary's Church spire in the town centre. The appendices contain the images setting out how the scale fits into the skyline of the town from several areas of historic interest. I have concluded from this that the scale of the development has no adverse impact on any heritage assets and the town centre skyline is unharmed and St Mary's Church spire will remain the dominant and important landmark set well away from this cluster of taller building proposed on lower land by the station. The scale of the buildings will not have a detrimental effect on the wider character and appearance of the town centre, and I consider the scheme will be an interesting and welcome addition to the townscape.
223. The scale of block D along the riverside exceeds the height recommended by policy S1 of the Local Plan for the riverside edge. I have assessed the scale and design in relation to the openness of this part of the site overlooking the Car Park, the quality of the proposed architecture, its proposed interesting form plus the retention of many of the riverside trees, I consider that the proposals will not have a detrimental impact on the locality and that the overall quality of the design means that on balance there is no harm in exceeding the height set out in policy S1 of the Local Plan.

224. I am content that much of the detail of the architectural scheme has been subject to considerable attention. The architecture has a good composition and generous amount of balconies and fenestration with well-defined entrances to create many animated facades. The brick, cladding and metal materials are high quality, robust, attractive and are combined to create an innovative and attractive design. The rooftop form and design is generally understated although its vital to maintain some further control as the colour texture and grain of the detail is refined

### **Integrated Parking & Servicing**

225. The integral car parking is well laid out and located mainly beneath the built form. It is clear there is enough discretely designed and accessible cycle storage, refuse storage areas plus plant rooms discretely integrated into the façade.

### **Summary**

226. I am satisfied the design of the buildings, streets and open spaces will result in a cohesive and well-planned urban environment with a strong sense of place. I am content that the design will be in keeping with the vision and character envisaged by the Council for this part of the town centre that is already changing and regenerating quickly. I consider the proposals will create an interesting, vibrant and sustainable place to live close to a wide range of facilities and will generate substantial economic benefits for the town centre through higher footfall. The scale and massing of the built form is varied but acceptable in this urban location with a clear precedent and policy support for well-designed tall buildings.

### **Impact on the Riverside Setting**

227. Whilst this is a full application no precise details with regards to the planting proposed along the riverside have been submitted as part of this application, rather illustrative plans have been submitted as part of a landscape masterplan. All built development will be set back some 8metres from the riverside edge, in accordance with the requirements of the Environment Agency however, new landscaping (and the bridge) will be provided within this zone.
228. The river currently has a range of clusters of mature sycamore, alders and ash trees, some of which will be retained through the redevelopment of the site. However, it is understood that some minor tree removal and thinning out of this vegetation will take place in order to open up view from within the site, and to facilitate the delivery of the new bridge. Officers do not feel the removal of some riverside vegetation will be harmful to the character or amenity of the local environment as sufficient greenery will remain and further tree planting is

proposed across the rest of the site to ensure an overall net increase in the number and quality of trees. These trees will be supplemented by new planting of alder and other native species to retain a partial screen along the riverbank and to preserve and enhance its ecological value. The management of the retained trees and the planting of new trees will allow for areas of sunlight and shade along the river banks encouraging the wildlife. Further tree planting along riverside will strengthen green character of riverside footpath setting.

229. The development will be sufficiently set back from the river to ensure it does not adversely impact on the natural environment and ecology. The substantial tree line will be retained but where diseased or low-quality trees are deemed suitable for removal there will be an opportunity to open up some limited access to the edge of the river bank and improve the opportunity for people to interact with the river. The proposed development would not result in the loss of any of the significant tree cover or semi-natural habitat. By introducing new footpaths and cycle links, a footbridge and development overlooking the river there will be more people using the area and this helps ensure the environment feels safe and secure and encourages them to enjoy the river more. This is considered to be a significant benefit of this proposal and aligns with the aspirations of the policies relating to the Commercial Quarter.
230. The new footbridge is therefore of the utmost importance to the character of the locality – and it is considered that the design will respond positively to the contemporary form of both the buildings and the landscape within which it will sit.
231. No detailed lighting has yet been proposed with the application, however how the bridge and surrounding landscape will be lit will need careful consideration through the discharge of conditions. It is suggested that this lighting should be safe, but subtle and low level where possible to ensure that the ecology within the river/riverbank is not impacted, and to retain where possible the semi-natural character of the bank.
232. In light of all of the above, Officers are satisfied that the design, scale, massing and layout of the development would result in a scheme which has been successfully integrated within the existing riverside environment.

### **General Landscaping**

233. Comments have been received from the Council's cultural and landscape department which sets out a number of small concerns that they have with regards to the proposal. Whilst these concerns are understood, it is believed

that a number of concerns can be dealt with through the imposition of conditions, or through further negotiations granted under delegated powers.

### **Heritage and Archaeology**

234. Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out general duties of the LPA in respect of listed buildings and conservation areas in exercise of planning functions. In the case of Section 66, it seeks to ensure that where development affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In the case of Section 72, the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. This is reflected in adopted policies, EN16 and CS1 and emerging local plan policies ENV13 and ENV14 which I also afford significant weight.

### **Setting of Whist House**

235. *Section 66 of the 1990 Act that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* The definition of what is meant by “special regard” has now been established at Appeal and case law.
236. As designated heritage assets, the impact on the setting of the conservation area and listed buildings has been taken into account. The Conservation Area in this instance lies to the west of the site, across the A2042, within the core of the town centre. The development would not be adjacent to the boundary of the Conservation Area. Nevertheless, in keeping with the DCLG Planning Practice Guidance 2014 Conserving and Enhancing the Historic Environment’ the definition of a setting is;
- “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
237. With this in mind the impact the proposals will have on the following; views; local historic character; scale & height; architectural detailing and materials, have been carefully considered and are assessed in detail below.
238. It is the Council’s duty to consider setting not only relating to Whist House itself, but also to other Heritage Assets that may be affected, and this

assessment has been carried out in Officers drawing their conclusions on the proposal.

239. The Conservation Officer has stated that the setting of Whist House will be affected by both the built development proposed and the landscaping. She is concerned that whilst the house has always been hemmed in by large buildings, these have been functional and low rise, although bulky. These buildings have also provided seclusion for the occupants of Whist House. The proposed buildings are significantly larger than those previously approved and do not appear to have any meaningful relationship with the Listed building, either architecturally or spatially. This criticism of the proposal is understood, and Officers do not disagree with this assessment, in particular with regards to the built form (although it can be argued that the proposed landscaping may indeed bring about some benefits). The buildings opposite Whist House are particularly large, and there is little direct interaction between these and the existing property, either in terms of scale or indeed form. However, given the policy objectives of bringing this whole site into a high-density housing and commercial quarter, Officers believe that any development that aligns with this policy is likely to have a similar impact.
240. The provision of a large area of parking to the side of Whist House will have a detrimental impact upon its setting, coming up close to the building. That said, there is already an area of hardstanding within this location, and as such the circumstances are not changing significantly.
241. Beyond the site itself, the main concern is whether there is an impact of the proposal upon St Mary's Church in Ashford town centre. This Grade I Listed building is of the highest significance and part of its special interest is derived from the visibility of its height from the surrounding area. I have noted one view from Mersham church back towards Ashford (inter-visibility between rural churches was important for navigation). Whilst the applicant has submitted information regarding medium and longer distance views, there is concern that the scale of the building (particularly Block C) would be such that it would potentially interrupt more important views across the town, in which this important heritage asset is seen, thus possibly harming its significance.
242. The applicant has submitted a heritage townscape and visual impact assessment on this particular matter which concludes that both International House and St Mary's Church are very hard to distinguish on the horizon in views from Mersham Church. As such, any changes to the skyline from here (some 5km away) would not be highly perceptible to the naked eye. As such the applicant concludes that the setting and significance of this church would not be impacted. The Council concur with this assessment and are therefore satisfied that the proposal would not cause any harm to significance or setting of Mersham Church.

243. Having assessed the townscape assessment in relation to the topography of the site and the wider town centre skyline I am satisfied that given the distances between the buildings at over 400m there is no significant harm to the views of the church spire. There are no sensitive historic or important views from the south west of the town that will be impacted in an adverse way by the proposals and I am confident the church will remain as the most prominent building in the town and will be complemented by the rapidly changing skyline in the town close to the station at the lowest point of the town centre where these proposed taller buildings can be comfortably accommodated without having a negative impact on the views of the St Mary's Church.
244. Clearly, it is considered that there would be some harm caused by this proposal, in terms of the setting of the Whist House. However, the level of harm needs to be balanced against the benefits of the delivery of this key town centre site. Members also need to undertake this 'weighing up' exercise when determining the application.

#### **Demolition of Existing Buildings**

245. The NPPF (2018) places great importance on the protection of heritage assets, citing them to be an irreplaceable resource, which should be conserved in a manner appropriate to their significance. The NPPF states at paragraph 189 that in determining applications, local planning authorities *'should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an*

*appropriate desk-based assessment and, where necessary, a field evaluation.'*



246. It then states<sup>1</sup> that local planning authorities should *'identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

247. As can be seen from the consultation responses from both the Council's Conservation Officer and the response from Historic England, at the point of submission significant concerns were raised with regards to this proposal from a heritage perspective. However, much of these concerns relates to the loss

248. of two pre-1948 buildings that are considered to be heritage assets within the site, being curtilage listed, and linked to its industrial use. They consider that the issues and safeguards outlined in their advice need to be addressed in order for the applications to meet the requirements of paragraphs 190, 194 and 196 of the NPPF. In determining these applications, the Council needs to bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
249. Likewise, the Ancient Monument Society welcomed the retention and proposed repair of the Grade II\*-listed Whist House. This is an important building - both architecturally and in telling the story of Ashford's early industrial development.
250. Regarding the two curtilage buildings to be demolished, this consultee found it difficult to tell from the limited submitted details if the buildings are of limited architectural interest, as reported in the submitted *Heritage, Townscape and Visual Impact Assessment* and asked for more details.
251. These additional details have been provided as part of the re-consultation process and Members will be advised of any additional response from them either prior to, or at the Planning Committee meeting.
252. The Association for Industrial Archaeology consider that the loss of the two outbuildings is regrettable and ask that the buildings are recorded, above and below ground.
253. With regards to the loss of any heritage asset, the NPPF<sup>2</sup> states that any *'harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'*
254. This proposal would result in the loss of two buildings considered to be designated heritage assets, a two storey 'sales' building within the centre of the site, and a single storey storage building that runs alongside the riverbank. Both the Conservation Officer and Historic England have raised concerns with regards to the loss of these buildings as they are an important link to the historical past of both the site and the town centre. These are however, only of local interest, being relating to the tanning process that took place in the town centre. There is no wider historical interest or importance of these buildings. Historic England do note that the loss of these buildings does have



the opportunity to enhance the setting of the Grade II\* listed Whist House through the improvement to landscaping and the opening up of the site.

255. Whilst it is regrettable that any heritage asset be lost, when assessing the benefits of the proposal, particularly given the weight of policy support for it, and when considering the planning history of the site, Officers believe that there is sound justification in this instance. The buildings themselves are not listed by virtue of their historic or architectural interest, but rather by virtue of their proximity to the listed Whist House, and also their historic context. Given that this context is to significantly change, their retention is not considered to be important, and as such their loss is not considered to be significant, and would not result in any substantial harm.
256. As was the case with the previously approved planning application (13/00713/AS) it is clear that the retention of these buildings would make the subsequent design and layout of any redevelopment awkward at best. As was set out within the previous report, in terms of the two-storey sales building 'in order to achieve a good access, a suitable scale of development and numbers of residential units close to the TCAAP requirements that this building had little option but to be demolished.' This remains the case with this application, and indeed is perhaps exacerbated by the further uplift in numbers. It is therefore considered that the harm from the loss of this building would be outweighed by other public benefits.
257. To my mind the loss of the single storey brick storage building is a little more difficult to justify insofar as it is only in part upon a footprint of a new residential building. That said, it would prevent clear views across the river, and would also prevent the new bridge link being created across to South Park. Its loss was previously agreed to, and I do not believe that there are any changes to policy, or to circumstances on the ground that would lead to a different recommendation this time around. Again, I do not therefore consider the loss of this building to be significant.

### **Conversion of Whist House**

258. In terms of the impact upon Whist House, the conversion to a single dwelling raised a number of concerns when first submitted to the Council. These concerns are set out in full within the 'consultations' section of this report. As a result of the comments that were raised, amended plans were submitted on the 6 November which have sought to address these concerns. In principle there are no concerns with regards to the conversion works proposed – into a single dwelling, and I consider that all outstanding detailed matters can be addressed through the imposition of conditions.

259. Since the initial submission of the application, significant amendments have been provided which show a more appropriate landscape treatment of Whist House. This would be a relatively formal area of amenity space/garden, that would open out onto the public open space. This is considered to be an attractive approach into the application site.
260. This application is accompanied by a listed building application, which assesses the impact upon the fabric on the listed building and its setting in greater detail. This application is also before Members for determination.
261. The re-instatement of Whist House is a significant benefit of this proposal, and it is recommended that this be provided at a relatively early stage of the whole development. A condition is suggested that would require this to be undertaken prior to the completion of the penultimate phase of development.

#### **Landscaping – Impact upon Heritage**

262. The final scheme for the landscaping has not yet been established although the applicant has submitted illustrative plans to this effect. However, it is clear that careful consideration needs to be given to the creation of private garden space for the house and separation from the public areas. This would not be a straightforward matter, as there is no 'rear garden' as such, with all amenity space to the front and side of the building. This is perhaps one of the main concerns of the conversion of the listed building, as it would not be desirable for domestic paraphernalia to be sited within this garden area – impacting upon the setting of the listed building. As such, and detailed landscaping plans will need to have full regard of the functioning of this space, as well as its impact upon the building itself.

#### **Archaeology**

263. An assessment of archaeology and cultural heritage has been undertaken in accordance with the NPPF and focuses on disturbance to buried archaeological deposits and changes to the setting of above ground, built heritage of the former tannery use along the riverbanks and the listed building. It is likely that there will be a considerable amount of industrial archaeological interest surviving in this site especially regarding the tannery works and pits. Officers are satisfied that conditions can ensure the records of these items are recorded by suitably specialist record of these interesting surviving heritage assets and that any archaeology that may exist is protected during the course of construction.
264. The scheme will seek to preserve archaeology on site, and to provide a photographic record of the existing buildings to be removed for future reference. This is considered to be an acceptable approach, and consistent with the policies within the NPPF as well as Core Strategy and TCAAP.

### **Conclusion (Heritage)**

265. Overall, in weighing up the loss of the two curtilage listed buildings, the harm to the historic fabric and industrial heritage and the impact on the setting of the Listed building against the gain of repairing the Listed building, there is a distinct deficit in heritage terms. In terms of the NPPF test this harm would be considered as less than substantial, but nonetheless significant and unacceptable. Therefore, this harm must be weighed against the public benefits. In this instance, the public benefits of the development are significant, bring about a significant portion of the Council's housing need (on an allocated site) and bringing forward a high-quality development on a site that is currently unkempt, with no public access in the heart of the town. The Conservation Officer's view that the harm is less than substantial is of particularly important and has been given due regard in the balancing of this application. In this instance, (as previously) the benefits of the scheme are considered to outweigh the harm.

### **Impact on Residential Amenity**

266. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future residents affected by any new development. At present there are no residential properties within the immediate surrounds of the application site, and as such the impact upon existing residents within the town centre is minimal. That said, it is also important to consider the quality of life for future residents within the development.
267. Concern has been raised from Royal Mail with regards to the proximity of the new residential units to their yard, which operates during the early hours and into the evenings. They are concerned that the proximity of residential properties here may impact upon their operations.
268. The council have sought to address this concern and the applicants have agreed that all doors and windows upon the most sensitive elevations would be provided with triple glazing to ensure that during the most unsociable hours, there would be no significant detrimental impact upon the residents of these properties. This has been assessed by the Council's own Environmental Health Officer who has confirmed that further mitigation on this matter can be dealt with by the imposition of safeguarding conditions. With regards to any balconies on this side of the development, whilst some open areas may be subject to noise above BS8233 standards, it is more desirable to provide the open spaces (balconies) than not have them at all and the

Environmental Health Officer does not therefore believe that this should be a bar to development on this site.

269. The Council are aware that in the medium to long term, Royal Mail's site has been promoted as part of the overall commercial quarter and as such operations are likely to move elsewhere to a bespoke unit. For these reasons, it is not considered that future residents would be unduly impacted by the use operating in close proximity of the site.
270. In terms of the design of the flats, these are all considered to be of an acceptable layout and size, with the majority also provided with some outside space through the provision of balconies. These are also designed in such a way that there would be no mutual overlooking between the properties, and as such a good level of privacy would be achieved. The only area of concern is the provision of a balcony above terrace on the upper floors of Block B, however, this would be in situ at the point of purchase, and as such this should be apparent for any future residents prior to moving into the property. I do not think this such an issue as to warrant a request for the submission of further amended plans.
271. The applicant has submitted a wind microclimate study which looks at the impact of the proposal in terms of tunnelling effects etc. This report also suggests small mitigation measures that address the concerns that are raised. These mitigation measures include:
- Amendments to the access to Block A
  - Amendments to the south corner of Block C
  - Further planting between Block B and Block C (at podium level)
272. These measures have been addressed through the amended plans submitted through the life of the application, with the amendment to the access, increased planting where appropriate and changes to the access arrangement, and indeed podium surrounding Block C. It is therefore considered that the microclimate impacts of this proposal have been fully considered and addressed within the application.
273. It is therefore considered that residential amenity has been adequately considered as part of this application submission, and no objections are therefore raised on that matter.

### **General Landscaping and Open Space**

274. The proposal would bring about the provision of new publicly accessible open space within the development but would also bring a significant uplift in

residents into the town centre. The Council's Open Space SPD sets out the requirement for informal green space, as being 2.0ha/1000 population. An increase in housing would put extra strain on the existing open spaces in the local area, thus creating a small deficit of open space per resident locally. Given the extra housing, contributions for open space are being sought through the section 106.

275. These contributions are reduced from the norm for viability reasons (as discussed below) but the harm flowing from this reduced because the proximity of a good quantum of open space at North and South Parks, and qualitatively the skate park in close proximity (which is well used), both of which will be made all the more accessible by the new bridge that is proposed, and will in practice ensure that some good facilities are available for future residents.
276. It is therefore considered that the proposal is acceptable in terms of open space provision, both in terms of that provided on site, but also that is accessible within the locality subject to the receipt of the S106 contributions set out later in the report.

### **Sustainability Issues (Including SuDs)**

277. As of the 18th July 2016, the Council no longer requires planning applications for residential development to comply with Core Strategy Policy CS10 'Sustainable Design and Construction' (2008) or guidance contained in the Council's Sustainable Design and Construction SPD (2012). This position is primarily based on the Housing and Planning Act which received royal assent on Friday 13th May 2016. The Act brings an end to the aspiration to deliver zero-carbon homes through the planning process, relying instead on building regulations to deliver energy efficient buildings.
278. The Council cannot propose planning policies that seek additional (to current building regulations) energy efficient or carbon reduction standards for new dwellings. It is therefore not intended to seek carbon off setting contributions through s106 negotiations.
279. However with regards to water efficiency the Council will require residential development to comply with emerging policy ENV7 'Water Efficiency' of the emerging Local Plan 2030 which sets out 'All new residential development must achieve, as a minimum, the optional requirement set through Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day'. A condition will be imposed to deal with water efficiency.

280. The application was submitted with a Flood Risk Assessment (FRA) and an indicative drainage layout (Appendix 5). These have been assessed by KCC Flood and Water Management who raise no objections to this proposal subject to the imposition of suitable conditions (which are recommended at the end of this report).
281. Previously concern was raised by the Environment Agency with regards to the proximity of the development to the river bank, however with the submission of additional information they have now withdrawn their objection, and are satisfied to address all matters through the imposition of conditions (which are set out at the end of this report).

### **Ecology and Impact on Riverside Setting**

282. Policy EN31 of the adopted Local Plan states that development which significantly affects semi-natural habitats will not be permitted unless measures have been taken to limit impact and long-term habitat protection is provided where appropriate. In addition, Guiding Principles Policies CS1 (A) (D) and (K) of the Core Strategy identify objectives of ensuring protection of the natural environment and integration of green elements enhancing biodiversity as part of high-quality design. Against these overarching objectives, Policy CS11 of the Core Strategy specifically requires development proposals to avoid harm to biodiversity and geological conservation interests, and seek to maintain and, where practicable, enhance and expand biodiversity. This is reflected also in policy ENV1 of the emerging Local Plan.
283. Initially, concerns were raised by KCC Ecology and further information was requested prior to the determination of the application. The applicant has agreed to provide additional bat access roof and ridge tiles within the development to mitigate any impact that the development might have. They have also agreed that any clearance of the riverbank be undertaken with a suitable specialist on site to ensure that no reptile habitat is lost.
284. Following receipt of further information having reconsulted KCC ecology Local Wildlife Site an 8m buffer is provided and only existing building will remain in this zone and I am satisfied the 8m zone will be provided. . . .
285. Reptile condition requiring a staged approach to reptile mitigation is agreed and will be added. The requirements for an updated bat survey and traditional roofing felt are noted and an appropriate condition will be agreed. A conditions require details of lighting to be submitted and approved. The recommended condition will satisfactorily addresses the points raised by KCC. A pre-commencement survey for Water Voles along the river corridor

and river banks is to be agreed. A biodiversity enhancement strategy is a standard ABC planning condition which will be attached to any permission. I am satisfied the ecological requirements have been satisfactorily dealt with at this stage and the wording of the conditions can be refined in agreement with KCC ecology if necessary.

### **Other Matters/Phasing**

286. At present no phasing plan for the development has been submitted and clearly in this instance it is important that the renovation of Whist House and the provision of a footbridge across the River Stour be provided in a timely fashion. In addition, it is important for the Council to understand which phase of the development will come forward at what point, in order that the development can be controlled appropriately.
287. It is therefore recommended that a phasing plan be submitted by condition which will set out the approach that the applicant will take to delivering the scheme. Condition 2 (set out below) recommends the timings for certain aspects to come forward. This will ensure that both the bridge and the renovation of Whist House is completed prior to all of the apartments being delivered, but will also allow the developer to obtain funding through the sale of some of their units. Officers believe that this is a balanced approach to ensure that the development is deliverable, whilst also ensuring the benefits of the proposal are brought forward in a timely fashion.

### **Planning Obligations**

288. Paragraphs 54 – 57 of the NPPF cover S106 contributions and conditions. In respect of S106 contributions they state that these should be used to mitigate the impacts of the development and make otherwise unacceptable developments acceptable. They should only be used where planning conditions cannot address the issue.
289. Regulation 122 of the Community Infrastructure Regulations 2010 state 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.
290. Policy CS18 of the CS requires that infrastructure and facilities to meet the needs generated by new development should be provided, and that these should normally be provided on site unless otherwise agreed. Policies IMP1

and IMP2 of the emerging Local Plan to 2030 also require that development shall make provision to meet the additional requirements for infrastructure arising from the development, where justified. Proposals which do not fulfil this objective must be supported by extensive viability evidence that establishes why any deficit in infrastructure contribution is deemed necessary to make the scheme viable, and there should be wider planning benefits for the scheme to proceed.

291. From the start of negotiations the applicant identified that the development would be unable to bear the full costs of developer contributions usually sought by the Council through the Core Strategy and emerging Local Plan Policies. It should be noted that Policy HOU1 does not require any affordable housing to be provided for flatted developments in Ashford Town (other than under circumstances that do not apply to this scheme), but most of the other developer contributions usually required for a residential scheme of this nature have been requested by consultees in this case, as set out in consultee responses reported earlier. The applicant was therefore advised to submit a viability appraisal.
292. The submitted full viability appraisal has been independently appraised for the Council by Bespoke Property Services. There has been significant negotiation between officers and the applicants as further information and clarity was sought on this submission but the conclusion of the process is that, due to the high build costs associated with a scheme of this nature and high quality, the residual value of the site is considerably less than the existing use value and on paper the scheme cannot afford to make any contributions. Notwithstanding this, the applicants have agreed to pay £255,000 in contributions.
293. 000 in contributions.

Emerging policy IMP2 recognises that any viability assessment is an assessment of the current financial situation, and costs and values change over time. This is in line with published guidance. The policy states that for larger schemes, where a proposal is to be phased over time the applicant will agree with the council a programme of re-evaluating viability. I do not consider that this is such a scheme as the development is not designed in a way that would make it easily sub-divisible. I therefore do not consider that further viability reviews should be required subject to the development being commenced early and not delayed. This approach is consistent with emerging Policy IMP2 and is reflected in a reduced period of validity of the permission that I recommend.

294. However, as indicated above this is not the only consideration. To fulfil the aims of the policy, it must be demonstrated that there are wider planning



benefits for the scheme to proceed. Clearly the requirement to pay for community infrastructure is a matter that the Council takes particularly seriously, and any shortfall is of significant concern to them. However, in this instance, my view is that the delivery of a large number of dwellings, within a highly sustainable location, and upon land that the Council consider to be important in the regeneration of the town centre, should be given a considerable amount of weight.

295. The Council's viability consultant agrees that the proposal is 'at its limit' in terms of the S106 contributions now being offered. It is considered there are appropriate material considerations in this instance to forego any further contributions at this point in time and to recommend the scheme even though the full developer contributions are not met.
296. It is important to note that the lack of full S106 contributions does not indicate a lack of quality of the development. The proposed development has been subject to significant negotiations over its quality, including Design Review and Member presentations. The early provision of a high-quality development will allow the market in the town centre to strengthen, thereby having significant benefits for the economy as a whole. It is therefore considered that there is sound justification for recommending planning permission be granted notwithstanding the reduced level of contributions being provided. Officers believe that this is an appropriate way forward in this case, as an alternative to considering refusal of the scheme because it cannot meet the full S106 requirements, or just accepting lower contributions de facto. There remains a strong expectation, particularly at Central Government level, that housing development should continue.
297. It is suggested that the £255,000 Contribution is allocated to specific projects at this stage, and should members agree the s106 will be drafted on this basis, with 50% allocated to ABC projects that will help provide for the needs of the development, and 50% to similar KCC projects. In this connection Cultural Services have indicated that at present their priority is the delivery of further play facilities at the Stour Centre. Apart from the proposed Sustainable Travel voucher scheme, KCC's contribution will be directed towards the Primary Education needs generated by the development. All of the contributions requested by both Cultural Services and KCC are considered to be CIL compliant. The request for Arts Programming funding is considered to be met by the proposal in the application to provide a bridge designed by Alex Chinnock as the public art element. The estimated cost of this is currently c£250, 000 and the applicants have said that if the costs fall below this sum then 50% of that cost reduction will be paid to the Council to top up the play area sum. An appropriate Head of Term is included in Table 1.

In terms of the restoration of Whist House. The requirement is to submit a scheme to make Whist House wind and watertight within 6 months of planning and listed building consent being issued. Within 12 months of the wind and watertight scheme being approved by the Council, Whist House will be made wind and watertight in accordance with the approved scheme, unless agreed otherwise. Whist House will be fully refurbished prior to occupation of the 224th residential unit. The refurbishment works to Whist House have an additional financial cost which is considered by officers to be a significant heritage and public benefit (costing an estimated £725,000).

298. A request from the CCG for health funding has not yet been received but is anticipated and an update will be given at the Committee but is unlikely to change the recommendation. Other contributions required to be paid out of the negotiated £255,000 sum will be the bus/cycle voucher, CPZ and monitoring fee as these are necessary to achieve the objectives of the Transport Assessment and obligations.
299. Officers therefore recommend that the planning obligations set out in table 1 be required should Members be minded to resolve to grant planning permission (with delegated powers to officers to finalise the details). The contributions have been assessed against Regulation 122 and for the reasons given are considered necessary to make the development acceptable, are directly related in scale and kind to the development and are directly related to the proposal. Accordingly, they may be a reason for granting planning permission in this instance.

**Table 1: Heads of Terms for Section 106 Agreement/Undertaking**

Planning Obligation			Regulation 122 Assessment	
Detail	Amount(s)	Trigger Point(s)		
1	<p><b><u>Sustainable Travel</u></b></p> <p>The choice of a £100 cycle voucher towards a new bicycle from a local cycle shop or a 3 month free bus pass on the Stagecoach East Kent network.</p>	<p>£100 cycle voucher/bus travel voucher per dwelling</p>	<p>Provide to occupier on Occupation of each dwelling</p>	<p><b>Necessary</b> in order to meet the demand generated by the development, promote public transport and encourage a modal shift away from private car use pursuant to Core Strategy policies CS1, CS2, CS15 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Kent Local Transport Plan and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will travel and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the scale of the development.</p>

2	<p><b><u>Children’s and Young People’s Play Space</u></b></p> <p>Project: off-site contribution to enhance play facilities at the Stour Centre.</p>	<p>£112, 500 to be split between capital and maintenance at the Councils discretion (to be supplemented by any underspend on the bridge cost, as outlined below).</p>	<p>50% to be paid prior to occupation of 84<sup>th</sup> dwelling. Balance (remaining 50%) to be paid prior to occupation of the 152<sup>nd</sup> dwelling.</p>	<p><b>Necessary</b> as children’s and young people’s play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children’s and young people’s play space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
3	<p><b><u>Controlled Parking Zone</u></b></p>			

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
Contribution towards the making and implementation of a traffic regulation order for the site/other roads in the vicinity if this proves necessary	£15, 000	50% to be paid prior to occupation of 84 <sup>th</sup> dwelling. Balance (remaining 50%) to be paid prior to occupation of the 152 <sup>nd</sup> dwelling.	<p><b>Necessary</b> in order to protect the residential amenity of future residents and in the interests of highway safety and convenience pursuant to Core Strategy policies CS1, CS15 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable) and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will be affected by use of the roads on the site and will use the roads.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>

Planning Obligation			Regulation 122 Assessment	
Detail	Amount(s)	Trigger Point(s)		
4	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's additional costs of monitoring compliance with the agreement or undertaking.</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>

5	<p><b><u>Primary Schools</u></b></p> <p>Project: Contribution to be applied towards the provision of the Phase 1 Extension at St Theresa's Primary School, Ashford</p>	£102, 000	<p>50% to be paid prior to occupation of 84<sup>th</sup> dwelling. Balance (remaining 50%) to be paid prior to occupation of the 152<sup>nd</sup> dwelling.</p>	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), saved Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
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Planning Obligation			Regulation 122 Assessment	
Detail	Amount(s)	Trigger Point(s)		
6	<p><b><u>Public Art</u></b></p> <p>Project: On-site provision of a bespoke bridge as outlined in the application linking the site to the land to the east to a detailed design and timetable to be agreed.</p>	<p>Obligation to construct and thereafter maintain. Should the construction of the bridge cost less than £250,000 then 50% of the cost reduction to be paid to the Council and added to the Children's and Young People's Play Space sum as above.</p>	<p>To be completed and opened for public use upon occupation of the 178<sup>th</sup> dwelling</p>	<p><b>Necessary</b> in order to achieve an acceptable design quality pursuant to Core Strategy policies CS1 and CS9, Ashford Town Centre AAP policy TC1(G) (if applicable) and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> as would improve the design quality of the development and would be visible to occupiers.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>



Planning Obligation			Regulation 122 Assessment	
Detail	Amount(s)	Trigger Point(s)		
7	<p><b><u>Restoration and Conversion of Whist House</u></b></p> <p>To submit a scheme to be agreed to make Whist House wind and watertight</p> <p>Whist House to be made wind and watertight in accordance with the approved scheme.</p> <p>Whist House to be fully restored/converted in accordance with the plans approved for Listed Building Consent.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Within 6 months of the granting of planning permission and LBC.</p> <p>Within 1 year of the approval of the scheme.</p> <p>Prior to the occupation of the 224<sup>th</sup> unit</p>	<p><b>Necessary</b> as the building is a nationally-designated heritage asset currently in a state of disrepair and needs to be conserved and restored as part of the overall scheme.</p> <p><b>Directly related</b> as the building forms an integral part of the design approach for the wider development and this will provide the necessary funding.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the new-build development and its relationship with the building.</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
<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 type of infrastructure above have been entered into.</p> <p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>			

## Human Rights Issues

300. 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

301. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

302. Redevelopment of the Commercial Quarter has been a longstanding aspiration of the Council, with supportive policies both with the Town Centre Area Action Plan (2010), as well as the Submission Version Local Plan (2017). However, this proposal would not wholly comply with either existing or proposed policy and would not deliver the level of developer contributions that would ordinarily be sought as part of any application of this nature.
303. Against this and in the application’s favour, the proposal would bring forward a significant portion of the Commercial Quarter redevelopment, which generally accords with the Council’s aspirations for the site. This would bring about a high level of housing, which would assist with the Council’s immediate housing need as well as bringing about significant economic benefits to the locality, both through the construction phase and from residents thereafter.
304. The development would bring about an uplift in vehicular movements to and from the site and work is ongoing to assess the implications of this, however, given the policy support for the redevelopment of this site, Officers are satisfied that this matter can be dealt with through delegated powers provided by Members.
305. The siting and design of the proposal has responded to the overarching (and evolving) masterplan of the Commercial Quarter, and it is considered that subject to the imposition of detailed conditions to ensure that the development is of a quality shown in the plans, the scheme will bring about betterment to

the town centre. It should be noted that there are only two letters of objection from local residents to this development – which it is believed is in part due to the quality of the scheme. The proposals would provide a high quality design that responds to the context of the site and delivers a contemporary form of architecture that reflects the previous use of the site.

306. It is also considered that the proposal would bring about betterment to the bank of the River Stour, opening up this part of the town centre that is currently unavailable for public use, and providing a pleasant landscaped environment, and increasing permeability through the site into South Park. The proposed bridge will be an attractive and unique structure that will again enhance the character and appearance of the locality.
307. The proposal would not result in any flooding issues, and there are no objections raised by either the Environment Agency or KCC Flood and Water Management.
308. The quantum of parking provision within the development (at 0.66spaces per unit) would comply with the current requirements of the Council's own parking standards, although not with emerging policy. However, Officers believe that this is a highly sustainable location (indeed one of the most sustainable locations within the Borough) with excellent links to both public transport and the facilities and services provided within the town centre and as such the harm from approving the reduced parking provision proposed (in part to reduce the scale of the podium) is small.
309. There would be harm caused through the loss of the curtilage listed buildings, as well as to the setting of Whist House however, as set out within both the Conservation Officer and Historic England consultation responses, this harm is not considered to be significant.
310. In light of the above, it is considered that the benefits of approving this application, outweigh the dis-benefits and deficiencies of the proposal, including the identified harm to heritage assets, and that there are other material considerations that indicate that planning permission should therefore be granted. It is therefore recommended that Members give this application favourable consideration, and resolve to give delegated powers to the Head of Development Management and Strategic Sites to grant planning permission subject to the receipt of acceptable highway modelling, details of the cycle storage, agreement on ecological mitigation, and the receipt of amended plans addressing detailed design points.

## **Recommendation**

- (A) **Subject to resolution, to the satisfaction of the Head of Development Management and Strategic Sites or the Joint Development Control Managers, of**
- (i) **any outstanding matters relating to cycle storage,**
  - (ii) **any adverse comments from KCC Ecological Services on the resubmitted material and the approval of amended plans as appropriate,**
  - (iii) **any new issues raised by Victorian Society**
  - (iv) **any remaining on-site / off-site highway matters (including any mitigation) with Kent Highways & Transportation,**
- and,**
- (B) **Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1, in terms agreeable to the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**
- (C) **PERMIT**  
**subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

### **Subject to the following Conditions and Notes:**

#### Implementation

1. The development hereby permitted shall be begun before the expiration of one year 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 and to reflect the fact that the viability of the scheme has been assessed at the point in time at which this permission was granted.

2. No development shall commence until a phasing plan and headline programme for the delivery of the site has been submitted to and approved in writing by the Local Planning Authority. This plan should identify the general

phases of development (including the means of access, layout of buildings, car parking and servicing arrangements) and their sequence of implementation, and identifying within each phase all areas to be developed or landscaped. This should aim to include;

- a) The four main building blocks
- b) The footbridge over the Great Stour River constructed before the occupation of the 50th dwelling of phase 1.
- c) Whist House fully restored and completed no later than the final occupation of the penultimate phase. 1
- d) The riverside enhancement works shall be completed before the occupation of the last phase.

The development shall be carried out in accordance with the approved phasing plan and headline programme unless otherwise agreed in writing by the Local Planning Authority.

Reasons – to ensure a high-quality environment is established at an early for occupiers

#### Compliance with Approved Plans

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

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

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

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

#### Materials

5. Samples of all external façade materials shall be provided on site in four separate 1metre by 1metre sample panels of the combination of materials relating to each of the 4 main blocks. This is to show the relationship of the materials and to inform discussion with the Local Planning Authority to assess

the quality and suitability of the materials. This information shall include details of the typical application of these external materials including source/manufacturer, visible joins, gaps, expansion points. For the brickwork details of mortar joints will be required including the mortar mix specification, colour, thickness, depth and the raked joint detail and method.

These details of the external materials for each relevant phase shall be submitted to and approved in writing by the Local Planning Authority within three months of the commencement of construction works for the relevant phase and thereafter shall be carried out using the approved external materials.

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

### Archaeology

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The programme of building recording shall include proposals for recording the building interiors through measured drawings and/or photographs.

**Reason:** To ensure that historic building features are properly examined and recorded.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

8. No development shall take place until details of foundations designs and any other construction works involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that due regard is had to the preservation in situ of important archaeological remains.

9. The developer shall give the local planning authority 28 days advance notice of the start of any works and, for a period of [e.g. 14 days] before any work begins, reasonable access to the building shall be given to a person/body nominated by the Local Planning Authority for the purpose of recording the building and interior by making measured drawings or taking photographs.

**Reason:** To safeguard the characteristics, fabric and appearance of the listed building.

### Crime

10. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason; In the interest of security and crime prevention and to accord with Policies of Ashford Borough Council Core Strategy Plan, dated 2008, and also in the interests of crime prevention.

### Landscaping

11. Prior to occupation of the first residential unit full details of the public realm landscaping scheme for the surroundings of all buildings within the site, and the proposed public open space, together with a programme/mechanism for its implementation and future maintenance shall be submitted to and approved by the Local Planning in writing unless otherwise agreed in writing by the Local Planning Authority. The details to be submitted shall include:

- a) The full details of the hard landscape works shall be submitted to the Local Planning Authority for its approval shall include detailed information on the following including but not limited to;
- i. Hard surfacing materials;
  - ii. Proposed finished levels or contours; including terraces, ramps, steps, (including a 1:50 scale drawing of step detail) levels detail, paving, cycleway, urban swales, kerbs, lighting, handrails (including illumination);
  - iii. minor artefacts and structures (e.g. furniture, bins, benches, bollards, gates, footbridges, tree guards, tree grills, signs, lighting, decked walkways, cycle racks, artwork, barriers bird boxes etc.);
  - iv. Outdoor seating areas including details of layout and any other associate paraphernalia such as weather screens or patio heaters;
  - v. Means of enclosure including fences, boundary wall details including style, detailing and final finish colour of railings.
  - vi. All proposed gates, including style, detailing and final finish colour.



- b) a programme/timescale for implementing and completion of all such works in full within 3 months following the occupation of the buildings or public open space. The approved public realm landscaping scheme shall be implemented in full in accordance with the details and programme/timetable approved by the Local Planning Authority. The scheme shall be maintained in accordance with the approved detail.

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

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

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

13. No development shall take place until a Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall be prepared in line with the approved Arboricultural Impact Assessment. The tree works approved shall then only be carried out in accordance with the approved Arboricultural Method Statement unless previously agreed otherwise in writing by the Local Planning Authority.

**Reason:** In the interests of tree preservation and amenity.

14. No trenches for underground services or foundations shall be commenced under the canopies of trees which are identified on the approved plans as being retained and within 5 metres of any hedgerows also shown to be retained without the prior written consent of the Local Planning Authority. Any trenches for underground services should be in accordance with the current NJUG guidelines.

**Reason:** To prevent damage to trees and hedgerows on the site.

#### Bridge

15. Details of the proposed footbridge bridge and timetable for its implementation together with details of future maintenance shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The approved bridge shall be installed in accordance with the approved timetable and maintained in accordance with the approved details.

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

#### External Fixtures and Equipment

16. Full details of the location, design, appearance and material of any external fixtures and equipment located on the exterior of the building or sited within the car park shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant phase of development. The details shall include anything above ground level including;

- Lighting
- Signage
- Intercom System
- Security, alarms or CCTV cameras
- Post collection
- Gas, Electricity, Water, Telecommunications related equipment
- Cables & Pipework
- Vents, grilles or flues

Thereafter the development shall be carried out in full accordance with these approved details. No other flues, vents fixtures or equipment shall be located on any façade of the buildings hereby approved other than in accordance with the above details

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

17. Prior to the occupation of the development hereby approved details of any proposed CCTV scheme to provide coverage of the external spaces around the buildings, together with any signage shall be submitted to and approved by the Local Planning Authority in writing and shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of public safety and crime prevention.

18. Prior to occupation of the relevant phase of the development details of external lighting for the relevant phase shall be submitted to the local planning authority and agreed in writing. The details shall include:

- a. Details of the lighting fixtures and location
- b. Details of the colours of the light
- c. Hours of operation
- d. Any proposed colour phasing

e. Details of compliance with the Institute of Lighting Engineers guidance notes for the reduction of light pollution

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

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

19. Within 3 months of the occupation of the development a Cleaning Strategy for the building's exterior shall be submitted and approved in writing by the Local Planning Authority including window cleaning methods and any associated paraphernalia or equipment that may require fixing to the building. The building's exterior shall only be cleaned in accordance with the approved Cleaning Strategy

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

#### Architectural Detailing

20. No development above ground floor slab level of the relevant phase shall be commenced until the following details have been submitted to and approved by the Local Planning Authority in writing:

- a) 1:20 scale details of eaves, coping and roof detail
- b) Details of any external rainwater goods.
- c) All decorative brickwork.
- a) 1:10 and 1:20 details and sections of the window frames to residential units.
- b) 1:20 details of the balconies including materials, balustrade and railings fixings.
- c) Depth of window reveals.
- d) External doors including to flats, cycle store and bin store.
- e) Rooftop fixtures or equipment.

Thereafter, the development shall only be constructed in accordance with the approved details and all approved details shall be retained unless any variations have been approved in writing by the Local Planning Authority.

**Reason:** Further details are required in order to ensure that the external fine detail of dwellings is of a high design quality.

### Residential Amenity

21. No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) 08:00 to 13:00 on Saturdays, with no working activities on Sunday or Bank Holidays.

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

22. 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
- 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 reuse 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.

### Sustainable Drainage

23. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals of the Flood Risk Assessment (Idom Merebrook, FRA-19852B-18-16-Rev B, August 2018) and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate not exceeding 4 litres per second per hectare and 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. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

**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.

24. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked.
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including 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.

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

**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.

25. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework. This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

26. Construction of the relevant phase of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal for the relevant phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

**Reason:** To ensure that the development can be adequately connected to the existing foul and surface water infrastructure.

#### Highways Matters

27. The approved bicycle storage facilities for the relevant phase shall be provided prior to the occupation of the relevant phase development and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

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

28. The areas shown on the approved plans as parking areas shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the occupation of the residential

units to which they relate, 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/or amending and/or re-enacting that Order), shall be carried out on those areas of land so shown or in such a position as to preclude vehicular access to those parking space/s.

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

29. Details of the street designs shown on the submitted plans shall be submitted to the LPA and agreed in writing prior to the occupation of the dwellings hereby permitted. These details should include the location and design of the following items;

- (i) Street name signage
- (ii) Road, traffic and parking signs including any associated poles and fixings
- (iii) Road markings
- (iv) Lighting columns
- (v) All materials including kerbs

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

30. Before the occupation of the relevant phase the proposed design of the non-adopted private access roads and footpaths associated with each relevant phase shall be submitted to and agreed in writing in order to demonstrate they are to be constructed to an adoptable standard. These details must include;

- (i) Footways and/or footpaths shall be completed, with the exception of the wearing course including dropped kerbs and tactile paving
- (ii) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
  - highway drainage, including off-site works,
  - junction and visibility splays,
  - signing and lining
  - street lighting, street nameplates and highway structures if any.

- (iii) Sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients and drive gradients
- (iv) The final wearing course shall be applied within one year of any dwelling being occupied.

These access routes and pathways will be shown on a location plan and thereafter these roads, routes shall remain open to the public at all times roads and at no point shall a gate, fence, wall, railing or other means of enclosure be introduced unless otherwise agreed in writing.

**Reason:** In the interests of highway safety and maintaining wider public access through the site and to achieve functional but well-designed attractive streets.

31. The parking provision for the residential development shall be in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interest of providing designate parking on site in the interest of highway safety.

32. Before commencement of above ground construction works of the relevant phase, details of the undercroft car park design and their accesses, for that phase shall be agreed in writing shall be submitted to the LPA and agreed in writing. Details related to barriers, lighting, signing, security measures, signs and lining of the undercroft parking shall be submitted and approved prior to occupation of each relevant phase, where applicable.

**Reason:** In the interests of visual amenity and to ensure a safe form of development.

33. A Car Parking Management Scheme including a plan showing all the allocated parking spaces on the site shall be agreed in writing with the LPA before the first occupation of any part of the development. Thereafter the plan will kept up to date annually by the Management Company and sent annually to the LPA. Details of a simple unobtrusive method of identifying and demarcation of the spaces shall be submitted to and agreed with the LPA. AT no time should any permanent security objects such as a collapsible bollard, gate barrier or similar object be used to prevent access to the parking spaces unless otherwise agreed in writing with the LPA.

**Reasons** – In the interest of visual amenity.



34. Prior to the occupation of the first dwelling details of a car club scheme shall be submitted and agreed by the local planning authority including how it will be run for a period of 5 years from the date of the first occupation.

**Reasons** - To allow those people without a vehicle the flexibility to use a car when they want one in the interests of a sustainable form of development.

35. The existing structures shown on the approved site plans as being demolished in their entirety and as part of the approved phasing plan, shall have all the resulting spoil, bricks or other associated materials which is not to be re-used in the construction of the replacement development, removed from the site before work starts on the relevant phase of the construction of the replacement development hereby permitted.

**Reason:** To enable the Local Planning Authority to regulate and control the development of the land; to preserve the residential and visual amenities of the locality and to secure a satisfactory standard of development having regard to Policy TC9 of the TCAAP.

#### Flooding

36. No development shall take place until a plan for the provision and landscape management of an 8 metre wide buffer zone alongside the Great Stour has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development unless otherwise shown on the approved drawings. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting, etc.

**Reason** Land alongside the Great Stour is particularly valuable for wildlife and it is essential this is protected. This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant

harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

37. 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** 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 170 of the National Planning Policy Framework.

38. 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.

39. 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. 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

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 170 of the National Planning Policy Framework.

40. 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 170 of the National Planning Policy Framework.

### Ecology

41. Prior to occupation a bridge design scheme shall have been submitted to, and approved in writing by, the Local Planning Authority. The design should show how it will enable the movement of wildlife. The bridge should be clear span, with mammal ledges or natural bank between the footings and the water's edge. Mammal ledges act as walkways to allow mammals to cross under a bridge where there is inadequate provision for dry-ground passage. They should be at least 50cm wide, constructed at least 15cm above the 1 in 5 year flood event, and allow at least 60cm headroom. Modern ledges are usually constructed of solid concrete on one or both sides of a bridge. Ledges on both sides of a water crossing are recommended as best practice.

**Reason:** Land alongside the Great Stour is particularly valuable for wildlife and it is essential this is protected. This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

42. All works to the river bank shall be in keeping with the natural character of the banks to ensure its wildlife habitats are protected.

**Reason:** To protect the areas of wildlife habitats and to improve habitat on the site

43. If any trees and shrubs cannot be removed outside the breeding season, then a qualified ecologist is required to carry out a check for nesting birds. If a nest is identified and considered to be on use then works must be delayed until the young have fledged unless with the written consent of the Local Planning Authority.

**Reason:** In the interests of protecting nesting birds.

44. All species within the planting scheme will comprise indigenous species within 500m of the Local Wildlife site.

**Reason:** To ensure no invasion of non-indigenous species into the Local Wildlife Site and to preserve ecological integrity.

45. No works that may affect bats shall be carried out until a long-term management and monitoring plan that ensures that the populations of species affected are conserved and wherever possible enhanced has been submitted to and approved in writing by the Local Planning Authority. The approved management and monitoring plan shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the existing population of bats and maintain and enhance their habitat on the site in the future.

#### Whist House

46. Prior to commencement of the works/development associated with Whist House hereby approved, detailed drawings and a full written schedule of works and specifications for the repair of Whist House shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. This should include detailed written information, samples and drawings (1:20 or 1:50 scale and sections) of the following

- a) Written details including source/ manufacturer and samples of all external materials including bricks, tiles and cladding
- b) New window(s)/door(s) shall precisely match the existing/adjacent window(s)/door(s) in detail, form of construction, material and finish and the external reveal and cill detail shall likewise match the existing/original window/door
- c) Details of any other external fittings to dwellings and their locations (including aerials, dishes and amenity lighting)
- d) Riverside terrace including materials, balustrades, rails
- e) Brick boundary wall pier and coping details

- f) All proposed driveway and pedestrian gates including style, detailing and final finish colour
- g) Pedestrian gate, railings, fixings etc
- h) Hedge landscaping
- i) to identify the all external gas and electricity meters and relationship to proposed adjacent ground levels whether hard or soft landscaped.

The development shall be carried out using the approved external materials. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

**Reason:** To safeguard the characteristics, fabric and appearance of the listed building and in the interests of visual amenity.

47. With regard to the Whist House development 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 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.

48. Prior to commencement of the works to Whist House hereby approved, detailed drawings and a full written schedule of works and specifications for the repair of the chimneys, internal partitions, external brickwork, panelling, ceilings, floors, wainscot, staircases, external cornice, rainwater goods and windows as (as identified on the approved plans), shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

**Reason:** To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

49. Before any works are carried out to Whist House the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.

- 1:50 scale survey drawings for all existing timber framing to external walls and roofs including studs and rafters showing which are to be retained, replaced, removed or repaired, including methods of repair where applicable.
- 1:50 scale survey drawings showing all areas of brickwork or other masonry which is proposed to repair, including methods of repair where applicable.
- 1:20 scale plan sections of new internal partitions, including details of their relationship to historic structure, and junctions with historic fabric.
- Detailed drawings to scale 1:5 and 1:1 of typical details of all new joinery, to include windows, internal and external doors, blind boxes to front elevation, staircase, panelling, skirting and wainscot.
- 1:50 scale plans indicating areas of floor boarding it is proposed to replace.
- 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.
- Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

50. No sand-blasting or other abrasive method is to be carried out to clean any timbers of Whist House.

Reason: To ensure the preservation of structure, features and detailing that form part of the architectural historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

51. Before the commencement of works to Whist House hereby approved, a drawing to show the areas to be repointed and a methodology for removing the existing pointing and specification for a lime based mortar to be used in the repointing works, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details.

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

52. All raking out of mortar on Whist House is to be carried out with hand tools and not with mechanical or power driven devices.

Reason: To ensure no damage occurs to the historic brickwork of the Listed structure under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

53. All new leadwork at Whist House shall be completed in conformity with the recommendations set down by the Lead Sheet Association in their most recent publication.

Reason: To safeguard the historic fabric and the architectural character and appearance of the building.

54. Details, source/manufacturer and samples of replacement Peg Tiles/Hanging Tiles necessary at Whist House to make up the shortfall, in addition to those reclaimed following the careful stripping of the roof and relevant elevations, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved additions. Such tiles shall be sound second hand or new, matching the existing in type, colour, size, thickness and texture.

Reason: In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

55. Before relevant works commence at Whist House, written details confirming external render mix, detailed method of application, and proposed finished colour are to be submitted to and approved by the local planning authority and the development thereafter is to be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

56. Any hidden historic features at Whist House revealed during the course of investigative or further works to the walls, floors, ceilings and fireplaces shall be retained in situ, work to be suspended in the relevant areas of the building and the local planning authority notified immediately and given the opportunity to inspect. Prior to the commencement of any further works details including a schedule of works, drawings and annotated photographs as appropriate shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with these approved details.

Reason: To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed

Building under Section 16 of the Planning (Listed Building Conservation Areas)  
Act 1990.

### **Note to Applicant**

1. S.106 agreement
2. Working with the applicant
3. Materials to be of high quality
4. Proposed purchasers to be aware of inability of car barns to be altered through attachment of doors
5. Proposed purchasers to understand the arrangements for the proposed governance of space, including space forming the frontage to plots, and take professional advice as necessary
6. Working with the Applicant

### **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 18/01168AS.

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d:se

Design Review

**Kent Wool  
Growers Site  
Tannery Lane  
Ashford**

15 June 2018

**Annex 1**



**Kent Wool Growers Site, Tannery Lane, Ashford, TN23 1PN**

Reference: 391.3-1068

Report of Design Review Meeting

Date: 11 May 2018

Location: Committee Room 1, Ashford Borough Council, Civic Centre, Tannery Lane

**Panel**

Liz Gibney (Chair), Urban Design  
Robert Barker, Architecture  
Chris Bearman, Architecture  
Simon Collier, Landscape Architecture/Urban Design  
Sebastian Loew, Architecture/Urban Design

**Also attending**

Garry Hall, Design South East  
Tim Naylor, Ashford Borough Council  
Cllr Graham Galpin, Ashford Borough Council  
Cllr Paul Clokie, Ashford Borough Council  
Cllr Mick Burgess, Ashford Borough Council  
James Bishop, U+I Group  
Guy Hollaway, Guy Hollaway Architects  
Mark Humphreys, Guy Hollaway Architects  
Camille Frichot, Guy Hollaway Architects  
Hannah Whitney, Lichfields  
Aaron Tomsett, Costplan Services (South East) Ltd

**Site visit**

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

This report is confidential as the scheme is not yet the subject of a planning application



## **Summary**

This proposal presents some high-quality buildings with good detailing and use of materials. In fact, they were of such good quality that the panel had doubts as to their viability in this location. In contrast, in urban design terms the scheme was far from convincing.

The 2012 masterplan proposes an orthodox grid of blocks, streets and squares. There are flaws in that plan and this proposal has quite a different structure. However, we are not convinced that it will deliver the quality of public realm that is required. There needs to be a much clearer understanding of how this scheme would fit into the wider network of streets and spaces in the commercial quarter and connect to the rest of the town.

Better integration would make the internal structuring of this scheme easier to formulate. How buildings relate to open spaces is not well resolved in these proposals, and the disposition of spaces needs to be reconsidered. More variation in scale, massing and architecture is recommended.

## **Background**

This is a review of the proposed redevelopment of the Kent Wool Growers site in Ashford. The proposal is for up to 270 new residential dwellings across four buildings, plus the refurbishment of the Grade II listed Whist House building into a bar/restaurant. The site sits in a regeneration area known as the commercial quarter for which a masterplan has previously been produced.

## **Structure and relationship to area masterplan**

A good deal of work has been undertaken exploring how this part of Ashford might change over time. The masterplan produced is, however, vague in some respects, and this makes designing a specific site problematic. In particular, the Space Syntax analysis of the proposed route structure for the area shows poor spatial accessibility and a lack of route hierarchy. To work, the proposed boulevard should be the main route, supported by side and back streets rather than all routes being of equal importance. Revisiting the masterplan and revising the movement structure to create a hierarchy is recommended. This will make designing the site easier as it will help in arranging buildings, routes, and spaces in relation to the wider area. This process should also investigate the links into town and to the station and ensure that they are as direct and legible as possible.

The proposed use for the site is currently 100% residential flats. This needs to be considered in relation to the adjacent sites. It was suggested that the post office site on the other side of the boulevard is likely to have a commercial use at ground floor with residential above, yet this is not reflected in the proposal. Greater consideration needs to be made of the mix and distribution of uses across the wider masterplan, and how this would function at different times of the day and week.

We suggest that it is not possible to develop an appropriate scheme for this site without revisiting the masterplan and its wider connections to the town. This need not be a very expensive or time-consuming exercise, given that the previous masterplan is not highly detailed. For instance, is a boulevard in that location the best idea, given that the Space



Syntax analysis suggests that it will not be a major connection? Are the squares in the right place? How does the public realm on this site fit into the wider public realm plan?

As it is, the current layout lacks a clear route structure. As the first scheme in the wider masterplanned area, it is particularly important that the layout of this site begins to create the right routes. The proposed boulevard is particularly important. Currently, the proposed layout presents a weak edge to this important route, with a convoluted internal street structure that makes the site difficult to navigate. A better solution that allows for more control over character and quality would be to bring the first stretch of the boulevard through the site. This would simplify the access arrangement and internal structure for the rest of the site and allow the design team to set the quality expected along the rest of its length. It would also help solve what is currently a compromised relationship between the buildings and the street. Future scenario testing needs to be carried out. If the rest of the boulevard is not deliverable or takes a long time to come forward, then the proposal needs to be able to still work.

### **Buildings and spaces**

Whilst the buildings proposed are of significant quality, there is an issue with how the proposed buildings and spaces relate to one another. All the buildings are pavilion style, without a clear front or back. The spaces between are ambiguous in nature, being neither fully private or easily accessible for the public. The space on the podium deck is likely to set up a conflict with what is proposed as a public space in the main square, as they sit adjacent to one another without a clear distinction as to who they are for. A plan showing public and private spaces and how they are accessed would help in explaining the rationale of the design. This should explain who the spaces are for and how they will be used.

The distribution of spaces on site needs further work. A better understanding of wider movement would help to ensure spaces are where people will want to use them. The space proposed in the no-build zone along the river frontage next to the western block in particular is problematic, as it is not clear who will use this or why. It is also difficult to access. Reducing the number of spaces and making more of the remaining ones would help solve some of the issues. This would free up site area to allow for more variation in density and unit types across the site.

How buildings relate to spaces at the ground floor level needs refining. The current proposal presents an inactive edge to the main boulevard, dominated by surface level parking and an access lane. This parking will also negatively impact on views out of the flats on this edge. A more positive relationship between the buildings and street edge will support the boulevard in providing an attractive movement corridor. Adding balconies and bays to the boulevard side to create an active frontage is recommended. Cross sections through the site that explain how buildings, spaces and parking work would be helpful. Sustainable design and ecological enhancement also need to be explored and strategies developed.

Some parts of this site will be more desirable than others for future residents, yet the design uses a similar approach across the area. There is scope to use more variation to help manage costs, maximise the benefit of the sites assets, and to ensure this site offers homes at a range of price points. The block fronting the entrance to the site presents an

## Annex 1



unappealing shear wall and large north facing façade. There are two situations where car-parking runs parallel with the street, which would create large areas of tarmac. This should be rethought.

The parking strategy should make more of the levels and the podiums, so that cars do not dominate the spaces on site. At present, there is too much surface parking which will detract from creating an attractive setting to the accommodation. This aspect needs to be better-integrated into the overall design. The buildings could front the podium to conceal the parking and create a clearer definition between public and private.

More could be made of the river frontage and the value this brings. A block along this edge would help generate better sales value, as would more river views in general. Bringing the open space across the river into the scheme and treating this as part of the overall design would free up space on site and strengthen connections with the surrounding area. Higher buildings in key locations could be appropriate. Slimmer, more elegant elements would help introduce variety, reduce the bulkiness of the blocks and allow for more flexible approaches elsewhere on site. A stronger entrance to the site marked more prominently would help in establishing a sense of arrival. At present the entrance is facing a week building which needs rethinking. The entrance could also help simplifying the internal circulation.

### **Density and viability**

The proposed scheme is of a significant density, which may be appropriate given the location near to good transport infrastructure and the town centre. However, higher density developments will only succeed if they are well designed and the quality of detailing and materials is assured.

The high densities proposed appear to be causing issues in how the buildings work internally. Many of the flats are single aspect, which is problematic for natural light, especially for those facing north. The long internal corridors will be poor quality spaces for residents. The complex internal layout of the flats and the many different varieties could prove costly and affect viability. Reducing quality due to viability issues later in the process would be extremely harmful to the overall proposal. Robust cost analysis needs to be undertaken as part of the design process so that what is being proposed can actually be delivered.

### **Whist House**

There was insufficient time to review the proposed additions to Whist House. It was suggested that this may need a separate design review specifically about the house and gardens.

The mix of unit types would help manage the relationship with Whist House. The concept of a hidden garden associated with this listed building could work, but the buildings adjacent to it need to better manage the transition in heights and the spaces around it. How this space is managed needs careful consideration. Stacked maisonettes or other smaller buildings might work better here for this reason and would introduce more variety into the dwelling mix.



This review was commissioned by U+I with the knowledge of the Ashford Borough Council.

**CONFIDENTIALITY**

Since the scheme was not the subject of a planning application when it came to the Panel, this report is offered in confidence to the addressee and those listed as being sent copies. There is no objection to the report being shared within respective practices/organisations. DSE reserves the right to make the guidance known should the views contained in this report be made public in whole or in part (either accurately or inaccurately). Unless previously agreed to remain confidential, this report will be publicly available if the scheme becomes the subject of a planning application and to any public inquiry concerning the scheme. DSE also reserves the right to make guidance available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please let us know.

<b>Application Number</b>	18/01256/AS
<b>Location</b>	Whist House, Tannery Lane, Ashford, TN23 1PL
<b>Grid Reference</b>	601345 / 142465
<b>Parish Council</b>	Central Ashford
<b>Ward</b>	Victoria (Ashford)
<b>Application Description</b>	Demolition of two pre-1948 brick buildings. Internal and external restoration works to Whist House relating to its restoration to provide a 4-bed dwelling (associated to corresponding planning application 18/01168/AS for redevelopment of the site to provide to provide 251 residential units within four apartment buildings and works) U+I (Ashford) Limited
<b>Applicant Agent</b>	Litchfields, 14 Regents Wharf, All Saints Street, Islington, London, N1 9RL
<b>Site Area</b>	1.19 hectares

## Introduction

1. This is the listed building application dealing with the works that require specific listed building consent in connection with the proposed residential redevelopment of the site subject to planning application ref 18/01168/AS that also reported on the agenda. It is for this reason the application is being reported to Planning Committee.

## Site and Surroundings

2. The application site is located in Ashford Town Centre (part of the Commercial Quarter) and lies approximately 200metres east of Station Road and immediately adjacent to the east of the Royal Mail Sorting Office.
3. The site comprises a large two storey house constructed in 1707, which fronts an earlier C17 house. Whist House has remained unoccupied since 1995. Whist House is a Grade II\* listed building and was given listed status in 1951. The List description reads as follows;

*TANNERY LANE (Formerly Tanyard Lane)*

*Whist House*

*24.9.51*

*Grade II\**

*Dated 1707 in paint above top central window. 2 storeys and attics red brick with grey headers. Steeply pitched hipped old tiled roof with 2 hipped dormers. Heavy wooden modillion eaves cornice. Long and short quoins. Stringcourse. 5 sashes with wide glazing bars intact. Regency wooden blinds to ground floor windows. Doorcase with engaged Doric columns, flat pediment, panelled reveals and door of 8 fielded panels. On the left hand side there is a 2 storey tile hung extension with half hipped roof. The rear elevation has 2 hipped dormers and 2 sashes. Projecting 1st floor with canted bay supported on 2 cast iron columns.*

*Listing NGR: TR0134542465*

4. As part of the application a detailed survey of the historic fabric has been carried out which has formally identified the building evolution. It consists of the formal C18 frontage, which is a principle part of its special interest, but also there is the significant part of an earlier C17 dwelling to the rear. A later C19 addition was then added to the side. Externally this evolution is evident in the contrast between the formal Georgian front elevation and the vernacular rear elevation. Internally, it is clear that the combination of the three main building periods has resulted in a complicated and slightly convoluted layout, involving changes in levels and five staircases. Although interesting in terms of the relationship between building periods, these junctions do constrain the natural movement around the building.



5. The tannery site lies to the west of the Stour centre and Civic Centre complex, both of which lie beyond the river Stour. North of the site is Ashford School Playing fields and south of the site is the large office complex, International House. To the south-west of the application site is the recently completed office block (connect 38), which contains a number of varying uses including offices, dentist and cafeteria.
6. The site is located in Ashford town centre and falls within a wider area designated under the Ashford Core Strategy 2008 and Ashford Town Centre Area Action Plan 2010 identified known as the Commercial Quarter. This is a key redevelopment zone benefitting the area as a whole but specifically key to the future growth of the town. However the site immediately adjoins a part of the Quarter that is designated as for substantial residential. These Policy documents recognise the importance of the historic fabric and seek to encourage the restoration of Whist House and its setting ensuring that surrounding buildings are of a scale that will preserve and enhance the setting.
7. The development of the adjoining substantial residential development falls within the same ownership (Kent Woolgrowers) as Whist House.
8. Historically the wider area now recognised as The Commercial Quarter area never established a strong urban grain typical of the town centre area resulting in poor connections and integration between the station and the town centre. As the town developed around the town centre, the site of Whist House and its immediate surroundings are likely to have been in marginal agricultural use, possibly water meadows alongside the river.
9. The precise date when a tannery was established is unknown although a complex of buildings is shown to the west of the river as early as 1769. It is likely that these buildings were Whist House and the tannery operation. The tannery may have existed many centuries before this, being one of the oldest known industrial operations located by rivers during medieval periods. Various developments associated with the tannery meant the site grew in an ad hoc fashion throughout the 19th and 20th centuries until the end of the tannery operations in the 1950s.
10. Whist House is located on the River Stour which lies immediately to the east. Tannery Lane was constructed in the late 1960s across the northern edge of the Whist House site. This street is a heavily engineered section of gradually elevated road built originally to the north of Whist House in order to provide

unrestricted access over the river and associated floodplain, to the entrance to the Civic Centre and Stour Centre. At its highest point the road is elevated by approximately 3 metres above the riverside levels.

11. Although it is now surrounded by modern development, Whist House retains its historic curtilage with associated outbuildings of various periods; the most significant of which are two red brick outbuildings dating from the C19.

## Proposal

12. This Listed Building Consent application relates to the demolition of the two C19 outbuildings on site and two brick walls (attached to Whist House) and the conversion of Whist House into a single 4 bedroom dwelling.
13. There is a corresponding planning application, which is being dealt with under the separate planning application on the agenda (application ref 18/01168/AS). This planning application proposes the redevelopment of the existing site, with residential units in four tower blocks, together with the associated parking and landscaping.
14. In terms of the demolition, one of the C19 buildings is the two storey sales building close to the entrance of the site and the other is a long single storey brick building abutting the river front which is in a poor state of repair. The two brick garden walls are attached to Whist House, although neither are of any historical significance.
15. In terms of the internal work required to facilitate the conversion, the building has been unoccupied for a substantial period of time and therefore it is in poor condition. As a result, repairs to the historic fabric are required throughout the building, including major architectural features such as floors, ceiling, partitions and the main staircase. The proposed repairs are identified on the amended drawings. Apart from the extensive repairs, there are few other alterations to the building fabric, its layout or appearance. The most notable being a new door opening at first floor level and the reinstatement of a canted bay window to the rear elevation.

## Planning History

- |             |  |
|-------------|--|
| 18/01487/AS | Prior Notification for the proposed demolition of Brundrett House and the Central Warehouse Building. <b>Yet to be determined.</b> |
|-------------|--|

- 18/00002/EIA/AS EIA Screening opinion for Kent Wool Growers Site. **EIA not required.**
- 18/00001/EIA/AS Screening opinion for the proposed residential development at Kent Wool Growers Site. **EIA not required.**
- 13/00713/AS Hybrid application for the demolition of all existing buildings (except Whist House). Erection of 159 residential units consisting 155 apartments (4-6 storeys) and 4 town houses and associated parking (outline application with approval sought for details of access, layout and scale with details of appearance and landscaping reserved). Works for the restoration of Whist House to a 4-bed dwelling, including new parking barn, garden/flood walls and landscaped gardens (full application). **Planning permission granted 2 April 2015**
- 13/00007/EIA/AS: Screening opinion for the proposed residential development (current proposals): screening opinion issued 7/6/13 - **no EIA required.**
- 91/00615/AS: Renewal of temporary permission 90/0373/AS. Portacabin to serve as staff rest area and wool department administration office on a temporary basis. **Planning permission granted 18 June 1991**
- 89/01786/AS: Demolition of part of canopy to bark barn as a result of vehicle damage and reconstruction in its original form: **Planning permission granted 18 January 1990.**
- 88/00641/AS Erection of phase 1 warehouse and demolition of part of existing buildings: **Planning permission granted 30 November 1988.**
- 88/00640/AS Bark barn: careful taking down of existing roof/wall cladding. Dismantling and identifying structural timber frame. Storage on site then transport to Evegat farms, Smeeth. (subject of a separate listed building application). **Listed building consent granted 14 December 1988.**

## Consultations

### Ward Members:

#### Statutory Consultees

1. **Historic England**

#### ***Conversion of Whist House***

Whist House is a grade II\* listed building and is principally significant as a multi-phase house with an unusually compact but high quality 18th century frontage range, a 17th century range to the rear and 19th century alterations to provide an administrative office for the adjoining tannery. The building's plan form is largely intact and this and the almost complete survival of the 18th century interior add to its significance. Its conversion to a residential use is highly compatible with its significance and we are wholly supportive of the principle of this proposal, which we think will secure its optimum viable use (NPPG, Para 15).

*Historic England also made specific comments regarding some of the repairs and alterations shown on the drawings. These have all been addressed in the amended drawings, and/or will be covered by detailed conditions.*

*Their comments regarding the redevelopment of the wider site are addressed on the corresponding planning application. They have subsequently made the following comments:*

*'Historic England is satisfied that the amendments minimise the harm to heritage significance (Para 190 of the NPPF). Your Council will also need to satisfy itself that any remaining harm is clearly and convincingly justified (Para 194) before weighing this against the public (including heritage) benefits of the proposal (Para 196). As noted in our advice of September 2018 we think securing the optimum viable use of the grade II\* listed house is a heritage benefit which you may consider in the weighing exercise provided this is secured. We suggest this might be achievable with a legal agreement attached to the planning application for redevelopment. This could require the submission of a costed specification for the repair and conversion of the Whist House to a residential use and its implementation and completion before the occupation of any new development on the site.'*

2. **The Ancient Monuments Society**

The Ancient Monuments Society welcomed the retention and proposed repair of the Grade II\*-listed Whist House. This is an important building - both architecturally and in telling the story of Ashford's early industrial development.

Regarding the two curtilage buildings to be demolished, they found it difficult to tell from the limited submitted details if the buildings are of limited architectural interest, as reported in the submitted *Heritage, Townscape and Visual Impact Assessment* and asked for more details.

These additional details have been provided as part of the re-consultation process.

Following the receipt of further information the following comments were received on 30<sup>th</sup> November

The **Ancient Monuments Society** read the Heritage Additional Information report prepared by PRC Architecture & Planning Ltd in 2012 and wish to object to the demolition of Buildings 1 and 2.

Proposal - The proposal is for the total demolition of two buildings which are in the curtilage of the Grade II\*-listed Whist House. This forms part of the redevelopment of the adjoining former Tannery site to provide 251 residential buildings.

Interest of the buildings - The Tannery is included on Kent County Council's Historic Environment Record (Monument no TR 04 SW 98). The HER states:

*The date of the tannery is uncertain. It appears to have been operational by AD 1707 when Whist House was built. Buildings are shown on the site on the OS drawing of 1797.*

The applicant's Additional Heritage Information report states that "Whist House was constructed 1707" and "no evidence exists to show [that a] tannery existed prior to this date." This information contradicts the Historic Environment Record and requires clarification by an expert industrial archaeologist.

The *Additional Heritage Information* report goes on to say: "the other remaining buildings could have been used for a number of other purposes

involved in the curing and tanning process, however, again this is pure conjecture.”

We recommend that specialist advice is sought to establish exactly what functions in the tanning process the curtilage-listed buildings served. It seems unlikely that the form of the buildings cannot give clues as to their previous functions.

Building 1- Central Tannery Building - The first of the two curtilage-listed building is a handsome two-storey brick building with a single-storey louvered extension. The building has fine detailing, including arched windows, and appears to be relatively unaltered. No information has been given about the interior of the building. The *Additional Heritage Information* report states that: “the building is pre-1871 and likely to be early C19th.” The report goes on to say that “its function could have been related to administration or sales” but then immediately contradicts itself: “it could possibly have been used for the feeding and resting of horses given its position and built form.” The assessment, confusingly, concludes with: “it is unlikely in our view that it was used for any part of the tanning process referred to above with the exception of the finishing process.”

The building has a distinct form and it should be possible for an expert to confirm its previous function(s).

Building 2- ‘Building by the River’ - The second curtilage-listed building is a single-storey red-brick building with a timber-framed frontage to the river Stour. The *Additional Heritage Information* report states that two buildings which are shown on an 1871 OS map “appear to be in existence today”, but then goes on to say: “the existing building (Photo 1) appears to have been constructed between 1871 and 1896.” This is contradictory information which requires clarification.

The report then goes on to say that “it would be logical to assume that the hides would be delivered to the site and taken to this building to be cured and socked by the river.” Again, the report fails to give an authoritative assessment of the building’s function and significance.

AMS Position - The Ancient Monuments Society **objects** to the present application for the following reasons:

- Firstly, the information provided with the application about the significance of the buildings and wider tannery site is contradictory and

inadequate. We recommend that a full analysis of the site is carried out by an industrial archaeology expert.

- Secondly, the photographs provided with the application show that the buildings are in reasonable condition and that nothing precludes them from being converted for either residential or communal use (Building 1) or storage (Building 2).
- Under Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990, there is a duty for local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

We believe that the loss of the buildings would represent harm which has not been justified. Paragraph 195 of the National Planning Policy Framework (NPPF) states that:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

We do not believe that the proposed residential development represents “substantial public benefit” as it is a private development. Nor have we seen evidence that the four conditions listed under Paragraph 195 have been met.

We therefore urge you to refuse the application and to enter into further discussions with the applicant to secure the retention and reuse of these buildings.

3. **The Georgian Society**

4. The Georgian Society was consulted and whilst they believe that the proposal does have the potential to cause a degree of harm to the significance of Whist House, through changes to its setting and through the loss of the associated unlisted tannery buildings, they do not wish to formally object to the scheme. They do however, support Historic England’s comments on the proposed alterations to Whist House, and would appreciate further details of the building’s surviving fixtures and fittings. **The Association for Industrial Archaeology**, although not a Statutory Consultee, have made the following comments:-

*‘The Association for Industrial Archaeology notes that this application is in respect of the conversion of Whist House (listed grade II\*) into a four bedroom dwelling and the demolition of all other buildings on the site including the two curtilage listed pre-1948 buildings which are all that remains of the site’s tanning industry. The Association for Industrial Archaeology commented upon a previous application (2013 - No 13/00716/AS), which was allowed in respect of this site, and the comments were only on the two pre-1948 buildings. The first building referred to as Building 1 is a single storey building which backs onto/ is adjacent to the Great River Stour. It is said to be dated between 1872 and 1898. It is brick built and there is limited decoration at eaves level The second building referred to as Building 2 is in part earlier, with the back section being dated to the earlier part of the 19th century and the front section between 1898 and 1907. Building 2 was referred to as the “Sales Building” in 2013 but is now referred to as the Ashford Gun Room. It may be described as being in two sections. The first and newest is nearest to the road, Tannery Lane, being of red brick and of panel and pier construction. Attached at the rear is the older section and at right angles to the front section and beyond that a weatherboarded louvred section which may be indicative of the building’s former tannery use. These two buildings Nos 1 and 2 are all that remains of the once extensive tannery on this site. It is suggested that this site has a long association with the tanning industry possibly as far back as the late 17th century, although the works last operated in the mid 20th century.*



*The site is mentioned and there are photographs of it in A Guide to the Industrial Archaeology of Kent by David Eve and published by the Association for Industrial Archaeology in 1999, page 12. More surprisingly it appears in the second edition of Pevsner of 1976 (corrected 1980): The Buildings of England, West Kent and the Weald, by John Newman, Penguin Books, page 136. Here it is referred to as “intriguing 19th century tannery buildings”. This comment is not repeated in the 2012 edition, perhaps because the bark barn has been removed. It is unfortunate that these now sparse remains of one of Ashford’s earlier industrial activities are to be lost.*

*In the 2103 application it was noted that the line of Building 1 was to be retained as a riverside walkway. However, it has to be said that it is a pity that Building 2 could not have been incorporated into the overall project. It represents an industry of Ashford and is an interesting building. It is regrettable that Whist House itself has fallen into such a state of decay. It is also regrettable that this new application has not seen possible to reuse at least the Ashford Gun Room Building as this would add interest to the development. It is imperative that there is an adequate record is made of these buildings before they are demolished as well as to record any surviving below ground archaeological remains of the tanning industry, such as the pits, especially as some of them may be early.’*

5. **KCC Archaeology**

The site includes the designated heritage asset of Whist House. This is a Grade II\* listed building and any redevelopment needs to undertake appropriate consideration of a designated heritage asset in accordance with NPPF section 12. Whist House is considered to have been one of the original main buildings associated with the Whist House Tannery, established by early 18th century but possibly being slightly earlier. Some of the existing buildings may also be part of the original tannery complex and there are likely to be many buried structural remains and associated cultural material.

6. The 1<sup>st</sup> Ed OS map indicates a variety of structures and buildings associated with the tannery process. Even though the site has been substantially redeveloped, remnants of the earliest structures may survive on the site above ground or below. Any evidence of the earliest phases of this important tannery for Ashford town would be of considerable significance.

7. The site's topographical location would have made it favourable for Prehistoric activity and later industrial activity. There are indications of Iron Age in the area and a Roman road alignment is marked to the west.
8. I note this application is supported by a Heritage and Townscape Assessment, focusing on impact on Whist House and setting issues. Also to be welcomed is the CgMs Archaeological Deskbased Assessment. This provides a useful summary of archaeology, including the range of archaeological issues from Palaeolithic potential through to the modern industrial heritage. I generally agree with the recommendations referring to the need for formal and phased programme of archaeological works
9. In my previous comments on the EIA consultation, I suggested there might be a considerable amount of industrial archaeological interest surviving on this site and, at that time, it was not clear whether any of these remains are of national significance. It seems possible that there are no extensive remains of high significance surviving but this has not been demonstrated in detail. I did comment that "If further deskbased assessment does still need to be done, there should be a detailed cartographic analysis and documentary research on the tannery." It is therefore disappointing that this detailed application is not supported by a detailed Archaeological Historic Built Environment assessment focusing on the heritage of the tannery.
10. I recommend that prior to determination of this application, there should be a detailed Historic Built Environment Assessment of the surviving heritage assets, archaeological remains, buildings and landscapes, within this site focusing on the tannery elements. This HBE Assessment should include a HE Level One historic building and landscape survey and assessment, with statements of significance and proposed mitigation. I suggest this is essential prior to a decision on the demolition approach being finalised.
11. I am also disappointed to note that the proposed landscaping still reflects natural environment rather than the historic environment. The Whist House Tannery site is a unique site and there is an opportunity to reflect a special and distinctive historic character in landscaping and design of the environment of the new build. Whist House itself was residential but it has always been directly related to the tannery, as far as we are aware, and as such the conversion could reflect its historical connections.
12. In the EIA consultation I recommended the need to consider heritage interpretation. Integration of the archaeological and historic dimensions of this site into the new development would enhance the distinctive character and quality of the scheme and address the aims of NPPF paragraph 126 on the

historic environment. From the supporting details, there was little on heritage interpretation measures.

13. I recommend there is greater consideration of opportunities to integrate heritage interpretation measures in to the development scheme. Heritage interpretation measures should be informed by the Archaeological DBA by CgMs, by the recommended Historic Built Environment Assessment, and by the results of formal archaeological fieldwork.
14. In summary I welcome the archaeological desk-based assessment by CgMs but recommend the need for further heritage reviews prior to determination of this application. These additional reviews should include:
  - A Historic Built Environment (archaeology, buildings and landscapes) Assessment focusing on the historic elements of the Whist House Tannery and including documentary research, statements of significance and proposed mitigation;
  - Heritage Interpretation Measures and greater consideration of the historic character of the site in the new design.

I suggest the reviews recommended above are essential prior to determination and prior to finalisation on demolition approach.

Buried archaeological issues can probably be addressed through condition but this would be subject to the findings of the Historic Built Environment Assessment.

15. **Public Consultation**
16. Ward Members were consulted and made no comment.
17. Neighbouring occupiers were consulted and made no comment.

## **Planning Policy**

18. 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.

19. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.

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

**Local Development Framework Core Strategy 2008**

CS1 – Guiding principles for sustainable development

CS9 – Design Quality

**Ashford Town Centre Area Action Plan 2010**

TC1 – Guiding principles

TC9 – The Commercial Quarter

TC26 – Green Corridors in the Town Centre

21. In addition to the adopted development plan, the Council's Submission Version Local Plan is now at an advanced stage with comments received from the Inspectors relating to any modifications that would be required in order to make the policies sound. These policies are set out below, with explanation within the main body of the report with regards to their soundness (where appropriate/necessary).

22. Of particular importance is the most up-to-date allocation on this site, which takes into account the Council's current aspirations for the site (as part of the Commercial Quarter).

**Ashford Local Plan to 2030 (Submission Version December 2017)**

## S1 – Commercial Quarter

### Policy S1 - Commercial Quarter

The Commercial Quarter is proposed to become an important new office based district playing a key role in creating jobs for the town centre and growing the wider economy of the Borough. The site has the potential to deliver up to 55,000 sq m of new office floorspace.

In addition to offices, other secondary uses such as residential apartments, small scale retail and/ or leisure uses and a hotel would also be appropriate in this Quarter, providing they complement the wider objective to deliver the substantial commercial space envisaged here. The site also has the potential to deliver residential apartments. To the northern part of the site, a multi storey car park is envisaged to come forward.

The Quarter should be delivered in phases and this needs to be guided by a 'Design Framework' which may need revising as the Quarter is developed. The quality of the public realm linking the component parts of the Quarter and more widely to the stations and shopping heart of the town centre needs to be of an especially high quality and each phase will need to be designed and delivered with this in mind. Active uses will be needed to help animate key routes and important focal points at junctions.

Development in this Quarter should generally be an average of 5-6 storeys above ground level although slightly taller buildings may be appropriate towards the heart of the site. The riverside frontage should generally not exceed 4 storeys.

Non-residential development in the Commercial Quarter will be required to provide proportionate contributions towards the delivery of strategic parking provision in the town, such as the delivery of a Town Centre Multi-Storey Car Park and / or a Park and Ride site outside the Town Centre area.

### Other Relevant Policies

SP6 – Promoting high quality design

ENV13 – Conservation and enhancement of Heritage Assets

ENV15 – Archaeology

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2018

23. 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. Of particular importance is section 16 which refers to the importance of protecting and enhancing the built environment.

24. The National Planning Policy Framework (NPPF) is supported by the Planning Practice Guidance (PPG). The Historic England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG.

25. The general approach to considering applications is set out in paras.193 and 194 of the NPPF, and states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

26. Paragraph 17 of the Planning Practice Guide states that "Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

## Assessment

27. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

28. This section of the report assesses the proposal in light of all relevant guidance and policy, both adopted and emerging, with a balancing exercise undertaken to provide Members with a recommendation.
29. The main issues for consideration are:
- Demolition of curtilage listed buildings.
  - The impact of the development upon the character, appearance and setting of the listed building.

### **Demolition of outbuildings**

30. Consent was granted in 2013 for the demolition of the two C19 outbuildings partly on the grounds that the application proposed the renovation of the Listed building as a residential dwelling and partly on the basis that the associated residential development was significantly less dense than that currently proposed. Whilst this previous decision must be taken into account, the current proposal seeks a significant increase of development on the site which will encroach on the setting of the Listed building. This means that we should not consider the demolition of the out buildings to be *a fait accompli*, but one that needs to be reconsidered and re-tested.
31. The two Victorian brick buildings are of historic interest and are curtilage Listed buildings to the main house. As such the Legislation requires that special regard should be given to the *desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*. Although in themselves, not of an age or condition to be worthy of being Listed in their own right, their significance lies in their contribution to the understanding of the industrial use of the site and their contribution to the setting of Whist House.
32. These two outbuildings are all that remain of the centuries of industrial activity on this site. Without them Whist House would become divorced from its past and part of its special interest gained from this connection will be diminished. In the wider context, another part of the industrial heritage of Ashford will be lost. The applicant was asked to reconsider their retention and reuse, but this was not considered favourably. Their loss seems to be avoidable, at least in part. The long brick building along the river frontage could be retained and reused: for the most part it is being removed to provide open space.
33. It is acknowledged that these buildings do represent an important part of Ashford's industrial heritage, and their loss should therefore be carefully considered. That said, the previous permission is a material consideration, as

is the policy objective of seeing the site redeveloped. It is also important to note that Historic England appreciate that the opening up of the site, and the provision of additional landscaping may in fact benefit the setting of the Grade II\* Whist House.

34. In determining application such as this, Officers and Members are required to effectively weight up the benefits and dis-benefits of the proposal, and in this instance the view of Officers is that the benefits certainly outweigh the harm when considering the impact of the removal of these two buildings.
35. The loss of the two Victorian outbuildings will obviously result in the loss of historic fabric. Because of the date and condition of these buildings they are not of high significance and so the harm can be considered as less than substantial in terms of the NPPF test. In Heritage terms total demolition of historic buildings is not acceptable, and therefore it must be weighed up against the potential gains. These gains will relate to the benefits of securing the renovation of the Listed house. Could these benefits be secured without demolition of both buildings? The answer is probably yes, but again the harm will need to be weighed against the public benefit considered to be gained from the redevelopment of the site for housing.
36. When weighing up the loss of historic fabric and industrial heritage and the impact on the setting of the listed building against the gain of repairing the Listed building, there seems to be a distinct deficit in heritage terms. The public benefit is a strong factor, but it is regrettable that some of the harm could be avoided, or minimised by altering the scheme.
37. Historic England did not comment on the loss of the two outbuildings.
38. The Association for Industrial Archaeology consider that it is regrettable that the two outbuildings are to be lost with no attempt at reuse and ask for the buildings to be recorded as well as below ground archaeology.

### **Listed building**

39. Unfortunately, Whist House has been unoccupied for some years and recently has suffered from vandalism. Although not completely derelict, the areas of decay and neglect do need attention before significant fabric is lost. However, the lack of investment in the building has also meant that it has retained its historic interior in surprising quality.
40. Following negotiations the amended scheme involves necessary repairs and renovation to the entire building. Very detailed conditions are required to



control how these repairs are carried out. However, as these proposed repairs are not based on an up to date condition survey or damp survey, it is likely that there may be areas of worse decay. Therefore the starting point of the condition will be a new condition survey and damp report.

41. In terms of alterations to the significance of the building, there are no proposed alterations to the layout or form of the building, apart from a new door opening in a C17 wall at first floor level. This new opening is required in order to allow access across the first floor between the C18 and C17 parts of the building. At present there is no direct access at first floor level and instead you must go down one staircase and up another. Although there would be some loss of significant historic fabric, this will clearly be a benefit to the reasonable use of the building.
42. As well as repairing damaged fabric, the application also involves a positive change in the reinstatement of a canted bay window to the rear elevation at first floor level. The existing window is a modern casement, which detracts from the appearance of the building. Historic photographs provide clear evidence of the missing window and its reinstatement will be a positive enhancement.
43. The external landscape works are being considered as part of the corresponding planning application.
44. Although the renovation works and detailed repairs of Whist House will inevitably involve some loss of historic fabric, there will be considerable gains in terms of securing the fragile fabric and preventing further loss and damage. The careful use of conditions can ensure that the works are carried out in the most sensitive and appropriate way, to minimise harm. Although there will be harm to the historic fabric and special character, this harm can be considered as less than substantial in terms of the NPPF test and is acceptable.
45. Historic England are supportive of the scheme for repair and renovation of Whist House. They initially raised concerns about some detailed aspects of the scheme, but these have been addressed and can be controlled by condition. Their concerns regarding the rest of the development of the site will be addressed in the corresponding Planning Application.
46. KCC Archaeology have been included in this application for completeness, but their concerns mainly lie with the potential archaeology on the site and the landscaping scheme. These will be dealt with under the corresponding planning application. They requested a buried archaeology condition.

## Human Rights Issues

47. 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

48. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

49. This listed building application lies alongside a large application for the regeneration of the Commercial Quarter in the centre of Ashford. Whilst it would result in the loss of two structures of local historical interest, this is considered, on balance to be acceptable in line with both local plan policy (which does refer to their retention) and also the guidance set out within the NPPF (2018).
50. The alterations to Whist House are also considered to be acceptable, bring back into life an important Grade II\* listed building within the heart of the town centre. The alterations to the building, are considered to be sympathetic and will not detrimentally impact upon the fabric of the building nor the circulation space within.
51. It is therefore recommended that Members grant listed building consent subject to the imposition of the following conditions.

## Recommendation

- (A) That the Planning Committee grant Consent for the Listed Building Consent application subject to the application being referred to the Secretary of State under the Planning (Listed Buildings and**

**Conservation Areas) Act 1990 and receiving his confirmation that he does not wish to call the application in for his own determination.**

**(B) Permit**

**Subject to the following Conditions and Notes:**

1. Prior to any works the following surveys shall be carried out as a result of investigatory works and providing details of the making good;
  - a) an updated new conditions/structural survey
  - b) a damp report These surveys shall be shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

2. Prior to the commencement of any works a full specification and schedule of works shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

Reasons: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

3. Prior to commencement of the works/development hereby approved, detailed drawings and a full written schedule of works and specifications for the repair of the chimneys, internal partitions, external brickwork, front porch, panelling, ceilings, floors, wainscot, staircases, external cornice, rainwater goods, doors and windows as (as identified on the approved plans), shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. Should the extent of works alter during

the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

4. Before any works are carried out the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.
  - 1:50 scale survey drawings for all existing timber framing to external walls and roofs including studs and rafters showing which are to be retained, replaced, removed or repaired, including methods of repair where applicable.
  - 1:50 scale survey drawings showing all areas of brickwork or other masonry which is proposed to repair, including methods of repair where applicable.
  - 1:20 scale plan sections of new internal partitions, including details of their relationship to historic structure, and junctions with historic fabric.
  - Detailed drawings to scale 1:5 and 1:1 of typical details of all new joinery, to include windows, internal and external doors, blind boxes to front elevation, new elements to staircase, panelling, skirting and wainscot.
  - 1:50 scale plans indicating areas of floor boarding it is proposed to replace.
  - 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.
  - 1:10 scale drawings illustrating alterations to external wall coverings to show any insulation or membrane to be added.
  - Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

5. No sand-blasting or other abrasive method is to be carried out to clean any timbers.

Reason: To ensure the preservation of structure, features and detailing that form part of the architectural historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

6. Following the removal of the external render and prior to any further works, work is to be suspended and the local authority notified and given the opportunity to inspect. Written details of any replacement render, including render mix, details of application and proposed finish colour, or any other material shall be submitted to and agreed in writing by the LPA and the works thereafter carried out in accordance with the approved details.

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

7. Before the commencement of works hereby approved, a drawing to show the areas to be repointed and a methodology for removing the existing pointing and specification for a lime based mortar to be used in the repointing works, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details.

Reason: To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

8. All raking out of mortar is to be carried out with hand tools and not with mechanical or power driven devices.

Reason: To ensure no damage occurs to the historic brickwork of the Listed structure under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

9. All new leadwork shall be completed in conformity with the recommendations set down by the Lead Sheet Association in their most recent publication.

Reason: To safeguard the historic fabric and the architectural character and appearance of the building

10. Details, source/manufacturer and samples of replacement Peg Tiles/Hanging Tiles necessary to make up the shortfall, in addition to those reclaimed following the careful stripping of the roof and relevant elevations, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved additions. Such tiles shall be sound second hand or new, matching the existing in type, colour, size, thickness and texture.

Reason: In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character

detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

11. Before relevant works commence, written details confirming external render mix, detailed method of application, and proposed finished colour are to be submitted to and approved by the local planning authority and the development thereafter is to be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

12. Any hidden historic features revealed during the course of investigative or further works to the walls, floors, ceilings and fireplaces shall be retained in situ, work to be suspended in the relevant areas of the building and the local planning authority notified immediately and given the opportunity to inspect. Prior to the commencement of any further works details including a schedule of works, drawings and annotated photographs as appropriate shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with these approved details.

Reason: To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

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

Reason: In the interests of visual amenity.

14. The two historic outbuildings identified for demolition shall not be removed until a drawn and photographic record has been submitted to and approved in writing by the local planning authority.

Reason: To ensure features of historic and architectural interest are properly examined and recorded, and in accordance with Policy

15. The implementation of a programme of building recording shall be carried out in accordance with a written specification and timetable to be agreed in writing with the LPA. The developer shall subsequently give the local planning authority 28 days advance notice of the start of any works and, for a period of 14 days before any work begins, reasonable access to the building shall be

given to a person/body nominated by the Local Planning Authority for the purpose of recording the building and its interior by making measured drawings or taking photographs.

Reason: To ensure features of historic and architectural interest are properly examined and recorded.

16. The works of demolition shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been awarded and planning permission has been granted for the redevelopment for which the contract provides and details of the timing of demolition and commencement of rebuilding have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site.

17. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been previously submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that historic building features are properly examined and recorded.

## 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 18/01256/AS)

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<b>Application Number</b>	18/01369/AS
<b>Location</b>	Old Corn Store and former Ashford Youth Theatre, Dover Place, Ashford, Kent TN23 1HU
<b>Grid Reference</b>	01207/42321
<b>Parish Council</b>	None
<b>Ward</b>	Victoria
<b>Application Description</b>	Refurbishment of the existing Corn Store and former Youth Theatre buildings to provide workspace, food, drink, and event space. Demolition of the existing Youth Theatre Store to provide an enlarged flexible outdoor event space
<b>Applicant</b>	Ashford Borough Council
<b>Agent</b>	Carl Turner
<b>Site Area</b>	0.16 hec

(a) 60/3R, 1S	(b) -	(c) CACF +, KCC H&T X, KCC Bio X, CTRL +, NR +, PS X, ES X, EP X, CS X, PO (D) X, KP X, SWS X
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## Introduction

1. This application is reported to the Planning Committee because the Borough Council is both the owner of the site and the applicant.

## Site and Surroundings

2. The site lies to the south of Dover Place and to the north of Station Approach and has a frontage onto both those roads. To the east lies the access road to International House (an 11 storey office building) plus associated landscaped areas and to the west lies a car lot.
3. To the south lies one of the Network Rail car parks serving the stations whilst to the north is the Dover Place car park owned and managed by this Council. The wider area contains a mixture of uses, with the land generally to the north being the commercial quarter within which the CQ38 office building has

recently been constructed. Further to the west is an old warehouse now Cameo Nightclub which is a Grade II Listed Building which has some visual synergy with the older buildings on the application site.

4. The site itself contains a mixture of historic and other buildings and is part of what has been termed “the Island Site”. It comprises of four distinct buildings and a central yard space. The historic Corn Mill building is part of the application site but there are no proposals within this application for that building. It forms an important edge to the open yard space. The site boundary in the west is defined by the Corn Store and Corn Store Hall, and the former Youth Theatre buildings consisting of a theatre (former industrial building) and associated store with perimeter fencing enclosing the yard along the north and south boundaries. The existing layout is as shown in Figure 1 below.

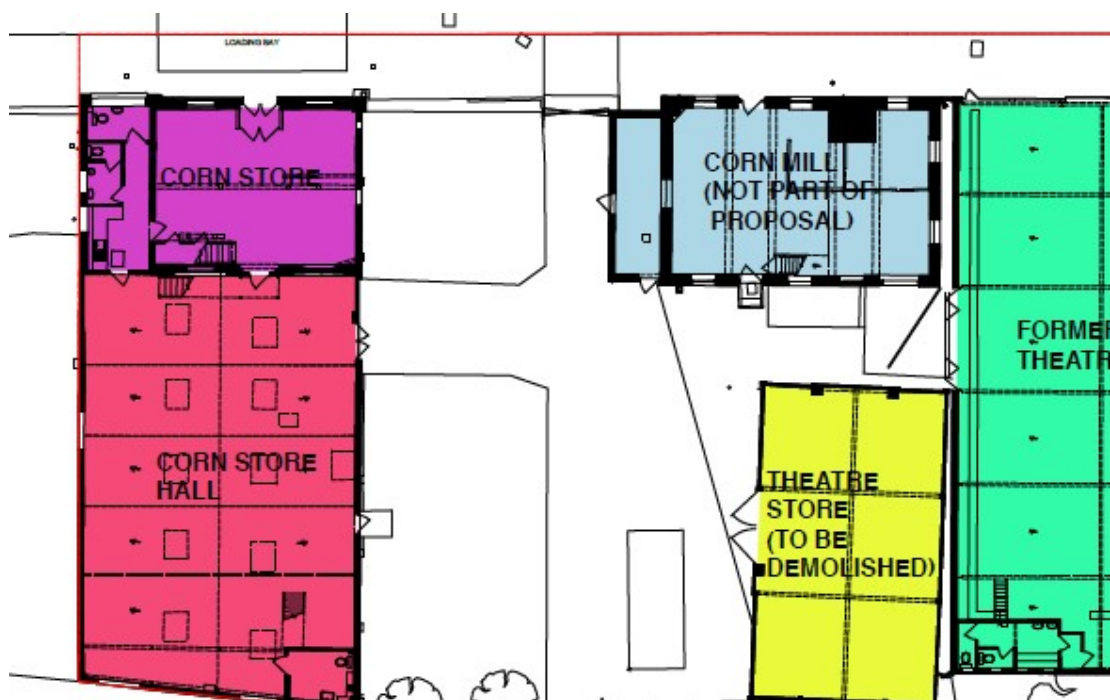


Figure 1: existing layout of site.



Photos 1&2: Old Corn Mill (with Youth Theatre beyond) and Old Corn Store



Existing yard



Former Youth Theatre approach from south east



Former Youth Theatre interior



Former Youth Theatre interior



Approach to site from north



Corn Store interior

5. Former Youth Theatre - Last occupied in 2016 the former Youth Theatre building is a portal frame shed with a combination of brick, glass and asbestos cement corrugated cladding. It is accessed from Dover Place through a large barn door and from the internal yard via a ramp, as the building sits lower on the site. The building has an area of approx. 337 sq m. Adjacent is the Theatre Store, a blockwork single storey shed which will be demolished as part of the proposals.
6. Corn Store - Fronting Dover Place is the three storey Corn Store building, a former furniture store and office. It is constructed of brick under a slated roof and has some elevational detailing of historic interest. The Corn Store has been subdivided into a series of office units with a reception and kitchen/WC area on ground floor. To the rear is a single storey warehouse, a later addition named the Corn Store Hall. The hall features an exposed truss roof structure and small timber mezzanine to the rear. Floor area is approx. 484 sqm.
7. A site plan showing the location of the site, the location of the adjoining Listed Building and the proximity of flood zones is in Appendix 1.

## Proposal

8. Planning permission is sought for a change of use to allow a flexible mix of A3/A4, B1(a) and D2 uses to transform and revitalise the existing historic building (Corn Store) and the Theatre building, which have been disused since 2016, and to refurbish/re-clad as necessary plus re-use/re-configuration of the yard area as a mixed A3/A4/D2 area. The site would be divided into 4 zones notionally called The Platform (Corn Store and Hall), The Loggia (part of the yard), The Event Yard (ditto) and The Hothouse (Youth Theatre).
9. The Platform - The Platform will house start-up work space and a co-work incubator (B1(a)). Existing partitions will be stripped out in the three storey Corn Store building and a combination of new open plan desk space and small offices created, working with the existing location of structure and stairs. The strategy for this building is a very light touch refurbishment with minimal intervention to the existing fabric. The Corn Store can be accessed directly from the street (Dover Place), giving the co-work hub a dedicated front door. The approach to Corn Store Hall is also light touch. The primary change in this space is the insertion of an independent mezzanine structure which slots between the existing roof trusses and creates meeting spaces below. Existing plumbing and services will be reused where possible. Existing openings to the adjacent yard space are retained to provide separate access to the hall, allowing the Corn Store and Corn Store Hall to function independently if required.
10. The Loggia and Event Yard – this would become a new social and cultural meeting space for Ashford (A3/A4/D2). It will play host to an outdoor event space and includes a new loggia structure, inserted between the Corn Store and Corn Mill. The gable end of the loggia signals the entrance to Dover

Place Yard and the loggia forms an outdoor room with integrated lighting, creating a frame for awnings and installations that could be carried out in a number of formats dependent on the time of year and proposed function. A portal frame creates a grand entrance to the site and also acts as a series of outdoor rooms. The four equally sized outdoor rooms are loosely defined and flexible enough to act as an extension of the Platform and the Hothouse for particular events. This frame can be covered in places to create a sheltered tempered space for outdoor working, seating, craft markets etc. It also provides a useful structure to hang lighting, temporary installations, roof coverings and other elements from.

11. The Event Yard on the southern edge consists of tiered timber seating which frames a central event space with the tall Corn Mill building forming a backdrop. This can be used for events such as theatre, cinema and live sports screenings in the summer months or just somewhere to sit in the sun and have a beer. The amphitheatre structure links into the mezzanine level of the Hothouse, providing an alternative entrance and useful terrace. Films and art installations could be projected onto the Corn Mill building, utilising its elevation as an additional element of the amphitheatre structure.
12. The Hothouse - the approach to the Former Youth Theatre building reimagines it as a multi-functional space which is part greenhouse, part event space and part food/drink hall (A3/A4/D2). The external cladding would all be stripped, the structure painted a bright colour then re-clad the structure in a profiled polycarbonate sheeting. The building would become a big greenhouse that acts as a lantern at night. The introduction of large sliding openings on the facade gives views out and helps to cool the building down through cross ventilation in the summer months. The ground floor is divided into two zones. The main space is the double-height event area. The other half at ground floor is a food hall with six kiosks and a service zone containing WCs, plant, storage and circulation. Above this is a mezzanine bar which overlooks the indoor events area providing an upper level of seating. Large acoustic curtains can be used to line and subdivide the main space, transforming it for different events.
13. Colour and graphics will be added to the exterior of all buildings, through painted signage and painted elements of the building fabric. The detail of these will need to be agreed by condition. Lighting will also be important to draw in visitors after dusk again to be agreed. Colourful elements such as the painted steel loggia and graphic colours to the bleacher seating / fencing combined with brightly coloured freezer curtains, neon signs and painted text will animate the central yard.
14. The most distinctive external feature will be the polycarbonate cladding to the new Hothouse. The distinctive painted portal frame will be seen through the cladding, during the day an opaque / milky appearance, and at night transformed into a glowing light box; a beacon to draw in locals and visitors

alike. Window apertures will be cut into the polycarbonate to create direct visual connections with the interior events, and doors will remain open during hours of operation.

15. The access and management of the site is an important consideration given the uses proposed. The existing buildings all have independent access – both the Platform (previously the Corn Store) and the Hothouse (former youth theatre) have their own front door to the street. The proposals compliment and enhance the existing access arrangements – the two buildings can operate entirely separately or as one big site. The Yard can be closed down and the buildings open (for example, for a private party all but the Hothouse could be off limits, minimising security and management staff requirements) or the inverse, with the Yard hosting an outdoor event whilst both buildings are closed to visitors. Furthermore, the two halves of both the Platform and the Hothouse can be operated separately if desired, giving an additional level of flexibility for potential operators. The existing security fencing will be replaced by vertical timber screen on steel and timber structure to north and south boundaries.
16. Refuse and recycling will be stored off-street in a storage area below the proposed bleacher seating structure. No parking will be provided on the site but parking is available in a number of close by public car parks and disabled parking is available at Dover Place and International House. More detail of this is in the assessment section.
17. Overall the following floorspace would be provided plus the events area.

Use Class	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross new internal floorspace proposed (including changes of use) (square metres)	Net additional gross internal floorspace following development (square metres)
Sui Generis	484	484	0	-484
A3 - Restaurants and cafes	0	0	165	165
A4 - Drinking establishments	0	0	147	147
B1 (a) - Office (other than A2)	0	0	512	512
D2 - Assembly and leisure	457	287	170	-117
Total	941	771	994	223

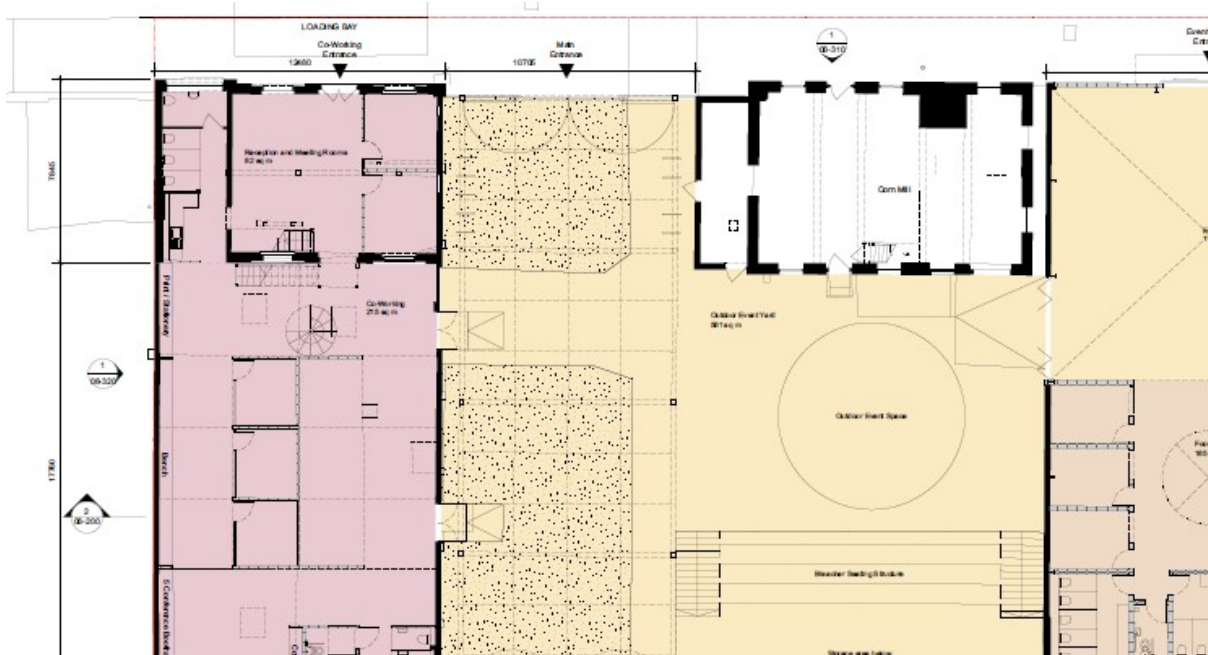


Figure 2: Proposed ground floor plan

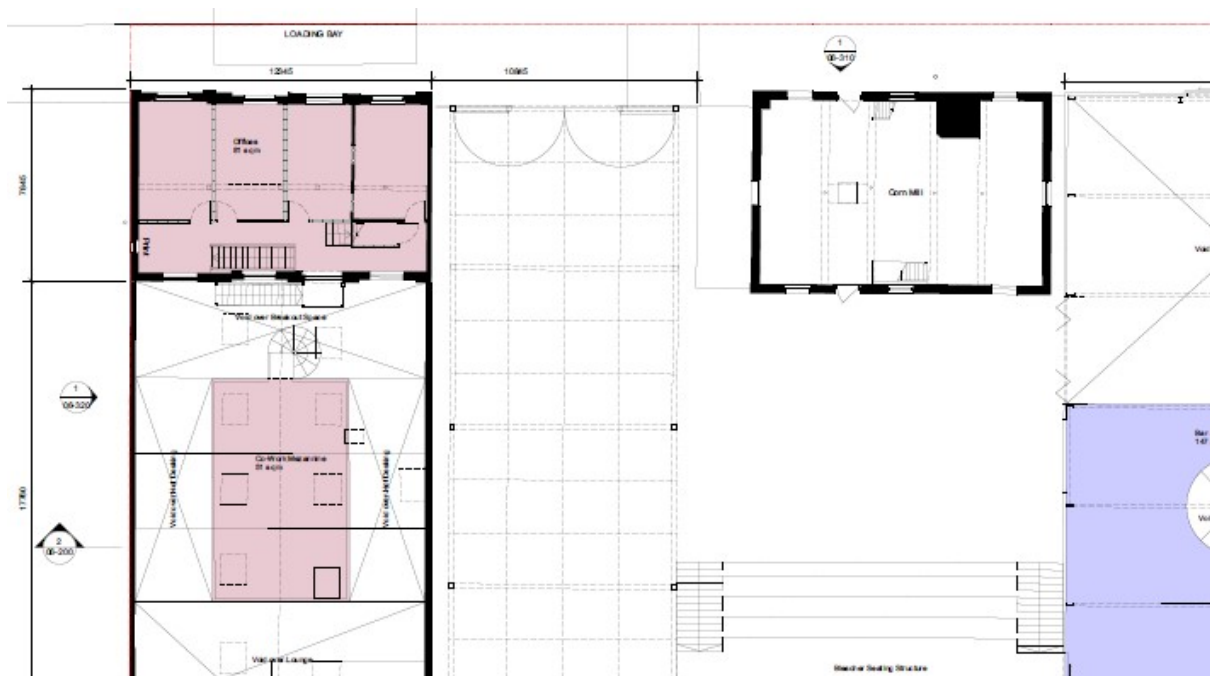


Figure 3: Proposed First Floor Plan (floor 3 of Old Corn Store has similar layout)



Figure 4: Conceptual elevations (actual elevations will be on display but are not reproduced here due to the level of detail)

18. The application is accompanied by a number of documents as follows:-

- Design and Access statement – this analyses the site and its context, provides a site history, contains a heritage statement, sets out the aims and objectives of the scheme and the design approach.
- Transport Assessment plus addendum – this details the sites sustainable location and travel options, the need for car and cycle parking and sets out the justification for the latter being provided off site
- Acoustic Report – this sets out that an environmental noise survey has been undertaken in order to establish the currently prevailing noise levels. An assessment has been carried out to determine the impact of potential music noise emissions from the proposed development. The assessment indicates that noise emissions from the proposed development will likely be inaudible at the nearest noise sensitive properties, but recommends that electronic limiters are used to control any Lmax events that may occur. Plant noise emission criteria have been recommended based on the results of the noise survey and with reference to the Local Authority's requirements.
- Ecological appraisal – concludes that faunal opportunities at the site are largely limited to common, urban species whilst there is also some low potential for bats to make use of the site. The proposals present the opportunity to secure a number of biodiversity benefits, including additional native tree planting and more diverse nesting habitats for birds.



- Land contamination assessment – this states that the geology underlying the Site comprises Wealden Clay and potentially Atherfield Clay bedrock. There is no record of any aquifers being present on site and it is not located within a groundwater Source Protection Zone (SPZ).  
The Site is not in a Flood Risk Area. Approximately 75m east of the Site is the nearest water course; Great Stour river. Potential sources of contamination have been identified and assessed as moderate to low risk.

19. The reports can be viewed on-line and issues arising from them are covered in the assessment section.
20. The proposal is to manage the development in a unique way allowing flexible terms on which office and other commercial space can be hired to encourage use by growing enterprises of a unique nature that can contribute to the diversity of the offer in the town centre. Officers have visited Pop Brixton and Peckham Levels to see how similar “Meanwhile uses” sites are managed.

## Planning History

The only planning application of relevance is:-

06/00232/AS - Change of use to furniture and baby equipment recycling service. Retraining and job experience for the long term unemployed. Client counselling and associate administration office for all activities. Permitted.

## Consultations

A public consultation event was held at the Taproom, Ashford in July to present the project to the wider community and gather feedback. A website ([www.coach-works.co.uk](http://www.coach-works.co.uk)) has also been set up where visitors can contact the project team, make suggestions and register interest for the workspace and commercial units.

The proposal was advertised on site and in the press.

**Ward Members:** Cllr Dara Farrell and Cllr Charles Suddards are the Ward Members for this application. Neither of the Ward Members has formally commented on the application.

**KCC Highways and Transportation:** Do not wish to comment but have informally stated that there are no changes to parking and servicing associated with the proposals. Also Dover Place is a private road and there is a pay and display car park next to the site.

**Parking services:** The reasons for providing lower parking provision than would

normally be expected, given the level of parking elsewhere and the proximity of the rail and bus services, is understood, but there is reason for some parking, not least for staff and for disabled visitors. Disabled Parking is not present in the corner of the car park close to the proposed site - existing bays are located in the furthest section of the car park, closest to the amenities of the town centre. It should be noted that the current level of ticket sales along with customer enquires has highlighted that occupancy levels within Council operated car parks are at full capacity. Visitor and employee parking requirements will most likely need to be satisfied through private car park provision at peak times.

**Environmental Protection:** Initially commented that they recommended a noise assessment is done. On receipt of this no objection. The music level used for assessment is, in my experience in the music industry, at a particularly low level that would not be high enough for your average 'pro' band. That being said with the use of a limiter shouldn't be an issue and easily controlled. There is some concern about the potential impact on the as yet undetermined KWG site which is liable to have a direct line of site, however given limiter control this shouldn't be an issue. Request conditions on external lighting, and contamination.

**Cultural Services:** Initially requested a sum for Public Art of £50,000. Following confirmation by the applicant that a public artist is involved in the project team raise no objection.

**Project office (Drainage):** Whilst no specific information in relation to the management of surface water, it is acknowledged that this site is a refurbishment and the site already consists of a fully impermeable area. As such, as a minimum it is requested that soft landscaping / permeable areas are introduced into the scheme and retrofitting of SuDS is introduced into the redevelopment wherever feasible to provide a betterment on the site (As per ABC Sustainable Drainage SPD). The existing drainage systems on the site should be surveyed and current on site surface water infrastructure understood before the detailed design stage of the scheme to assist in establishing where surface water management benefits could be maximised. It should be ensured that there will be no increase in on, or off site flood risk as a result of the redevelopment and any interactions with the existing surface water management systems serving Dover Place Road (and Car Park) should be given due consideration.

**Kent Police:** In summary state that having reviewed the on line plans and documentation, the applicant/agent has not demonstrated that they have considered designing out crime, crime prevention or have attempted to apply the seven attributes of CPTED in the submitted on-line plans. A meeting to discuss such issues is recommended.

**Environmental Services:** As this is commercial premises separate arrangements in collection services would be required as Biffa only conduct domestic collection.

However, there's nothing that I can find in the plans for provision of storage for waste containers. Generally for a commercial premises they would require 1100L bins. Design needs to incorporate a bin store that has easy access for staff and servicing.

**KCC biodiversity:** Initially commented that the accompanying Ecological Appraisal has noted the "*...low potential for bats to make use of the site*", specifically referring to buildings B1 and B2 which both have features suitable for roosting bats. However, the ecological report does not offer a conclusion as to whether further surveys or mitigation measures are needed. All bat species are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Buildings on a development site that are considered to have a 'low potential' for bats would usually be subject to at least one emergence and re-entry survey to confirm their presence or absence. The scrub and young trees on-site have been identified as suitable nesting habitat for common birds within the ecological report. As breeding birds are protected under the Wildlife and Countryside Act 1981 (as amended), operational works that impact vegetation should only take place outside of the breeding season. Following confirmation from the applicant about the minimal works to areas likely to be inhabited by bats do not require any further information.

**Southern Water:** can facilitate foul sewerage and surface water run-off disposal to service the development. Suggest the imposition of an informative.

**Neighbours:** three letters of objection making the following points:-

- This will result in a loss of history (Crofords) and why is the deep cellar not shown on the plans.
- Too much money for a temporary structure (£650, 000) and it could be better spent on more immediate needs such as community education and cohesion projects and even more urgently homelessness with winter setting in.
- Waste of taxpayers money

One letter of support stating it's a great idea to redevelop the area, making better use of the space and providing better, and more varied, public facilities.

## Planning Policy

21. 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.

22. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
23. On 13 September the Council commenced consultation on the main modifications to the draft plan. This consultation has now ended.
24. The relevant policies from the Development Plan relating to this application are as follows:-

**Ashford Borough Local Plan 2000**

**ET3** – Ashford Employment Core

**TP6** –Cycle Parking

**Local Development Framework Core Strategy 2008**

**CS1** – Guiding Principles

**CS2** – The Borough Wide Strategy

**CS3** – Ashford Town Centre

**CS7**- The Economy and Economic Development

**CS9** – Design Quality

**CS11** – Biodiversity

**CS15** – Transport

**CS16** - Retail

**CS19** – Development and flood risk

**CS20** – Sustainable drainage

**Urban Sites Development Plan Document 2012**

**U0** – Presumption in Favour of Sustainable Development

**Ashford Town Centre Area Action Plan 2010**

**TC1** – Guiding Principles

Policy **TC9** – The Commercial Quarter

The Commercial Quarter is proposed to play a leading job creation role for the town centre, predominantly from new office development (indicative capacity 55,000 sqm). Other uses, such as small-scale retail and/ or leisure uses (indicative capacity 2,500sqm), alongside residential (indicative capacity 150 units) and community-related development, would also be appropriate in this Quarter, providing they complement the objective to deliver the substantial commercial space envisaged here.

The Quarter should be planned comprehensively and a master-plan for the Quarter including public realm improvements outside the station entrance, shall be agreed with the Borough Council prior to consideration of individual schemes. These will need to demonstrate that they would not prejudice the ability to deliver the indicative quantum of office development.

Development in this Quarter should generally be an average of 5-6 storeys above ground level. In certain locations within the Quarter, development in the order of 10 storeys may be justified. The layout of the Quarter shall enable the creation of pedestrian routes through the area in line with the principles established in the Public Realm Strategy and Town Centre Design SPD.

Development in this Quarter should also help to facilitate and contribute towards the delivery of proposed public realm improvements around the domestic station approach and along Station Road.

**TC22** – office, retail and leisure parking standards

**TC24** – Cycle Parking Standards

**TC25** – Commuted parking

25. The following are also material considerations to the determination of this application.

**Ashford Local Plan to 2030 (Submission Version December 2017)**

**Policy S1 - Commercial Quarter**

The Commercial Quarter is proposed to become an important new office based district playing a key role in creating jobs for the town centre and growing the wider economy of the Borough. The site has the potential to deliver up to 55,000 sq m of new office floorspace.

In addition to offices, other secondary uses such as residential apartments, small scale retail and/ or leisure uses and a hotel would also be appropriate in this Quarter, providing they complement the wider objective to deliver the substantial commercial space envisaged here. The site also has the potential to deliver residential apartments. To the northern part of the site, a multi storey car park is envisaged to come forward.

The Quarter should be delivered in phases and this needs to be guided by a 'Design Framework' which may need revising as the Quarter is developed. The quality of the public realm linking the component parts of the Quarter and more widely to the stations and shopping heart of the town centre needs to be of an especially high quality and each phase will need to be designed and delivered with this in mind. Active uses will be needed to help animate key routes and important focal points at junctions.

Development in this Quarter should generally be an average of 5-6 storeys above ground level although slightly taller buildings may be appropriate towards the heart of the site. The riverside frontage should generally not exceed 4 storeys.

Non-residential development in the Commercial Quarter will be required to provide proportionate contributions towards the delivery of strategic parking provision in the town, such as the delivery of a Town Centre Multi-Storey Car Park and / or a Park and Ride site outside the Town Centre area.

**SP1** – Strategic Objectives

**SP3** – Strategic approach to Economic Development

**SP5** – Ashford Town Centre

**SP6** – Promoting High Quality Design

**TRA3(b)** – Parking Standards for Non-Residential Development

**TRA5** – Planning for pedestrians

**TRA6** – Provision for cycling

**TRA8** – Travel plans, assessments and statements

**ENV1** – Biodiversity

**ENV4** – Light Pollution and Promoting Dark Skies

**ENV6** – Flood risk

**ENV9** – Sustainable drainage

**ENV13** – Conservation and enhancement of Heritage Assets

**ENV15** – Archaeology

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

Sustainable Drainage (SuDs) SPD

Dark Skies SPD (July 2014)

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2018

26. 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:-
27. Paragraph 48 states in relation to the stages of preparing a Local Plan that:
- “Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) 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
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”
28. Paragraph 80 states that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and

productivity, taking into account both local business needs and wider opportunities for development.

29. Paragraph 85 encourages planning decisions to “support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation”.
30. Other key points from the NPPF material to the determination of this application are considered to be:
  - (a) Principle of Development
  - (b) Highway Impact of the Proposal
  - (c) Layout and Design
  - (d) Heritage and Archaeology
  - (e) General Landscaping
  - (f) Sustainable Drainage and Flooding
  - (g) Ecology
  - (h) Other Matters

National Planning Policy Guidance (NPPG)

31. The National Planning Policy Guidance is also a material consideration and is interrelated to the NPPF.

## **Assessment**

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. As set out within the policy section, Ashford Borough Council have an adopted development plan, and an emerging plan that can now be afforded significant weight in the decision-making process.
33. This section of the report assesses the proposal in light of all relevant guidance and policy, both adopted and emerging, with a balancing exercise undertaken to provide Members with a recommendation.



34. The main issues for consideration are:

- Whether the principle of development is acceptable within development plan policies and how the provision of the development would impact upon the deliverability of the Commercial Quarter Development Framework.
- Whether the design and layout of the development is acceptable in relation to the impact on the character and appearance of the locality; the grade II\* listed warehouse (the impact on the building and its setting), and the impact on the condition through re-use of the two pre-1948 buildings currently on site.
- The impact on the highway network, highway safety, vehicle access and whether there is sufficient parking and cycle provision.
- Whether the development would be harmful to both existing and future residents in terms of residential amenity through noise.
- Whether the development would provide adequate sustainable urban drainage and sewerage disposal arrangements.
- The impact of the development on ecology in and around the site.
- Whether contamination issues can be addressed.
- Any other matters including specific Listed Building issues and neighbour comments.

#### Principle of Development

35. Saved policy ET3 of the Ashford Borough Local Plan states that high density, office-type business development should be located within the Ashford Employment Core. The Core Strategy seeks to put the creation of sustainable development and high quality design at the centre of the Council's approach to deciding planning applications and sets out a number of criteria for so doing including making best use of previously developed land to help regenerate urban areas and provision of a commercial environment that encourages new business (CS1). Targets are set for job creation (CS2). Development that will help to revitalise the town centre will be supported in principle (CS3). A commitment is given to enabling a range of employment opportunities to be developed (CS7). Retailing in the Town Centre is encouraged and protected (CS16).
36. The development of a Commercial Quarter has featured in the Council's development plan for several years, through the adoption of its Core Strategy in 2008 and more recently the Ashford Town Centre Area Action Plan

(ATCAAP) in 2010. The Economic Strategy underpinning this recognises the importance to the town of the Commercial Quarter securing a strong office market within the town close to the domestic and international train stations, with a vibrant commercial centre to take advantage of fast journey times to London and the Channel Tunnel Rail Link. Policy TC1(B) requires a balance and mix of uses within sites that helps to generate a varied and interesting urban environment that meets the needs of all users.

37. The site lies within the Commercial Quarter as allocated in Policy TC9 of the ATCAAP. TC9 envisages a mix of office and other minor uses such as retail and leisure and requires that given the fundamental importance of delivering significant amounts of new development in this Quarter, development coming forward here must make the best use of land. The Quarter should be planned comprehensively and a master-plan for the Quarter including public realm improvements outside the station entrance, shall be agreed with the Borough Council prior to consideration of individual schemes. This will need to demonstrate that any proposals would not prejudice the ability to deliver the indicative quantum of office development.
38. Such a masterplan was prepared at the time of the approval of the first new commercial block and is undergoing a review as part of the TC work as members will be aware. This proposal will not conflict with the delivery of the agreed levels of office floorspace and indeed delivers some of it. As para. 2.100 of the TCAAP notes complimentary town centre uses are appropriate here particularly small scale restaurant, bar and food and drink.
39. Policy S1 of the Submission Version Local Plan (2017) effectively provides the Council's updated position on this application. This again sets out the requirement of commercial development (of circa 55,000sqm). Existing policies seek to deliver a mix of uses within the Commercial Quarter, including as before small scale retail and leisure uses to complement the other commercial space and in line with a Design Framework.
40. Policy SP1 also aims to focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services and makes best use of previously developed land. It seeks to provide a range of employment opportunities to respond to the needs of business, support the growing population and attract inward investment. SP3 supports economic development and job creation especially in the TC. In policy SP5 mixed use developments are encouraged.
41. In my view the proposal will achieve the objectives of all of these policies by introducing a range of vibrant new uses into an area that is in need of regeneration. Para. 2.95 of the TCAAP identifies that the Quarter lacks real cohesion and formal character and the area around the station provides a

poor first impression at this key gateway into the town. This scheme is another step towards achieving that vision. The uses proposed accord with the provisions of the Development Plan by providing for both office and retail/leisure uses all of which will create jobs and stimulate spent in the TC. The office proposals will complement the more traditional offer in existing TC offices including the new CQ38 building extending the range of potential occupiers and businesses. The retail/leisure uses will add to the attractiveness of the commercial quarter as a destination and increase dwell time in the TC.

### Design and Layout Issues

42. The Core Strategy states that development that will help to revitalise the town centre will be supported in principle but schemes will need to demonstrate a quality of design that contributes to improving the character of the town centre (CS3). Developments must deliver high-quality design through character, distinctiveness and a sense of place as well as other design criteria (CS9). Policy TC1(A) requires that proposals conserve and enhance the Town Centres heritage and character and (E) create a network of public spaces and (F) attractive and vibrant streets. (G) requires the inclusion of public art as an integral part of development proposals. Paras. 2.104 and 2.105 reinforce this. Policy SP6 promotes high quality design and provides a range of criteria for assessing this.
43. The scheme will secure the appropriate restoration of the Corn Store and associated hall in a manner that respects their historic interest. It will result in the recladding of the Youth Theatre in a manner that will secure a visually more pleasing appearance by day and one that will dramatically change the character of the area at night as the whole structure will be lit and therefore act as a beacon to attract customers and be an art work in its own right. As indicated in the description section the proposals for the loggia and yard will result in significant other opportunities for public art and an artist is involved in the design team working up the detail of the proposals.
44. Policy SP5 a) requires that all schemes will need to demonstrate a quality of design that makes a 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. Street frontages of buildings should include active uses that help bring a sense of vitality to the street scene.
45. The scheme will add another component to the emerging Commercial Quarter to which the recently created public realm will lead directly from the car parks and public transport hub at the station. The site presently presents a run-down and closed environment that turns its back on neighbouring uses and streets. The proposals will open up more areas to public view and in time it is hoped to create an entrance onto Station Approach itself subject to land ownership issues being resolved. The approach taken to the design uses low cost

materials to bring back the buildings into use in a cost efficient way given the currently proposed short time span for the project, however the resulting appearance will be very “immediate” and should appeal to particular social groups for example Millennials. The design and uses have been carefully thought through based on examples of projects elsewhere referenced earlier in this report and will offer a dynamic and changing venue depending on the season.

#### Parking and other Transport Issues

46. The Council seeks to promote public transport and development will need to demonstrate how all forms of transport needs will be met (CS15). Saved policy TP6 states that proposals for employment, shopping and leisure development and for any buildings used by the general public should provide secure cycle parking. TC24 and TRA5 require similar standards the last being based on specific use classes. This can be secured by condition.
47. Policy TC22 sets out parking standards for office, retail and leisure uses. It was envisaged that these standards would be reduced over time as additional TC car parks and park and ride facilities (P&R) were introduced. It was also envisaged that all requirements other than operational parking would be met via commuted payments towards new TC multi storey car parks (MSCP) and park and ride facilities (TC25). These standards have now been superseded by the standards set out in policy TRA3(b) of the LP2030 and the parking requirements set out below are based on these standards. In any event there are no firm proposals to bring forward either a P&R or a MSCP as yet other than the proposed site allocations in the LP2030. As a consequence my view is that policies TC22 and TC25 should now be accorded little weight.
48. Policy TRA3(b) also states that in exceptional cases, the Council may require proposals to depart from the standards if the following apply:-
  - b) In order to take account of specific local circumstances that may require a higher or lower level of parking provision, including as a result of the development site's accessibility to public transport,
  - c) Where an operator or potential occupier requires either more or less parking spaces to cater for their specific operational needs, such requirements can be clearly evidenced and where their presence has wider planning benefits,
  - d) Where the proposed use can reasonably rely on the availability of public off-street car parking spaces that are nearby,
  - g) Should independently verified viability evidence demonstrate that achieving the minimum parking standard identified would render the scheme unviable and that there are overriding planning benefits to justify that the development should proceed.Policy SP5 says a balanced approach to office parking needs will be taken in order to help stimulate early investment in the town centre, whilst considering long term impacts on road capacity and the needs of shoppers, residents and other users
49. In terms of sustainability, the site is considered to be in a highly accessible location (para. 2.94 TCAAP), being within a town centre location, close to the

train stations, other modes of public transport, many public and other car parks (policy U0). Potential clientele are present in adjoining developments for example the Council Offices, Stour Centre, International House, CQ38 etc. and a very significant number of new residential properties are under construction on other Town Centre sites nearby. Over the medium to long term, this development will also compliment the additional employment opportunities anticipated within the remainder of the Commercial Quarter.

50. The application site has no directly associated parking provision and some previously approved parking for the Corn Store would be lost to enable the creation of the loggia and events space. A total of 12 parking spaces were to be provided within the curtilage of the site, in the area currently known as the Yard for the previous use of the Corn Store. Outside of that site's opening hours, 6 of the 12 spaces were to be shared with the adjacent Ashford Youth Theatre (D2 use) however there is some doubt as to whether this actually occurred.
51. In terms of parking demand generated by the current proposal it is necessary to look at the demand that would be generated by the lawful uses the site could be put to. Based on the previous TRICS assessment (and floor area of 457m<sup>2</sup>), a demand for 10 parking spaces would have been generated for the theatre use. As indicated above it was agreed that the Sui Generis use of the Corn Store generated a need for 12 spaces so the total demand was 22 spaces.
52. The proposed uses generate a demand as follows:-

Proposed Use Class	Parking Demand (spaces)
A3	28
A4	15
B1(a)	26
D2	4
<b>Total</b>	<b>73</b>

53. Notwithstanding this, and as stated within the submitted Transport Statement, the LPA parking standards take no account of the fact that the three proposed uses are within the same curtilage and therefore each separate use will not generate their own independent parking demand.
54. The total provision of 73 spaces assumes that each use is wholly independent from one another and a standalone entity, and does not include an appropriate discount for shared use. By way of an example, during the office opening hours, a high proportion of these users will also be users of the restaurant/café and drinking establishment. As such, one parking space has the potential to serve three separate uses. Therefore the demand of 26

parking spaces generated by the office use will also serve the eating and drinking uses during the day, thus dramatically reducing the overall demand generated by the site. Similarly, the proposed D2 use will act as an extension to the office use and as such will not generate its own parking demand. In any event this assumes no use of public transport to arrive at the destination.

55. Outside office hours, the eating and drinking uses will generate their own demand, albeit the parking demand will likely be shared between both uses. As is the case with the majority of eating and drinking establishments within the centre of Ashford, because no designated on-site parking is provided patrons will either walk, or park within one of the many public car parks within the locality. The proposal will therefore be no different to most other similar TC uses.
56. Following submission of the Transport Statement, it has been confirmed by Officers at Ashford Borough Council (within the Property & Projects department) that two disabled bays will be made available within the nearby International House for use by the proposal. International House is served from Dover Place and is approximately 90m from the application site entrance.
57. With regard to the comments made by Parking Services it is understood that reference to Council car parks being at capacity refers to a survey carried out during a specific and narrow time-band and that these car parks are often less well used during the evening hours (when car parking for the proposed uses is in greater demand) and there is thus capacity. Given the nature of adjoining streets and the existence of CPZ's in residential areas it is unlikely that the proposal would give rise to any on-street parking and thus highway safety concerns.
58. The recent physical survey of Council car parks was carried out on 28 September 2018 between 1000hrs and 1100hrs and the occupancy results for car parks closest to this proposed development were as detailed below:

	Excluding Disabled Bays	Including Disabled Bays
Dover Place	100%	95.93%
Station Road	100%	93.97%
Stour & Civic Centre	87.99%	84.96%
Vicarage Lane	90.06%	86.80%

59. In conclusion, the site is located within Ashford town centre with good access to two nearby public car parks (Dover Place and Stour Centre) which have capacity, the station car parks and other means of sustainable transport. Significant numbers of other public car parking spaces are available within a few minutes walking distance. The level of available car parking and public transport alternatives within this location therefore makes the development

particularly sustainable and accessible. Car parking cannot be provided on site without significantly affecting the operational needs of this scheme and without detracting from its merits. In my view the TA makes the case for not requiring on-site provision as required by policy TRA3(b) and given this I am satisfied that the absence of any on-site parking is acceptable.

60. Policy TRA5 requires that safe pedestrian access is achievable to the site. Pedestrian access will be from Dover Place and footpath routes off road are available from all directions.

### Residential Amenity

61. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future residents affected by any new development. There are a small number of existing residential flats over the Pizza outlet facing Station Road and over the Everest Inn. At present there are no other residential properties within the immediate surrounds of the application site, and as such the impact upon existing residents within the town centre is minimal. That said, it is also important to consider the quality of life for future residents within the development. Policy TC1(C) requires that residential environments and quality of life be protected.
62. The Council's Environmental Protection officer has advised that the low levels of anticipated noise from performances etc as set out in the noise assessment should not use an issue for residents subject to the imposition of a condition requiring a noise limiter.

### Sustainable Drainage, Flood Risk and Sewerage Disposal

63. Policy CS19 of the Core Strategy seeks to locate new development outside floodplains and to ensure that any development does not increase the risk of flooding. Policy CS20 requires all development to include appropriate sustainable drainage systems. This scheme is too small to require a formal Flood Risk Assessment (FRA). The site lies outside any defined floodplain and no new buildings or hard surfaces are proposed that would increase the amount of surface water run-off. Nevertheless the existing surface water drainage system is currently unclear and the opportunity should be taken to investigate this and see if there are opportunities to reduce the rate and quality of run-off through simple attenuation devices in line with policy ENV6 and the SPD. A condition is proposed.
64. Para. 2.108 of the TCAAP identifies the need generally for sewerage disposal arrangements to be upgraded for the Quarter as a whole and SWS have identified that they can meet the needs of this development in both foul and surface drainage terms. Again a condition is proposed.

### Ecology

65. Proposals should avoid harm to biodiversity interests and wherever practicable deliver their enhancement (CS11). Policy ENV1 – Biodiversity says that proposals that conserve or enhance biodiversity will be supported. Opportunities to incorporate and enhance biodiversity should be identified.
66. The proposal will have a very limited impact on some self-seeded flora on site and new planting may form part of the setting out of the yard/events area. Initially KCC biodiversity were concerned about potential impact on bats that may be present in the Corn Store however when the detail of the minimal works to that building was outlined advised that they had no concerns. Notwithstanding this it is recommended that opportunities are taken to introduce further breeding boxes on facades where possible

### Contamination

67. There is a limited possibility of disturbance to below ground areas being caused by the proposed works and therefore a precautionary approach is advised through the imposition of a condition given the proximity of water courses.

### Any other Matters

68. Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out general duties of the LPA in respect of listed buildings and conservation areas in exercise of planning functions. In the case of Section 66, it seeks to ensure that where development affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is reflected in adopted policies CS1 and emerging local plan policies ENV13 and ENV14. Policy SP1 c) requires proposals to conserve and enhance designated and non-designated heritage assets and the relationship between them and their settings in a way that promotes distinctive places, proportionate to their significance. Place-based heritage will be a key principle underpinning design and spatial form of development;
69. In my view the proposals will not impact upon the setting of the Listed Building to the west. The proposals are the refurbishment of existing buildings in the main and the additional structures and alternative materials proposed will not detract from the more prominent LB in the street scene. As set out above the heritage interest of the Corn Store will be preserved and enhanced.
70. With regard to the comments received from residents no cellar has been found in the Corn Store building and the proposals will ensure that a building



of Heritage interest is preserved and brought back into an active and appropriate use. The matter of whether the monies being spent on the scheme is an appropriate use of public funds is not a matter for this committee although it should be noted that the budget has been kept to the lowest possible levels consistent with bringing the buildings back into an appropriate active use.

71. With regard to the comments by Kent Police policy SP1 d) requires proposals to create the highest quality design which is sustainable, accessible and safe. A meeting has been arranged with Kent Police to discuss any specific concerns they may have and to advise on proposals for CCTV.
72. Policy ENV4 – Light Pollution and Promoting Dark Skies states that all proposals will be expected to comply with the guidance and requirements set out in the Council's Dark Skies SPD (2014). Given the nature of the uses involved significant external lighting will be required however this can be designed in such a way as to minimise upward pollution and to ensure that lighting levels are as low as possible when the site is not in use.

## **Human Rights Issues**

73. 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**

74. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

75. In conclusion I consider that the principle of development is acceptable and accords with adopted and emerging development plan policies ET3, CS1, CS2, CS3, CS7, CS16, TC1, TC9, S1, SP1, SP3 and SP5. The provision of the development would not impact upon the deliverability of the wider

Commercial Quarter Development Framework as currently exists and as proposed to be amended.

76. I consider that the proposed design and layout of the development accords with adopted and emerging development plan policies CS3, CS9, TC1, SP6, and SP5. The scheme is acceptable in relation to the impact on the character and appearance of the locality; the grade II\* listed warehouse (the impact on the building and its setting), and the impact on the condition through re-use of the two pre-1948 buildings currently on site and will visually enhance the appearance and functioning of the area and add to the offer in the Town Centre.
77. The impact on the highway network, highway safety, vehicle access and whether there is sufficient parking and cycle provision has been considered in relation to policies CS15, TP6, TC24, TRA5, TRA3(b), UO and TRA5 and is considered to accord with those adopted and emerging policies. The proposal does not accord with policies TC22 and TC25 which in my view should be accorded little weight as they have been superseded by emerging policy TRA3(b) which is at an advanced stage.
78. The proposal will not be harmful to both existing and future residents in terms of residential amenity through noise generated and accords with policy TC1 (C).
79. The proposal can provide sustainable urban drainage and sewerage disposal arrangements in accordance with policies CS19, ENV6 and the adopted Suds SPD.
80. The proposal has an acceptable impact on ecology in and around the site and accords with policies CS11 and ENV1.
81. Contamination issues can be addressed via a condition.
82. Listed Building impact issues have been assessed and no harm has been identified. Neighbour comments have been taken into consideration but none of the matters raised lead to an alternative recommendation. External lighting can be controlled. Policies CS1, ENV13, ENV14, SP1 and ENV4 and the Dark Skies SPD are satisfied.

## **Recommendation**

### **Permit**

#### **Subject to the following Conditions and Notes:**

1. Standard time condition
2. Provision of cycle parking
3. Details of existing and proposed surface water drainage.
4. Details of proposed sewerage disposal arrangements
5. Details of all external lighting.
6. Details of any external signage.
7. Hours of use.
8. Noise limiter to be installed.
9. Materials and surfacing treatment.
10. Investigation and control of contamination.
11. Uses to be in accordance with those applied for - no change of use.
12. Ecological enhancement.
13. CCTV.

### **Note to Applicant**

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

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative 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,

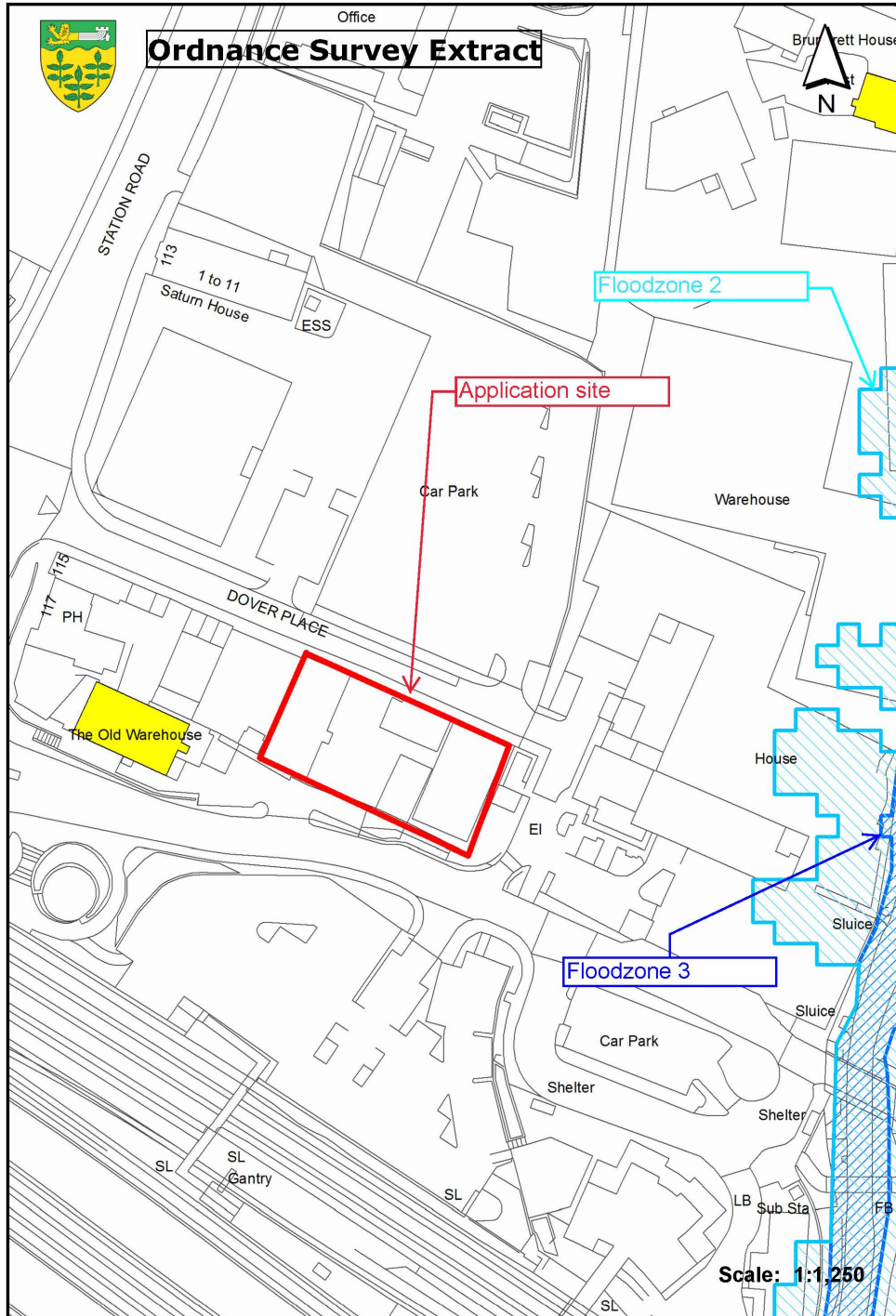
- the applicant/agent was updated with issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent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

## 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 18/01369AS)

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Annex 1



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<b>Application Number</b>	18/01627/AS
<b>Location</b>	Pound House, Trumpet House, Waterman House and Bears End House, Godfrey Walk, Ashford, Kent
<b>Grid Reference</b>	6000886/141893
<b>Parish Council</b>	South Ashford
<b>Ward</b>	Victoria
<b>Application Description</b>	Replacement of existing UPVC windows and balcony doors for maintenance reasons. Although the material and colour will remain, the fenestration design is intended to change.
<b>Applicant</b>	Ashford Borough Council
<b>Agent</b>	N/A
<b>Site Area</b>	1.44 Ha.

## Introduction

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

## Site and Surroundings

2. The application site comprises 4 two storey detached blocks of flats.
3. These properties form part of a development with three large blocks in a row (Waterman, Trumpet and Pound House) along the southern side of Godfrey Walk with a much smaller property (Bears End House) to the northern side of the cul-de-sac.
4. A site location plan is attached as an annexe to the report.

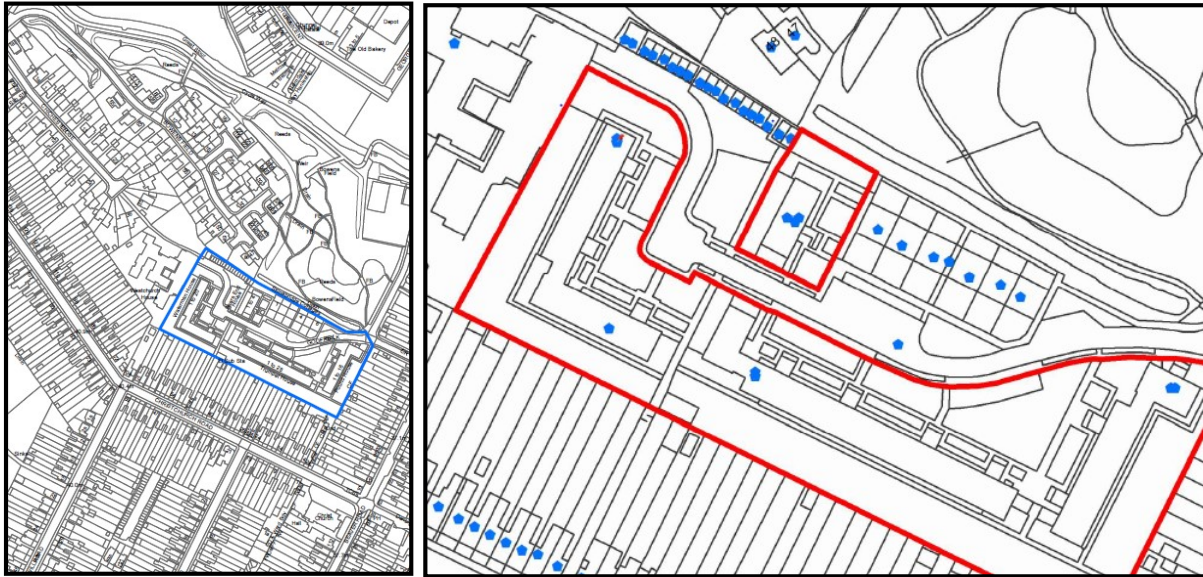
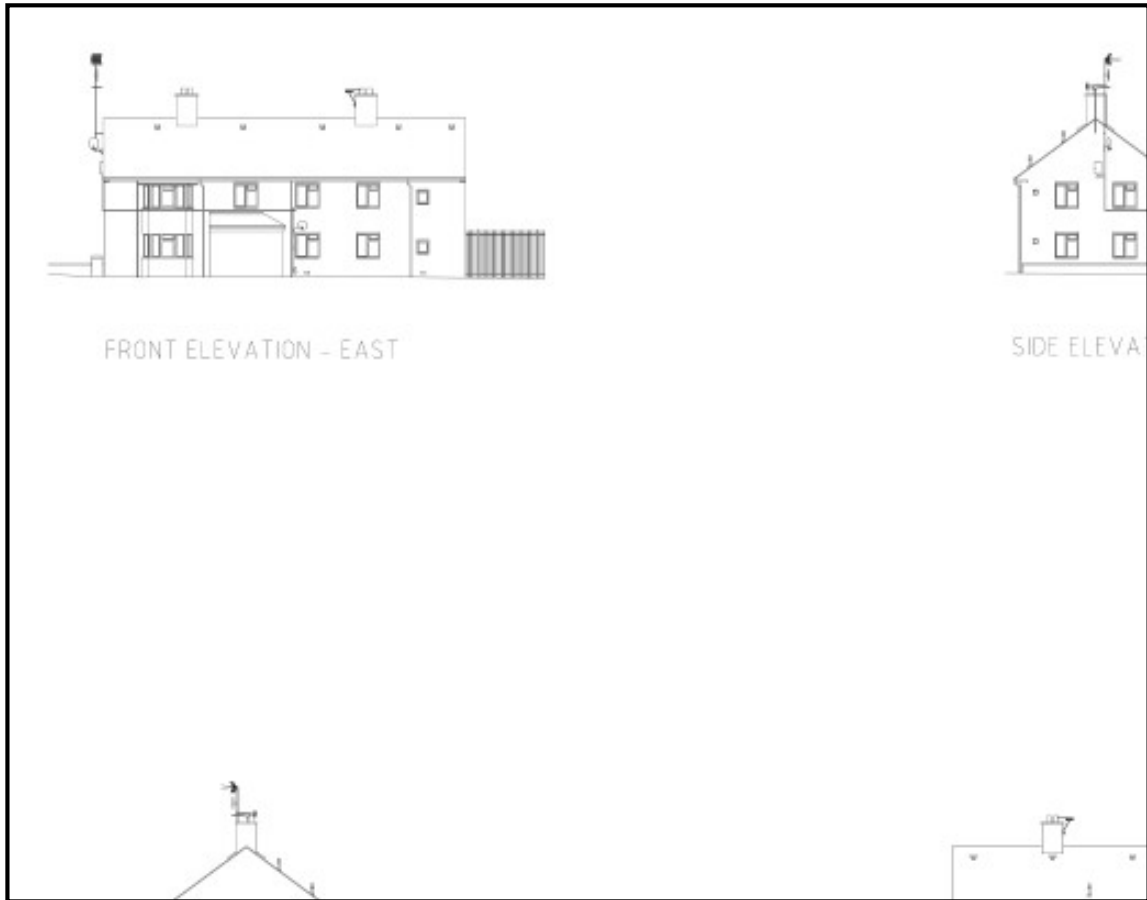


Figure 1 - site location plans

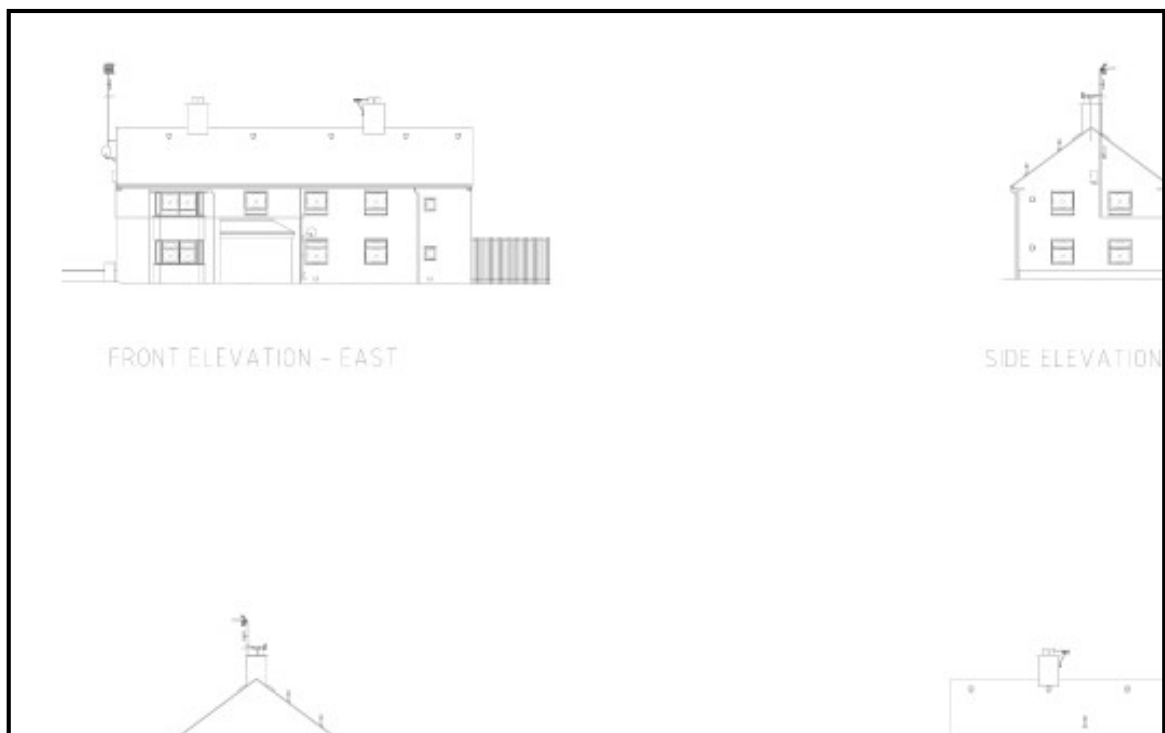
## Proposal

5. Full planning permission is sought for replacing the existing UPVC windows and balcony doors with new UPVC windows and doors. Materials and colour will remain the same but fenestration design is proposed to change.
6. The intention of the proposed development is to upgrade the windows and doors for maintenance reasons.





**Figure 2 - Bear Ends House existing elevations**



**Figure 3 - Bear Ends House proposed elevations**



Figure 4 - Waterman House existing elevations



Figure 5 - Waterman House proposed elevations

## Planning History

7. There is no relevant planning history.

## Consultations

**Ward Members:** No representations received.

**Neighbours:** 71 neighbours consulted; no representations received.

## Planning Policy

8. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.
9. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies. On 13 September the Council commenced consultation on the main modifications to the draft plan, this consultation has now closed.
10. The relevant policies from the Development Plan relating to this application are as follows:-

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

**CS1** - Guiding Principles

**CS9** - Design Quality

## **Urban Sites Development Plan Document 2012**

U0 Presumption in favour of Sustainable Development

11. The following are also material considerations to the determination of this application.

## **Ashford Local Plan to 2030 (Submission Version December 2017)**

SP1 Strategic Objectives

SP6 Promoting High Quality Design

## **Government Advice**

### National Planning Policy Framework (NPPF) 2018

12. 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:-
13. Paragraph 48 states in relation to the stages of preparing a Local Plan that:
- “Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) 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
  - c) the degree of consistency of the relevant policies in the emerging plan to 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**

14. The main issues for consideration are:

- Visual amenity
- Residential amenity

### **Visual amenity**

15. The proposed new windows are simpler in appearance with less glazing bars. The materials and colour are proposed to remain the same and the new windows and doors will be the same for all four buildings. This would result in a coherent appearance for buildings as a group as all windows would be replaced and they would all be of a same design. It is therefore considered the new windows and balcony doors would not represent an incongruous contrast or be out of character with the context of the site.
16. The new windows and doors will reduce the need for future maintenance issues. On balance, the development would not be visually harmful to the street scene and thus the visual amenity of the locality.

### **Residential amenity**

17. Given the nature of the development proposed, there would be no impact upon the residential amenity of the neighbouring properties.

## **Human Rights Issues**

18. 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**

19. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and

creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

20. The objective of the development is to prolong the life of the Council asset as well as reducing future maintenance costs. There would be no harm to the visual or residential amenity.
21. For the reasons above, I therefore recommend that the application is approved as it accords with the relevant Development Plan policies and there are no overriding material considerations to suggest otherwise.

## Recommendation

### Permit

#### Subject to the following Conditions and Notes:

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

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

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

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

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

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

4. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a

breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

## **Note to Applicant**

### **Working with the Applicant**

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Annex 1

Godfrey Walk Block Plan 1 : 1250

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