



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 20th March, 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 the Meeting of this Committee held on 20<sup>th</sup> February 2019

<https://ashford.moderngov.co.uk/documents/g3254/Public%20minutes%2020th-Feb-2019%2019.00%20Planning%20Committee.pdf?T=11>

4. **Requests for Deferral/Withdrawal**

5. **TPO/19/00016**

3 - 14

Confirmation of Tree Preservation Order No.16, 2019 - High Snoad Wood, Green Lane, Challock

6. **Schedule of Applications**

(a) **18/01140/AS**

15 - 76

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) **18/01771/AS**

77 - 110

Smarden Charter Hall, Chessenden Lane, Smarden Ashford, Kent, TN27 8NF - Erection of a single storey store/shop (Class A1) with associated ancillary parking spaces together with a revised parking layout to Charter Hall

(c) **18/01168/AS**

111 - 178

Kent Wool Growers Ltd, Brundrett House, Tannery Lane, Ashford, Kent, TN23 1PN - Demolition of existing buildings (except Whist House) and redevelopment to provide 244 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) **18/01256/AS**

179 - 202

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) | <b>18/00759/AS</b>  | 203 - 252 |
|     | Land to the South of Sicklefield House, Ashford Road, St Michaels, Tenterden, Kent - Outline planning permission with all matters reserved except for access from the A28 for up to 30 residential properties, open space and associated access into the site   |           |
| (f) | <b>18/01601/AS</b>  | 253 - 294 |
|     | Site B adjacent Wyvern Way, Land south of M20 and east of, Henwood, Ashford, Kent - Erection of 29no. Light industrial/business units; two storey creative laboratory including space for the development of new dance productions, administrative space and shared use cafe; new access and road layout and associated hard and soft landscaping |           |
| (g) | <b>19/00054/AS</b>  | 295 - 320 |
|     | Victoria Park, Jemmett Road, Ashford, Kent - Extension to existing nursery building to create new cafe provision. Improvements to entrances on public highway, resurfacing and extension to existing car park, new CCTV, lighting columns adjacent to new cafe (+4m in height), new feature play equipment (+4m in height).                       |           |

**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.

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)

## 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>Reference</b>	TPO/19/00016
<b>Report Title</b>	Confirmation of Tree Preservation Order No.16, 2019
<b>Location</b>	High Snoad Wood, Green Lane, Challock
<b>Parish Council</b>	Challock
<b>Ward</b>	Downs West

## Introduction

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

## The Order

2. The Order was made on 12<sup>th</sup> December 2019 to protect a significant proportion of the ancient woodland known as High Snoad Wood. The woodland is comprised of sweet chestnut coppice with mature oak, ash and in one section, some exceptional cherry.
3. The woodland has seen its overall area reduced from 29ha to the present 7ha by agricultural clearance and housing development leaving a remnant block on the western end.
4. The serving of the Order was considered expedient owing to planning application 18/00523/AS (now subject to an appeal for non-determination) which seeks to construct a four bedroom detached dwelling within the 15 metre ancient woodland buffer contrary to Natural England and the Forestry Commission Standing Advice. A copy of the order is provided in Annex 1-a.
5. The woodland meets the TEMPO criteria for the consideration of a TPO. The industry-adopted standard TEMPO (Forbes-Laird – Tree Evaluation Method for Preservation Orders) Assessment, which acts as a decision guide aid for the serving of a TPO, a score of 20 was derived – any score of 16 or more

qualifies as 'Definitely Merits a TPO'. A copy of the assessment is provided within annex 1-b.

6. The important considerations as defined by the Planning Guidance (Tree Preservation Orders and trees in conservation areas) when making and serving a TPO are listed below and it is considered that they have been satisfactorily met;
  - Expediency;
  - Visibility;
  - Amenity;
  - Individual, collective and wider impact.
7. The purpose of the Order is to ensure that further incursions within the boundary of the ancient woodland are not made and that the protection for the woodland informs planning decisions.

## Representations

8. Following the serving of the order three objections were received. The first two of these were submitted via a planning consultant on behalf of the respective owners of part of the land known as Pony Park and an adjacent strip to the east bordering 'Woodlands'. They related to the following:
  - These particular parts of the land in question were not considered to be worthy of a TPO;
  - That the TPO relied only on the Ancient Woodland Classification;
  - The documentation had been served without the requisite 28 days consultation period having been observed.
9. A site visit revealed that some of the land was degraded from historic activities on the site as an equestrian centre and some land had been garden for many years, thus not meriting the woodland TPO classification. A review of the ancient woodland classification is being re-visited with Natural England and pending the outcome of the exercise the extent of the protected woodland will be re-assessed. The TPO documentation was re-served on 3<sup>rd</sup> January 2019 to address the full 28 day consultation period being observed. A re-drafting of the TPO as recommended in the modified order has addressed these two objections. They have now been formally withdrawn. Individual trees may require protection in this area if felling or the threat of felling alters the character. The proposed modified order boundary is shown in Annex 1-c.
10. The third objection was received from a Solicitor on behalf of the owner of a substantial part of the wood and the salient points are listed below:



- The wood is a productive environment which should not be condemned to decay and neglect by restrictive bureaucracy;
- The TPO has been used as a device to control development without due concern for the detrimental effect it has on the woodland owner;
- There is an extant Forestry Commission (FC) Felling Licence that will be impossible to enact owing to the serving of the TPO;

(JDCM comment: The above 3 matters are not material to the consideration of the application but are addressed below).

- The TPO is a blanket order to protect only a small area adjacent to the proposed development;
- The order will have a detrimental effect on the owner's future Felling Licence applications;
- Only a small part of the wood is visible to the public and this makes the serving of the order excessive;
- The Kent Wildlife Trust's Land Management Consultant considers that the woodland is under good silvicultural management and that under the Planning Guidance an order is deemed unlikely to be necessary for that reason, thus the 'expediency' test is not met;
- The Area of Outstanding Beauty (AONB) and Ancient Woodland classifications offer sufficient protection from development.

11. The serving of a TPO is not bureaucratic. Following the serving of the TPO an application for works that were granted under a Forestry Commission Licence was received by the Council from one of the wood owners. Owing to the time-dependent nature of the works and the overview of the Forestry Commission, the application was processed in the minimum possible time allowing the FC Licence to be implemented. The TPO application process is free and an officer is available to give free pre-application advice.

12. It cannot be shown that there is a detrimental effect on the woodland owner with the serving of a TPO. With particular regard to the relationship between Forestry Commission Licence applications and TPOs, once FC receive the application it is forwarded to the Local Planning Authority (LPA) as a *consultee*. Owing to the FC oversight in terms of forestry and silviculture the LPA role is more focussed on amenity and landscape impact. This would only very rarely have any bearing on the FC Licence application.

13. The following is a response to the points made in the objection that are material to the consideration of this application.

14. In terms of the visibility of the wood the argument that only a small part is visible could be held for many woods by just taking account of their visible

perimeter. The perimeter of the wood is driven and walked along by many people this attaches a good degree of public visibility. Furthermore, public footpath AE88 bisects the north-east corner of the wood for approximately 200 metres providing the public with recreational access and tangible amenity value to a section of the woodland – annex 1-d shows the location of the public footpath.

15. The expediency test has been met with the serving of the order in relation to the application adjacent to the western boundary. The location of the dwelling would cause deterioration to the ancient woodland by being substantially within the 15 metre buffer as per the standing advice and contrary to Paragraph 175 (c) of the NPPF.
16. Expediency in the wider context of the wood translates to a historical reference. High Snoad Wood was approximately 29 ha in size before development during the 20<sup>th</sup> and 21<sup>st</sup> century reduced it to 7 ha – annex 1-e shows two maps charting the loss of the woodland from 1913 to 1961. Continued developmental pressure is likely at the southern boundaries as there is an established residential use. It is also pertinent that agricultural policy encouraged the loss of approximately 3.6 ha from the northern section of the wood during the middle part of the 20<sup>th</sup> century. It is demonstrable that despite a wood being under good general silvicultural management, the pressures on woodlands exist from more than one source and aggregate over time. Importantly, the serving of the order halts the denudation of the wood and ensures that the rural character of the Green Lane area is retained in the face of significant development within Challock concentrated along the primary roads.
17. Expediency is also demonstrated by the need for a second order to be served on the woodland in the last thirteen years. TPO No.12, 2006, was served on a plot in the south western section of the ancient woodland following the refusal of outline permission 05/01268/AS, which was subsequently the subject of an appeal. In view of this background, further piecemeal TPO orders to protect the core of the woodland as development pressures unfold would not appear to be the most rational approach.
18. It is advised in the objection that the designations of AONB and Ancient Woodland classifications offer sufficient protection from development. Whilst AONBs are afforded the highest status of protection under the advice in the NPPF this is in relation to the consideration of the acceptability of new development. It would not preclude the removal of trees in an ad hoc fashion. A served TPO assists in giving weight and emphasis to the variables at play.

## **Conclusion**

19. In conclusion, the serving of the order was expedient owing to the cumulative effect of development pressure over time to High Snoad Wood resulting in only a quarter of the ancient woodland remaining. The serving of the order will result in the support of the Forestry Commission Felling Licence system and its principles of regulating private forestry and silviculture whilst ensuring that the protected woodland is a further material consideration in any future planning decisions. The Order will not prevent the owner of the land carrying out appropriate woodland management in the future it is therefore considered to be proportionate.

## **Recommendation**

That the order is confirmed notwithstanding the objection, subject to modifications as follows:

- Modified boundary as shown in Annex 1 – c.

**Contact Name:** Phillip Cook

**Telephone:** (01233) 330206

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

Annex 1a Copy of TPO no.16, 2018

**TOWN AND COUNTRY PLANNING ACT 1990**

**ASHFORD BOROUGH COUNCIL**  
**TREE PRESERVATION ORDER NO. 16,2018**  
**High Snoad Wood, Green Lane, Challock, Kent**

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

**Citation**

1. This Order may be cited as Ashford Borough Council Tree Preservation Order No 16,2018 - High Snoad Wood, Green Lane, Challock, Kent

**Interpretation**

2. (1) In this Order "the authority" means Ashford Borough Council.

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

**Effect**

3. (1) Subject to regulation 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

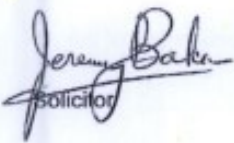
**Application to trees to be planted pursuant to a condition**

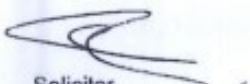
4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect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


**Dated this 12 December 2018**

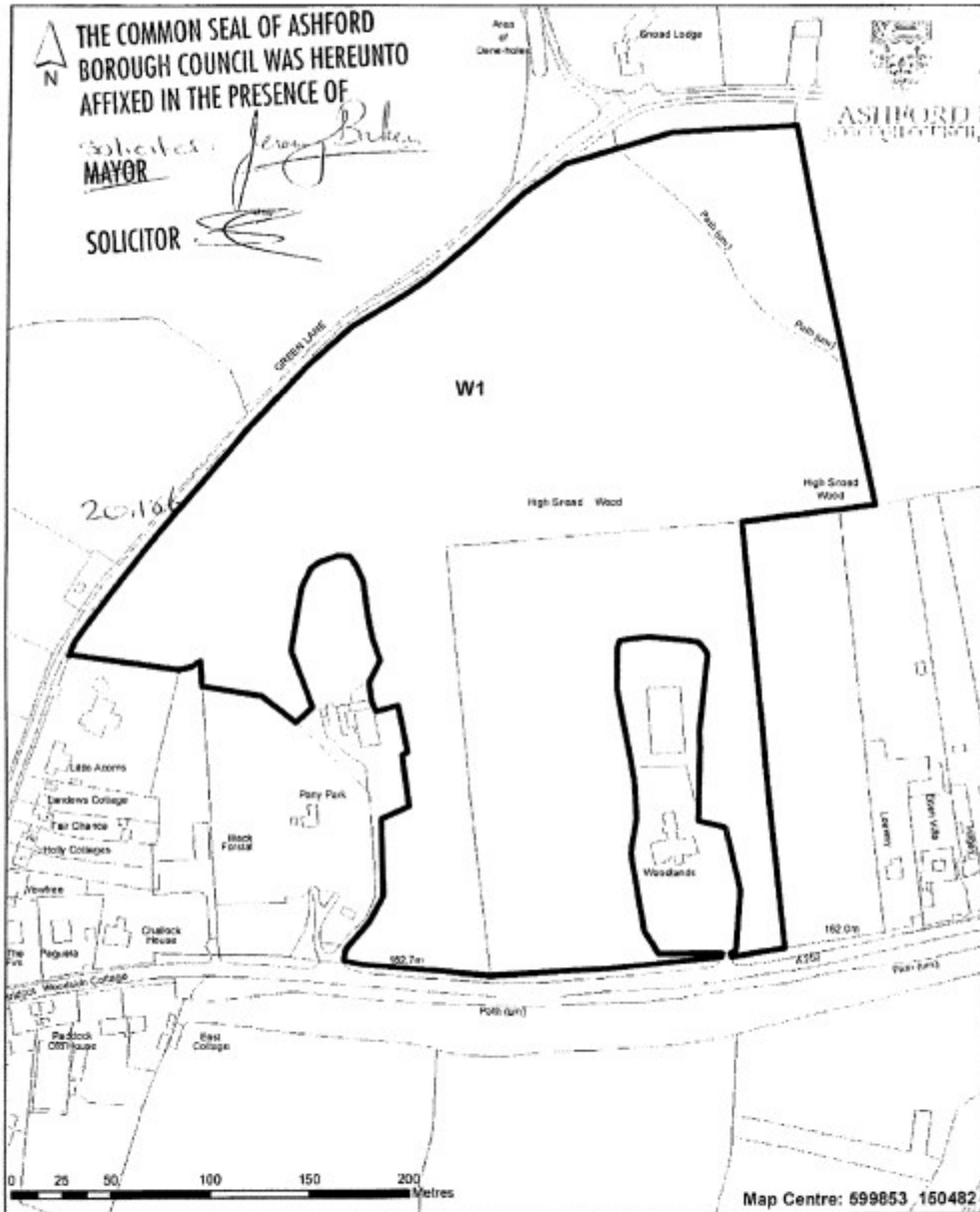
**THE COMMON SEAL OF ASHFORD BOROUGH COUNCIL**

was affixed to this Order in the presence of -

  
Solicitor

  
Solicitor

  
28.12.18



**ASHFORD BOROUGH COUNCIL**  
TREE PRESERVATION ORDER NO 16, 2018  
High Snoad Woodland, Green Lane, Challock

December 2018 Scale: 1:2500

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

Annex 1-b Tempo Assessment

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 14 Dec 18			Surveyor: P Cook		
Tree details		Tree/Group No:		Species: Chestnut coppice	
TPO Ref (if applicable):		Location:		with oak, ash & cherry	
Owner (if known):					

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

\* Refers to existing context and is intended to apply to severe irremediable defects only

Score & Notes	5
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b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes	5
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c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes	4
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d) Other factors

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

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

Score & Notes	3
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Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes	3
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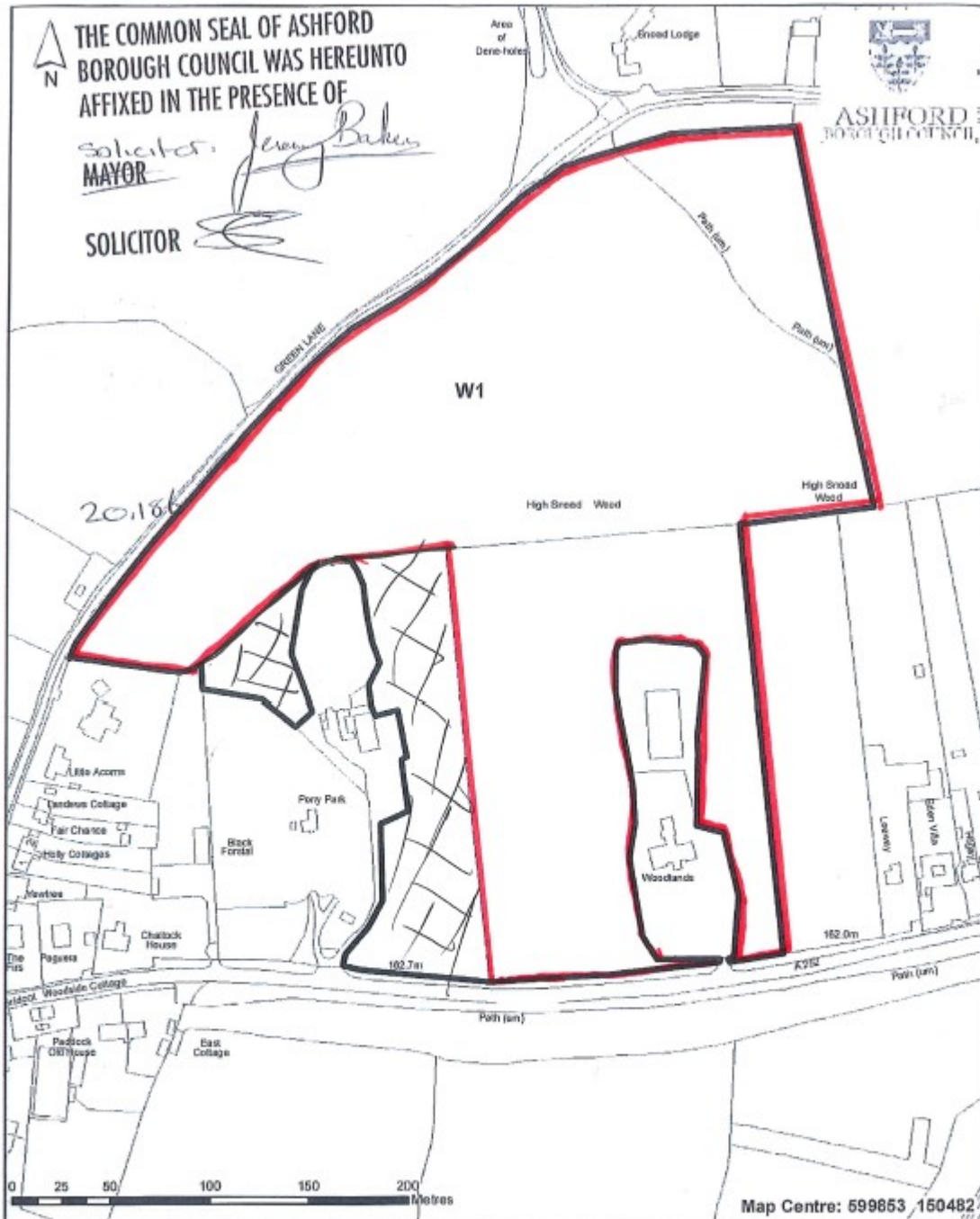
Part 3: Decision guide

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

Add Scores for Total:	20
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Decision:	Yes.
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Annex 1-c Modified Order Map (boundary in Red)



**ASHFORD BOROUGH COUNCIL**  
TREE PRESERVATION ORDER NO 16, 2018  
High Snood Woodland, Green Lane, Challock

December 2018 Scale: 1:2500

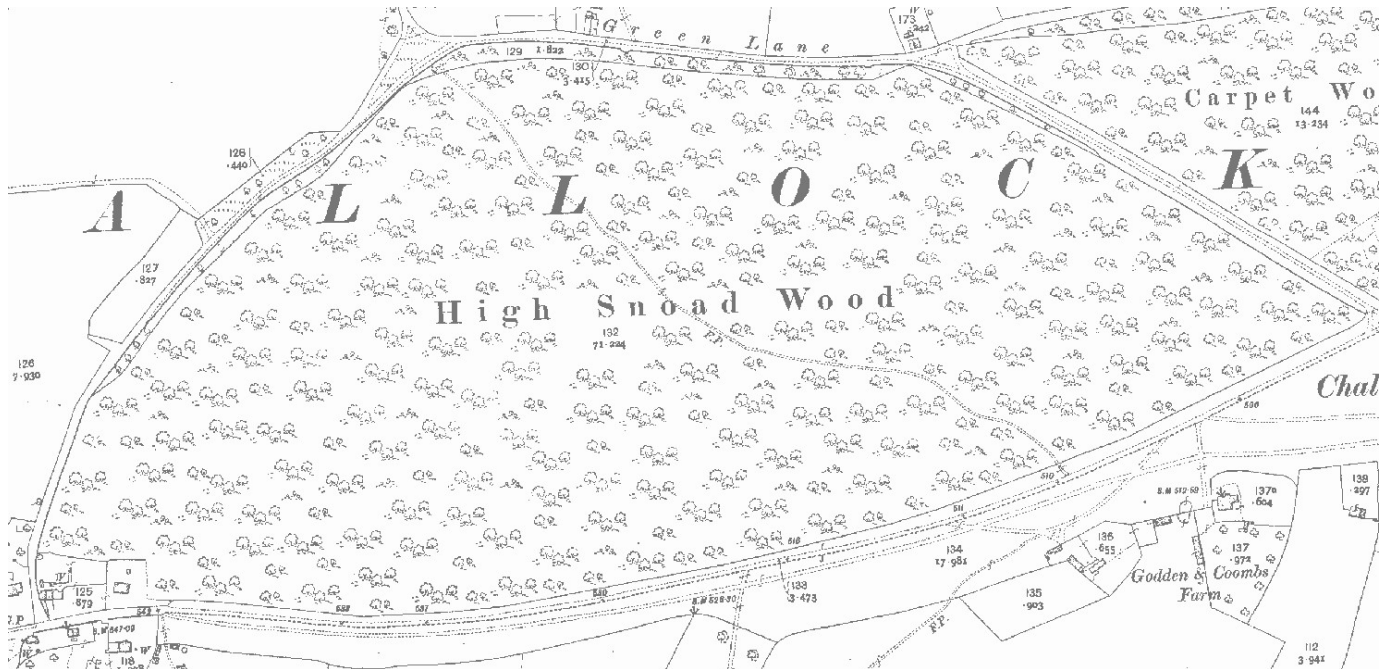
**Planning and Development**  
Civic Centre  
Tannery Lane  
Ashford  
Kent  
TN23 1PL

Annex 1-d Public Footpath AE88





Annex 1-e Historic Maps showing the loss of High Snoad Wood 1904 - 1961



1904-1939 – Woodland almost entirely intact



OS 1952-1961 Significant clearance including field to NE corner and ribbon development along A252

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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>	None
<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

## Introduction

1. The application was previously considered at the 16 January 2019 Planning Committee and was deferred by Members of the committee for officers to seek further clarification on the following matters:-

***Deferred for Officers to explore whether***

***(a) the football pitches are realistic given their flood zone location and ground conditions,***

***(b) whether the 9 homes that are proposed could be better accommodated elsewhere, and***

***(c) whether alternative methods of funding have been fully explored.***

This report back outlines the applicant's response to all 3 issues as well as additional information relating to highway and pedestrian safety together with relevant officer advice.

## Site and Surroundings

2. Please refer to 16 January 2019 Planning Committee Report (which is appended as annex 2 to this report).

## Proposal

3. Please refer to 16 January 2019 Planning Committee Report. The proposal remains as previously submitted but additional justification has been provided to address the resolution made by members of the committee. The supporting information provided by the applicant is as follows:

### Location of pitches within the Floodzone, and Ground Conditions

4. The applicant has confirmed that the sports pitches are located within Floodzones 2 and 3 (see figure 1), however, the use of land for sports pitches is considered under the Government's Planning Practice Guidance (NPPG) to be classified as a 'less vulnerable use' which is compatible with areas at risk from flooding. Sport England have requested details of the design, construction and drainage of the pitches and this can be secured by condition to ensure that they are utilised as far as possible all year in line with the comments from Sport England.
5. The Hockey Club have always suspended play on the current pitches when the ground is soft or waterlogged. This ensures the surfaces are regarded as some of the very best available in Kent and which the football club seeks to use all year and not just in the winter. The fields are carefully managed to avoid damage and allow year round use. At times when the new pitches may become waterlogged, it is very probable that play would have already been suspended to prevent damage.
6. It is not anticipated the pitches would be regularly flooded as Floodzone 3 relates to river flooding rather than just becoming waterlogged. The floodzone designation relates to risk to life and increased risk of flooding elsewhere and it is not considered the proposed pitches would conflict with these risks as no land would be taken out of the floodplain and they would continue to perform that function, and they are compatible with that function as happens in various other locations in the Borough. Should a 1 in 100 year flood event take place, it is likely conditions locally would also preclude the use of the existing pitches on the hockey club site. Waterlogging would occur at times of significant rainfall but the added threat of river flooding would only be at times of severe weather (1 in 100 year event) and would not necessarily make the existing pitches any more usable than those proposed. It is recognised the drainage of the land may take longer but the number of events would be limited. Sport

England require the pitches to be drained in accordance with FA standards. A drainage system to meet that could be provided via condition.

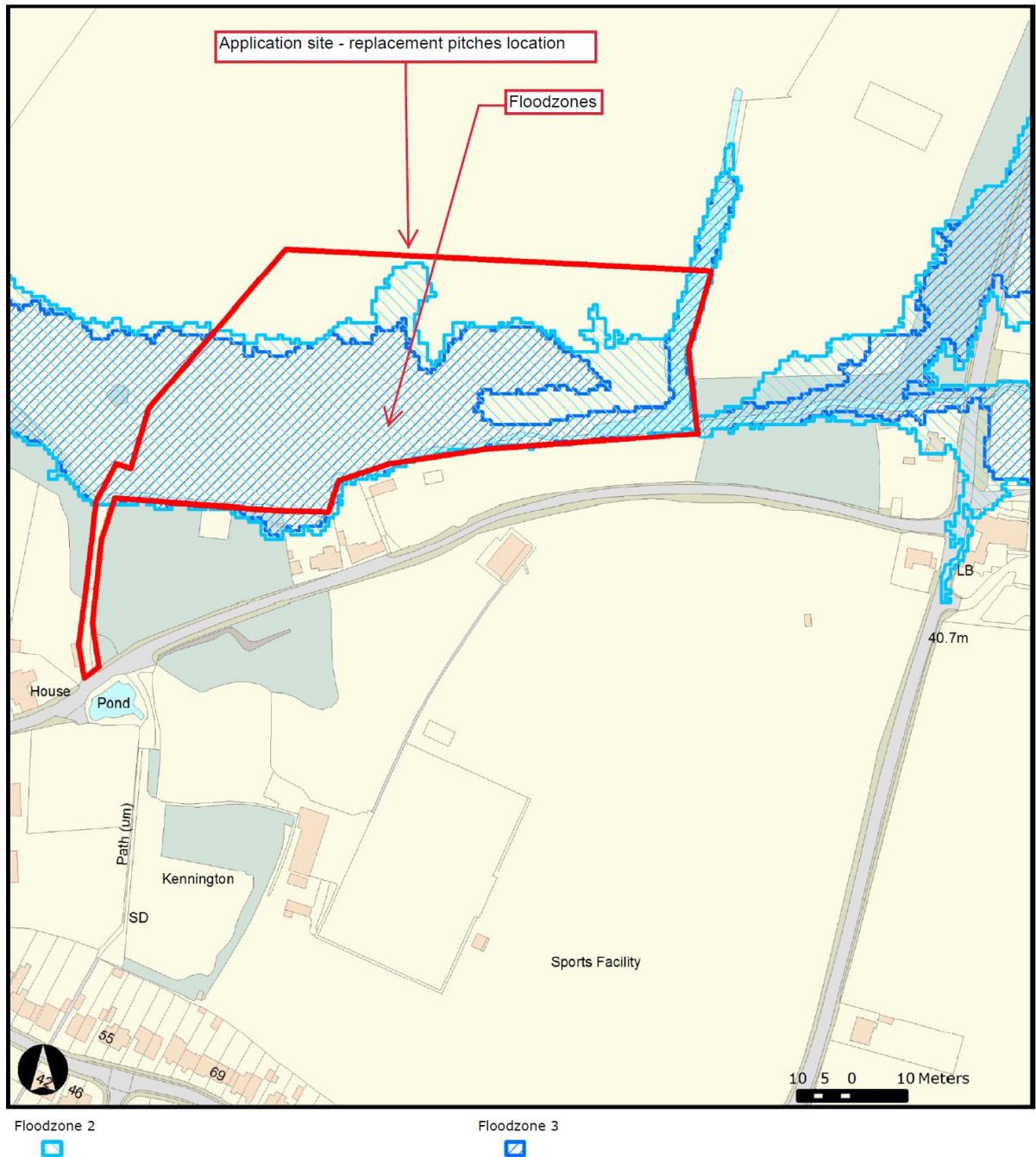


Figure 1 - Replacement pitches and floodzone extent

### Location of dwellings

7. The site of the proposed dwellings, along Canterbury Road is within land owned by the Hockey Club (see figure 1 below with land owned by the Hockey Club outlined in orange). No other land under the control of the Hockey Club fronts onto a highway. The Club do not own land which is directly accessible onto Ball Lane and the Club's land does not benefit from any permanent rights to its land that would provide vehicular access to Ball Lane. Meetings with KCC Highways and Ashford Borough Council Planning Officers agreed that the proposed location was the most suitable location in highway terms.
8. The proposed dwellings would fit with the existing grain of the development within the surrounding area, continuing the frontage onto the Canterbury Road. This also provides a satisfactory future relationship with the sports ground and this approach also minimises the loss of sports pitches, the visual impact and the cost of providing an internal access road(s). Siting houses on the Cricket Club's land to the north would provide no financial benefit to the Hockey Club.
9. A lease has been secured by the Club for the land on which the replacement pitches are proposed for a period of 30 years to offset the loss of the pitches. The pitches would be on the closest possible land to the existing site which is available for such a use. The new pitches are easily accessed from the car park and club house.

### Funding Options

10. The Hockey Club have advised that they reviewed options for renewing the astroturf pitch several years ago. It was assumed, at the time, the pitch would have to be funded by extending or renewing the club's mortgage facility as previous projects to raise funds via grants had failed despite engaging consultants to assist. Increasing running costs and members moving to other clubs with better facilities have resulted in the club's finances deteriorating preventing the club from meeting the interest and capital payments on its current mortgage.
11. Voluntary fundraising including boot fairs, quiz nights, discos, club lunches, raffles and donations have raised £15,000 in recent years. However, the money raised was necessary to support the general running expenses of the club which is around £100,000 per annum.

12. The club continues to seek grants and has received moderate grants of £1,000 and £8,000 from Tesco and Ashford Borough Council in recent years. Whilst valuable and much appreciated, these have gone towards the upkeep of the facilities and fall short of the £220,000 required to replace the astroturf.

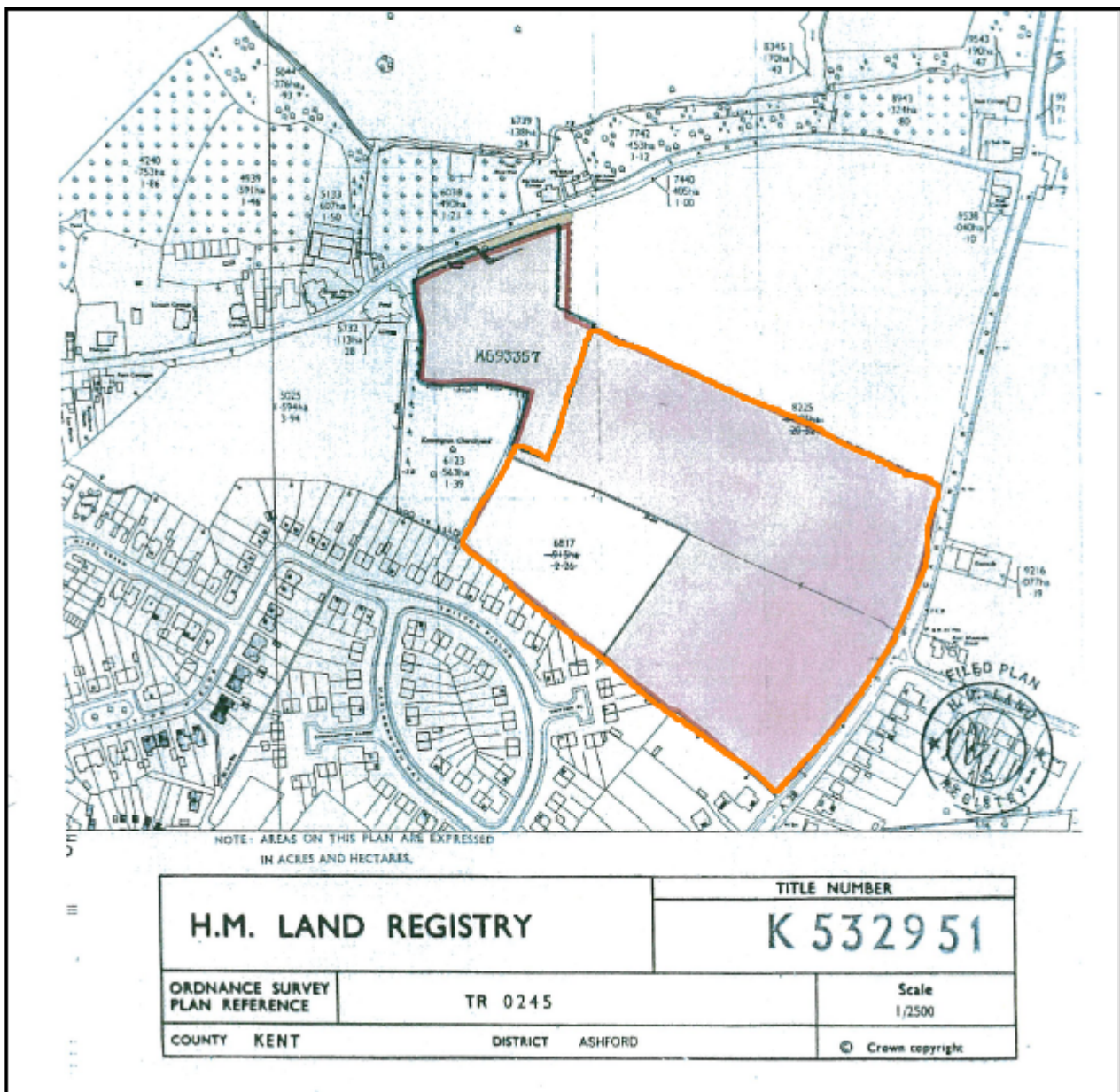


Figure 2 - Land ownership of Hockey Club

13. The membership fees have been increased significantly in recent years. As a result they started to become unaffordable for younger members especially those who had just left education. This has been a significant factor in members leaving to go to Folkestone.

14. In late 2015, the club decided to settle on a more ambitious plan to raise funds from the sale of land to secure the future operations of the Hockey Club, Kennington Juniors and the wider community use of the site for generations to come; it is proposed to:
- Replace the astroturf immediately;
  - Replace the astroturf in 12 to 15 years' time;
  - Allow the existing clubhouse to be repaired and moderately refurbished;
  - Fund the proposed construction of dedicated female changing rooms (subject to a further planning application); and,
  - Eliminate the current mortgage payments making the club self-financing and allowing a sinking fund to be created to fund future refurbishment of the pitch and other facilities.
15. The club can and will apply for funding when available, however the requirements of the club are significant and regrettably far in excess of the extent of funding generally available and whilst welcome, grant-funding only provides limited injections of capital.
16. The criteria for obtaining subsidies from other organisations and charities is generally based on providing matched funding; the club would therefore have to find and use significant amounts of its own money to maximise funding it might be able to obtain were it even possible.
17. S106 funding from development sites in the Borough would only come forward if the scheme were considered a project for which funding would be forthcoming and it complied with S122 of the Community and Infrastructure Levy Regulations. It would need to be demonstrated that the project would be necessary to make the contributing development acceptable as well as directly related to the development. The maintenance and repair of the existing club facilities would not meet these tests. Funding for the repair of the clubs facilities would only be achieved in the manner being proposed by the club.

#### Highway and Pedestrian Safety in Ball Lane

18. The Applicant has submitted further information on this, which was also an issue referred to at the previous Planning Committee meeting.



19. A traffic survey was conducted between 25 February and 3<sup>rd</sup> March on Ball Lane to the east of the existing entrance to the car park for the club. This was carried out to ascertain the number of vehicles and their speeds. On average, the applicant's agent states the average speed of vehicles was 19.5 mph with the highest and lowest speeds recorded for the survey period being 15.7 mph and 23.8 mph respectively. This is below the 30mph speed limit. There was on average less than one vehicle movement per hour (excluding cycles for which there were an average of 3 movements per day) and on average 9.4 vehicles per day between the hours of 09:00am and 10:00pm during the period when the replacement pitches would be in use. The location of the traffic count was to the east of the main site entrance and therefore excludes traffic entering and leaving the site. This takes account of the crossing point proposed for pedestrians which would be to the east of the existing vehicular access. Furthermore, vehicular movements to and from the site car park would be generated prior to and after pedestrian movements from the replacement pitches which occur as users of the pitches leave them and return to the clubhouse to change.
  
20. The supporting statement accompanying the information indicated that a pedestrian route would be provided around the car park, delineated by a barrier to be erected to segregate vehicles from pedestrians. Any provision of an on-street footpath will be in consultation with KCC Highways. Pedestrians will then cross the road to the east of the existing vehicular access to the club car park. It is considered that traffic movements at this point on Ball Lane are very low as Ball Lane is a no through road and serves just two houses. It has been confirmed that Kennington Juniors would use the new pitches for the older age groups, typically 14 years and above. It has also previously been confirmed that the Club have a duty of care for those children in their care and risk assessments and due diligence would be undertaken when crossing the road.

## **Planning History**

21. Refer to 16 January 2019 Planning Committee Report.

## **Consultations**

22. Refer to 16 January 2019 Planning Committee Report. No further representations have been received relating to the application.

## **Planning Policy**

23. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood

Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).

24. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
25. In referring to the committee report 16 January 2019, in light of the policy changes referenced above, the following are no longer applicable:

#### **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

## **Assessment**

- 26.** For the avoidance of doubt, in referring to the committee report 16 January 2019, in light of the policy changes referenced above, paragraphs 30 and 38 of the report on that date are no longer relevant to the consideration of the proposed development and should be disregarded, as should any reference to now superseded policies within paragraphs. The relevant considerations were all also assessed against the relevant Local Plan 2030 policies, and reference to ‘emerging’ when referring to policies in the previously referred to submission version of the Local Plan 2030 can be omitted as these policies are now afforded full weight given their adoption.

### Location of pitches within the Floodzone

27. Sport England raise no objection to the proposed pitches. They require any loss of sports facilities to be offset by replacement facilities of equal or better quality. In the absence of any objection from Sports England, the pitches proposed would be considered to be of equal or better quality. Whilst located largely within Floodzones 2 and 3, as outlined by the supporting statement provided by the applicant, the use would be compatible with this designation and would not be contrary to local or national planning policies. The Council's Drainage Engineer and KCC as the Lead Local Flood Authority do not raise any objection to the proposal. It is drawn to the attention of members that the proposed pitches would be subject to a specification requested by Sport England for details relating to drainage, construction and design of the proposed pitches; this can be secured by condition. It is not considered that the proposed pitches, in the absence of any hardstanding, would result in additional surface water run-off or reduce the ability of the land to flood during 1 in 100 year flood events. This would not be a regular occurrence and it is unlikely the pitches would be out of use for any longer than the existing pitches.
28. As the applicant has outlined, the use of the current pitches on the existing site if they become waterlogged during heavy rainfall events is suspended to maintain the quality of the playing surface and for safety reasons. This

approach and the maintenance regime for the new pitches would follow that adopted for the existing pitches to enable them to be of a high playing quality for members and others in the wider community. As a result, there would be no harm caused through increasing flood risk elsewhere or risk to life and the pitches would be the most appropriately sited given their proximity to the existing club and there being no other land available within the locality for this purpose. A lease has been agreed securing the land for the proposed pitches and for the reasons outlined in the appended report under annex 2, there is not considered to be any reason why the pitches in this location would give rise to any material harm and their location here would be realistic.

### Location of dwellings

29. The applicant has confirmed the extent of their ownership of land. This does not include land which fronts onto Ball Lane, only Canterbury Road. Notwithstanding this, any location of dwellings set back further from the road would necessitate additional access roads. As a result there would be visual harm given that such a development would appear incongruous and out of character with the existing urban grain of development which fronts onto Canterbury Road. This would also have a greater impact on the usability of the existing pitches on the current site, potentially resulting in prejudicing of the use of these for which the provision of further replacement pitches elsewhere would be required.
30. As outlined in the previous report to members (appended as annex 2), the proposed dwellings would respect the existing grain of development fronting onto Canterbury Road continuing this in a northerly direction. It is considered by officers that the proposed development of 9 dwellings would comply with the local plan policy HOU5 and is therefore acceptable (subject to the issue of the replacement of the lost pitch) whether or not the development is in order to enable upgrade/replacement works to the clubhouse and astroturf pitch.
31. Any provision of dwellings on land further along Canterbury Road or on land fronting onto Ball Lane would be outside of the control of the Hockey Club and therefore of no financial benefit to them. This would hinder the aim of the Club to improve facilities on the site as outlined in the Club's supporting statement and in the supporting evidence outlined in the previous report (annex 2). Furthermore, any location of the dwellings further north along Canterbury Road would fail to represent continuation of the existing built development along this part of Canterbury Road and yet would still impact upon existing pitches on the site which would need to be offset elsewhere as is proposed.
32. It is therefore considered that this location is the most appropriate within the Club's land, as no other possible alternatives would be policy compliant and therefore the proposed dwellings would be appropriately sited.

### Funding options

33. The Hockey Club currently provide a valuable and well used leisure facility for residents within the Borough which would be lost if the existing club were unable to maintain their existing facilities. The replacement astroturf pitch would cost £220,000 and the annual running costs of the club are £100,000. The fund raising to date to cover the costs involved have been beneficial but fall well short of the funding required.
34. Planning policy requires such facilities to be retained and protected against development and whilst the proposed development would result in the loss of a sports pitch, this would be more than offset by the provision of two new pitches which would be realistic in the location proposed. At present, the funding streams available to the Club would not raise the level of capital required to enable them to continue to provide an astroturf pitch and prevent in a loss of members to other clubs. Furthermore, a failure to replace the astroturf would result in the club being unable to continue to train and have fixtures at the Canterbury Road site. Efforts to raise the level of funding required have raised monies for the general upkeep of the club but have not been able to secure the level of funding required to sustain the club and enable a sinking fund so that the club is self-sufficient without the need to rely on outside funding.
35. The fundraising activities has been limited in terms of success in relation to the costs of the works now required. The ability to obtain grants of the scale required is also dependent upon the matching of funding from the Club. These funds are not currently available and in the short term this is unlikely to change.
36. S106 funding from development sites in the Borough would only be a possible issue if it could be demonstrated that the contributions towards the club would be necessary to make the contributing development acceptable as well as directly related to the need generated by that development. In the absence of funding secured for this purpose of any significance, and given the pooling restrictions imposed under Reg. 123 of the Community Infrastructure Levy Regulations, which limit pooling to 5 contributing developments per project, it is unlikely the funding required could be made up from S106 contributions. In the short term, it is highly unlikely sufficient and appropriate contributing development schemes would come forward which would comply with the Reg 122 of the CIL regulations. The club would be unable to utilise this funding mechanism to the extent required for the works required to keep the facilities operating in both the short and longer term.
37. Members are reminded that whilst the land is being sold to facilitate the improvements to the Club's facilities, the proposed development could not be

refused solely on the grounds that the Club have been unable to justify the requirement for funding as the proposed dwellings would be policy compliant.

#### Highway and Pedestrian Safety

38. Officers considered pedestrian and highway safety with respect to the replacement pitches in the original report to Committee (paragraph 57). It was subsequently considered that additional information could be provided by the applicant to seek to address any potential concerns relating to this issue and to support this, a traffic survey to include vehicle movements and their speeds was carried out by the applicant as outlined at paragraphs 18 and 19 of this report for the period of 1 week.
39. The number of vehicle movements at the Ball Lane crossing point proposed for use by Kennington Juniors Football Club is low with an average of less than one vehicle per hour during the hours of 09:00am and 10:00pm, which is when the pitches would be in most likely to be in use. The speed of vehicles, on average is 10mph lower than the 30mph limit on Ball Lane. Furthermore, there are only two dwellings which are located at the end of Ball Lane, which is a no-through road. Given this, the original conclusion reached by Officers is supported by the survey results provided and the conclusion reached in the original report to members is still valid.
40. The Club have confirmed they would use the new pitches for children of 14 years and above. Furthermore, they would also be required to ensure safeguarding processes are followed and the necessary risk assessments in place for children in their care, including marshalling across Ball Lane by Club staff and volunteers. This would ensure, notwithstanding the above, that they cross the road and return to the changing rooms in a safe manner without any harm being caused.
41. The construction of a new crossing point, as proposed in a submission by the applicant's agent, does not form part of this proposal and falls outside of the application site. However, the segregation of people and vehicles through the provision of a barrier within the existing car park is not likely to require the benefit of planning permission. It is not considered that a dedicated crossing point is required but should this be progressed, a formal application for planning permission would be required to be submitted.
42. In light of this, it is considered that the proposed crossing of pedestrians in connection with the proposed replacement sports pitches would not result in harm to their safety or other road users given the lack of vehicle movements, their speed and the safeguards the club would have in place.

## Human Rights Issues

43. 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

44. 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

45. The proposed replacement sports pitches would not give rise to flood risk elsewhere or result in risk to life. The ability to utilise this land for playing pitches would comply with the flood zone designation and there is no other location in close proximity which could accommodate a sports pitch to offset the loss of the existing pitch. Sport England require the loss of existing sports facilities to be equal or better quality, they raise no objection to the proposed pitches. Therefore it is considered by officers that these pitches would be of an equal or better quality and there would be a net benefit to the wider community through the provision of enhancements to the existing facilities, including a net increase of one pitch and in the longer term the financial stability of the club. Their location is therefore realistic.
46. The proposed development would result in 9 dwellings located in the only location possible for the Hockey Club to generate income from the sale of land and gain access without significant visual harm being caused. The proposed dwellings would comply with Local Plan policy HOU5 and would comply with the guidance contained within the NPPF and they are therefore appropriately located.
47. There is no evidence to demonstrate that any realistic funding streams have not been explored, given the level of investment required to replace the existing astroturf and enhance the existing clubhouse and changing facilities.

48. The pedestrian safety of players accessing the replacement sports pitches and highway safety of other road users would not be harmed as a result of the proposed replacement sports pitches.
49. In light of this, it is considered by officers that the Club have satisfactorily addressed the matters outlined in resolution of the Planning Committee of 16 January 2019.

No other new material considerations or information has arisen. In the circumstances, my previous conclusion at paras. 69-73 of my previous report at Annex 2 (now ignoring the non-compliance with old policy HG5 as this has been replaced) remains appropriate. Therefore the application should be permitted.

## **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 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 to Football Association standards, 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

### 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 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.

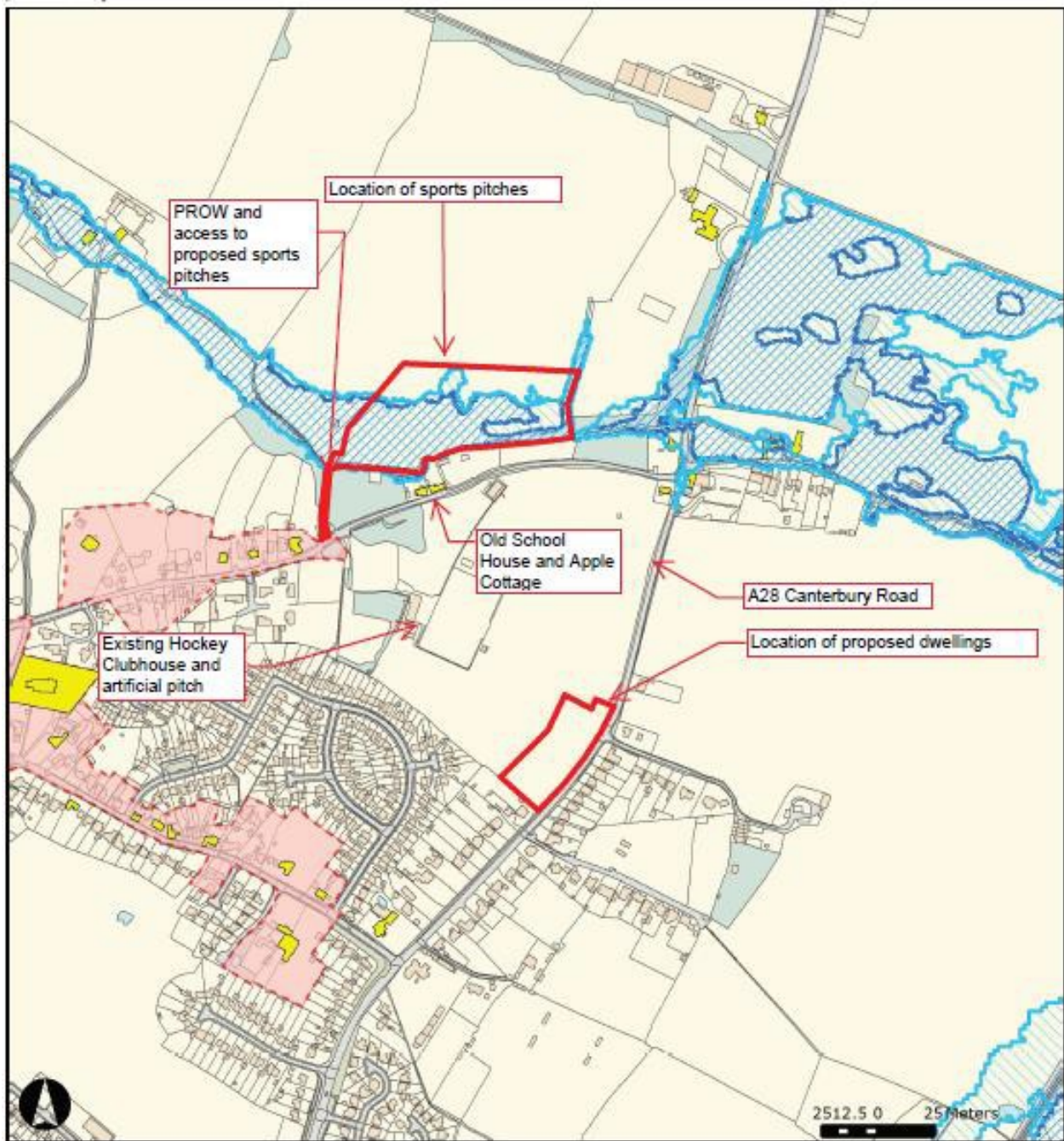
5. In accordance with BS5489 in new streets where trees are to be planted the lighting should be designed first and planting sites fixed afterwards.
6. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, 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  
**Email:** [rob.bewick@ashford.gov.uk](mailto:rob.bewick@ashford.gov.uk)  
**Telephone:** (01233) 330683

Annex 1



Annex 2

<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, 1+	(b) -	(c) SE/X, KAS/X, KHS/X, KCC LLFA/X, BTOD/X, KCCE/X, EA/X, EHM/X, KCCPROW/X, Kent Police/X, CPRE/R
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## Introduction

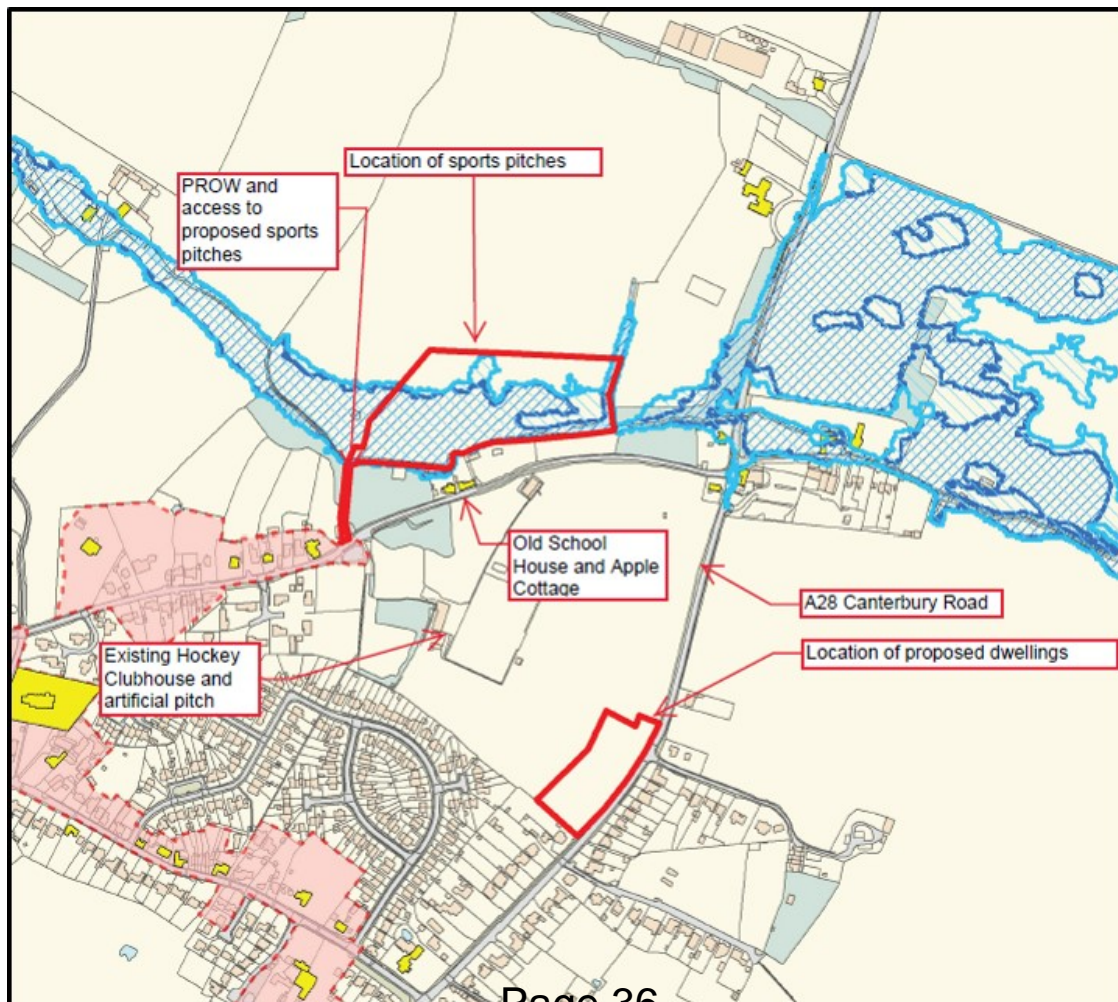
1. This application is reported to the Planning Committee because it is considered to be in the public interest given its contentious nature and the level of public interest in the scheme.

## 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.





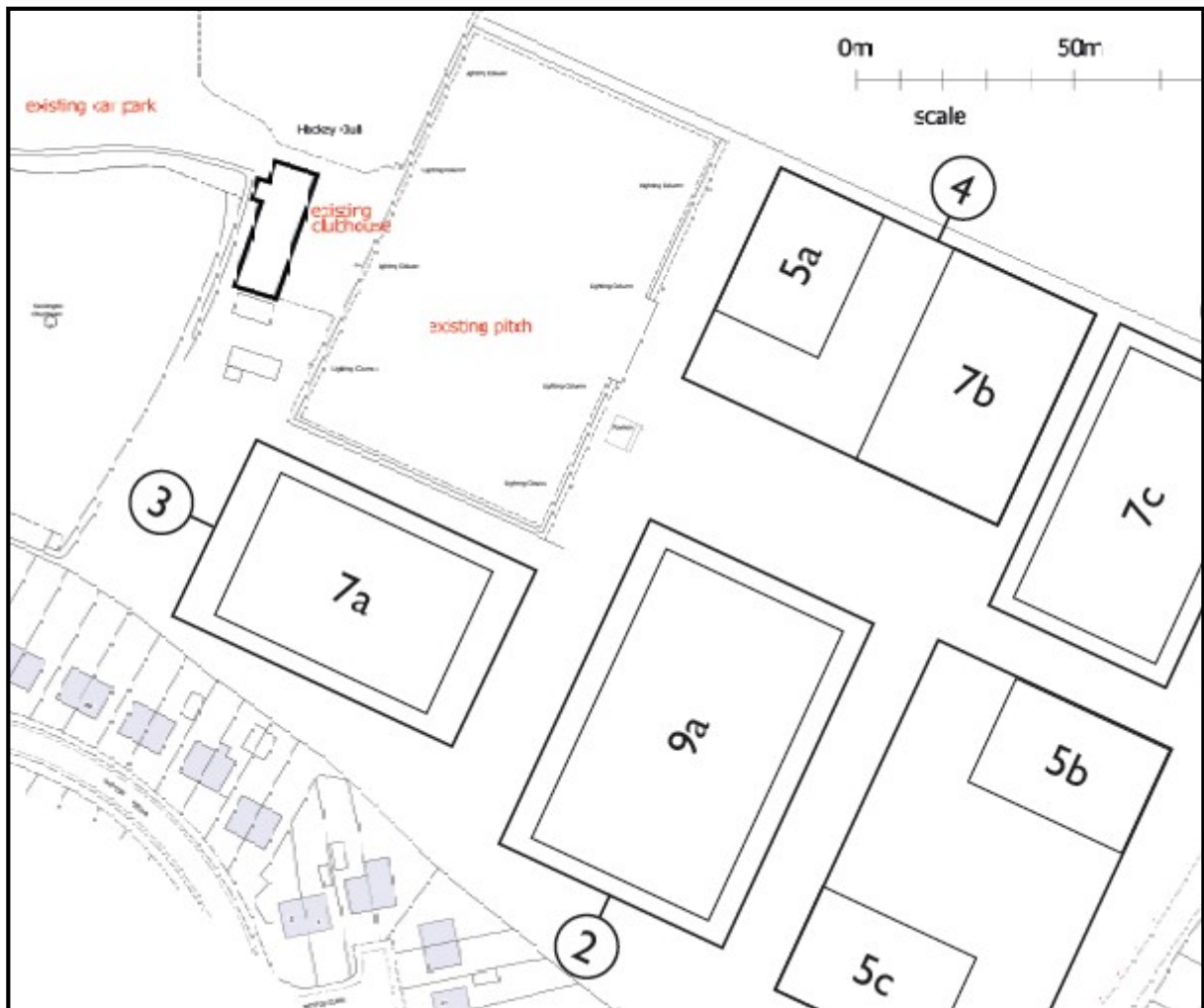


Figure 1 - Existing wider Hockey Club Site Layout with pitches marked

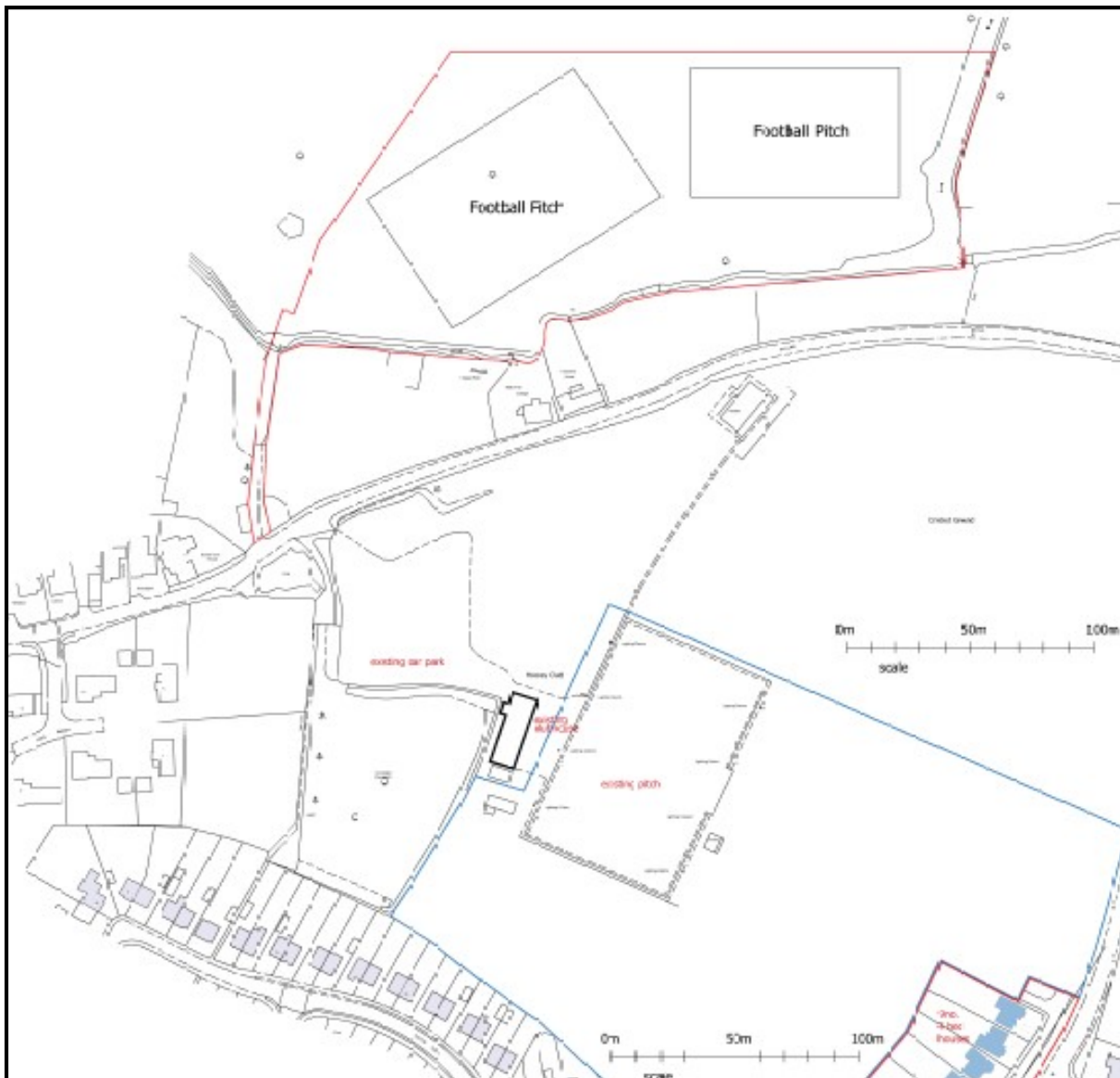
## Proposal

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 floodlights attached	PERM	25/11/2015
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.

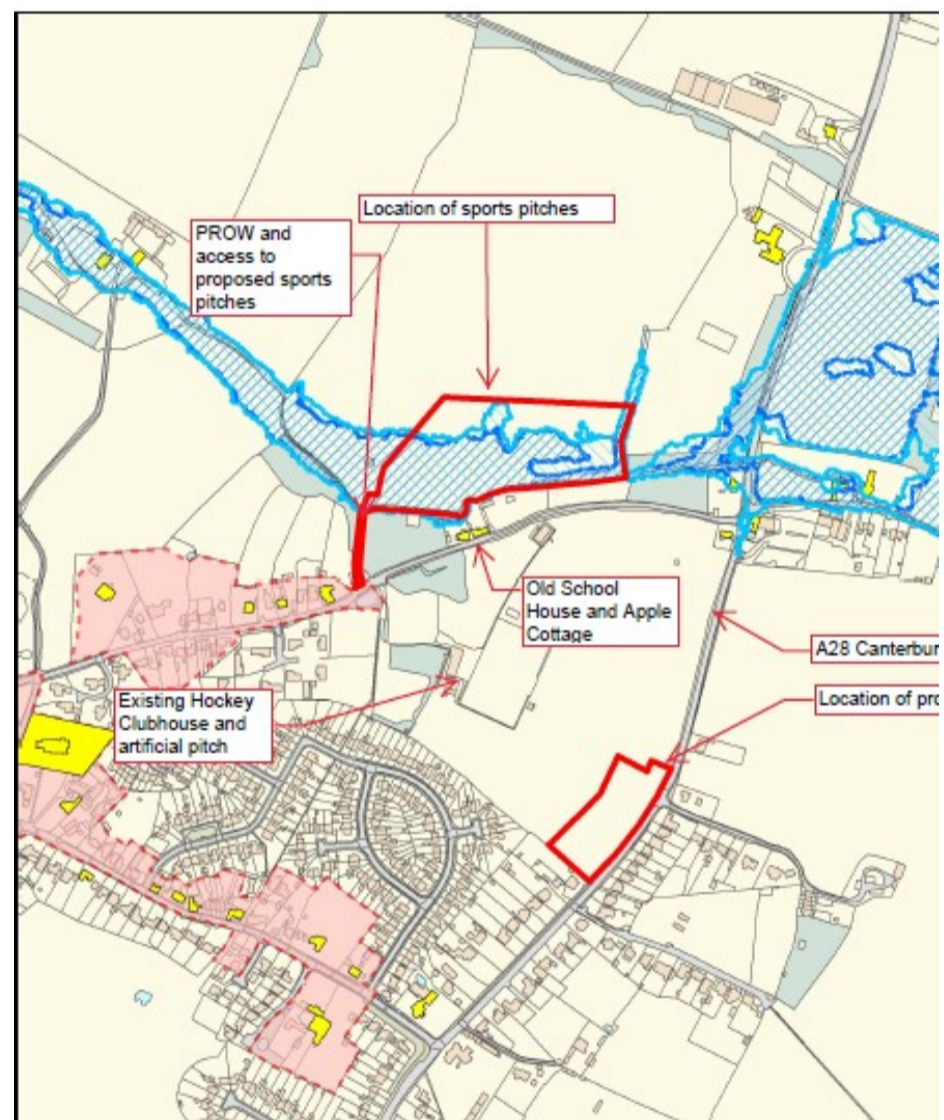
5. In accordance with BS5489 in new streets where trees are to be planted the lighting should be designed first and planting sites fixed afterwards.
6. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, 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



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<b>Application Number</b>	18/01771/AS	
<b>Location</b>	Smarden Charter Hall, Chessenden Lane, Smarden Ashford, Kent, TN27 8NF	
<b>Grid Reference</b>	88553/42436	
<b>Parish Council</b>	Smarden	
<b>Ward</b>	Weald North	
<b>Application Description</b>	Erection of a single storey store/shop (Class A1) with associated ancillary parking spaces together with a revised parking layout to Charter Hall.	
<b>Applicant</b>	Mr J Arnstein, Smarden Store Limited, The Pent House, The Street, Smarden, Ashford, TN27 8QT	
<b>Agent</b>	Mr S Hoyle, InspiredSPACE Architects, Coronation Villa, Bethersden Road, Smarden, TN27 8QT	
<b>Site Area</b>		
(a) 15 / 21 R, 82 S	(b) Parish Council S	(c) KH&T X, KCC (Heritage) - ?, PO X, KCC PROW X, EMS (Refuse) -, EMS X

## Introduction

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

## Site and Surroundings

2. The site includes the existing tarmac car park to Charter Hall and an existing overflow gravel car park adjoining the main tarmac car park. There are no formal bays laid out within either car park.
3. The site is located to the north of Charter Hall and is set back from the highway. There are grass verges between the site and the public footpath. The eastern boundary of the site is aligned with hedgerow. The Southern boundary of the overflow car park is also aligned by hedgerow. The north/northwest boundary fronting Pluckley Road and Chessendon Lane comprises a mix of trees and shrubs.

4. Residential dwellings surround the application site to the north, west and south. The east/south east boundary of the site adjoins land that has planning permission for 50 new dwellings.
5. The site is located within the Beault Valley Farmlands where the condition of the landscape is moderate, the sensitivity of the landscape is high and landscape objectives seek to conserve and restore.
6. Part of the application site along the north-west boundary is located within an area of Archaeological potential. Public Right of Way AW191A runs along the south-west boundary of the site. Jubilee House located opposite the site, is a Grade II Listed Building. Smarden Conservation Area is located approximately 80 metres to the north west of the site.
7. A site location plan is shown in figure 1 below and is also attached to this report as annex 1.

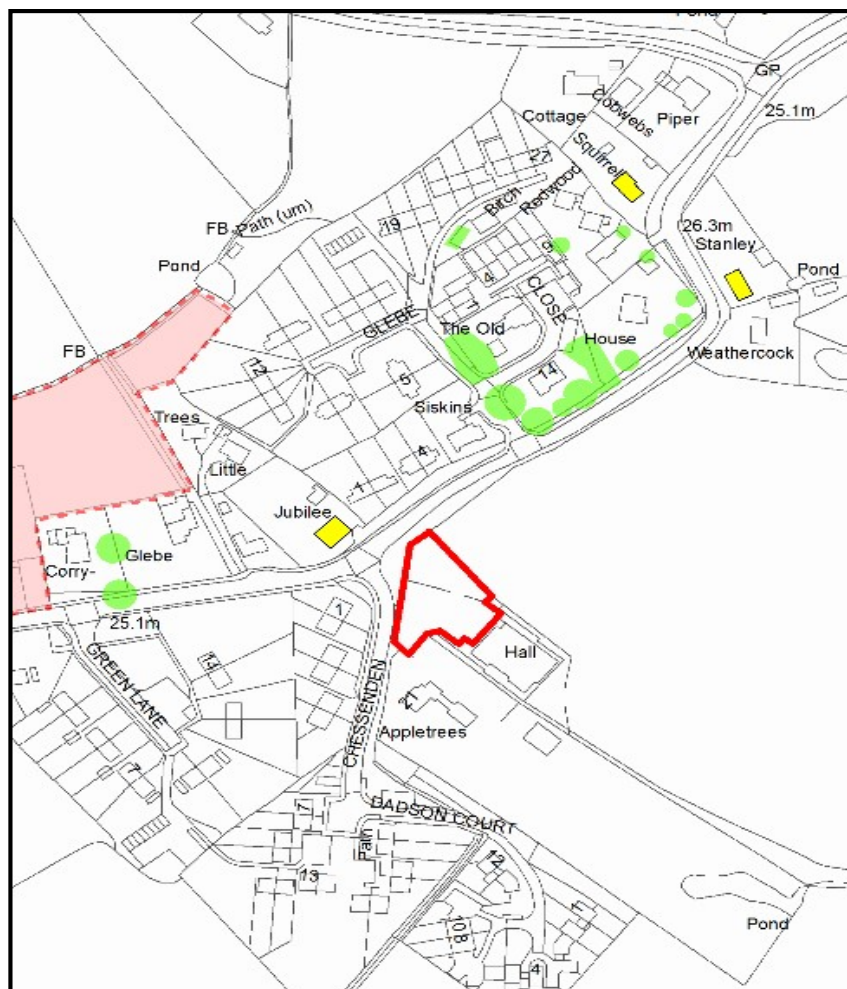
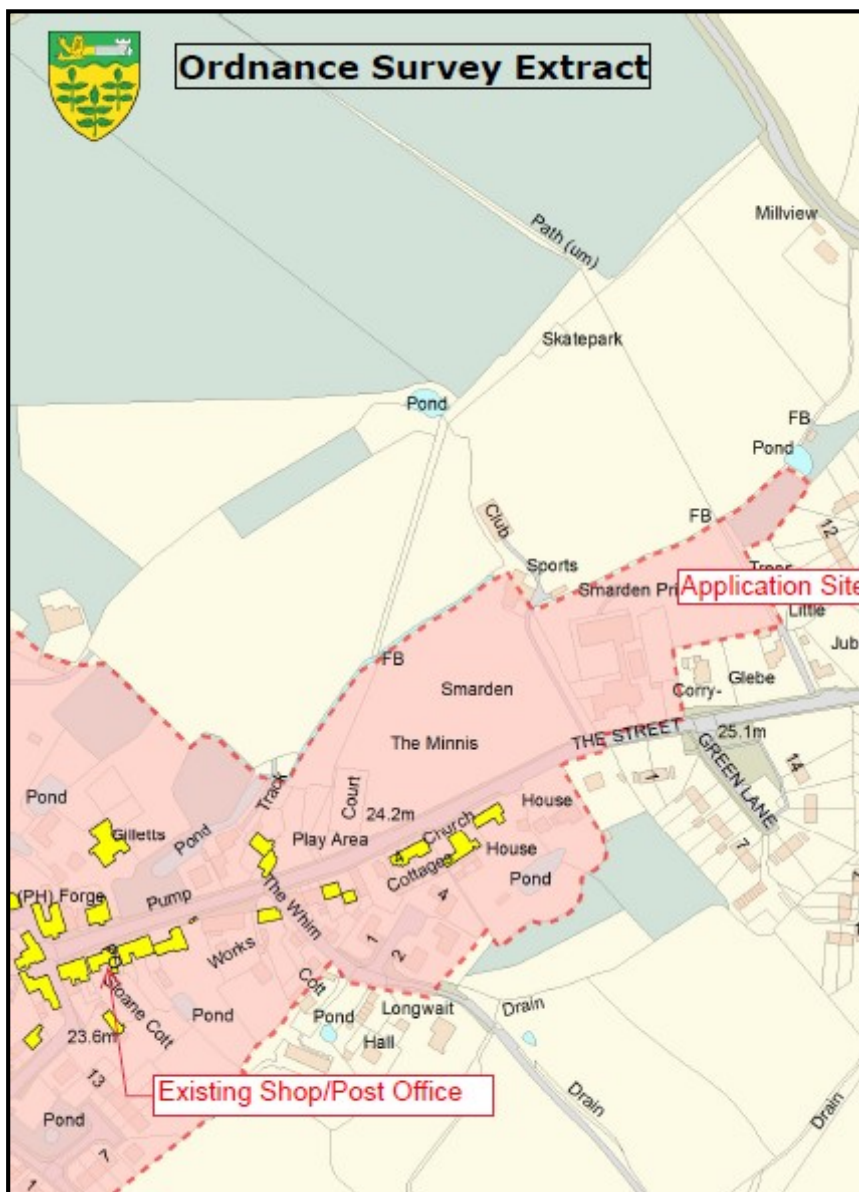


Figure 1: Site Location Plan

## Proposal

8. The proposals follow notification within the local community that the existing village shop and post office is closing. The existing shop/post office is located on 'The Street' in the centre of the village.



**Figure 2 Site plan showing the location of the existing and proposed shop.**

9. The application is a full application for planning permission for the erection of a single storey store/shop including a post office.

10. The primary use of the proposed building would fall within Use Class A1 (Retail). Within the building it is proposed to incorporate a small café seating area and a coffee counter, however, the plans indicate that this would be ancillary to the primary use of the premises as a shop/post office.
11. The building would be a single storey building with a pitched roof. The footprint of the building would be L shape. It is proposed to provide a retractable awning on the front elevation beneath which it is proposed to site 2 movable and one permanent display unit.
12. It is proposed to construct the building with a brick plinth, horizontal timber cladding, clay tile roof and aluminium frame windows and doors with glazed panels. The south east facing roof slope would be covered with solar pv cells.
13. The development includes a detached external bin store adjacent to the south east elevation. The bin store is relatively modest in size, would be constructed in horizontal timber cladding to match the proposed building, and has a flat roof.
14. The shop would be accessed off Chessenden Lane via the existing access into Charter Hall. The existing access would be widened slightly to accommodate the proposal. There would be a pedestrian access from Smarden Road to the front of the site.
15. It is proposed to provide additional parking on site to serve the development. The proposed development necessitates a revised parking layout to the existing car park serving Charter Hall. The revisions to the existing parking layout would preclude compliance with condition 3 of planning permission 05/01949/AS, which requires the parking to be provided/laid out in accordance with the approved plans. As a consequence of this, during the processing of the application the site was amended to include the existing car park serving Charter Hall within the red line boundary. The description of development was also amended to reflect this and the application was re-advertised.
16. Covered cycle parking is proposed adjacent to the bin store. Open cycle parking is proposed within the main car park.
17. The hedgerow along the Southern boundary of the overflow car park would be removed to facilitate the development. Openings would also be formed in the north and north-west boundaries to facilitate pedestrian footpath links onto Chessenden Lane and Smarden Road. These have recently been

incorporated into the red line and the application re-advertised as a consequence.

18. The proposed signage shown on the plans is subject to a separate application for advertisement consent.
19. Information submitted with the application confirms that to build and run the new store and post office, Smarden Store Ltd, a not-for-profit Community Benefit Society has been set up and approved by the Financial Conduct Authority and registered at Companies House.

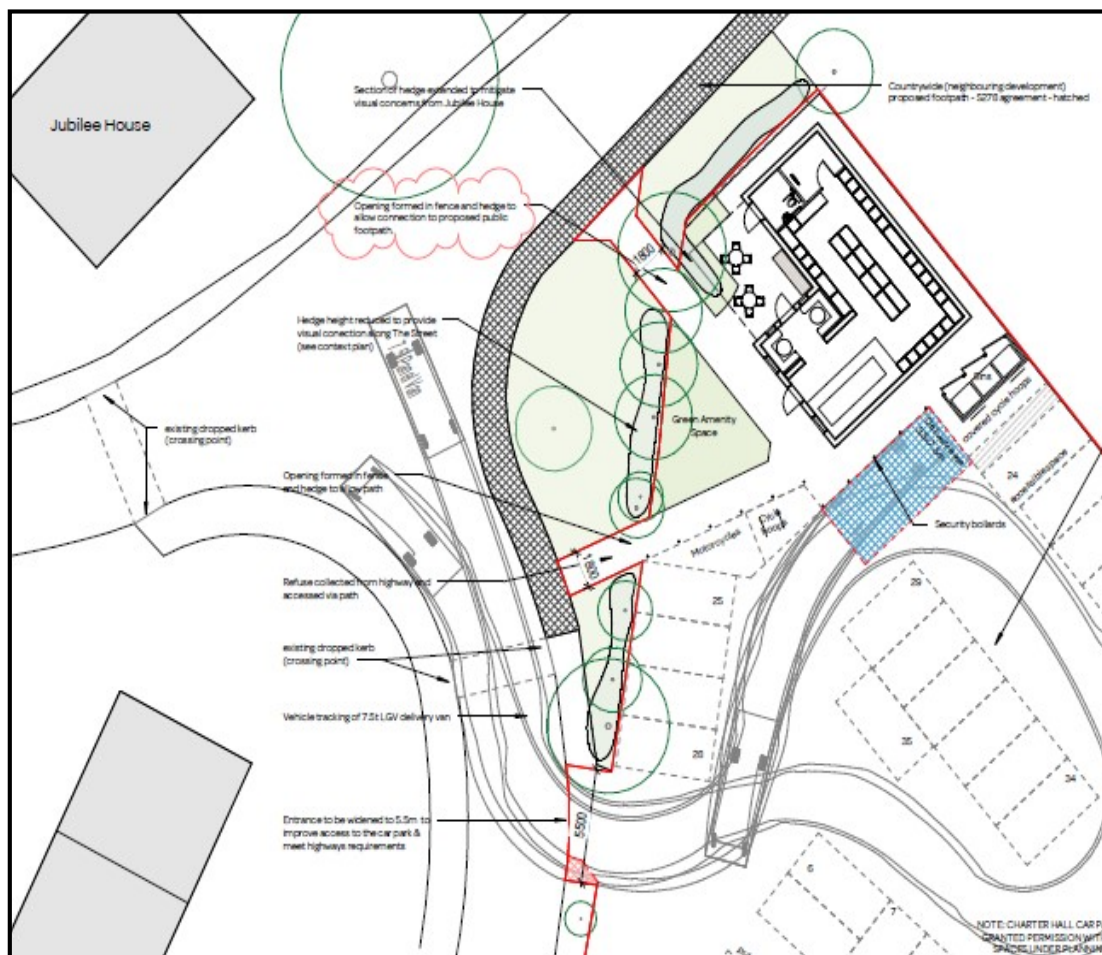
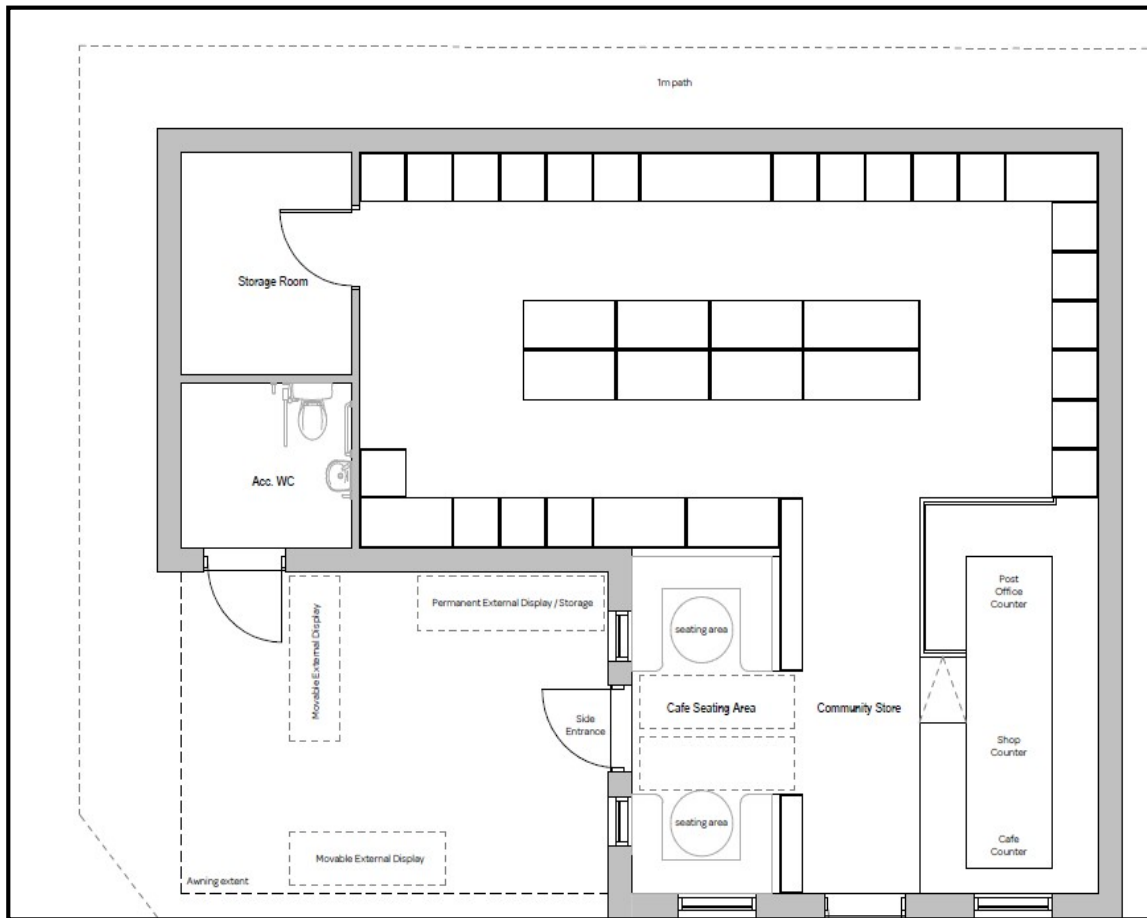


Figure 3 Proposed Site Layout Plan



**Figure 4 Proposed Floor Plan**

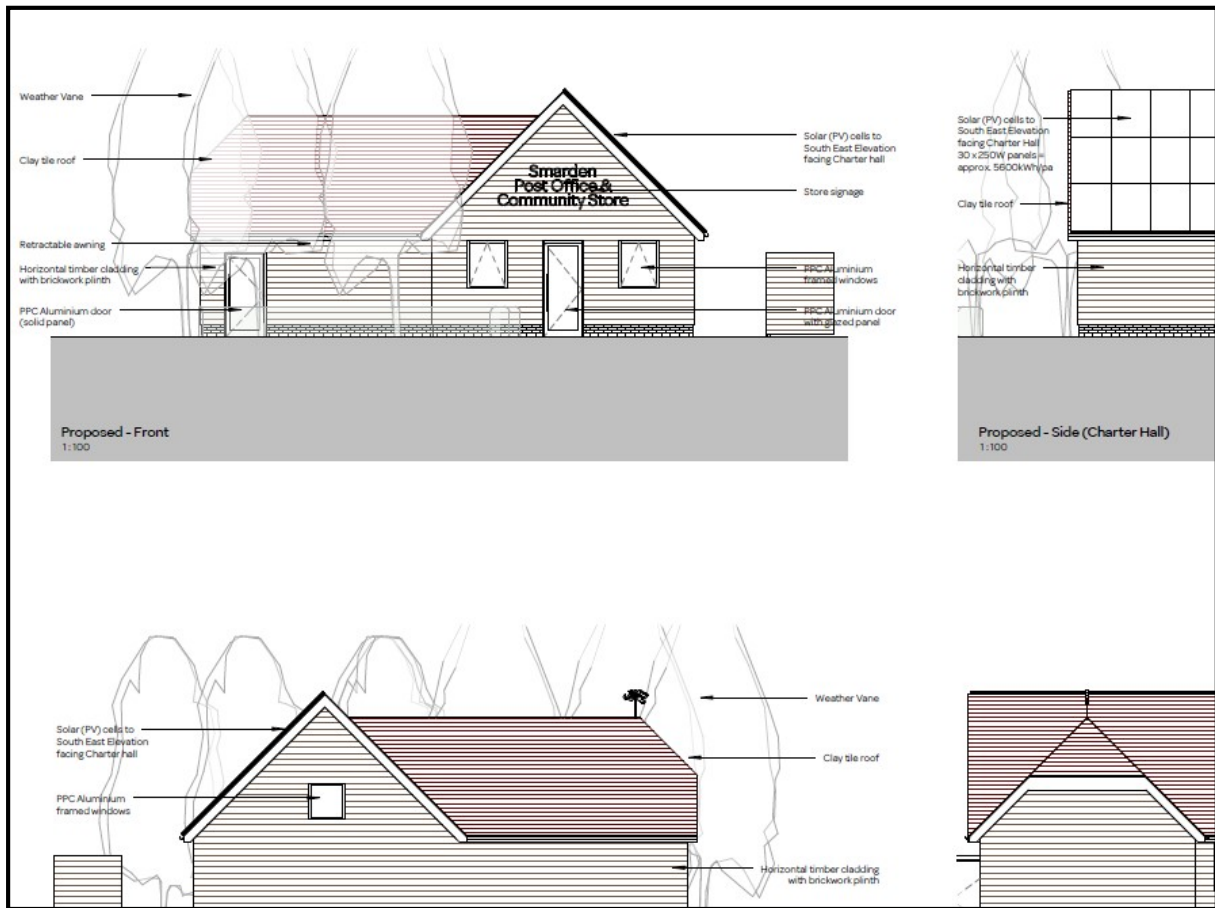


Figure 5 Proposed Elevations



**Figure 6 Proposed Awning and Display Unit**

20. In support of the application, a Design and Access Statement (DAS) has been submitted this has been summarised below:

- The DAS confirms that the building is proposed to compensate for the loss of the existing shop/post office.
- The DAS describes the village and the immediate context within which the building is proposed.
- The DAS addresses site selection, concluding that other sites that were considered are not suitable to accommodate the proposed development.
- The DAS confirms that the applicants engaged with the community and undertook consultation prior to submitting the application. The outcome of this is detailed within the DAS.
- The detailed design and access arrangements are discussed within the DAS.



## Planning History

The relevant planning history includes:

05/01949/AS Erection of new village hall and associated change of use of land.  
Planning permission granted.

18/01772/AS 1 non-illuminated fascia signage. Pending decision.

Land adjacent to the application site (Land between Smarden Charter Hall and  
Weathercock, Pluckley Road, Smarden, Kent):

16/00045/AS Proposed outline application for up to 50 residential units with all  
matters reserved except for access. Refused by the Council. Allowed on appeal by  
the Planning Inspectorate.

16/01515/AS Outline planning permission for up to 25 residential dwellings (including  
up to 35% affordable housing), introduction of structural planting and landscaping,  
informal public open space, informal village green area, surface water flood  
mitigation and attenuation, vehicular access point from The Street and associated  
ancillary works. All matters to be reserved with the exception of the main site access.  
Outline planning permission granted.

18/00576/AS Reserved matters application relating to the details of appearance,  
landscaping, layout and scale pursuant to outline planning permission granted under  
16/00045/AS (Proposed outline application for up to 50 residential units with all  
matters reserved except for access). Planning permission granted.

## Consultations

**Ward Members:** The ward member Cllr Dyer is not a member of the planning  
committee. No formal comments have been received.

**Smarden Parish Council:** Support the application stating that it will enable the  
parish to retain a village shop and post office.

**ABC Environmental Health** Raise no objection subject to conditions relating to  
hours of construction, foul sewage and refrigeration plan.

**ABC Environmental Services (Refuse):** No comments received.

**KCC Highways and Transportation:** Require further information.

**KCC Public Rights of Way and Access Service:** Object to the planning application on the basis that the alignment of AW191A will be obstructed by parking space no. 5 which can be identified in the submitted drawing '1001 REV P3'.]

**[Comment from Head of Development Management and Strategic Sites:**  
Amended plans received, to which KCC PROW have responded removing their objection subject to a condition to ensure that the area of the car park shown hatched on the ground is hatched to prevent members of the public from inadvertently parking there and blocking the PROW. ]

**KCC (Heritage):** No comments received.

**Project Office Drainage:** No objection subject to conditions.

Fifteen neighbours were consulted 21 letters of objection have been received and 83 letters of support. The application has been advertised in the press and by site notice.

The representations contained in the 21 letters received include the objections below:

- Highway impacts including:
  - Increase in traffic;
  - Inadequate parking/car parking arrangements;
  - Access;
  - Visibility;
  - Increase in travel to and from the shop by car;
  - The parking/access arrangements will increase the likelihood of traffic accidents;
  - The proposal would harm pedestrian safety.
- Opening hours;
- There are already adequate facilities in the centre of the village that cater for resident's needs;
- The facility is not need/required;

- Impact upon wellbeing and lifestyle;
- Location away from existing commercial premises;
- The post office is rarely used and therefore is not required;
- Impact upon visual amenity / design;
- The shop would adversely impact upon the viability of existing businesses;
- Charter Hall already provides an excellent meeting facility for teas/coffees and also hosts a number of groups and fitness activities;
- Charter Hall is often unused/vacant;
- Noise and disturbance;
- Lighting;
- The shop would be better placed adjacent to existing commercial premises where it can flourish;
- Removal of trees/hedgerow;
- There are other more suitable locations such as the Minnis;
- What would happen to the building if the business fails?
- The proposed development would breach human rights by impact upon the peaceful enjoyment of all possessions which includes the home and other land;
- The proposed location for the shop would mean that residents on the opposite side of the village cannot access it easily on foot;
- Impact upon Jubilee House which is Grade II Listed;
- Nearby towns can be accessed via public transport.

The reasons for support contained in the 83 letters received include the following:

- Need;
- The existing shop and post office is regularly used and so its replacement is much needed.

- Good location adjacent to charter hall which is a well-used facility;
- Public transport links are poor and many residents rely on local facilities to meet their day to day needs;
- The facility will support other local businesses;
- The 50 dwellings approved within the village will increase the need for facilities;
- It is important to support local businesses;
- Having a community shop is something that the village wants and needs;
- The village lacks facilities and a community shop would be a welcome addition;
- Traffic calming such as sleeping policemen could be considered;

## Planning Policy

21. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
22. The relevant policies from the Development Plan relating to this application are as follows:-

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

SP1	Strategic Objectives
SP3	Strategic Approach to Economic Development
SP6	Promoting High Quality Design
EMP1	New Employment Uses
TRA3b	Parking Standards for Non Residential Development
TRA6	Provision for Cycling

TRA7	The Road Network and Development
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark Skies
ENV8	Water Quality Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV15	Archaeology
COM1	Meeting the communities needs.

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

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Dark Skies SPD 2014

#### **Village Design Statements**

Smarden Village Design Statement

#### **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. The following sections of the NPPF are relevant to this application:-

24. 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)”

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 6 – Building a strong, competitive Economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

## **Assessment**

25. The main issues to consider in the determination of this application are:

- Principle of the proposed development;
- Visual impact of the development;
- Impact on the setting of Jubilee House (a Grade II Listed Building) and the Smarden Conservation Area;
- Impact on residential amenity;

- Other considerations including highway safety, ecology, drainage/flooding.

### **Principle of Development**

26. The Local Plan to 2030 recognises that the rural area plays an important part in the economic prospects of the Borough (paragraph 2.122).
27. Policy SP3 of the local plan sets out the strategic approach to the delivery of employment. The policy states that job growth and economic prosperity will be supported in order to enable the achievement of a sustainable economy. The policy indicates that amongst other things this will be achieved by taking a positive approach to economic development, by promoting rural employment opportunities in sustainable locations and improving skills in the workforce.
28. In response to policy SP3, the submission confirms “*all work required to run the post office, shop and café will initially be undertaken by volunteers as far as is practicable*” (page 8). However there is no evidence to suggest that paid employment in future is not optional or required, and so the facility would promote rural employment opportunities. The submission also confirms that training opportunities will be offered which could improve skills in the workforce.
29. Policy EMP1 of the Local Plan states that the provision of new employment premises, will be permitted within the built-up confines rural settlements listed in policy HOU3a provided that:
- a) The character and appearance of the settlement or surrounding landscape is not damaged significantly by the form of development proposed by virtue of its layout, building design and scale, the level or type of activity it generates, and the functional and visual relationship it has with adjoining uses;*
  - b) There would be no significant impact on the amenities of any neighbouring residential occupiers;*
  - c) Appropriate provision can be made for parking and access; and,*
  - d) The impact upon the local road network as assessed in terms of policy TRA7, can be mitigated. In the rural settlements, it must be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.*

30. The site is located within the built-up confines of Smarden which is a settlement listed in policy HOU3a. The impact upon the character and appearance of the settlement, surrounding landscape, residential amenity, parking, access and highway are assessed in detail in the paragraphs to follow.
31. The above policies are consistent with the approach within the NPPF which states that “*planning policies should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new ones*” (paragraph 83). Paragraph 84 states the following:

*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

32. In the context of the economy, the NPPF confirms that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development (paragraph 88). It is my view that this proposal would fall under the category of ‘other small scale rural development’. Furthermore, being located within the built up confines, policy EMP1 confirms that the principle of development is acceptable subject to compliance with criteria a-d. Like the NPPF, the policy does not require any sequential testing.
33. Notwithstanding the above, the submissions contained within the application seek to demonstrate that there are no other suitable sites either within or close to Smarden village centre that can accommodate the proposal. The submission confirms that other possible locations which included the existing shop, the Town Barn, the Chequers Inn, and a new building on the Minnis were either not viable or unavailable. In the case of the Minnis, the applicant confirms that the site is designated ‘Fields in Trust’. Fields in Trust work in partnership with landowners including local authorities, voluntary organisations and private landowners to protect land through a Deed of Dedication which is a binding legal commitment with the landowner which allows it to be protected in perpetuity for current and future generations to enjoy.



34. In addition to seeking to promote rural economies, the NPPF also seeks to promote healthy and safe communities (chapter 8). Amongst other things, paragraph 91 of the NPPF indicates that planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision local shops.
35. Policy COM1 of the Local Plan states that the loss of existing community facilities will be resisted unless sufficient evidence has been submitted to demonstrate that they are no longer required or are obsolete and that suitable replacement provision is being provided or is located nearby. Whilst, the Council has no control over the closure of the existing shop/post office located in the centre of the village of Smarden, the proposed development would nonetheless compensate for this loss. In this respect the proposed development would meet a localised need to the benefit of the local community. Furthermore, the demand for such a facility is likely to increase given the planned growth within the village of Smarden.
36. In conclusion, in accordance with above policy criteria and guidance and based on the supporting information submitted in respect of site selection, I am satisfied that the principle of the proposed development on this site is acceptable subject to there being no adverse visual impacts, impacts upon residential amenity, highway impacts, ecology, drainage/flooding.

### **Visual impact of the development**

37. Policy SP6 of the Local Plan promotes high quality design. Policy EMP1 seeks to ensure that the character and appearance of the settlement or surrounding landscape is not damaged significantly by the form of development proposed by virtue of its layout, building design and scale, the level or type of activity it generates, and the functional and visual relationship it has with adjoining uses.
38. Policy ENV3a requires development proposals to have particular regard to a number of landscape characteristics including for example landform, topography, the setting, scale, layout design and detailing of vernacular buildings and other traditional man made features.
39. It will be possible to view the building from Pluckley Road, Chesseden Lane and the adjacent public right of way., The proposed building would also be readily visible across the existing landscape on the approach from the west heading into the village in an easterly direction. That said, the site does not lie in an isolated or exposed location, as the proposed building would be viewed

in context with existing development including Charter Hall, (which sits within its backdrop), and is a significantly larger building of a similarly traditional form. In addition the land to the east of the site across which the building would be viewed recently obtained planning permission for 50 dwellings and continues to feature as a site allocation within the adopted Local Plan under policy S37. Consequently, in future, this building will be surrounded by, and viewed in context with existing and proposed development on all sides. For these reasons and given its single storey nature, form and scale, in officer's view, the building would sit comfortably on the site without appearing excessively dominant or obtrusive within the landscape or immediate street scene.

40. Furthermore, the palette of materials which include traditional materials such as a brick plinth, horizontal timber cladding and clay tile roof are present on buildings surrounding the application site and within the wider area. Therefore, the choice of materials will assist in the assimilation of the new development into its current setting. The non-illuminated signage that is currently being considered under a separate application, but is illustrated on the proposed elevations (Figure 4), helps to ensure that the buildings use is legible. The overall effect is that of a well-designed and suitably sympathetic building.
41. The proposed development would not require any significant alterations to the landform or topography. Although the proposals would involve the removal of part of an existing hedgerow and the removal of trees along the frontage to create two pedestrian footpaths, the trees/hedgerow to be removed are not of significant amenity value and given the amount to be removed would not demonstrably harm visual amenity. The plans indicate that sufficient landscaping to both the north and west boundaries would be retained to soften the impacts of the development. Further enhancements can be sought through the provision of additional landscaping to plug any gaps and mitigate this loss. This can be secured by condition.
42. The plans confirm that it is not proposed to provide any external lighting and again, this can be controlled by conditions.
43. In conclusion, the proposed building would not lie in an open or isolated position. Whilst the building would be publicly visible, its overall form, scale and proposed materials ensure that it would comprise acceptable development within the context of the surrounding built development. Therefore, I do not consider that the development would demonstrably harm the visual amenities of the street scene or surrounding countryside but instead would be viewed as an appropriate building for this environment.

### **Impact on the setting of Jubilee House (a Grade II Listed Building) and the Smarden Conservation Area**

44. In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to have special regard to the desirability of preservation and/or enhancement of heritage assets such as conservation areas and Listed buildings and their setting.
45. Policy SP1 of the Local Plan sets out the Council's key planning objectives which include the conservation and enhancement of designated heritage assets and the relationship between them and their setting.
46. Amongst other things, emerging policy ENV13 states that 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. Policy ENV14 indicates that subject to certain criteria development will be permitted provided it preserves or enhances the character and appearance of Conservation Areas and their setting.
47. At a national level, the general approach to considering applications that affect heritage assets is set out in paras 193 and 194 of the NPPF. The above policies are consistent with this approach.
48. There are some locations from which it will be possible to view the development in context with the Listed building opposite however the development would not erode any important views of this building, neither would it result in development which has an unacceptable visual impact (see assessment headed 'Impact upon visual amenity'). Whilst the proposed development may increase activity within the setting of the Listed building, given separation distances and subject to controlling the hours of operation this activity is not considered to result in any demonstrable harm by virtue of undue noise and disturbance. On this basis I am satisfied that there would be no adverse impact/harm to the setting of the Listed Building.
49. The conservation area is some 80 metres away and will be separated from the site by a road, existing dwellings and the retained landscaping. I am satisfied that due to this, the proposed development would not cause any harm to the character and appearance or setting of the conservation area.

### **Impact on Neighbouring Amenity**

50. Criterion (b) of policy EMP1 of the Local Plan indicates that the proposed development should not significantly impact on the amenities of any neighbouring residential occupiers. This criteria is consistent with paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users.
51. The proposed building would be located in excess of 20 metres from the nearest neighbouring properties on the opposite side of Pluckley Road and Chessenden Lane. As such, it is not considered that the building would result in any harm to residential amenity by way of loss of light or overshadowing. Neither would it have an overbearing impact. When viewed from neighbouring properties windows, it is possible that the building will restrict views eastward across the landscape, however, the loss of a view is not considered to be a justifiable ground for refusing planning permission, and furthermore, part of this landscape is allocated for residential development.
52. The proposed development has the potential to increase general activity and traffic movements to and from the site, thereby generating an increase in noise. Planning Practice Guidance (PPG) contains guidance on how to recognise when noise is an issue. At paragraph: 005 Reference ID: 30-005-20140306, it indicates that “noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude. The noise can slightly affect the acoustic character of an area but not to the extent there is a perceived change in quality of life”.
53. Given the separation distances between the proposed facility and neighbouring residential properties and having regard to the guidance contained in the PPG, I have not been presented with any evidence which suggests that noise associated with this proposal would impact in such a way that would cause significant changes to behaviour and attitude. It is not clear from the application whether there will need to be any refrigeration plant etc. If this is needed then the applicant needs to ensure that any noise/vibration from this is controlled. This can be controlled by condition. I am therefore satisfied that subject to conditions, there would be no observed adverse effects resulting from the proposed development and therefore no demonstrable harm to neighbouring amenity.
54. For these reasons I do not consider that the proposal would have an unacceptable impact on residential amenity.

## Highway Safety

55. Policy TRA7 of the Local Plan indicates that intensifying the use of an existing access onto the road network will not be permitted if a clear risk of road traffic accidents or significant traffic delays would be the likely outcome. Criterion d of policy EMP1 of the Local Plan seeks to ensure that the impact upon the local road network as assessed in terms of policy TRA7, can be mitigated. Criterion d also states that in the rural settlements, it must be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.
56. The application has been subject to consultation with KCC Highways and Transportation. Following receipt of amended plans KCC raise no objection to the proposal.
57. The site has direct access via the existing access serving Charter Hall onto Chessenden Lane. The existing access will be widened to accommodate the proposal. The plans indicate that there is sufficient turning space within the site to accommodate delivery vehicles up to 7.5 tonne. Kent Highways and transportation accept that a 7.5 tonne vehicle would be the largest required to make deliveries to the proposed store. In order to ensure parked cars do not cause an obstruction to vehicles entering or exiting the car park KCC have requested the provision of waiting restrictions (double yellow lines) on both sides of the entrance to Chessenden Lane, from its junction with The Street to the entrance of the car park. This can be secured by condition.
58. Policy TRA3b identifies the parking requirements for non-residential development. In the case of food retail, the policy requires 1 space per 18m<sup>2</sup> plus 1 space per 2 staff. The proposed building measures approximately 95m<sup>2</sup> which would generate a parking requirement of 6 spaces. Given that 10 spaces are proposed together with parking for a delivery vehicle, it is considered that ample parking is being provided on site to meet the needs of the development.
59. Condition 3 of planning permission 05/01949/AS for Charter Hall secured the provision of 26 car parking spaces. The plans submitted with this application confirm that there is adequate space within the site to enable the retention of these, plus an additional 10 spaces to serve the proposed development. The total number of car parking spaces provided across the site would amount to 36 and this would include 2 accessible spaces. The plans confirm that all parking bays would meet the standard size requirements. A designated area for the parking of delivery vehicles up to 7.5 tonne would also be provided. Along with KCC, I am satisfied that the amount of parking to be provided and its design and layout are acceptable and would accord with adopted policy requirements.

60. It is considered that the increase in vehicle trips associated with the use can be accommodated on the local highway network without any demonstrable adverse impacts.
61. The development includes the provision of two pedestrian footpath links, one onto Chessenden Lane and one onto Pluckley Road. The access off of Chessenden Lane would also double up as a collection point for refuse. KCC are satisfied that both the footpaths and refuse arrangements are acceptable. In the interest of accessibility and pedestrian safety, it is recommended that the footpaths are secured by condition.
62. Subject to conditions, the proposed development is not considered to result in any adverse highway impacts and would accord with relevant policies in the development plan and guidance contained within the NPPF.

### **Ecology**

63. Policy SP1 of the Local Plan sets out the Council's key planning objectives which include to conserve and enhance the Borough's natural environment including biodiversity. Policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. It also states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Policy ENV3a requires development to have particular regard to the type and composition of wildlife habitats. These policies are consistent with the NPPF which indicates that the planning system should contribute to and enhance the natural and local environment.
64. With the exception of some boundary planting, the site is laid to hardstanding. Having assessed the condition of the site against Natural England's standing advice, there were no features applying to the present condition of the site which indicated to me that the site was of important ecological value. Whilst the proposals will entail the removal of some boundary planting, this loss can be compensated for by securing additional planting elsewhere. This additional planting can be required by condition.
65. In light of the above, the development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies in the adopted development plan, and guidance contained within the NPPF.

## **Drainage/Flooding**

66. Policy ENV9 of the Core Strategy states that all development should include appropriate sustainable drainage systems (SuDS) for the disposal of surface water. Amongst other things the policy requires all developments to ensure they are designed to reduce the risk of flooding and lower runoff flow rates, reducing the impact of urbanisation on flooding.
67. Whilst no information has been submitted in relation to surface water management, due to much of the site currently being impermeable it is considered that the impact of development is likely to be minimal. However, in line with adopted policy and the Ashford Borough Council Sustainable Drainage SPD it would be expected that as a minimum a betterment should be provided on the site. This can be secured by condition.
68. Foul sewage is proposed to be disposed of via the main sewer. Again, this can also be secured by condition.

## **Human Rights Issues**

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

## **Working with the applicant**

70. In accordance with paragraphs 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**

71. The proposed development would compensate for the loss of the existing shop/post office in the centre of the Village of Smarden. In this respect the proposed development would meet a localised need to the benefit of the local community. Furthermore, the demand for such a facility is likely to increase given the planned growth within the village of Smarden. The scheme is therefore acceptable in principle.

72. The general layout and design is well conceived and would result in a high quality development on a small brownfield site.
73. I am satisfied that the proposals would not harm the setting of the adjacent conservation area and nearby listed buildings.
74. There would be no material harm to neighbouring or future occupier's amenity.
75. Following amendments to the scheme to address highway impacts and parking requirements, subject to conditions there would be no adverse impact upon highway safety. In addition there would be no demonstrable harm to ecology, flooding/drainage,
76. Overall, I am satisfied that subject to conditions, the site can be developed in an acceptable way.
77. In conclusion, the proposed development would accord with the Development Plan as a whole and the NPPF. As such, I recommend that planning permission should be granted.

## **Recommendation**

### **Permit**

**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)**



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

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

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

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

3. Prior to the commencement of any development above foundation level details shall be submitted to and approved in writing by the Local Planning Authority of the proposed means of any boundary treatment including details of any proposed bollards. The boundary treatment shall be provided in accordance with the approved details and shall thereafter be maintained.

**Reason:** To ensure a satisfactory appearance upon completion and in the interest of amenity.

4. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before any development above foundation level. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five 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 a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Schedule 2 Part 7 Classes A - E of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

**Reason:** In the interests of protecting the character and amenities of the locality.

6. The building shall only be used for the sale of convenience goods and as a post office with an ancillary café facility. The building shall not be used for any other purpose falling within Class A1 whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or whether or not permitted by virtue of the provisions within the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

**Reason:** In order that any other proposal for the use of the site is the subject of a separate application to be determined on its merits, having regard to the interests of the amenity of the area.

7. No development shall commence until plans and particulars of a sustainable drainage system for the disposal of the site's surface water, designed in accordance with the principles of sustainable drainage and the Ashford Borough Council Sustainable Drainage SPD has been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance). The approved system shall be provided and maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

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

8. The building shall not be used until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To avoid pollution of the surrounding area.

9. Prior to the installation of any plant (including ventilation, refrigeration, air conditioning and air handling units), to be used in pursuance of this permission a scheme for the control of noise and vibration of any such plant shall be submitted to and approved in writing by the Local Planning Authority. This shall then be installed in accordance with the approved details and the equipment shall be maintained and operated in compliance with the approved

scheme whenever it is operation. After installation of the approved plant, no new plant, ducting system or associated equipment shall be used without the prior written consent of the Local Planning Authority

**Reason:** To prevent the transmission of noise and vibration into any neighbouring properties to protect amenity.

10. The premises shall not be open to the public other than between the hours of 07:00 – 19:30 Monday to Friday 08:00 – 17:00 Saturday and 09:00 – 13:00 on Sunday, Bank and Public Holidays.

**Reason:** To protect the residential amenity of the locality.

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

**Reason:** In the interests of amenity of adjoining residents.

12. No development including any preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Management and Transport Plan shall include, but not be limited to the following:

- Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles including HGV's;
- Details of areas for the storage of plant and materials;
- Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

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

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

13. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

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

14. The vehicle parking spaces, space for vehicle loading/unloading and turning facilities shall be provided in accordance with details approved on drawing number 1010 revision P4 before the use is commenced, and shall be retained for the use of the occupiers of, and visitors to, the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking, vehicle loading/unloading and turning facilities.

**Reason:** To ensure adequate provision for vehicle parking, storage for bicycles and refuse in order to prevent the displacement of car parking, in the interest of highway safety, and in the interest of visual amenity.

15. No development shall take place until details of bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to the first use of the premises and shall thereafter be retained.

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

16. Prior to the commencement of the development a detailed design for the provision of waiting restrictions (double yellow lines) on both sides of the entrance to Chessenden Lane, from its junction with The Street to the entrance of the car park, to be designed in consultation with Kent County Council Highways and Transportation, shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be used until the agreed waiting restrictions have been provided in accordance with the approved details. The waiting restrictions shall be retained and maintained thereafter.

**Reason:** To ensure parked cars do not cause an obstruction to vehicles entering or exiting the car park in the interests of Highway and pedestrian safety.

17. Prior to the commencement of the development a detailed design for the provision of the widened access onto Chessenden Lane, to be designed in

consultation with Kent County Council Highways and Transportation, shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be used until the agreed access has been provided in accordance with the approved details.

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

18. Prior to premises opening for business the following works between the premises and the adopted highway shall be completed.
- The provision of footways and/or footpaths, with the exception of the wearing course;

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

19. Prior to the commencement of the development a detailed scheme to prevent obstruction of the Public Right of Way, to be designed in consultation with Kent County Council Public Rights of Way and Access Service, shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be used until the agreed scheme has been provided in accordance with the approved details. The agreed scheme shall be retained and maintained thereafter.

**Reason:** In order to ensure that the public right of way remains permanently accessible and free from obstruction.

20. The storage facilities for refuse shall be provided, in accordance with the approved details before the first use of the premises, and shall be retained and maintained available for use by the premises thereafter.

**Reason:** To ensure the permanent retention of secure storage for refuse in the interest of visual amenity.

21. Prior to their installation, details of the appearance, projection and method for affixing the proposed solar panels to the roof shall be submitted and approved in writing by the Local Planning Authority. The panels shall be installed in accordance with the approved details. The panels together with all associated supporting framework and fittings, shall be removed and the buildings restored to its former condition after their use has ceased.

**Reason:** In the interest of visual amenity.

22. 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.

23. 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**

#### **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,
- 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. 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.
  2. 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.
  3. 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 <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

## 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 18/01771/AS)

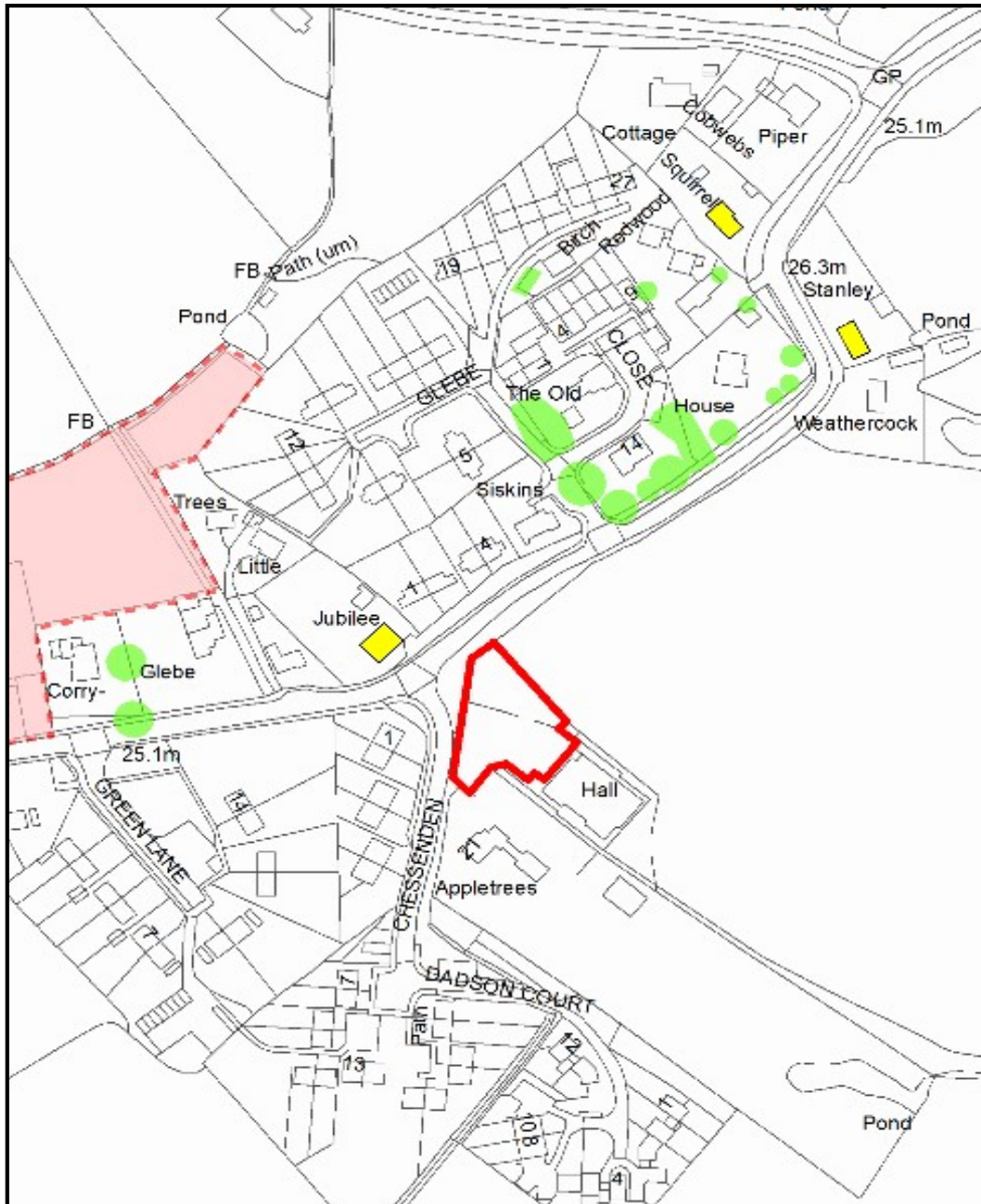
**Contact Officer:** Claire Marchant

**Email:** [claire.marchant@ashford.gov.uk](mailto:claire.marchant@ashford.gov.uk)

**Telephone:** (01233) 330739



Annex 1



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<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 a total of 244 residential units including 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) 31/1R	(b) -	(c) EA/X, KCCH&T/X, KCC-IED/X, ABC-EH/X, HE/X

## Introduction

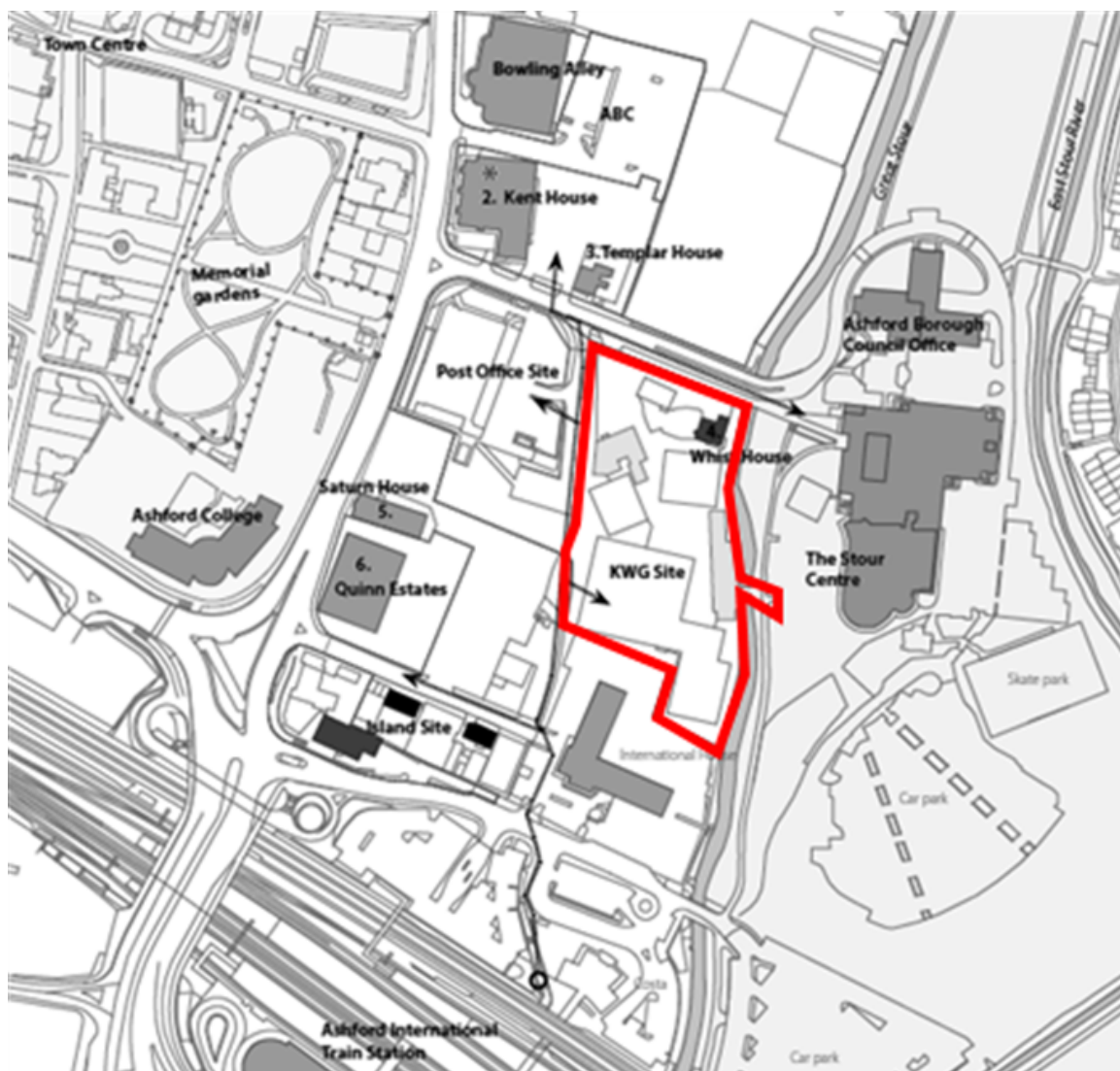
1. This application was reported to the January Planning Committee where it was deferred for Officers to seek amended plans to come back to Committee on the following grounds
  - reducing the density & size of the development
  - increasing parking provision,
  - further examination of the highway impact at the junction of Tannery Lane and Station Road.
2. A copy of the original report can viewed by clicking on the following link  
<https://ashford.moderngov.co.uk/documents/4970118-01168-AS-MC.pdf>

3. And the update report to that Committee is at <https://ashford.moderngov.co.uk/documents/b10270/Update%20Report%2016th-Jan-2019%2019.00%20Planning%20Committee.pdf?T=9>

The associated proposals for Whist House conversion was covered by the listed building application report (ref 18/01256/AS) which was also deferred. This application is reported back later on this agenda.

### Site and Surroundings

4. Please refer to original planning application report.



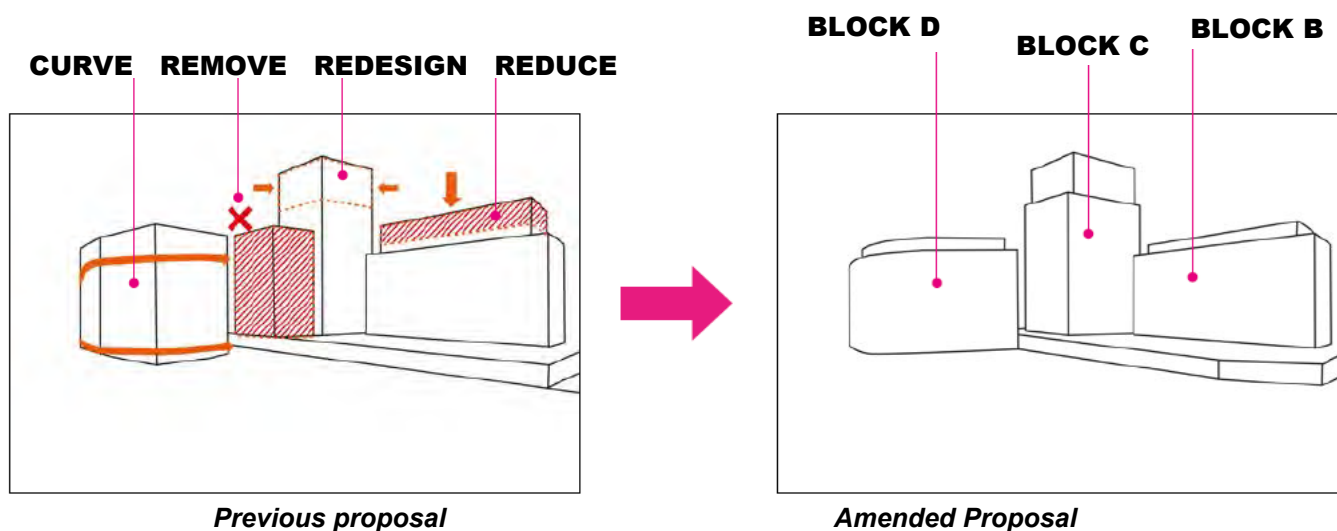
## Proposal

Amended plans and details have been submitted and the key design changes include:

- Reduced number of residential units (reduction 255 to 244 units, including Whist House). The residential mix has been amended to provide a higher proportion of 2-bedroom apartments. The revised mix comprises 28% 1 bedroom, 69% two bedroom and 3% three bedroom apartments. Whist House is proposed to be restored to provide a 4-bedroom house.
- The proposed changes to the number of units across the site are as follows;

<b>Block</b>	<b>Jan 2019 (no of units)</b>	<b>Current Proposals (no of units)</b>	<b>Change (no of units)</b>
Block A	32	<b>32</b>	0
Block B	58	<b>54</b>	-4
Block C	80	<b>67</b>	-13
Block D	84	<b>90</b>	+6
<b>Total (exc. Whist House)</b>	254	<b>243</b>	-11

- Revised building heights and massing, to three of the four blocks
  - Block A - unchanged
  - Block B – Reduced by one storey in height, with a maintained set-back top storey. The range of materials have been simplified.
  - Block C – The form of Block C is proposed to be altered through the removal of the lower eight storey element to the east and set back of the upper three floors by 750mm. A typical lower floor will now provide five residential units. The upper three floors provide four units per floor.
  - Block D – The form has been altered by curving the north elevation and extending the building to the west. The top floor is proposed to be set-back approximately four metres from the north and east elevations and three metres from the south and west elevations. The stepped massing and revised form reduces the mass of the block. The distance between Block C and D has narrowed to approximately 9metres. Some of the materials and architectural detailing has changed.



**Proposed Change to Massing (Blocks B,C and D)- viewed from Stour Centre direction**

- Access and Parking – The revised proposals include for the provision of 17 additional car parking spaces thus increasing the number of parking spaces from 178 spaces to 195 spaces overall. This increases the car parking ratio from 0.70 to 0.80 car parking spaces per unit (including No. 8 visitor spaces and No. 2 spaces for Whist House). Access to the site remains from Tannery Lane but the access to undercroft parking areas has been amended to provide a continuous parking area beneath Blocks B, C and D.
- Open Space & landscaping - An increased amount of public open space and landscaping – The revised massing of Block B allows for a more generous riverside corridor to be created. The revised landscaped podium area will be better enclosed to the west and south, helping to create an attractive amenity space for residents and members of the public. Steps from riverside to the podium have been relocated next to block D. There is no longer direct access to the riverside between blocks C and D for residents of block D.

### **Supporting Documents**

#### Design & Access Addendum

The attached amended package for the kent wool growers site has been thoroughly re-considered following deferral By members at committee in January 2019. As a professional consultant team, we feel that the revised proposal has addressed all major concerns, and brings forward a more balanced, smaller scale proposal for this important site in Ashford.

The combined reduction in scales of blocks B,C and D provide a more balanced scheme which fronts the landscaped public Realm more appropriately, whilst also offering a significantly Increased parking provision across the site and improved riverside corridor.

Alongside an increase in the number of parking spaces, the unit numbers have reduced by 11. Whilst amending the number of units, we have also re-visited the unit mix, ensuring that the revised proposal offers an increase in two bed units, and has less one bedroom units. The revised proposals offers 243 units, of which 28% are 1 bed, 69% are 2 bed, and 3% are 3 bed.

Finally, the revisions have focused on improving the aesthetic of the scheme, most notably re-visiting the architecture of Blocks c and d. both key buildings within the scheme, one acting as a wayfinding point, the other fronting the River Stour, these two blocks have been greatly improved from the initially considered scheme.

Overall, we feel that the design changes resulting from deferral at committee in January has resulted in more appropriate and Considered scheme.

#### Archaeological Assessment:

The Archaeological Assessment notes the requirement for post-demolition trenching and assessment. This requirement remains unchanged by the revised planning application and the assessment is unaffected by revised massing.

#### Ecological Assessments:

A number of reports and assessments have been undertaken, these include:

- Preliminary Ecological Assessment
- Bat Surveys
- Japanese knotweed Assessment
- Water Vole Survey

All of these reports and their recommendations cover the wider site S1 in the Local Plan 2030. Their outcomes and conclusions remain unaffected by the amended proposals.

Lighting proposals will need to be considered as part of the final design and these should minimise the potential for light spill into the river corridor.

This will be satisfied by suitably worded planning conditions, which have been agreed in principal with Ashford Borough Council.

#### Arboricultural Assessment:

An Arboricultural Impact Assessment and Method Statement have been produced for the project.

None of the trees to be retained are affected by the changes to the proposed development and the conclusions and recommendations made within the report remain unaltered.

Flood Risk Assessment:

It is our opinion that the existing Flood Risk Assessment remains valid for the proposed development. There is no additional construction within the flood plain itself and no flood accommodation space is lost.

The development has sought to provide an eight-metre buffer zone along the banks of the Great Stour. This has been achieved by removing existing buildings, which would, in the site's current arrangement, restrict both access and the flow of flood water. The proposed development therefore represents a significant enhancement to the existing conditions.

As a result, the proposed changes to the development do not represent a material change to our flood risk assessment. Whilst some of the pipework shown on the drainage strategy will require amendment; this can be addressed at the detailed design stage as the overall premise of the Drainage Strategy remains Unchanged.

Noise Assessment:

The changes to the design do not affect the noise assessment. As discussed and agreed with Ashford Borough Council, the principal of Planning Conditions related to noise and ventilation is accepted. The specific design of balconies and ventilation can therefore be agreed at the detailed design stage.

Air Quality:

The proposed changes do not increase vehicle trip generation and the size of any plant rooms will decrease. As a result the air quality assessment remains valid and represents a worst case scenario for the development.

In conclusion, none of the technical supporting documents listed above are materially affected by the proposed amendments to the planning application. As a result, no further, or updated reports are proposed and the existing documents are sufficient to support the revised planning application.

Heritage, Townscape and Visual Impact Assessment Addendum

The revised scheme reduces the perception of mass by stepping the upper storeys, redesigning the form and reducing the height of Block B. This will continue to have a



neutral/minor beneficial effect of the townscape and visuals, as assessed in the HTVIA of 2018, and will improve the appearance of the site.

The heritage impact remains as previously assessed. The design of the revised scheme will improve the immediate setting of Whist House, but the effects of the scheme remains as some minor 'less-than-substantial' harm to the Church and views to the Conservation Area and Whist House. This is balanced against the high-quality design and public benefits of the scheme.

As a result, the revised scheme complies with national and local policy:

1. According to paragraph 196 of the NPPF, proposals that result in 'less-than-substantial' harm should be weighed against the public benefits of a scheme. In this case, great weight has been given to conserving the heritage assets, as required by s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, by sensitively designing the scheme and demonstrating the significant public benefits offered.
2. The scheme complies with Policies SP1 and ENV13 of the Ashford Local Plan to 2030 (as with the August 2018 scheme) as the historic environment would be conserved and enhanced. The sensitive design of the scheme respects 'Policy S1 – Commercial Quarter'.

### Refuse Strategy

There is space to accommodate a total 84 1100L bins and 50 140L Food Waste bins across the site in four separate secure refuse stores. In accordance with Design Guidance Note 1: Residential Layouts and Wheeled Bins (<https://www.ashford.gov.uk/media/2417/design-guidance-note-1-residential-layouts-wheeled-bins.pdf>) 41 1100L refuse bins, 41 1100L recycling bins, and 49 140L Food Waste bins are required for the 243 units proposed.

The proposal for the KWG site exceeds these requirements. This allows excess capacity, so that exact bin layouts can be reconfigured, should it be required. Refuse Store A can be accessed by a refuse collection vehicle within less than the 10m drag distance required. A management system is proposed for Refuse Stores B, C, and D, so that bins are wheeled out of the refuse stores on collection days to ensure a 10m drag distance from the refuse collection vehicle.

Due to limitations on space, refuse management will be present at the time of collection to facilitate the return of all bins to the store room once they have been emptied. The management strategy will also ensure bins are rotated, cleaned, and maintained between collections, to avoid overflowing bins and inefficient use.

Proposed Development, Ashford KWG Site: Potential Highway Works Wellesley Road Two Lane Merge - Road Safety Audit Stage 1

Revised Development Proposals

- Construction of 243 residential apartments:-
  - 69 No.1 bedroom apartments.
  - 167 No.2 bedroom apartments.
  - 7 No.3 bedroom apartments.
- Whist House will be refurbished as a 4 bedroom residential house.
- 185 residential parking spaces for the proposed apartments and 2 spaces for Whist
- House. 8 visitor parking spaces are also proposed for the residential dwellings.
- - Access Arrangements
  - Access to the proposal site will be provided via a priority junction with Tannery Lane, similar to the existing access.
  - The development will be designed so as to be permeable to pedestrian and cycle access, as well as to be accessible to service vehicles, such as refuse collection vehicles.
- Parking Standards
- The proposed vehicle parking provision is lower than local standards however the census assessment has shown that 195 parking spaces will be adequate for the proposed residential units. 244 cycle parking spaces are proposed for the residential apartments.
- Traffic Assessment
- The traffic assessment included in this report identifies that when compared to the November 2018 submitted scheme (254 apartments + Whist House), the revised scheme (243 apartments + Whist House), will result in a reduction in trip generation.
- The overall increase in traffic, as a result of the proposed development, will be modest.
- Due to the reduction in trip generation, no further junction capacity tests or collision analysis have been undertaken. No further junction capacity tests are needed at the Tannery Lane / Station Road junction.

Conclusions

On the basis of the above, and considering that KCC have no objection to the submitted scheme, it is concluded that the development is acceptable from a transport perspective.

## Planning History

5. Please refer to original planning application report.
- 6.
7. A new planning application for a restaurant at Whist House has recently been submitted along with the listed building consent application. Both of

these applications remain undetermined.

## Consultations

The closing date for comments is 20<sup>th</sup> March. Any further comments received before Committee will be reported in the Update Report.

**Ward Members:** Cllr Dara Farrell and Cllr Charles Suddards are the Ward Members for this application and have made no comment on the application. Cllr Farrell is a member of the Planning Committee.

**Environment Agency –** Do not wish to make any further comments.

**Historic England –** Have reviewed the revised proposals for the above application and do not have any detailed comments to make.

### **ABC Environmental Services:**

ABC's Environmental Health Officer has asked for further detail on air quality, contaminated land and noise as the reports provided to date provide preliminary assessments only.

It has been determined that this may be dealt with by way of conditions, final wording for all to be finalised to ensure they fully and comprehensively cover those outstanding matters.

### **KCC Highways and Transportation:.**

*Thank you for the additional consultation on the Stage 1 Road Safety Audit and updated Transport Statement. The Stage 1 Road Safety Audit has not raised any highway concerns with the proposed Wellesley Road 2 lane merge as set out in drawing number 18002-SK190114.1. The Transport Statement does not raise any new issues with the impacts of the development on the Local Highway Network, including the impact of the development on the junction of Tannery Lane / Station Road.*

*I also note that the proposed number of apartments has been reduced from 254 to 243 units, a reduction of 11 units. This will reduce the impact on the local highway network compared to what KCC Highways and Transportation has previously considered. The proposals also increase the number of parking spaces to 185 spaces for the apartments, 2 for Whist House and 8 visitor spaces, giving a total of 195 spaces in total. This equates to a total of 0.8 spaces per dwelling, which is acceptable to the Local Highway Authority.*

*244 cycle parking spaces are now proposed for the apartments, which meets the requirement of 1 space per apartment. All cycle stores are proposed to be covered and Josta racks will be provided at 450mm centres.*

*I now have no objections to the application subject to the following conditions / Section 106 Legal Agreement being attached to any planning permission granted:*

*1) Submission of a Construction Management Plan before the commencement of any development on site to include the following:*

- (a) Routing of construction and delivery vehicles to / from site*
- (b) Parking and turning areas for construction and delivery vehicles and site personnel*
- (c) Timing of deliveries*
- (d) Provision of wheel washing facilities*
- (e) Temporary traffic management / signage*

*2) Provision and permanent retention of the vehicle parking spaces shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.*

*3) Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.*

*4) Provision and permanent retention of the cycle parking facilities shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.*

*5) Prior to the occupation of Whist House details shall be submitted to and approved by the Local Planning Authority showing the provision of 4 secure covered cycle parking spaces.*

*6) Completion and maintenance of the access details shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.*

*7) Completion of the Wellesley Road 2 lane merge as set out in drawing number 18002-SK190114.1 prior to the occupation of any of the apartment units hereby permitted.*

### **Section 106 Agreement**

*The Travel Plan and measures in it should be secured through the proposed Section 106 Agreement together with a £5,000 monitoring fee (£1,000 per annum over a 5 year period) so that KCC Highways and Transportation can effectively monitor the travel plan.*

*INFORMATIVE: 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 <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>*

*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.*

**KCC Infrastructure - Economic Development** - *I have discussed the primary education contribution (which is £97k and due to go to the St Theresa's expansion) with KCC Education and he has asked for this allocation to now go to Finberry Phase 2. Finberry is programmed to come forward more quickly than St Theresa's, as well as the prospect of delivering an expansion at St Theresa's being less secure.*

*Following revisions to the total number and mix of dwellings for the above application, please find KCC's revised request for Education and Community Contributions.*

### **Development Contributions Assessment**

*The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.*

*The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:*

- 1. Necessary,*
- 2. Related to the development, and*
- 3. Reasonably related in scale and kind*

*These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).*

**Request Summary**

	<b>Per Applicable House (0)</b>	<b>Per applicable flat (175)</b>	<b>Total</b>	<b>Project</b>
<b>Primary Education</b>	£4,535.00	£1,134.00	<b>£198,450.00</b>	Contribution to be applied towards the provision of Phase 2 – additional 1FE at Finberry Primary School, Ashford
<b>Secondary Education</b>	£4,115.00	£1,029.00	<b>£180,075.00</b>	Contribution to be applied toward the Phase 1 expansion of Norton Knatchbull Secondary School, Ashford

*Applicable' excludes 1 bed units of less than 56 sqm GIA – Please confirm that the 68 one bed flats fall below this square meterage*

	<b>Per Dwelling (243)</b>	<b>Total</b>	<b>Project</b>
<b>Community Learning</b>	£34.45	£8,371.35	Contribution to be applied towards additional IT, equipment for the new learners from this development – at Ashford Gateway
<b>Youth Service</b>	£27.91	£6,782.13	Additional equipment at the Sk8side Youth Provision
<b>Library Bookstock</b>	£208.93	£50,769.99	Contribution towards Ashford Gateway Library for additional book stock.
<b>Social Care</b>	£47.06	£11,435.58	Towards the Ashford town centre Changing Place Facility
	<b>3 Wheelchair Adaptable Homes as part of the on site affordable homes delivery</b>		
<b>High Speed Fibre Optic Broadband connection:</b>	<b>INFORMATIVE:</b> Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development. Please liaise with a telecom provider to decide		

	<i>the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact <a href="mailto:broadband@kent.gov.uk">broadband@kent.gov.uk</a></i>
Highways	<i>Kent Highway Services will respond separately</i>

Please note that these figures:

- are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

*Justification for infrastructure provision/development contributions requested*  
 The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out in Appendices 1 (attached).

### **Primary Education**

*Based upon the housing mix provided in the planning application, this proposal gives rise to 12 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 implementation of Phase 2 at Finberry Primary School, provision of an additional 1FE.*

*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).*

*Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.*

*KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2019-23 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.*

.....  
**Secondary School Provision**

*The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1*

*A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.*

*The proposal is projected to give rise to 9 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.*

*Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.*

*Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.*

**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 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*
- Ashford Borough Council to ensure the delivery of **3 Wheelchair Adaptable Homes** (as part of the affordable housing element on this site), with nomination rights given in consultation with KCC Social Care; need as evidenced below:*

<b>Local Authority</b>	<b>High priority applicants needing wheelchair accessible housing</b>	<b>Comments on waiting time</b>	<b>Any other observations (Kent Agency Assessment: KAA)</b>
Ashford BC	19	3 years	KAA

**Superfast Fibre Optic Broadband**

*Broadband Delivery UK (BDUK), part of the Department for Culture, Media and Sport, requires delivery of superfast broadband to all.*

*It is requested that Ashford Borough Council includes within any Planning Consent the requirement to provide 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings, as set out in the above Request Summary.*

.....

**Implementation**

*The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement.*

*Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available. If*

*you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulation 122, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.*

*Kent County Council confirms, in accordance with CIL Regulation 123, there are no more than 4 other obligations towards these projects.*

### **ABC Parking Services**

*The comments made in the response by Mr Leader, (Parking, Highways and Transportation Technical Officer at ABC) on 14.09.2018 are valid and indeed the parking ratio offered is aspirational. We are in a time where we are facing challenges to reduce traffic, congestion and improve air quality, all of which are important and require addressing and from this perspective the desire to reduce car ownership and dependency must be taken seriously.*

*Professional judgement shows that we are in a transitional period where certain demographics in society are choosing to use more sustainable modes of transport and are less reliant on cars. We cannot make assumptions that these individuals will be those purchasing these properties, however it is imperative that potential buyers are made aware of the parking provision offered.*

*Dependence on car ownership may push the designated number of spaces beyond its capacity once the development is fully constructed and inhabited. This could lead to a notable impact on the surrounding areas.*

*The boroughs roads are currently a resource which is shared for most part of the day by visitors, deliveries, shoppers, commuters, typically reverting to residents use at the end of the working day and this should be retained as far as possible as it operates successfully.*

*Though the notion of new Controlled Parking Zones (CPZ's) has been suggested there remains the need to approach parking with a flexible and proportionate view. The introduction of this new development does not mean that there will be a pressure elsewhere, it means there might be. The transport plans recommended and supported by ABC and KCC are there to help support the vision.*

*It would be naïve not to consider the need to monitor and investigate the impact on local parking, however I would caveat this with the following:*

*There must be an arguably demonstrable level of displacement that can be directly attributed to the development. In other words migration of parking from the development to local streets must be prevalent and supported by findings.*

*The request from Mr Leader for s106 funding to support investigations into parking*

*controls is quite correct. Though it is difficult to pre-empt any impact on local streets it would be prudent to have this option.*

*The introduction of parking controls is a lengthy, time consuming and expensive process and the decision to introduce a widespread scheme should not be taken lightly. For this reason it should be reasonably expected that should there become a necessity for new parking controls then there should be a future mechanism for ABC to recover the costs of doing so.*

### **ABC Housing**

We note the application but as this is in the town centre and the provision is all flatted development the newly adopted local plan states that there is no requirement for affordable housing as part of this application

### **Neighbours**

Royal Mail originally commented on the application as follows

- *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.*

Further comments on amendments were received just before the Planning Committee Meeting and were included in the update report –

- Objected to the statement which indicates that Royal Mail may be considering relocating from their current site. Royal Mail wish to clarify that this is incorrect and that Royal Mail has no intention of relocating their Delivery office to another location and therefore they still feel that future residents of this scheme could be negatively impacted by the continuously busy operations at the delivery office. Royal Mail requested this reference to their potential relocation to be removed from the Committee Report.
- Royal Mail do not consider that the objection to noise on most sensitive elevations has been addressed and they consider that Environmental Health Officer's expectations has not been met.

- The Environmental Health Officer has previously supported the inclusion of triple glazing and retention of balconies as paragraph 268 of the report confirms.

The Royal Mail then commented again on the planning committee report after the last planning committee.

- *Para 268 – States that all doors and windows upon the most sensitive elevations would be triple glazed – but there is no condition requiring this;*
- *Para 268 also states that the EHO has confirmed that further mitigation can be dealt with through the imposition of safeguarding conditions – there are no such conditions and no further mitigation;*
- *Returning to para 115 at which the EHO considers the noise assessment, at the second bullet point he notes that “many of the habitable rooms rely on closed windows to achieve acceptable internal noise levels”. This is clearly a reference to the EHO’s reading of the applicant’s noise assessment and he then refers to a “ventilation strategy and risk of summer over-heating” which he could not locate but which “...will be integral to ensuring residents are not frequently required to open windows for cooling thus exposing themselves to elevated levels of noise”. There is, however, no condition either requiring the submission of such a strategy (if it hasn’t already been submitted) or requiring its implementation if it has, notwithstanding it is integral to the scheme achieving acceptable internal noise standards. This requirement would seem to align with the further mitigation referred to at para 268*
- *Additionally, we are uncertain whether the EHO expected any further safeguarding conditions and request that, in addition to imposing conditions as above, you reconsult the EHO to see whether he had any further safeguards in mind. Otherwise we believe that conditions addressing the above issues should be imposed in order achieve acceptable safeguards, indeed the safeguards anticipated by the EHO.*
- *Please also note, conditions addressing the above points would not overcome my client’s fundamental objection to these proposals but simply seek to ensure that if permission is granted as measures of mitigation are included as possible to minimise future conflict*

A resident of Mill Court has objected saying they do not want this development to be built in this area.

Any further comments received from neighbours will be added to the Update Report.

## **Planning Policy**

8. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
9. The relevant policies from the Development Plan relating to this application are as follows:-

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

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP5 Ashford Town Centre

SP6 Promoting High Quality Design

## 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.**

HOU1 Affordable Housing

HOU6 Self and Custom Built Development

HOU12 Residential space standards internal

HOU14 Accessibility standards

HOU18 Providing a range and mix of dwelling types and sizes

ENV1 Biodiversity

ENV2 The Ashford Green Corridor

ENV4 Light pollution and preserving dark skies

ENV6 Flood Risk

ENV7 Water Efficiency

ENV8 Water Quality, Supply and Treatment

ENV9 Sustainable Drainage

ENV10 Renewable and Low Carbon Energy

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

IMP2 Deferred Contributions

IMP4 Governance of public community space and facilities

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

Sustainable Drainage SPD 2010

Residential Parking & Design Guidance (2010)

Public Green Spaces & Water Environment SPD (2012)

Dark Skies SPD 2014

### **Informal Design Guidance**

No change see previous report.

### **Government Advice**

National Planning Policy Framework (NPPF) 2018

No change see previous report **Page 131**

National Planning Policy Guidance (NPPG)

No change see previous report

## **Assessment**

10. The main issues to consider in the determination of this application were set out in the previous report to Committee, to which reference should be made in determining this application.
11. In terms of the amended plans requested by Members at that meeting, the new or amended issues are:
  - Reducing the density and size of the development
  - Increasing parking provision
  - Highway impact at the junction of Tannery Lane and Station Road.
  - Other amended considerations including design modifications, housing tenure mix, internal space standards, open space provision, accessibility

### **Reducing the density and size of the development**

12. Overall the number of proposed units has reduced by 11 to 243 new build units, plus the conversion of Whist House to a single unit, giving a total of 244 units. The previous proposal was for 255 units.
13. The overall average site density has now been reduced from 214 dwellings per hectare to 205dph. This is an acceptable high residential density which is typical of town centre locations such as this. It is also considered to be an appropriate level of density for a site like this close to a major railway station where land is highly valuable and it makes sense for people to live within a short walking distance of the station. The level of density is in keeping with the themes of the Local Plan (para 2.154 and 2.155) given the Plan's aspirations to support relatively high densities typical of a town centre, as an increase in the number of residents living in the town centre, in turn helps to support town centre commercially and culturally and can animate the town. I support the proposed residential density in this location.
14. Block A includes 32 units, remains largely the same and the size and design is not proposed to change.





**BLOCK B – original proposal**



**BLOCK B – Amended proposal**

15. Block B involves a reduction in height of 1 storey from 9 to 8 storeys. This is achieved by now only having just the top floor section recessed from the main building rather than 2 storeys previously. The number of units has reduced by 4 in this block from 58 to 54.

16. I am satisfied with the reduction in the height and number of units and I support the changes to the form and design of Block B, which makes it a better proportioned building.
17. Block C is the tallest part of the scheme involves a reduction of 13 units from 80 to 67. Block C has not been reduced in overall height which remains at 14 storeys. However the scheme does involve improvements to the massing and bulk of the tower with the removal of the substantial 8 storey south eastern addition to the main block. The overall footprint of block C tower has reduced significantly with the proportions of the tower becoming wider but the top 3 storeys having a noticeable set back to some elevations.

**ORIGINAL PROPOSALS**



**AMENDED PROPOSALS**



18. I support the changes to the form of the design as it will have the appearance of a free standing tower with a relatively elegant appearance that will seem smaller than the original proposal and with the changes its bulk and size will appear to diminish slightly towards the top of the building. For this reason I recommend supporting the size and design of Block C.
19. The footprint, form, massing and design of Block D has been substantially amended. It is not proposed to be reduced in height but involves a substantial reduction in the massing of the uppermost storey which is set back more from the main building façade than before. The increase in footprint means the number of units here increases by 6 units from the original 84 units up to 90 units.



20. I am satisfied with the improvements to the form of the block D building which will have a smaller overall mass at the uppermost level giving the overall

impression that the building is smaller in height than the original scheme. The proposed curved form will be more elegant and overcomes previous concerns over the north elevation of the block. Whilst the overall height has not been reduced, the top storey is recessed which will give the impression of a smaller building at street level. Also the increased footprint, reconfigured siting, and curved building form collectively leads to other substantial benefits as it will help screen views of the large International House from the proposed riverside open space and Whist House much more successfully than the previous scheme. At present International House dominates the area and the amended form helps to disguise its visual dominance.

21. I am satisfied that the reduction in the height of block B and combined with changes to the massing and reduced footprints of Blocks C and D reduces the impression of the size and scale of the development and thus helps to bring this large scheme slightly closer in scale to that envisaged in Policy S1. The size of the development is supported in this urban location with a wider vision for a mixed use high density commercial and residential area near the station. I consider the reduction of the number of units by 11 to be acceptable on the grounds that it reduces the overall density whilst still meeting the Council's aspirations for compact scheme that can take advantage of its accessible location near the station and help support the vitality and viability of the town centre.

#### **Increasing parking provision**

22. The changes to the form, and massing of blocks C and D has resulted in a more rational parking layout beneath the buildings. 12 external car parking courtyard spaces near block C and D have been relocated beneath the extended parking podium. There is no increase in number of parking spaces along the main access street and in the parking courts near to blocks A and B. Overall there is an increase from 178 car parking spaces to 195 car parking spaces serving 11 fewer residential units.
23. The revised parking ratio of 0.8 spaces per unit overall represents an improvement from the original proposal with a ratio of 0.7 spaces per unit. With 80% of homes now having parking spaces this increase is supported as this is a highly sustainable location, close by to public transport nodes as well as a large number of services and facilities within walking distance. For these reasons in this location the ability for people to carry out day to day activities without owning a motor car is considerable.
24. Based on 2011 census data 33% of households in the Victoria Ward do not own a car with only 67% owning a vehicle. This demonstrates that people can comfortably live in the town centre without owning a car due to the good public transport and range of services and facilities within walking distance.

25. Policy TRA3a of the 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 a sound justification needs to be given as to why.
26. 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. Whilst it is understood that it is often desirable to provide 1 space per unit on developments, I am comfortable in supporting the scheme with 80% of units having access to a car parking space as this is comfortably above the average car ownership rates in the town centre and public transport alternatives within this location makes the development particularly sustainable and accessible.
27. It is also important to point out that there are a number of public car parks within a short walking distance of the site. These car parks are free to use at night and season tickets are possible for their use during the day.
28. As was set out in the previous report 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 and reducing car parking provision is a way to achieve this.
29. The applicant has sought to ensure that as much provision can be made as possible, without a detrimental impact upon the riverside. Nevertheless whilst the provision falls short, in this instance on balance, it is considered to be acceptable, given the specific location of the site.
30. A revised travel plan has been submitted which states the developer is willing to provide residents with the option of a cycle voucher towards a new bicycle from a local bike shop or the choice of a 3 month free bus pass on the Stagecoach East Kent network, up to the value of £100 per dwelling. The developer is also willing to allocate up to 2 on-site car parking spaces for use by a car club and to facilitate its set up. Car club options are currently being investigated. Information on the regional car share website will be provided in the resident welcome pack and information on local taxi companies will be provided in a resident welcome pack. I am recommending that these be secured in conditions and s.106 obligations.
31. Kent Highways are satisfied with the level of parking provided on the site. Securing some of these range of options alongside the 0.8 ratio parking provision on site for residential units, and given the likely demand for car parking spaces in this town centre location, I am satisfied the proposed amended scheme is acceptable on the grounds of the level of car parking provision.

**Highway impact at the junction of Tannery Lane and Station Road.**

32. Kent County Council have confirmed that the safety audits and updated Transport Statements commissioned by the applicant have not raised any further highway concerns or issues with the impact of the development on the local highway network or the junction of Tannery lane and Station Road. The Highway Authority are satisfied that despite the increase in parking spaces the reduction in the number of units will have less of a highways impact than the original scheme proposals for 11 more units.
33. I am therefore satisfied that the scheme is acceptable on traffic capacity and highway safety Highways grounds as the Highways Authority have clarified that there will not be an adverse impact on the junction of Tannery Lane and Station Road.

**Other Planning Issues**

34. **Design** - The form and mass of blocks B, C and D has changed to reduce the size of the development and as assessed above is supported. Alongside the changes in form and mass the external appearance and materials have been amended to improve the facade treatment across the blocks. The buildings have more glazing and with more articulation and detailing that has improved the overall aesthetic design significantly. I consider it to be in keeping with the character of the area and the compact urban vision for the Commercial Quarter. I am satisfied the proposed designs will also complement the town centre aspirations for securing high quality designed buildings and places. I support these architectural changes and consider the design to be of an acceptable standard.
35. The material palette aims to ensure that the cluster of proposed buildings are more of a consistent theme whilst each offering its own distinctive and unique characteristics. I support this approach but the execution of this will be essential.
36. I have recommended design conditions to help test and refine the detailed palette of conditions on site using materials board containing the mix of all materials and architectural detailing for each individual block.

### **Typical Architectural Detailing**

**Block B**



**Block D**



**Block C**

37. **Change in tenure** - The revised unit mix is 28% 1 Bed apartments, 69% 2 bed apartments, and 3% 3 bed apartments, in comparison to the original scheme, which proposed 43% 1 bed units, 54% 2 bed units, and 3% 3 bed

units. I support the reduction in one bed units and increase in 2 bed room units on this development.

38. Policy HOU6 has now been adopted, but owing to the form of the proposed development (i.e. 4 large flatted blocks and one conversion of a listed building), it is not practical to require any of the site to be marketed as serviced dwelling plots to self- or custom-builders.
39. **Internal Space Standards** - The bedroom sizes all still meet national space standards and I therefore support the size of the residential units.
40. **Open space provision** - The changes to the layout and configuration of Blocks D and C result in an enlarged open green space within the centre of the site. The areas of publicly accessible space have increased by 290sqm (10.9%) from 2,670sqm to 2,960sqm which includes the riverside park area.
41. **Residential Amenity** - Royal Mail have stated that the development must seek to minimise the potential for noise disturbance for new residents living closest to their 24 hour operational site.

On balance the retention of balconies on the western elevations of the site is not considered likely to lead to complaints about unacceptable noise disturbance for residents as new residents would be aware when choosing to live here what the present situation is especially since the site is in a busy town centre location where noise and activity from established commercial uses is to be expected.

42. The design of the western elevation of units is very reliant on the inclusion of well designed balconies to enliven the appearance of the façade which will be very visible from the town centre. I consider removing the balconies would render the scheme unacceptable on design grounds. Also ABC's Residential Space SPD guidance requires all flats to have private amenity space. On a constrained site with challenging viability concerns it would be extremely difficult to achieve a layout without any balconies or flats close to the Royal Mail site on the western elevations without in some way overlooking the Royal Mail site and would effectively make this previously developed site extremely difficult to develop..
43. I do not consider noise to have a detrimental effect on users of the flats as negotiations following advice from The Council's Environmental Health Officer has suggested some further information and conditions will be attached to ensure these properties feature triple glazed windows and a closed windows ventilation system to achieve acceptable internal noise levels and thermal comfort. Also any further safeguards or mitigation that our Environmental Health team and I think are reasonable will be covered by condition.



44. Whilst these measures will be unlikely to overcome the original fundamental concerns of Royal Mail, I consider the conditions addressing the above points and advice of our Environmental Health officer will be sufficient to ensure that if permission is granted measures of mitigation are included that will help avoid any future conflict and, importantly, ensure an acceptable standard of amenity for future residents.

**Accessibility** – The layout has changed with alterations to the siting of Blocks C and D. As a result the steps up to the podium from the riverside area have moved to an adjacent position immediately adjacent to Block D. A route through the internal car park to the riverside area has been negotiated to ensure residents from Block D can easily access the amenity space and wider footpath network. A small extra door will be provided next to the podium steps onto the riverside open space. I support this opening as it means the occupiers of Block D would be able to access the landscaped podium a little easier, as well as the open space, the footbridge and then wider riverside corridor.

45. **S106 Contributions** – There are no changes to the level of contributions previously approved are proposed which provide a total of £255, 000. A new Heads of Term table 1 is required however to reflect the newly adopted Local Plan below.

Table 1	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>	£100 cycle voucher/bus travel voucher per dwelling	Provide to occupier on Occupation of each dwelling	<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 Policies SP1, SP2, TRA4, TRA5, TRA6, 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>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
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 Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, 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>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
3	<p><b><u>Controlled Parking Zone</u></b></p> <p>Contribution towards the making and implementation of a traffic regulation order for the site/other roads in the vicinity if this proves necessary -in the event that a CPZ is not necessary, the contribution will to be added to Play contribution.</p>	£15, 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> in order to protect the residential amenity of future residents and in the interests of highway safety and convenience pursuant to Local Plan 2030 Policies SP1, TRA3, COM1, IMP1, 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>

Table 1	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>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
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>	£98, 100	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> as no spare capacity at any primary school in the vicinity and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places', Developer Contributions/Planning Obligations SPG, 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>

Table 1	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 Local Plan policies SP1, SP5, SP6, COM1, IMP1 and IMP2 (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>

Table 1	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>



Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
8	<p><b>Travel Plan Monitoring</b></p> <p>Funding to KCC to monitor the travel plan to be approved pursuant to condition.</p>	£5, 000	to be paid in instalments of £1000 for 5 years post occupation	<p><b>Necessary</b> in order to promote public transport and encourage a modal shift away from private car use pursuant to Policies SP1, SP2, TRA4, TRA5, TRA6, Kent Local Transport Plan and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will travel and the measures to be monitored will reduce reliance on the private car.</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>
9	<p><b>Accessible and Adaptable Housing</b></p> <p>Provision of 20% of the units as accessible and adaptable housing (Building Regs. M4(2) standard for construction and fit out)</p>	Details to be agreed.	To be provided before first occupation of each block.	<p><b>Necessary</b> as would provide housing for those with accessibility needs pursuant to Policies SP1, HOU1, Hou14 of Local Plan 2030 the guidance in the NPPF.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>

Table 1	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

46. 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

47. 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

I recommend approval of the revised development proposals on the following grounds

- The proposal, whilst not fully in accordance with policies S1 and TRA3(a), accords with the policies in Development Plan covering town centre vision (Vision and SP1), and the principle of commercial quarter residential apartments plus many other environmental and design policies. The development will not pay full contributions as set out in the per previous report
- The proposals have been reduced by 11 units which has meant it is possible to reduce the height of block B and the impression of massing of Blocks B, C and D. I support the scheme on feel reduces the impression of the size and scale of the development in an acceptable manner within the Commercial Quarter for what will become a much busier place.
- I am satisfied it is in keeping with the wider vision for regenerating this part of the town with an appropriate density residential areas to complement the growing commercial area near the station and to help support the vitality and viability of the town centre economy.
- The increased parking provision will be provide sufficient parking for residents who live on the scheme in such a highly sustainable central urban location served by excellent public transport, services and facilities. I consider this level to be acceptable as there are also clear alternatives for those who choose not to own a car through the Plan package, car club, cycle

purchase scheme vouchers, and public transport voucher initiatives. The introduction of a Controlled Parking Zone on nearby residents streets will also discourage people parking beyond the site.

- I am satisfied that the Highway Authority has analysed the impact at the junction of Tannery Lane and Station Road and concluded there will be no adverse impact on safety or traffic flows.
- All other planning considerations are supported including the improved housing tenure and size mix (policy HOU1 does not require any affordable housing in flatted developments in town centre wards), the provision of adequate internal space standards, addressing noise matters to ensure residential amenity issues are preserved; a small increase in the open space provision; good accessibility for all residents to the open space; and the previously agreed level of s106 contributions has been retained.
- Although the applicant is not proposing to pay full s106 contributions the benefits of the redevelopment of this redundant site and the advantages of the scheme helping to regenerate the area outweigh this.

In light of this, it is considered by officers that the applicant has satisfactorily addressed the matters outlined in the resolution of the Planning Committee of 16 January 2019. For the reasons set out in my original report, as amended in this report to reflect the changes made to the scheme, I recommend that it be permitted unless any material matters not addressed in the previous report, this report, the Update report or at the meeting are raised in response to the outstanding public consultation on the amendments to the scheme. This can be covered by a delegated authority to officers.

## Recommendation

**(A) Subject to the expiry of the consultation on the amended plans and, in the opinion of the Head of Development Management and Strategic Sites or the Joint Development Control Managers, no further issues of significance being raised or, if any such are raised, their resolution to the satisfaction of the Head of Development Management and Strategic Sites or the Joint Development Control Managers, 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 (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

**(C) PERMIT**

**subject to the following planning conditions and notes, with any 'pre-commencement' planning conditions to have been the subject of the agreement process provisions (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)**

Implementation

1. The development hereby permitted shall be begun before the expiration of two 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 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 (and also including the means of access, 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 178th residential unit.
  - c) Whist House fully restored and completed no later than the occupation of the 224th residential unit.
  - 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 stage 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. External Materials – Within 3 months of the start of construction details of all external materials and detailing of all structures shall be submitted to and approved in writing by the Local Planning Authority including
  - source/ manufacturers,
  - material samples of bricks, tiles and cladding should be erected on a 1x1m panels located on site
  - samples of other external materials of architectural detailing such as balcony details, rainwater goods, roofing, eaves, doors, windows, canopies etc
  - External minor fixtures and fitting such as lighting, vents or flues etc.
  - Any associated utility paraphernalia such as cables, pipes,
  - 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.
  - Any visible joins, gaps, vents, weep holes, expansion points etc.
  - Thereafter the development shall be carried out using the approved external materials.

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

**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 below ground works (excluding demolition) 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 (excluding demolition and below ground works) 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, , 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 associated paraphernalia such as weather screens or patio heaters;
  - v. Means of enclosure to all boundaries including all fences, boundary wall details including style, detailing and final finish colour of railings.
  - vi. All proposed gates, including style, detailing and final finish colour.

**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 an 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. Prior to occupation of the 178th unit a bridge design scheme shall have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Kent County Council. Details of the proposed footbridge bridge should include provision for the movement of wildlife together with details of its 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 prior to occupation of the 178<sup>th</sup> residential unit and maintained in accordance with the approved details.

**Reason:** In the interests of permeability and visual amenity and along the River Stour and in accordance with paragraphs 170 and 175 of the National Planning Policy Framework (NPPF)

### 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 buildings 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 ;

- 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 relevant phase of development hereby approved details of any proposed CCTV scheme to provide coverage of the external spaces around the relevant phase, 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 external 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 relevant 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. Prior to occupation of the first dwelling a scheme for on site management shall be submitted and approved by the Local Planning Authority. This shall include details of refuse storage and the means of collection, CCTV coverage of the parking areas, secure access into the building and the western residential block, internal lobby and corridors, on-site security for the development in particular for the undercroft parking, the cycle storage area and vehicular access to the outside parking areas around the block. It should also include a maintenance regime for all external materials and surfaces of the building and car park, cycle store and refuse stores.

**Reason:** In the interests of the amenity and safety of the residents and users.

20. Within 3 months of the occupation of the relevant phase of 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

21. No development above ground floor slab level of the relevant phase (except demolition) 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.
- d) 1:10 and 1:20 details and sections of the window frames to residential units.
- e) 1:20 details of the balconies including materials, balustrade and railings fixings.
- f) Depth of window reveals.
- g) External doors including to flats, cycle store and bin store.
- h) Rooftop fixtures or equipment.

Thereafter, the relevant phase of 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.

### Air Quality

22. Before construction commences the following shall be submitted to and agreed in writing with the Local Planning Authority,

- a) An updated Air Quality Assessment including damage cost analysis in accordance with DEFRA guidance, setting out any suitable mitigation being applied to the development based on the calculated damage cost.
- b) An Air Quality Damage Cost Analysis in accordance with DEFRA guidance outlining any mitigation actions to be taken in response to the Air Quality Assessment

Thereafter any mitigation measures required for Air Quality during the demolition and construction phases of the project, supplied in AQA-19413B-18-109 REV C (Air Quality Assessment Report) document shall be adhered to.

**Reason:** In the interests of the residential amenities of dwellings

#### Residential Amenity

23. Before the start of construction, a finalised noise assessment and recommendations shall be carried out (based on the preliminary report ENA-19413b-18-232 dated August 2018) to inform the final design/mitigation for noise control and thermal comfort, and submitted to the Local Planning Authority. This will help confirm details of which units and windows on the west elevation of blocks A, B and C shall be fitted with triple glazing, and a closed window ventilation system capable of providing thermal comfort with the need to open windows. The assessment and mitigation works shall be submitted to and agreed in writing with the local planning authority, in consultation with ABC Environmental Health officers. Thereafter these agreed items shall be installed on the agreed units prior to the occupation of the relevant residential units.

**Reason:** In the interests of the residential amenities of dwellings

24. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from Station Road traffic and Royal Mail commercial site, shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

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

25. 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.

26. Prior to the operation of the premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme

whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

**Reason:** To prevent the transmission of noise and vibration into any neighbouring properties to protect amenity

27. 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 in accordance with Policy EN1 of the Local Plan.

28. Before any construction works commence a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

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

- b) Parking and turning areas for construction and delivery vehicles and site personnel
- c) Provision to be made on site to accommodate construction vehicles loading off loading or turning on site and the parking of site operative vehicles
- d) Timing of deliveries
- e) Provision of wheel washing facilities or alternative measures to prevent the transfer of mud and extraneous material onto the public highway
- f) Temporary traffic management / signage

**Reason:** To minimise disruption to the local highway network and to ensure consistency of approach throughout the development of the site.

#### Sustainable Drainage

29. 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 be 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.

30. 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 shall subsequently be maintained in accordance with these approved 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.

31. 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 of that associated phase, carried out by a suitably qualified professional, has been submitted to and agreed in writing with the Local Planning Authority. It should demonstrate 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.

32. Construction of the relevant phase of the development (excluding demolition) shall not commence until details of the proposed means of foul and surface water 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.

33. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

### Highways Matters

34. No dwellings shall be occupied until the completion of the Wellesley Road 2 lane merge as set out in drawing number (ref 18002-SK190114.1) .

**Reason** - In the interests of highway safety

35. No dwellings shall be occupied until the completion and maintenance of the following details shown on the submitted plan (100.03 Revision P6).are provided

- access details shown on the submitted plan
- undercroft car park design and their two accesses, including details of the barriers, lighting, signing, security measures, signs and lining

**Reason** - In the interests of visual; amenities and highway safety

36. The approved bicycle storage facilities for the relevant phase shall be provided prior to the occupation of the relevant phase of 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.

37. Prior to the occupation of the dwellings hereby permitted a Car Parking Management Scheme including a plan showing all the allocated parking spaces on the site identifying which apartments have rights to which car parking spaces and details of a simple, unobtrusive method of identifying and demarcating the allocated private or visitor spaces shall have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any of the dwellings hereby permitted and continue to be complied with for so long as the development is occupied. An up to date plan shall be submitted to the LPA annually. No permanent security objects such as a collapsible bollard, gate barrier or similar object shall be used to prevent access to the parking spaces unless otherwise agreed in writing with the LPA.

**Reasons:** In the interest of highway safety and visual amenity.

38. 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) Road, traffic and parking signs including any associated poles and fixings



(ii) Road markings

(iii) All materials including kerbs

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

39. No dwellings shall be occupied until the provision and permanent retention of the vehicle loading, unloading and turning facilities shown on the submitted plan (100.03 Revision P6) space has been laid out within the site so that vehicles can turn so that they may enter and leave the site in forward gear

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

40. No dwellings shall be occupied until the provision and permanent retention of the cycle parking facilities shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.

**Reason** – To support cycling provision facilities and promote the use of cycling as sustainable alternatives to the motor car.

41. Prior to the occupation of Whist House details shall be submitted to and approved by the Local Planning Authority showing the provision of 4 secure covered cycle parking spaces.

**Reason** – To support cycling provision facilities and promote the use of cycling as sustainable alternatives to the motor car

42. 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.

43. The parking provision for the residential development shall be in accordance with the approved plans and parking spaces shall accord with KCC parking space standards unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interest of providing adequate designate parking on site in the interest of highway safety.

44. 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.

45. No dwelling shall be occupied until details of a residents' information pack in respect of;- the nature of the approved allocated parking and to promote alternative forms of transport has been submitted and approved by the Local Planning Authority in writing and shall comprise the following unless otherwise agreed in writing; :-

- confirmation of the location of any allocated parking facilities
- details of the car club
- details of bus voucher scheme and local bus timetables
- cycle voucher purchase scheme
- details of electric vehicle charging points
- details of the walking distances and times to the nearest community facilities and services
- Information on the regional car share website
- information on local taxi companies

**Reason:** In order to ensure that car parking arrangements and alternative local modes of transport is similarly understood.

46. No residential dwelling shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained within three months of the first occupation of the buildings hereby permitted. The Travel Plan should include the following:

- Details on facilitating a car club scheme including up to 2 on-site car parking spaces for use by residents including how it will be run for a period of 5 years from the date of the first occupation.
- setting objectives and targets measures to promote and facilitate public transport use,
- a range of walking and cycling measures to reduce car usage measures to reduce air pollution
- a residents optional cycle voucher towards a new bicycle from a local bike shop and/or a 3 month free bus pass on the Stagecoach East Kent network.
- a resident welcome pack and information on local public transport Information on the regional car share website
- 
- promotion of practices/facilities that reduce the need for travel monitoring and review mechanisms
- Travel Plan co-ordinators and associated support
- Provision of travel information
- Marketing

together with a timetable for the implementation of each element.

**Reason:** 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.

47. The location of the two Car Club parking spaces shall be agreed with the Local Planning Authority before the use of the car park commences unless otherwise agreed in writing. Thereafter these spaces shall be preserved for car club parking spaces only unless otherwise agreed in writing with the Local Planning Authority.

**Reason :** 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.

48. Within a month of the final occupation, a monitoring programme(s), to investigate the off site parking impact resulting from this development and the need for introducing a Controlled/Restricted Parking Zone in the area around Mill Court, shall be submitted to and agreed in writing with the Local Planning Authority. The monitoring programme shall set out the method, frequency and extent of the area being monitored monitoring area and shall focus on at the following streets; Linden Road; Star Road; Maplesden Avenue plus any other surrounding areas considered to be necessary by the Local Planning Authority. Thereafter if the Local Planning Authority decide the monitoring results demonstrate there is an adverse impact on parking in these local streets and an clear need introduce a Controlled/Restricted Parking Zone, then a process and timescale for its introduction shall be agreed in writing with the Local Planning Authority.

**Reason :** To ensure the development does not lead to off-site parking in nearby existing residential areas

49. Prior to the first occupation, details of the location of a minimum of 2 designated parking spaces featuring electric vehicle charging points shall be

provided and agreed in writing with the Local Planning Authority. The charging points should be a dedicated electric vehicle charging socket and the charging points and parking spaces shall be installed prior to the first occupation. Thereafter the parking spaces and the charging sockets shall be retained and maintained in a working order for the parking and charging of electric vehicles only.

**Reason:** To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

### Demolition

50. 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

51. Before first occupation 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 in accordance 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.

52. 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.

53. 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.

#### Contaminated land

54. No development (except some small scale demolition of hardstanding) 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. This must include removal of parts of hardstandings to test soil below.
- 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.

55. If, during development, contamination (including gases) 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

56. 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

57. 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.

58. 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.

59.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

60.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. Detailed information and drawings of any non 'like for like' repairs and structural works not shown on the approved drawings, or any variation of these approved works shall be submitted to the Council and approved in writing.

**Reason:** To safeguard the characteristics, fabric and appearance of the listed building and in the interests of visual amenity.

61. 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.

62. 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, timbers, 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.

63. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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. 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/ agent responded by submitting amended plans, which were found to require further amendments acceptable and permission was deferred to give time for further amended plans to address the outstanding issues.
- The applicant was provided the opportunity to submit amendments to the scheme and address relevant design and planning 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.

## **Informatives**

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

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.

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."

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk)

## 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 //AS)

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<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 a total 244 residential units)
<b>Applicant</b>	U+I (Ashford) Limited
<b>Agent</b>	Lichfields, 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 is also to be reported on the agenda. It is for this reason the application is being reported to Planning Committee. This report was deferred at the January Planning Committee on the basis that the linked planning application (18/1168/AS) was deferred, but there was no specific discussion about this proposal.

## 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 Local Plan 2030 identified 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. The Local Plan Policies 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 a separate report 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>Prior Approval Not Required</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**

- 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 soaked 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 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 Desk-based 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 desk-based 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 Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).

19. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
20. In referring to the original committee report 16 January 2019, in light of the policy changes referenced above, the additional policies identified in that report are no longer applicable.
21. The relevant policies and sections from the Development Plan relating to this application are as follows:-
  - The Vision (page 8)
  - SP1 – Strategic Objectives
  - Policy S1 Commercial Quarter
  - ENV13 Conservation and Enhancement of Heritage Assets
  - ENV15 Archaeology

#### Other Relevant Policies/Documents

- **ABC's - Adopted Heritage Strategy 2017 (NBD03)**
- **ABC's Corporate Plan (2015) Priority 4: Attractive Ashford: countryside and townscape, tourism and heritage**

#### **Government Advice**

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

22. 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.
23. 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.

24. 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.
25. 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

26. 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.*
27. 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.
28. 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**

29. 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.
30. 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.
31. 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.
32. 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.

33. In determining application such as this, Officers and Members are required to effectively weight up the benefits and dis-benefits of the proposal, giving special weight to the desirability of preserving the buildings 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.
34. 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.
35. 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.
36. Historic England did not comment on the loss of the two outbuildings.
37. 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**

38. 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.
39. 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.

40. In terms of alterations to the significance of the building, there are no proposed alterations to the layout of 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.
41. 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.
42. The external landscape works are being considered as part of the corresponding planning application.
43. 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.
44. 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 address 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.
45. 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**

46. 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**

47. 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**

48. 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 historical interest, this is considered, on balance, to be acceptable because of the substantial public benefits that would be delivered as identified in this report, that outweigh that harm and loss. Local Plan policy ENV13 and the NPPF (2018) do allow loss of heritage assets where such benefits are demonstrated, therefore I consider that this application is in line with the Plan and NPPF.
49. 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.
50. It is therefore recommended that Members grant listed building consent subject to the imposition of the following conditions. If Ashford are minded to approve the application the Secretary of State (SoS) will need to be notified about the intention to grant listed building consent to establish if the SoS wishes to call it in. The reason for notifying the SoS is due to the 2 older brick buildings being considered to be curtilage Listed structures to Whist House. This means that whilst they are not the principle building, they are protected under the Act and so their demolition requires LBC. Historic England are in agreement about this.
- Whist House is listed grade II (starred) rather than unstarred and as such the exception to referral under the 2015 Direction para 5(a) does not apply. Also the scheme is to be referred to the Secretary Of State because "other works" than works described in 2015 Direction para 5(b) are proposed to be given



listed building consent but objection has been made by a National Amenity Society in this case the Ancient Monuments Society, about the demolition of these two buildings which in

### **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.**

### **Grant Consent**

#### **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.

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<b>Application Number</b>	18/00759/AS	
<b>Location</b>	Land to the South of Sicklefield House, Ashford Road, St Michaels, Tenterden, Kent	
<b>Grid Reference</b>	88597/35776	
<b>Parish Council</b>	High Halden	
<b>Ward</b>	Weald Central	
<b>Application Description</b>	Outline planning permission with all matters reserved except for access from the A28 for up to 30 residential properties, open space and associated access into the site.	
<b>Applicant</b>	Mr C Hawkins, DHA Planning, Eclipse House, Sittingbourne Road, Maidstone, Kent, ME14 3EN	
<b>Agent</b>	As applicant	
<b>Site Area</b>	3.02ha	
(a) 26/1X, 2S, 6R	(b) R, TTC (Adj)X	(c) KCC BIO/X, KHS/X, TDRA/R, WKPS/R, HSE/X, SGN/X, Housing/+, KCC PROW/X, Ramblers/X, SWS/X, BTOD/X, KCC LLFA/X, Kent Police/X, KCC Ed/X, Refuse/+, NHS/-

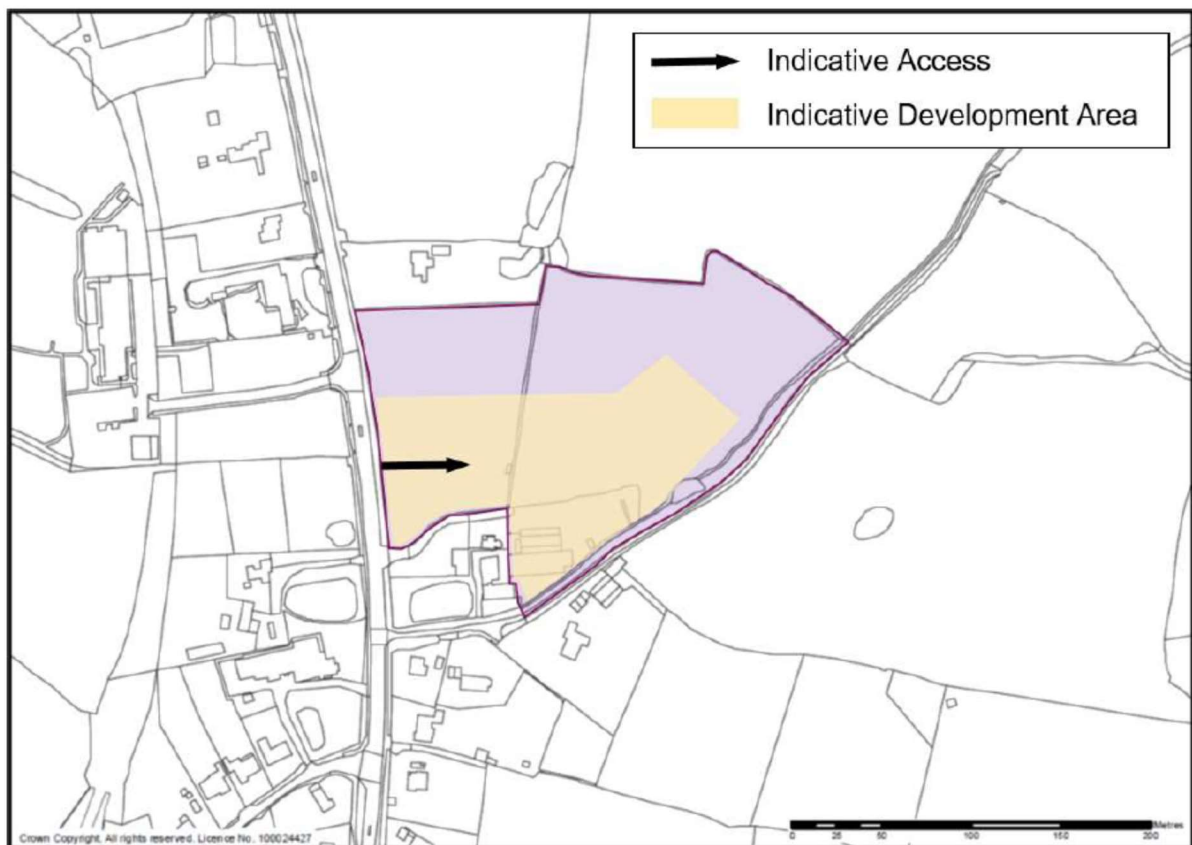
## Introduction

1. This application is reported to the Planning Committee because it is a major application on site allocation S60 in the Local Plan to 2030.

## Site and Surroundings

2. The application site relates primarily to an undeveloped parcel of land to the east of the A28 Ashford Road, within the parish of High Halden. The site is adjacent to the boundary between High Halden and Tenterden which runs along the A28.

- The site forms the site allocation under policy S60 which has an indicative capacity of 50 dwellings. The site is divided to the north by a high pressure gas pipeline (HPGP). The division of the site by this pipeline is reflected in the site allocation policy S60 which shows an indicative developable area (see figure 1).



**Figure 1 - Site allocation plan (S60)**

- The built up confines of St Michaels settlement sit to the south of the site wherein there are a range of services including schools, shops and public transport connections. The settlement also forms part of Tenterden, which is a main service centre in the Borough with a large number of services available.



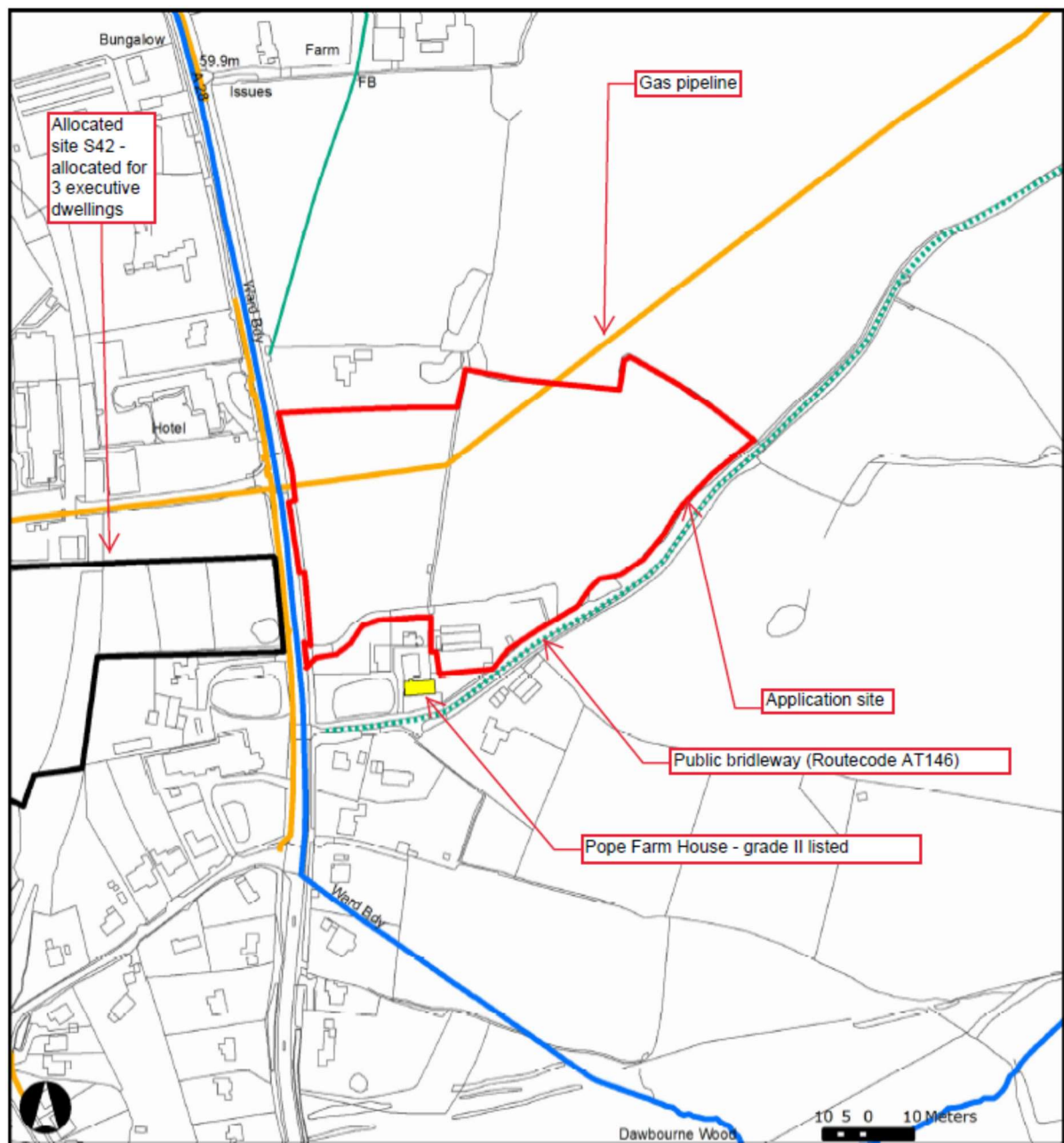


Figure 2 Site Location Plan

5. The site is predominately flat with mature trees and hedgerow boundaries. A drainage ditch runs through the site and parallel to the bridleway (PROW) (route code AT146) along the southern boundary of the site. The site generally falls from the west to east. To the south of the site is a grade II listed farmhouse, Pope House Farmhouse and several related buildings non-designated heritage assets of group value, these are occupied as residential dwellings. Adjacent to Pope House Farmhouse, to the east are several redundant former agricultural buildings, which when last in use were utilised for the repair of agricultural machinery, these are in a poor state of repair and

unattractive functional Atcost buildings. The site is within the Biddenden and High Halden Farmlands landscape character area where the objective is to conserve and improve. The agricultural land classification is grade 3, which is good to moderate.

## Proposal

6. Outline planning permission is sought for the erection of up to 30 residential dwellings, 40% of which would be affordable. All matters are reserved at this stage other than vehicular access from the A28. The density of development proposed for the site as a whole is 10dph but a large proportion of the site is not proposed to be developed, in accordance with the site allocation policy S60 and will remain as public open space. As a result of this, the developable part of the site would have a density of 19 dph.
7. In support of the application the applicant has provided an indicative layout, although this is not currently being considered as layout is a reserved matter.



Figure 3 Indicative Layout



**Figure 4 Indicative illustrative sketch perspective of front of site**

8. During the course of the application confirmation was sought with regards the number of units which could be accommodated on the site given the key constraint of the gas pipeline through part of the site. The Health and Safety Executive (HSE) are a statutory consultee given the presence of the HPGP which is operated by Southern Gas Network (SGN). They advise on density and location of development within pre-defined buffers around HPGPs. The applicant has advised that the following consultation with SGN, the relocation of the HPGP would cost in the region of £1.9 million.
9. The following supporting documents have been provided with a brief summary of each following below:
  - Planning Statement
  - Design, Access and Heritage Statement
  - Built Heritage Impact Assessment
  - Arboricultural Survey
  - Transport Statement

- Landscape and Visual Appraisal
- Habitat Surveys
- Flood Risk Assessment

### **Planning Statement and Design, Access and Heritage Statement**

10. The site is in the Local Plan as a site allocation S60. Outlines the context of the site, the adopted and emerging policy context at the time of submission. It details the proximity of the site to local services in St Michaels and High Halden and as well as constraints on the site including heritage assets, the PROW to the south, and neighbouring residential dwellings. It confirms that consultation with local residents and stakeholders has been undertaken which is outlined in more detail in the DAS. There is a description of the indicative layout approach including open space acting as a landscape buffer to both the north and east of the site and the highway improvements required to facilitate access.
11. Identifies the listed building (Pope House Farmhouse) to the south of the site and the associated heritage grouping of non-designated heritage assets which surround it. The public right of way to the south of the site and the existing sheds to be demolished are outlined.
12. Key opportunities which are considered are:
  - Improved outlook for heritage group through removal of the existing derelict agricultural sheds
  - New access off of A28 and provision of pedestrian crossing
  - New planting and water attenuation
  - Natural surveillance of PROW
  - Quality traditional housing comprising a mix of accommodation
13. Key constraints identified include:
  - Easement around HPGP restricting development to the north
  - Buffer required to setting of listed (Pope House Farmhouse) and non-designated heritage assets associated with it

- Access to be retained to Silver Oaks and The Oast with new access points
  - Arboricultural constraint of category A and B trees separating the two parts of the site
  - Arboricultural and Ecological constraint regarding perimeter planting and retention of existing.
14. Planning policy is supportive at both local and national level. The design has evolved to consider the constraint of the HPGP and retention of existing vegetation which limit developable site area. Development of a lower density would be more akin to the neighbouring pattern and grain of development. Public consultation was carried out which received a broadly positive response.
15. Application site is 3ha, with a developable area of 1.6ha, 1.2ha of open space, 0.2ha of structural perimeter planting. All dwellings would be 2-2.5 storeys in height with varied design approaches. All dwellings would have a garden depth of 10 metres.
16. A detail Landscape and Visual Impact Assessment has concluded that the proposed development would not materially change the key landscape characteristics and elements or features (see Landscape and Visual Appraisal section below). The removal of the agricultural sheds, which are derelict with a low density, high quality, and traditional residential scheme is considered to bring betterment in visual terms. Materials proposed have been prepared to provide traditional domestic features such as bay windows, large feature gable ends, projecting entrance porches, substantial brick chimney stacks and exposed rafter feet are proposed. White timber weatherboarding, clay roof tiles, slate roof tiles, hanging tiles, oak framed doors and windows and red stock brick would form the palette of materials used. Dwellings within the setting of the listed building and designated heritage assets would be subordinate to ensure its unique identity and dominance remain.
17. Significant landscaping will be provided on site and existing landscaping retained and gapped up. Access to the site will be provided at an offset distance from the London Beach Hotel opposite the site. Sufficient visibility is provided and the existing access off of Ashford Road will be retained. A new footway will be provided.

### **Built Heritage Impact Assessment**

18. The form and layout of the development responds positively to the existing historic buildings to the south of the site. Two dwellings would be erected on

the site of the modern agricultural buildings to the east which contribute nothing to the setting of the listed buildings at present and their removal would be seen as beneficial. Views to the north are already precluded by Badgers Oast and this relationship will remain. Badgers Oast would benefit from views to the south of the existing Pope House Farmhouse and the open space proposed to the north and east. A single dwelling will be located to the east of Pope House Farmhouse which closely reflects the pattern of historic development which led to Silver Oaks and Badgers Oast forming the western and northern boundaries of the listed building. The relationship between the listed building and its associated historic buildings is undisturbed. This will not cause noticeable erosion to the currently appreciable setting of the listed building.

### **Arboricultural Survey**

19. An arboricultural implications assessment and arboricultural method statement have been provided to demonstrate how the demolition of the existing agricultural buildings and construction with the Root Protection Areas (RPAs) of retained trees would be carried out. There are three key character groups of trees on the site, the first being large, mature trees found growing predominately at field boundaries, which are in good condition and contribute significantly to the amenity of the local area. The second are medium sized, middle aged trees found growing in various locations across the site, some of which, especially on or close to the boundary of the site provide an important screening of the site from neighbouring dwellings and the open countryside. The third group include smaller sized young trees, also found growing across the site. These are generally in good condition but contribute little to the amenity of the location and could be easily replaced.
20. There are very few trees on the site which would be directly affected by the proposed development but those which are of better quality should be retained and those which are being retained could be suitably protected to minimise impact of the proposed development upon these retained trees. Consideration of the impacts during the course of demolition and construction more specifically would be addressed at reserved matters stage.

### **Transport Statement**

21. A footway is proposed at the site access to link with the proposed pedestrian island on Ashford Road to meet with the existing footway to the west of Ashford Road. Visibility splays and the design of the junction have been subject to pre-application discussions with KCC Highways and Transportation. There would not be a significant detrimental impact in transport terms based on the proposed access arrangements and the TRICs trip rate based on similar sites given the local highway capacity. The AM peak and PM peak

movements would be 15 and 17 respectively. Subsequently it was agreed by the applicant to provide a footway to the south of the site on the eastern side of the road to address the comments of the Highway Authority.

### **Landscape and Visual Appraisal**

22. A desk top study and field surveys, using the Screened Zone of Theoretical Visibility, which is produced digitally indicates locations from where the proposed development may in theory be visible. This has identified 11 viewpoints regarded as representative of the range of views and receptors e.g. users of the public highway, PRoW network etc from various distances and directions around the site. All viewpoints are from areas accessible to the public. The development from within the wider landscape would typically be restricted through a combination of topography, built form and/or existing vegetation in the intervening landscape between the visual receptor (person/people) and the site boundary. A selection of representative viewpoints indicate that higher level of visual effects would be experienced from close proximity to the site boundary but even at a distance of 500 metres or less many potential views of the proposed development would still be restricted. There would be a minor visual effect as a result of the proposed development.

### **Habitat Survey**

23. The initial reports submitted indicated that further survey work was required and that there was the potential impacts on bats, dormice, great crested newts, reptiles but was unlikely to have an impact on designated sites, ancient woodland or BAP priority habitat.
24. On-site structures have negligible potential to support roosting bats. Bat activity surveys are recommended to account for the site's potential importance for foraging and commuting bats.
25. Seven water bodies within 250m of the site have scored an average or above for their suitability and historical data confirms the presence of GCN in close proximity to the site. If the proposed development results in the loss of terrestrial habitat, further surveys for GCN will be required.
26. The site contains habitat suitable for reptiles and dormice, therefore, presence/likely absence surveys may be required.
27. Breeding birds have been confirmed to be present within the site and it is recommended that works to areas with potential for breeding birds be conducted outside of the breeding period. If this is not possible, a thorough

search for the presence of breeding birds should be conducted prior to the start of works.

28. Ecological enhancements are recommended including bird boxes and wildlife friendly planting. Further enhancements to badgers, reptiles, GCNs and bats will become apparent once surveys recommended are undertaken.
29. Additional information was subsequently submitted to address KCC Biodiversity concerns. This included a GCN and reptile survey which concludes medium population within 250m of the site and some of this habitat would be lost but through mitigation measures and enhancement of existing habitat being retained, this can be mitigated by conditions.
30. A bat survey was submitted which concludes that there are five species of bat identified for the purposes of foraging and commuting and that one species may be roosting in close proximity to the site. It concluded that through mitigation, including detail lighting design for Bat Conservation and a large area of retained land which is managed in a sympathetic manner for foraging and commuting bats, this would be acceptable.
31. Reptile and slow worm surveys confirmed good and low populations respectively. Through mitigation measures outlined, there would be good welfare of reptiles is maintained through the development and the protection of reptiles, GCN and their habitats would be comply with current legislation.
32. Confirmation regarding dormice was also submitted in the form of a supporting letter, which clarified that whilst the initial survey and conclusion reached regarding the impact of developing the site and the resultant impact on suitable habitat for dormice, this was on the basis that the majority of suitable habitats were to be removed to facilitate the development. Open space requirements and the pressure of the HPGP result in scrub and the majority of the boundary hedgerows being retained and the impacts to area of dormouse habitat are, therefore restricted to the removal of only 20m of hedge to facilitate access to the site and the removal of 455m<sup>2</sup> of bramble scrub on the central southern boundary. The original conclusion was based on incorrect assumptions regarding the extent of development across the site, this has now been rectified.

### **Flood Risk Assessment**

33. The site is not located in floodzones 2 or 3 and therefore at low risk of flooding from rivers and sea. The site is considered to be at low risk of flooding due to sources other than rivers and sea. It is considered that a SUDs scheme could be used to accommodate surface water from the site. The underlying geology



of the site is Weald Clay. It is considered due to the poor infiltration rates, swales and porous paving features will be required.

34. The developer will seek agreement from the relevant bodies, including Southern Water through a S104 agreement for the surface water sewer system. A management company will be appointed to carry out maintenance of landscaping and drainage.
35. Additional information was submitted following concerns by KCC as Lead Local Flood Authority (LLFA) this included:
  - A indicative site layout
  - A drainage proposal schematic or sketch
  - A description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
  - Information to support any key assumptions (e.g. impermeable areas etc.)
  - Aim to control surface water discharge to 4l/sec/ha (or no higher than greenfield rates) in accordance with Ashford Borough Council's Sustainable Drainage SPD.

#### **Additional information received following the submission of the application**

36. Following concerns raised in relation to the number of units proposed (i.e. considerably less than the indicative of 50 dwellings as set out in policy S60), the agent provided additional information regarding the HPGP which is a constraint recognised under policy S60 and within the submission. This outlines the HSE's Land Use and Planning Methodology and includes an extract from it which states that new residential uses fall into Sensitivity Level 2 for developments of up to 30 units, whereas developments for over 30 dwellings or at a density of 40 dph fall into Sensitivity Level 3.
37. The HSE will not advise against Sensitivity Level 2 development within either the Middle or Outer Zone buffers which exist around such HPGP but will advise against Sensitivity Level 3 developments within the Middle Zone.
38. As a result of this, given that the Middle Zone extends to 50m either side of the HPGP, this rules out the vast majority of the site for any development of over 30 dwellings or at over 40dph.
39. It was also confirmed that the applicant was willing to provide affordable housing on site in line with the requirements of policy HOU1.

## Planning History

DC	OA	96/00729/AS	Demolition of existing industrial buildings and stables and erection of five dwellings (outline application)	RR	31/07/1996
DC	OA	00/00243//AS	Demolition of existing industrial buildings and stables and erection of five dwellings	RR	05/06/2000
DC	OA	01/01149/AS	Demolition of existing industrial buildings and stables and erection of 12 new dwellings.	RR	20/09/2001
DC	OA	03/00776/AS	Redevelopment of light industrial rural buildings to provide ten small business units.	RR	04/07/2003
DC	FA	06/00018/AS	Proposed redevelopment comprising of five dwellings, landscaping and upgrading of existing access road	RR	02/03/2006
DC	FA	10/01732/AS	Erection of two detached dwellings	RR	16/03/2011

## Consultations

**Ward Members:** The ward members are Cllr Mrs Bell and Cllr Pickering. No comments have been received from either.

**High Halden Parish Council:** object for the following reasons:

- Site address does not reflect location in High Halden Parish [**HoDMSS comment:** the site location plan clearly indicates the location of the site]
- Site allocation is agreed, the LP has not yet been adopted [**HoDMSS comment:** the LP is now adopted]
- Bungalows and affordable housing should be provided on site [**HoDMSS comment:** affordable housing provision is being provided on site]
- Over 50% of dwellings are 4 beds or more
- No footpath on this side of the road
- Parking concerns and lack of visitor parking

- Bus service information is out of date
- Ecological concerns

**Tenterden Town Council (adj.):** general comment received raising the following points:

- Note emerging site allocation
- Sustainability of site concerns
- Greater impact on services in St Michaels requiring S106 contributions
- Speed limit needs to be reduced to 30mph [**HoDMSS comment:** this would be a matter for the Highways Authority]
- Only one entrance to the site and existing Pope Farm should be considered by the Highway Authority [**HoDMSS comment:** this has been taken into account by the Highway Authority in their comments]

**KCC Biodiversity:** raise no objection subject to conditions with the following comments made:

- Initially requested additional information in respect of great crested newts (GCN), reptiles, dormice and bats.
- Additional information was submitted but further additional information was also requested.
- On receipt of further information in respect of Dormice which concludes that the habitat on site is sub optimal and suitable habitat can be retained with connectivity through the wider site.
- The Council will have to consider whether an European Protected Species licence can be issued.
- SUDs could provide opportunities to improve provision on site for GCN.
- Sufficient habitat connectivity within the south of the site which is surrounded by housing and this connectivity is not within the residential curtilage [**HoDMSS comment:** this is a matter to consider at RM stage when layout is considered]
- Grass snakes and slow worm are present but we are satisfied with proposed mitigation.
- The development will retain suitable habitat for foraging/commuting badgers and any setts in proximity to the site.
- Subject to conditions regarding lighting, ecological management, mitigation and informative advice, no objection.

**HSE:** raise no objection on safety grounds to the granting of permission but suggest contacting the pipeline line operator [SGN].

**Southern Gas Networks (SGN):** general comment requiring prior to any works commencing that the SGN asset is located and these works are supervised by a SGN representative. Additional informatives and restrictions in place for building works within particular zones of proximity to the pipeline.

**ABC Private Sector Housing:** general comment received stating that the site lies in the rural area where policy HOU1 requires 40% affordable housing to be delivered on site. Note there is discussion regarding overall housing numbers but firmly of the opinion there should be compliance with emerging plan policy. Ideally two and three bedroom homes should come forward as anything larger than this would present affordability issues in Tenterden. 2 bed dwellings should have 4 bed spaces to be provided. 3 bed properties should have five bed spaces provided and any 4 bed dwellings should have 8 bed spaces provided. The affordable housing provision should be integrated into the development to ensure a balanced tenure neutral mix.

**KCC PROW:** raise no objection subject to contributions being sought towards the upgrade of the existing PROW to improve the surface of the public bridleway.

**Ramblers Association:** no objection as no adverse effect on Public Bridleway

**KCC Highways and Transportation:**

Additional information was submitted by the applicant which included a road safety audit. No objection raised subject to conditions with the following points made:

- Sufficient visibility splays for 40mph speed limit
- Give way junction would operate well within capacity for 30 units with right hand lane, no concerns in relation to vehicle movements
- Highway design acceptable when considered against vehicle track drawings
- Bus stops within walking distance and proposed pedestrian refuge points provided improve access to west side of A28 for residents and access to north bound bus services
- Access to bus services to the south requires pedestrians crossing the A28 twice, this could be remedied by providing 35 metres of new footpath within the highway verge, this can be secured by condition

**Southern Water Services (SWS):** raise no objection subject to an informative for an application for connection to the existing public sewerage system.

**ABC Drainage:** holding objection as further information has been requested by KCC LLFA, information is shown for surface water attenuation on the illustrative plan, no evidence is provided to demonstrate this is sufficient to attenuate at the required discharge rate. Whilst at outline stage, information requested by KCC LLFA are still expected to be provided **[HoDMSS comment:** this information has since been provided and the holding objection addressed]

**KCC LLFA:** additional information is required prior to the determination of the application. Following the submission of further information by the applicant, a holding objection was made on the submission due to the existence of an existing ordinary watercourse which runs through the site. Further additional information was submitted and final comments were submitted which confirmed no objection subject to condition. This is based on the broad principle of run-off from the site being restricted to 8.8 litres a second to match greenfield rates.

**KCC Developer Contributions:** no objection subject to financial contributions as a result of the development including expansion of Tenterden Infants School which is considered capable of expansion. Secondary school places would result in the local capacity of secondary schools being exceeded, contributions would be sought towards works to facilitate the expansion of the Norton Knatchbull in Ashford. Contributions also sought to library provision in St Michaels.

**ABC Refuse:** seek to clarify points regarding the layout with regards to adoption, pulling distances and existing properties to the south of the site, where the current collection arrangements would remain unchanged. **[HoDMSS comment:** this would be considered when layout is submitted under any future reserved matters application]

**NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups:** no representations received

**Kent Police Crime Prevention Officer:** consideration needs to be paid to the seven attributes of Crime Prevention Through Environmental Design which are outlined in the DAS but these need to be addressed in detail including layout which include: fencing and gates, optimising surveillance, the potential pedestrian link, parking areas and materials (use of gravel for example), enhancement of retained and protected trees and hedgerows with defensive plant species **[HoDMSS comment:** these matters would need to be addressed at reserved matters stage]

**Neighbours: 26 neighbours consulted;**

**1 general comments received raising the following points:**

- The site name and the policy in the draft local plan are different, this is misleading

**2 support comments received raising the following points:**

- Requirement for the LPA to provide housing through the Local Plan to 2030
- Allocated site in emerging Local Plan
- Opportunities to comment through the Local Plan adoption process
- Less dwellings than that indicatively outlined by the policy
- Greater impact on St Michaels area of Tenterden
- Site assessment by the LPA gave a positive score of 5, this should have been higher
- Reduces pressure on Tenterden to accept more development
- Boost to local businesses in St Michaels
- Visual impact can be mitigated through good design
- Commuting traffic will likely be in the direction of Headcorn and Ashford
- Disappointed by the comments from TDRA of which I am a member as there has been no consultation with members regarding this site.
- Range of facilities in St Michaels, including post office, retail stores, hairdressers, petrol station, hardware/builders merchants, pub and several takeaways which would benefit from more dwellings nearby.
- Smaller scale development such as this can be absorbed gradually rather than larger scale development of several hundred houses.
- Currently Tenterden is experiencing overbearing growth

**6 objections received raising the following concerns:**

- Additional traffic at junction opposite two hotels, golf club and a primary school
- Too much development in area resulting overdevelopment
- Loss of green fields
- Disruption during construction phase

- Existing drainage system struggles to cope with existing dwellings
- Overdevelopment of the site
- Extensive history on the site not included in the application
- Previous applications refused on grounds of harm to the character of the landscape [**HoDMSS comment:** this application will be considered against the current and adopted Local Plan policies and National Planning Policy Framework and Guidance]
- Considering the application prior to the adoption of the Local Plan is premature [**HoDMSS comment:** The Local Plan 2030 is now adopted]
- Poor bus service, now running a two hourly service on weekdays
- Agree with the points raised by TDRA and High Halden Parish Council
- Ecology concerns
- Local residents in adjacent properties to the site were not invited to the consultation with the developer [**HoDMSS comment:** the immediate residents were subject to a consultation from the LPA in respect of the development, an advertisement was posted in the local press and a site notice posted at the site which is in accordance with the Council's Statutory Duty and the Council's Statement of Community Involvement]

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

- Outside of the confines of High Halden and its facilities (2.5 km away)
- Close proximity to St Michaels and its services
- Adjacent to grade II listed building
- Within Low Weald Landscape Character Area
- Sets a precedent
- Premature application
- Wrong mix of housing to meet local needs [**HoDMSS comment:** Housing mix is not being considered at this stage but can be secured by condition]
- Support comments of High Halden Parish Council

**Tenterden & District Residents Association:** objection on the following grounds:

- Site is misnamed and within High Halden parish [**HoDMSS comment:** the site location plan clearly indicates the location of the site, it is acknowledged the site is within High Halden]
- The site is in open countryside and is not a sustainable location [**HoDMSS comment:** the site was considered to be sustainably located by the Planning Inspectorate following the examination in public (EiP) of the Local Plan and the policy now forms part of the development plan following adoption The site conflicts with policy HOU5 [**HoDMSS:** this policy is not applicable to this proposal as it is not a windfall site but an allocated housing site in the development plan]
- The proposal would extend the built confines of High Halden and sets a precedent for future development, infilling the road frontage between High Halden and St Michaels [**HoDMSS comment:** these would be considered against the relevant policies of the development plan, each application is determined on its own merits]
- The development would result in all of the adverse impacts of policy SP7 [**HoDMSS comment:** this policy is not relevant to this proposal]
- The development would impact on services in Tenterden and St Michaels but not raise tax receipts towards such infrastructure
- Future residents would be unable to vote in local elections for St Michaels

## Planning Policy

40. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
41. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).



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

**Ashford Local Plan to 2030 (Adopted February 2019)**

**SP1** – Strategic Objectives

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

**SP6** – Promoting High Quality Design

**HOU1** – Affordable Housing

**HOU6** – Self and Custom Built Development

**HOU12** – Residential Space Standards internal

**HOU14** – Accessibility Standards

**HOU15** – Private External Open Space

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

**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

**COM1** – Meeting the Community's Needs

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

**IMP1** – Infrastructure Provision

**S60** – St. Michaels, Land at Pope House Farm

**Supplementary Planning Guidance/Documents**

Affordable Housing SPD

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

43. 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:-

44. 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.
45. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Government's 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.
46. Paragraph 122 states that planning policies and decisions should support development that makes efficient use of land, taking into account:
  - a. the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
  - b. local market conditions and viability;
  - c. the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
  - d. the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
  - e. the importance of securing well-designed, attractive and healthy places.
47. Paragraph 123 outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.
48. 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 are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...
49. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
50. Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity
51. 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.
52. 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
- Flooding and Surface Water Drainage
- Affordable Housing and Housing Mix
- Other issues
- Planning Obligations

### **Principle of the development**

53. The application site has been through examination and has now been adopted and therefore forms a policy in the development plan. 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.
54. The indicative capacity of the site outlined under policy S60 is for up to 50 dwellings. Whilst the proposal is for up to 30 units, this is considered to be consistent with the requirement under paragraph 122 of the NPPF for consideration to be paid to health and well-being of the community in so far as the potential impacts of the HPGP running along the northern boundary of the

developable part of the site. In this instance, in light of the supporting information provided by the applicant, the HPGP which runs through part of the site is a major constraint which limits the potential to deliver 50 units on the site. Development within close proximity to the pipeline are limited as outlined in the guidance provided from the HSE who are the regulatory body for development within close proximity or directly affecting or affected by HPGPs. The relocation of the HPGP, at a cost of £1.9 million, may enable a greater number of units to be accommodated on the site but it is not a viable option.

55. The NPPF (paragraph 123) outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities. However, in this instance, it is considered that the under-delivery, given this very specific site constraint, would be acceptable. The recent examination into the local plan states that the Council in terms of having a 5 year housing land supply can demonstrate 5.3 years. Under-delivery in terms of indicative amounts in policies is rare and justified in this instance. It is likely that the short fall of 20 would be made up on other allocated sites and through windfall development and therefore would not compromise the Council's position.
56. Policy S60 states the site is proposed for residential development with an indicative capacity of 50 dwellings. Development proposals for this site shall:
- a) *Be designed and laid out in such a way as to preserve or enhance the character and setting of the adjoining listed building and associated properties. Particular attention also needs to be given to the eastern area of the site, where it adjoins the open countryside and is visible in the wider landscape. Densities should reflect the surrounding character of these locations and overall the site density should be around 30dph;*

See visual amenity section.

- b) *Provide primary access from Ashford Road, including the provision of a right-turn lane with pedestrian refuge island, as shown on the policies map.*

See highway safety section.

- c) *Provide new pedestrian routes throughout the development and connections to existing urban and rural routes and local services, with the potential of a pedestrian crossing explored with the Highway Authority;*

See highway safety section, internal routes through the site can be considered at reserved matters stage when layout of the site is considered.

- d) *Retain the existing mature trees and hedgerows boundaries where possible and enhance the planting in the north eastern areas, to screen the development of the site from the wider countryside and create additional soft landscaping throughout the site to lessen the visual impact of the development;*

It is considered these can be addressed at reserved matters stage, this is addressed in the other issues section.

- e) *Ensure appropriate species and habitat surveys are carried out. Results will inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with ENV1. Provide appropriate ecological mitigation and Particular regard should be given to the provision of ecological corridors through the site and an area of open recreation space in the northern areas of the site which are not identified for residential development; and,*

See ecology section.

- f) *Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.*

See other issues section

Subject therefore to compliance with policy S60 and other adopted development plan policies the proposal can be considered acceptable as a matter of principle.

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

57. This application is only considering the maximum quantum of development and the vehicular access serving the site from the A28 Ashford Road. Matters relating to appearance, layout, landscaping and scale of the proposed dwellings as well as access routes through the site will be considered under any future reserved matters application. The site is in close proximity to Pope House Farmhouse which is grade II listed building. Criterion a) of policy S60 and policy ENV13 require consideration as to the impact of development upon this heritage asset and its setting as well as the neighbouring non-designated heritage assets which form a cluster of buildings of historic interest.
58. Further to the requirement under criterion a), more specifically, policy ENV13 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.*

59. 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.
60. As the proposal seeks outline planning permission it is not possible to consider the appearance, layout and scale of the development, as these are reserved matters. The proposed development at a lower density than originally envisaged would enable sufficient buffer, landscaping and spacing to ensure there is only less than substantial harm to the setting of the heritage assets, which would be balanced against the public benefit of providing housing towards the Council's housing need on a sustainably located and allocated site. It has also been confirmed that the dwellings proposed would be no greater than 2-2.5 storeys in height, which would be acceptable. The layout shown on the indicative plans in general is not considered to be acceptable. The layout would fail to respond positively to the setting of the listed building and non-designated heritage assets at Pope Farm, would fail to provide natural surveillance of the open space or have a road layout which would be approved if layout were currently under consideration but it is considered this could be satisfactorily addressed at reserved matters stage.
61. The northern and eastern parts of the site are more visible and border onto open countryside. The retention of this land for open space would form part of a natural buffer with the open countryside enabling the transition of the development into the countryside beyond the developable part of the site. Whilst landscaping is not being considered at this stage, safeguards in respect of retention of existing trees and hedgerow can be secured by condition to ensure, as required by criteria a) and d) of policy S60 and policy ENV3a, that the character of the wider landscape is preserved. Additional landscaping can be secured at reserved matters stage for which there is



sufficient scope to provide significant additional landscaping to mitigate the harm to the open countryside adjacent to the site.

62. Criterion a) of the policy S60 outlines that the density of development should be around 30 dwellings per hectare (dph). However, the developable area and the proposal for up to 30 units would be below this at around 19dph. This is due to the reasons previously outlined but would respect the density of development and character of the surrounding location, which is also outlined under policy S60 (criterion a).
63. In light of the above, it is considered that the proposed development, whilst naturally changing the landscape, would only have a localised impact as the development would be well screened from medium and long range views.
64. In light of the above (and subject to the approval of reserved matters) the proposal would not unacceptably harm the setting of Pope Farm House and associated non designated heritage assets and can be assimilated into the natural environment to ensure that the proposal would not result in unacceptable harm to the visual amenity of the area.

### **Residential Amenity**

65. Paragraph 123 states that development should seek to *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...*
66. The indicative layout plan suggests that the gardens can be provided to a size which would comply with the Council's planning policy HOU15 (minimum of 10m deep x the width of the dwelling to which it relates). The reserved matters application will ensure that the internal accommodation proposed complies with the National Space Standards and policy HOU12 and this can be secured by condition.
67. Whilst the application is currently at outline stage, with all matters reserved other than access off of the A28, it is considered given the indicative layout and careful consideration of first floor windows and the layout of the dwellings more generally, that the proposed dwellings would not appear overbearing or result in unacceptable levels of overlooking of existing dwellings that would warrant the refusal of the application. This is even easier to achieve with the development being for up to 30 dwellings rather than up to 50.
68. During the course of works on site, conditions can secure safeguards for the amenity of the existing neighbouring residents to ensure they are not subjected to significant harm through noise and disturbance during the construction phase.

69. In light of the above, subject to conditions and further consideration at reserved matters stage, it is considered there would not be any significant adverse impact on the residential amenity of existing or future residents.

### **Highway Safety & Parking**

70. The site would be served by a new vehicular access from the A28. Suitable visibility splays can be provided (2.4m x 120 m in either direction) at this point of access and Highways Authority are satisfied that the access is safe and acceptable. The proposal would also involve the provision of a right hand turn into the site to avoid traffic queueing on the A28 when seeking to gain access. In terms of additional vehicle movements associated with 30 dwellings this would amount to 15 and 17 vehicle movements in the AM and PM peaks respectively. The A28 has capacity to absorb these additional movements without compromising the local highway network.
71. Whilst this is only an outline application, the indicative layout proposed shows parking to serve each of the dwellings. This can be secured by way of condition to ensure when layout is considered at reserved matters stage, sufficient parking is provided on site in accordance with policy TRA3a.
72. Pedestrian safety has been raised as a concern by local residents. The proposed development will provide access to the northern bound bus services in the Ashford direction through the provision of a footway and a pedestrian refuge allowing residents to safely cross the A28. At present there is no pedestrian link to the existing footway to the south of the development beyond Pope House Farm. This can be remedied by the provision of an additional length of footway within the existing highway verge which is highway land and can be secured through condition.
73. In light of the above, it is considered that the development would comply with the relevant policy requirements and would not result in unacceptable harm to highway and pedestrian safety.

### **Ecology**

74. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including.... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any

mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate.

75. The Conservation of Habitats and Species Regulations 2017 requires Ashford Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Ashford Borough Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three derogation tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

- i. Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- ii. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- iii. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

76. In respect of the first test, the proposed development would not constitute a form of development which would be considered to be of overriding public interest. However, the proposal is an allocated site in the recently adopted Local Plan, therefore, in considering it against the second test outlined above, there is no satisfactory alternative to the development in this location.

77. In respect of maintaining the population at a favourable conservation status (test iii), KCC Biodiversity consider that the impact upon the great crested newt habitat can be quantified as follows:

- The loss of approximately 0.5ha of suitable great crested newt habitat,
- The retention of 0.32ha of suitable habitat; and,
- The enhancement of 0.59ha of sub-optimal sheep grazed habitat.

78. It is considered that due to the retained, and improved habitats on site, the GCN population can be maintained at a favourable conservation status.

Furthermore, the creation of the SUDS scheme provides opportunities to enhance the site, and provide additional breeding opportunities. Given this, I am satisfied that the relevant derogation tests have been satisfied and that an EPS licence is likely to be granted for the development.

79. KCC advise that the proposed habitat creation includes an area to the south of the site (the ecology zone) which is surrounded by housing. It is advised by KCC that the detailed landscape plans must clearly demonstrate that there is habitat connectivity to this area which is not within the residential curtilage. This is required by criterion e) of S60.
80. Policy S60 requires the provision of appropriate ecological mitigation under criterion e) with particular regard given to the provision of ecological corridors through the site and an area of open recreation space in the northern areas of the site which are not identified for residential development. The indicative plans do not clearly indicate this is provided but details relating to landscaping and layout are not for consideration at this stage and would be considered under a future reserved matters application. It is considered, given the density of the development, there would not be any reason that this could not be provided to satisfy the policy criteria and to address the comments of KCC Biodiversity.
81. It is considered that following the submission of additional ecological information following comments from KCC Biodiversity that any harm caused to protected species can be mitigated and subject to condition, the biodiversity of the site and land adjoining it would not be harmed. Retention of existing natural features such as ponds and ditches, alongside SUDs features which are proposed for surface water and land drainage, and provision of new landscaping would mitigate and provide biodiversity enhancement. These can be secured by condition.
82. It is considered therefore that the proposal would not be contrary to the guidance contained within the NPPF under paragraphs 170 and 175, criterion e) of policy S60 or the requirements of policy ENV1.

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

83. 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. Additional information was sought following the initial comments from KCC as LLFA. Surface water drainage has been designed and is proposed to be constructed in line with the drainage strategy which has been agreed with KCC LLFA.

84. The site generally falls from west to east. The existing drainage regime is one which drains overland from the west to the east before discharging into the existing watercourse which drains away to the north east. The geology of the site is Weald Clay, made up of mudstone. The proposed drainage strategy would take account of the geology and high water table and therefore the use of infiltration SUDs would not be appropriate in this location. Surface water will therefore be discharged via a Hydrobrake flow control into a new ditch linking to the existing watercourse on the eastern boundary which drains away to the north. An attenuation pond, to the east of the site on the open space will be unlined to encouraged infiltration into the ground.
85. As part of the proposed system, which would control discharge rates to 8.8l/s, which is the greenfield rate required, there will be treatment of water to ensure the quality of that discharged is acceptable. This complies with the requirements of the Council's SUDs SPD. This can be secured by way of condition and would comply with the requirements of policy ENV9.

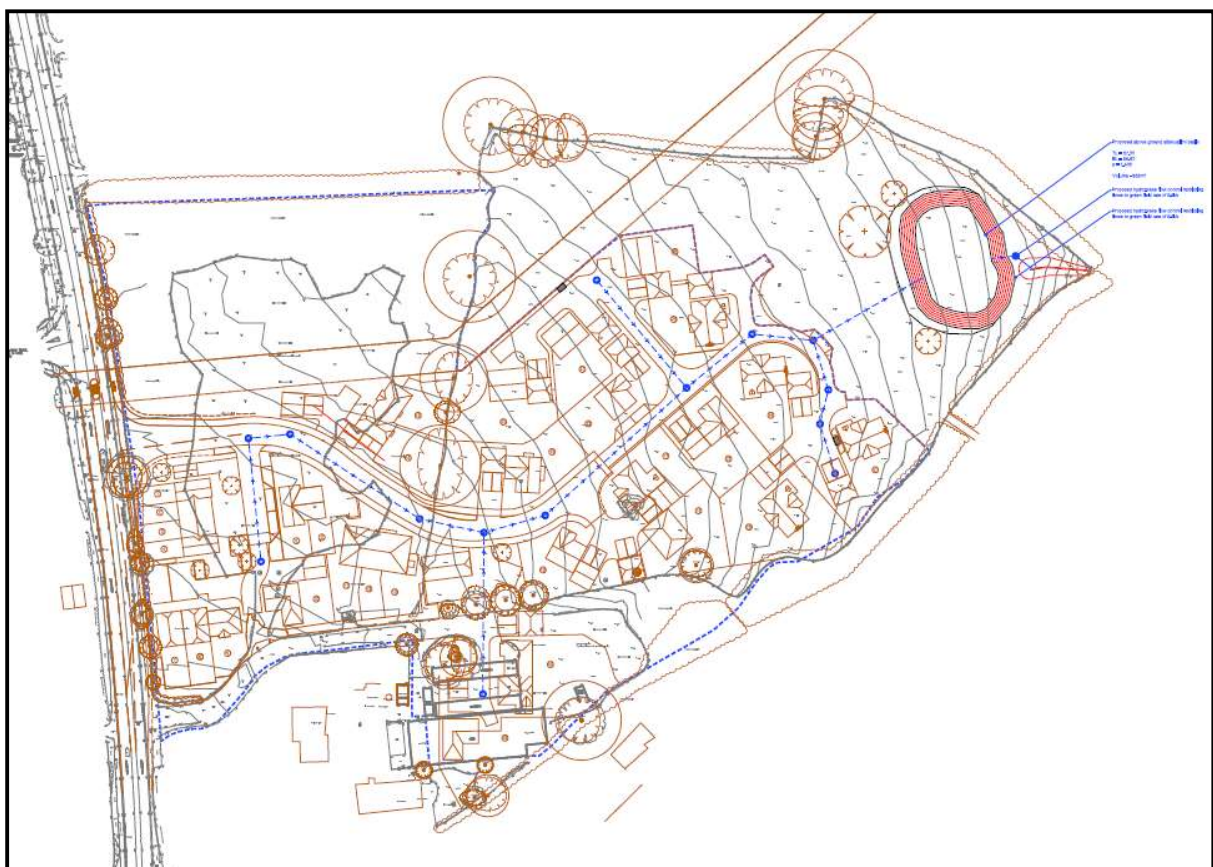


Figure 5 - Indicative Drainage Layout

## Other issues

86. There are a number of existing trees along the road frontage of the site, along the site boundary to the south of the site adjacent to the bridleway and a small number within the site. Criterion d) requires existing landscaping including mature trees and hedgerow to be retained and additional planting along the northern part of the site. This is not currently under consideration at outline stage, but it is considered that this can be satisfactorily addressed at Reserved Matters stage having considered the supporting information submitted.
87. The site has been used for agricultural uses and also for the repair of agricultural machinery. It is considered that any contamination issues on the site can be mitigated if found and a condition can be imposed to secure such mitigation should the need for it arise.
88. The policy also requires a *connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider* (criteria f). Southern Water has a 150mm foul water sewer running from the south to the north along Ashford Road. This discharges into a pumping station approximately 200m to the north of the site. From the pumping station, a foul rising main runs north to south before connection to a gravity sewer which drains away to the south. Southern Water Services consider such a connection can be made.

## Affordable Housing and Housing Mix

89. The proposed development generates the need for affordable housing as the proposal relates to up to 30 residential units. Policy HOU1 and the guidance contained within the NPPF and PPG require the securing of affordable housing on site for developments of 10 or more units or on sites of more than 0.5 hectares. The composition required in this location, in accordance with policy HOU1 is to provide on-site 40% affordable units comprising: 10% of total number of units as Affordable/Social Rented and 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.
90. Initially, the applicant confirmed they would be willing to provide a proportion of affordable on site (30%) and a commuted sum for off-site provision for the remainder of the provision required by HOU1. Subsequently, it has been agreed to provide all units on site and this meets with the approval of the Council's private sector housing officer and would comply with the policy requirement under HOU1. The affordable housing provision can be secured

through the S106 agreement, the composition of which can be specified to ensure compliance with the policy.

91. Policy HOU6 requires a proportion (5%) of the dwellings to be delivered as self-build units on sites of more than 20 units. This can be secured through S106 agreement and is outlined in Table 1 as required by the policy.
92. Policy HOU14 (criterion a) applies in this instance and this can be secured through S106 agreement and is outlined in Table 1 as required by the policy.
93. Tenure and housing mix is not currently being considered as this matter is reserved for future consideration. The indicative plans show a mixture of units, details of which would be considered at reserved matters stage. There will be requirement, as outlined under HOU1 for the affordable housing to be tenure blind. It is considered this can be achieved to ensure compliance with the policy at reserved matters stage.

### **Planning Obligations**

94. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
  - (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
95. The site allocation policy S60 recognises in its pre-amble (paragraph 4.184) the need to secure financial obligations for facilities within both High Halden and the St Michaels area of Tenterden. This is reflected in the recommended planning obligations in Table 1, should the Committee resolve to grant permission.
96. Whilst NHS contributions could be sought on this proposal, no identified projects have been forthcoming following consultation with Clinical Commission Group who have not made any representations.
97. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

**Table 1**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
	<p><b><u>Informal/Natural Green Space (on site)</u></b></p> <p>Project: Scheme for ongoing management of informal/natural space to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the open space and that the entity is accountable to the owners for the management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.</p>	<p>On the basis of 30 dwellings, a minimum 0.25 ha of space to be provided on site</p>	<p>Scheme to be approved by the Council prior to commencement to be fully implemented prior to the first occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green 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>



<p><b><u>Children's and Young People's Play Space</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Project: Contribution towards new children's play equipment at St Michael's Recreation Ground, Ashford Road, St Michaels, Tenterden.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<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 Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, 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>
<p><b><u>Affordable Housing</u></b></p> <p><i>Applies to:</i></p> <p>(i) <i>developments of 10 dwellings or more</i></p> <p>(ii) <i>residential sites of 0.5 ha or more</i></p>	<p>Provide on-site 40% affordable units comprising: 10% of total number of units as Affordable/Social Rented</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p>

	<p>In accordance with table within Policy HOU1</p>	<p>30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.</p>		<p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
	<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>In accordance with policy HOU14 part a).</p>	<p>Provide on-site 20% of all units.</p>	<p>Prior to first occupation of any dwelling to be built in accordance with the standard.</p>	<p><b>Necessary</b> as would provide accessible housing pursuant to SP1, HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p><b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>

	<p><b><u>Allotments</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: Contribution towards a project to identify and acquire land within the Parish of High Halden for allotments</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use allotments 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>
	<p><b><u>Libraries</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Contribution for additional bookstock at libraries in the borough</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and</p>	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

			balance on occupation of 50% of the dwellings	<p><b>Directly related</b> as occupiers will use library books and the books 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 amount calculated based on the number of dwellings.</p>
	<p><b><u>Outdoor Sports Pitches</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: provision of a tennis court/outdoor gym/cricket facilities at the recreation ground at Hopes Grove/Shawlands Lane, High Halden</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches 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>

	<p><b><u>Primary Schools</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: Towards Tenterden Infant School expansion</p>	<p>£3324 per house</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' 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>
	<p><b><u>Secondary Schools</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p>	<p>£4115 per house</p>	<p>Half the contribution upon occupation of 25% of the</p>	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development</p>

	<p>Specific Project: Towards Norton Knatchbull expansion works to Playground and parking</p>		<p> dwellings and balance on occupation of 50% of the dwellings</p>	<p>and Infrastructure – Creating Quality Places’ and guidance in the NPPF. .</p> <p><b>Directly related</b> as children of occupiers will attend secondary 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 secondary 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>
	<p><b><u>Strategic Parks</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: Contribution towards the seating and shelter provision around the lake at Conningbrook</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

	Country Park, as part of the public art project.			<p><b>Directly related</b> as occupiers will use strategic parks 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>
	<p><b><u>Public Right of Way</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project:</p> <ul style="list-style-type: none"> <li>Improvements to the surfacing of the existing Public right of Way (routecode AT146) adjacent to the site.</li> </ul>	£10,000	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> as enhancements to the local movement and transport network are essential to achieve sustainable travel and accessibility requirements in accordance with Local Plan 2030 policies SP1, SP2, TRA4, TRA5 and TRA6.</p> <p><b>Directly related</b> as occupiers and visitors will increase the use of the existing bridleway through connections to it to be provided.</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 local and site specific evidence.</p>
	<b><u>Custom/Self Build</u></b>			

	<p><i>(i) Applies to sites of more than 40 dwellings within and on the edge of Ashford and Tenterden</i></p> <p><i>(ii) Applies to sites of more than 20 dwellings in villages and rural areas</i></p>	<p>5% as serviced dwelling plots</p>	<p>TBA</p>	<p><b>Necessary</b> as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to HOU6 of Local Plan 2030 and guidance in the NPPF and Community Infrastructure Levy Regulations.</p> <p><b>Directly related</b> as the plots would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided and the area of the borough.</p>
<b>Applies to all</b>				
	<p><b><u>Monitoring Fee</u></b></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 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>



			(if not one-off payment)	
<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

98. 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

99. 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

100. It is considered that the development of the site for up to 30 residential units as outlined under policy S60 of the Local Plan to 2030 would comply with the relevant criteria at this stage where only access from the A28 is being considered in detail along with the quantum of development. Subject to consideration under Reserved Matters stage where Layout, Scale, Appearance and Landscaping would be considered, for the reasons set out in the assessment above, it is considered that the development of up to 30 units would be acceptable and comply with the relevant policy criteria.
101. The under provision of units on the site against the indicative capacity of up to 50 units would be justified in this instance given the High Pressure Gas pipeline and the buffer zone which limits development in terms of proximity and density, which is specific site constraint for which development of a greater quantum and density would be considered unacceptable by the HSE. Further it would result in an unacceptably dense form of development on the edge of settlement location in a manner that could be harmful to the visual amenity of the area and setting of the listed building and the associated non-designated heritage assets. The slight undersupply would not have a material impact on the Council’s 5 year housing land supply.
102. The proposed vehicular movements associated with up to 30 units could be safely accommodated by the existing road network subject to the provision of the visibility splays and right hand lane turning facility for vehicles approaching the site from the south. The proposed vehicular access to the site, together with connections to the south of the site through the provision of a new

footway and pedestrian refuge to enable crossing to the western side of Ashford Road would provide pedestrian links to existing bus stop in the Ashford direction and in the St Michaels and Tenterden direction to the south. Sufficient on-site parking and tracking can be provided on site in accordance with the relevant policies and to the satisfaction of the Highway Authority, who raise no objection subject to conditions.

103. In terms of the relationship with the settings of heritage assets adjacent to the site, when considering layout at the reserved matters stage it can be ensured that the setting is not compromised to ensure compliance with the LP policies S60 and ENV13 at reserved matters stage.
104. There would be sufficient on-site provision for landscaping to mitigate the visual change resulting from the development. There is an acceptable level of mitigation provided on site for protected species and enhancements through a significant provision of natural habitat being retained and enhanced which would mitigate the loss of the existing habitat.
105. Surface water drainage can be dealt with in a manner which would control the rate of discharge from the site in line with the greenfield discharge rate of 8.8l/s. Existing topography and land drainage would aid the delivery of SUDs which would be controlled via a Hydrobrake which would discharge to an attenuation pond which the topography of the site naturally falls towards. This is to the satisfaction of KCC as the LLFA and would ensure compliance, subject to condition with policy ENV9.
106. In light of the above the development would comply with the relevant policies of the development plan and the guidance set out in the NPPF and subject to conditions and a S106 legal agreement to secure affordable housing provision and on / off-site infrastructure provision, would be acceptable. Consequently I recommend that outline planning permission is granted.

## **Recommendation**

**(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), 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,**

## **(B) Grant Outline Consent**

**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**

### **Standard**

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application

### **Highways and Parking**

3. Parking and cycle parking
4. Details of the provision cycle parking facilities
5. Provision of site access
6. Provision of footway to be constructed on the eastern highway verge between the application site and existing footway at Popes House Lane
7. Car barns PD restriction
8. Provision of final wearing course
9. Construction Management Plan
10. Visibility splays

### **Landscaping & Ecology**

11. Landscape management plan
12. Arboricultural Impact Assessment and Tree Protection Plan
13. Boundary treatments
14. GCN and Reptile mitigation strategy
15. Bat sensitive lighting plan
16. Updated badger survey
17. Ecological management plan
18. Scrub and hedgerow clearance
19. Ecological enhancements
20. Adoption management plan
21. Retention of trees & hedgerows

### **Drainage & Disposal of Foul**

22. SUDs layout
23. SUDs operation and maintenance manual
24. SUDs post completion Verification Report
25. Means of foul water disposal

### **Residential**

26. Space Standards – internal and external pursuant to policies HOU12 and HOU15.
27. Refuse storage details
28. Electric car charging points
29. Water efficiency condition pursuant to policy ENV7
30. Provision of water butt to each dwelling
31. Dwellings used for C3 purposes only
32. Removal of PD rights

### **Other**

33. Architectural details
34. Housing Mix
35. Broadband
36. Contamination
37. Standard Plans condition
38. Standard enforcement condition

### **Notes to Applicant**

1. S106
2. In respect of the Public right of Way:
  - a. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
  - b. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:
  - c. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.

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

3. All holes must be covered at night or a plank placed in the holes to enable and badgers to escape.
4. 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, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and buildings 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.
5. 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>
6. Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk).

### **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 creative manner by;

- offering a pre-application advice service,

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

In this instance .....

- the application was acceptable as submitted and no further assistance was required.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **Background Papers**

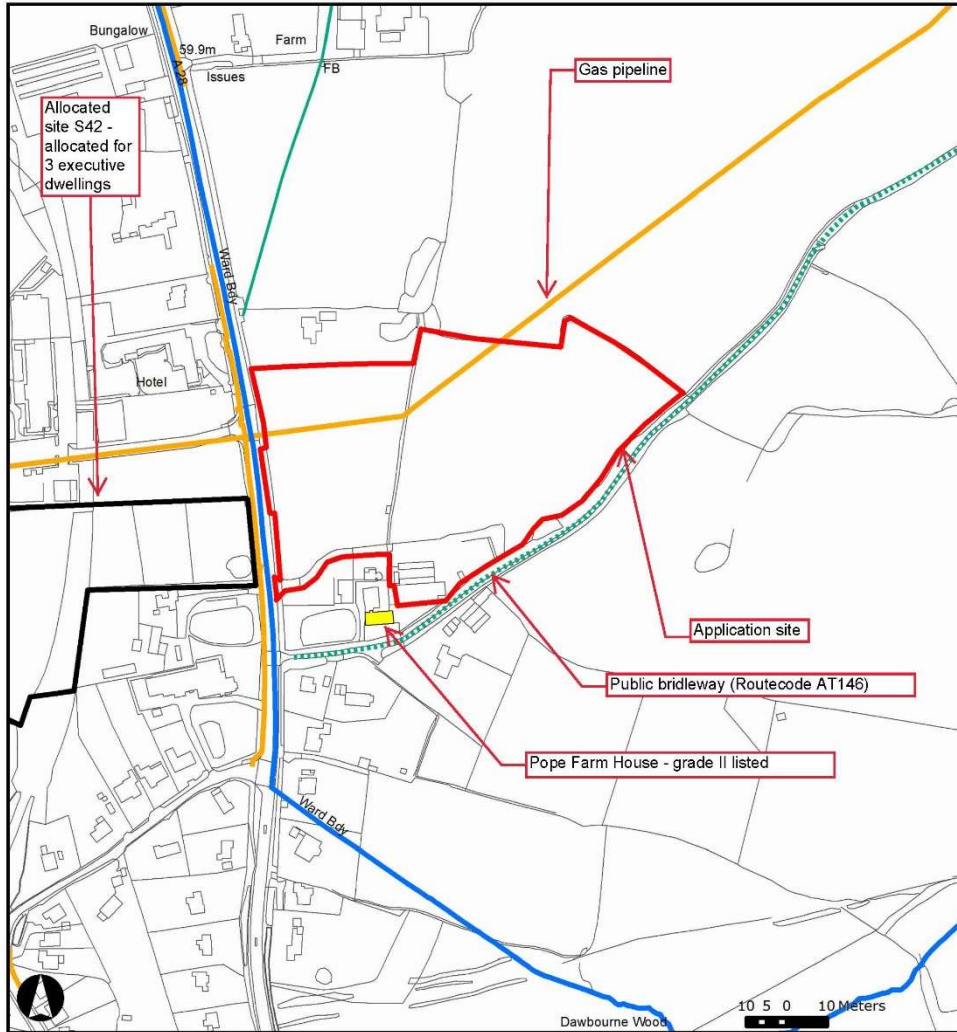
All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00759/AS)

**Contact Officer:** Rob Bewick  
**Email:** [rob.bewick@ashford.gov.uk](mailto:rob.bewick@ashford.gov.uk)  
**Telephone:** (01233) 330683

Annex 1



# Ashford Borough Council



- |                              |                        |                       |
|------------------------------|------------------------|-----------------------|
| <b>PROW (not definitive)</b> | <b>Listed Building</b> | <b>Gas Pipes</b>      |
| ■ Byway Open to All Traffic  | ■ LISTED               | — Gas Pipes           |
| --- Public Bridleway         | ■ DELISTED             | — High Pressure Pipes |
| — Public Footpath            | ■ REMOVED              |                       |
| — Restricted Byway           | ■ UNKNOWN              |                       |

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<b>Application Number</b>	18/01601/AS	
<b>Location</b>	Site B adjacent Wyvern Way, Land south of M20 and east of, Henwood, Ashford, Kent	
<b>Grid Reference</b>	02214/43041	
<b>Parish Council</b>	None	
<b>Ward</b>	Stour	
<b>Application Description</b>	Erection of 29 no. light industrial/business units; two storey creative laboratory including space for the development of new dance productions, administrative space and shared use cafe; new access and road layout and associated hard and soft landscaping.	
<b>Applicant</b>	Mr J White, Kent County Council, 2 <sup>nd</sup> Floor, Invicta House, Maidstone, ME14 1XX	
<b>Agent</b>	Mr N Thompson, Robinson Escot Planning, Downe House, 303 High Street, Orpington, BR6 0NN	
<b>Site Area</b>	13.11 ha	
(a) 6/-	(b) -	(c) EHM – X, SW –X, KHS – X, KCC SUDS, KCC Ecology/Biodiversity - X, ABC Refuse - X, EA – X, EHM – X, Access Group - X

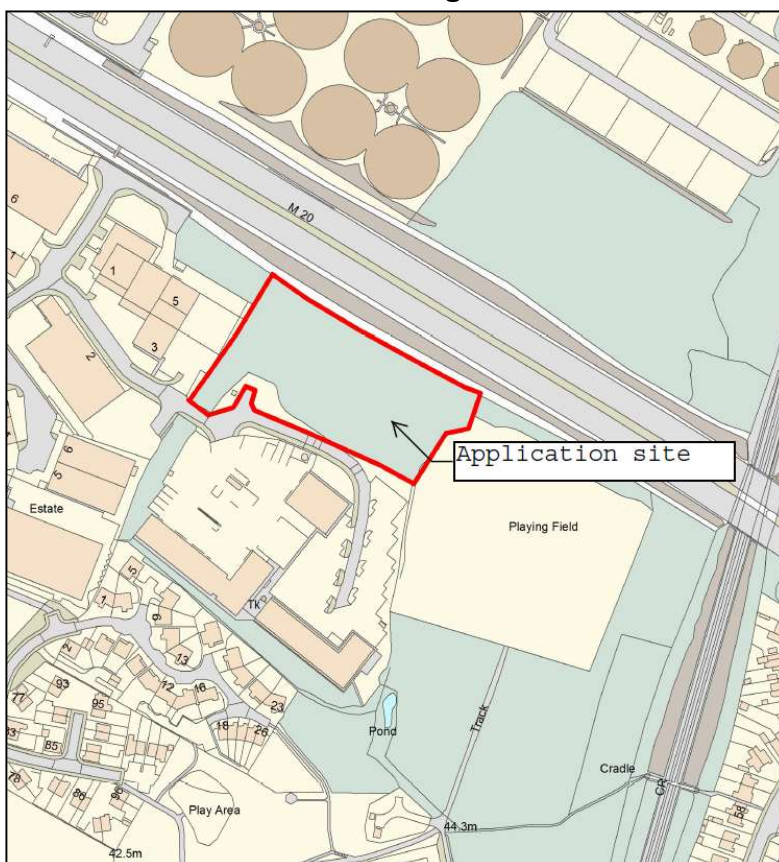
## Introduction

1. This application is reported to the Planning Committee because the Council has an indirect interest in the development because part of the scheme involves one of the Council's '**Big 8**' projects and so, pursuant to the Council's scheme of delegation, it is appropriate for Members to consider the proposal as a sensitive application.

## Site and Surroundings

2. The site comprises an area of land of approximately 1.1 hectares in size. Accessed from Javelin Way it is located between the M20 motorway to the north and the edge of the Henwood Industrial estate.

3. The site is currently vacant and comprises unmanaged grassland with scattered trees and scrub. There is a small electrical substation to the south-west of the site and a wet ditch along the western boundary that holds surface water run-off from the M20 motorway and highways depot.
4. To the south of the site is the KCC Highways and Transportation depot which comprises a two storey office building and various workshops and large storage units such as the salt barn. To the east are the Norton Knatchbull School playing fields located beyond a boundary of landscaping.
5. The site is not located within any designated landscape areas and it is not within Floodzones 2 or 3.
6. Henwood industrial estate itself accommodates a range of B1, B2 and B8 uses. It is an important strategic employment location within the town. There are also a handful of leisure uses such as the Flip-Out trampoline centre occupying former industrial units. There is also a public pay and display car park within the industrial estate that is close to the application site.
7. The site location is shown in **Figure 1** below.



**Figure 1: Site Location Plan**

## Proposal

8. Full planning permission is sought for the erection of x 29 Class B1 (light industrial units) and a Class D2 (Assembly and leisure) 'Creative laboratory'.
9. The proposed end user of the creative laboratory is the Jasmine Vardimon Dance Company which is a contemporary dance company currently based (temporarily) at the Stour Leisure Centre in Ashford. This building would, as well as providing performance space for the Company, provide administrative space and a café that would be an ancillary to the main use but would be made open to the public.
10. The external appearance of the creative laboratory would be a two storey building comprising of insulated render at ground floor with a rain cladding screen at first floor level.
11. The industrial units that would be constructed surrounding the creative laboratory would be of a modern appearance, constructed from a steel frame and finished in a light and dark grey powder coated metal cladding.
12. The application also includes the provision of 120 parking spaces in total. This would comprise of 90 to serve the industrial units (x3 per unit plus an extra space serving 3 of the larger units), 22 spaces serving the creative laboratory and 8 additional spaces to serve the existing highways depot. A further 5 dedicated motorcycle parking spaces are proposed to be provided. 30 covered bicycle spaces are also proposed adjacent to the creative laboratory and a further 4 spaces per unit is proposed within each unit.
13. A new access road is proposed off Javelin Way to the south west corner of the site. Hard and soft landscaping is also proposed.
14. Amended plans have been submitted following concerns raised by Kent Highways and Transportation. As such, an addendum to the transport assessment has been submitted as well as an amended site plan. A summary of the amendments is as follows:
  - a) Rationalisation of parking provision, including creation of flexible LGV / car parking spaces to each industrial unit. The scheme now provides a policy compliant 87 parking spaces for the 29 industrial units;
  - b) Reorganisation of the additional parking area for Kent Highways Depot parking (8 spaces);
  - c) Further information on cycle parking and refuse;

- d) Provision of motorcycle spaces on concourses of each industrial unit, as well as space/in front of Unit 10;
- e) Gate to be relocated and re-erected within KCC Highways Depot.

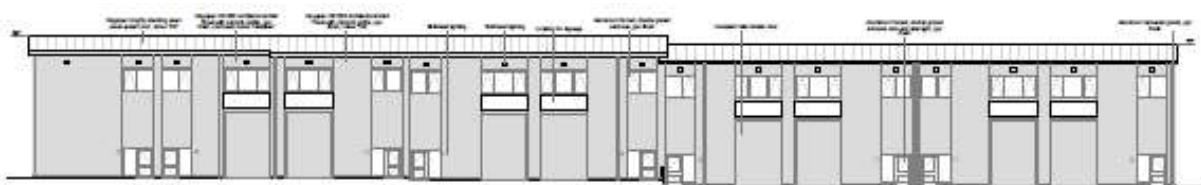
The applicant has also confirmed that it agrees to a personal condition to be attached to the proposed D2 use building which would restrict the number of staff/users of this building therefore putting less pressure on parking spaces.

15. The proposed site layout is detailed in **Figure 2** below:



**Figure 2: Proposed site layout**

16. The proposed elevations of the Industrial units and creative laboratory are detailed in **Figure 3** below:



Elevation A

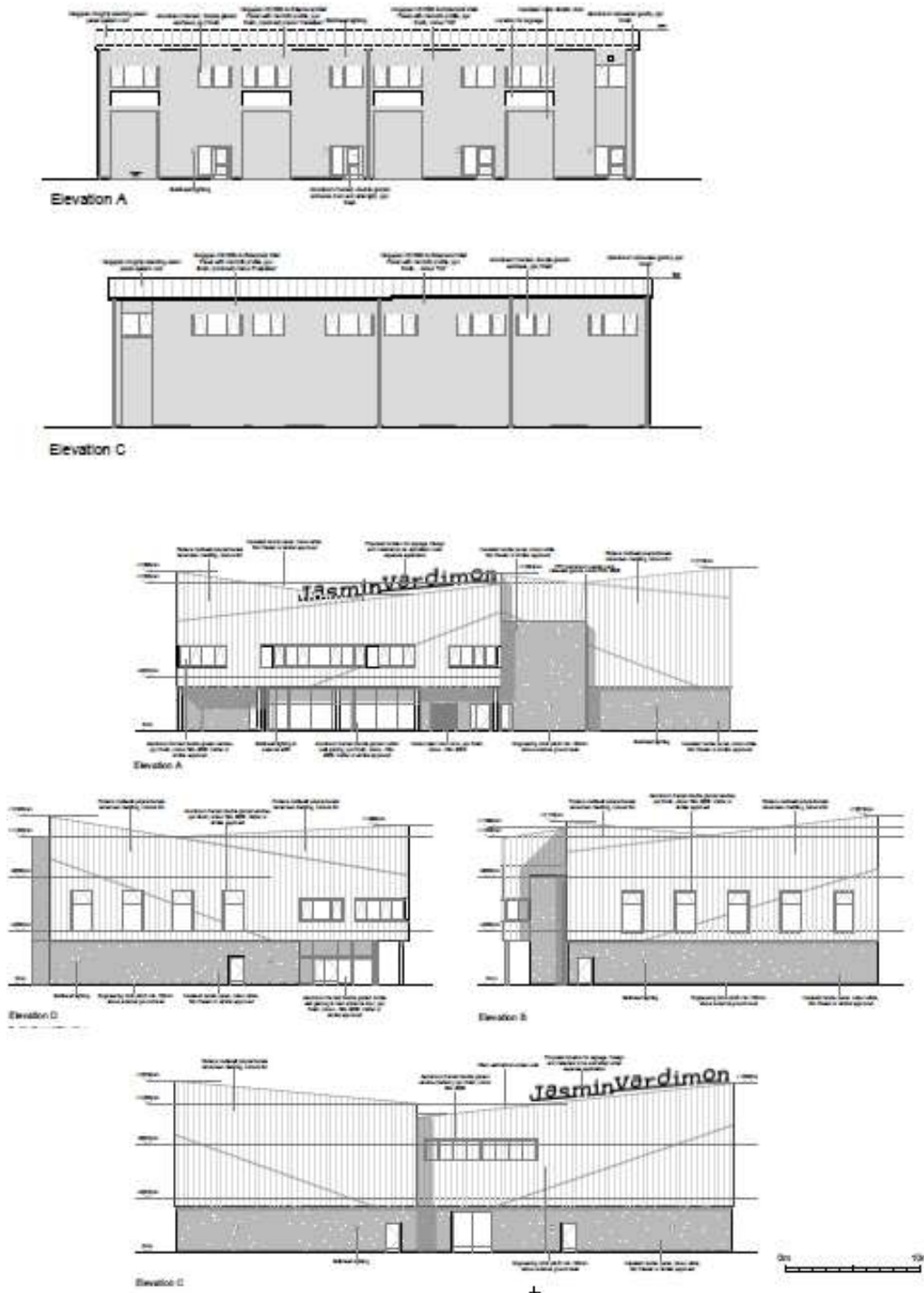


Figure 3: Proposed elevations

17. **Figure 4** below shows an artist's impression of the Jasmin Vardimon Creative Laboratory from a public vantage point on Javelin Way.



Figure 4: Jasmin Vardimon Creative Laboratory artist's impression

18. In support of the application a number of documents have been submitted which are summarised below.

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

- The proposed light industrial units would be divided into x 5 blocks, each with parking to the front of the unit. They would be metal clad. Windows and doors are proposed to be aluminium framed double glazed units with a powder coated finish. The proposed roofs would be dual pitch to minimise the overall height of the buildings.
- The Creative Laboratory building would be situated to the southeast corner with aspects to both the Ashford Highways Services Depot and the adjacent playing fields. The main entrance to the building will be from the south west corner, giving access to the café/foyer.
- The cafe is intended to be open to the public and the majority of the Creative Laboratory parking is accordingly situated. The café would enjoy lots of natural light from curtain wall glazing with solar shading being afforded by the first floor oversail.
- The external materials would comprise render with a rainscreen cladding above. The rainscreen would be formed of triangular and trapezoid shaped panels of different colours that would fit together to form a translucent skin to the building. The parapet height would vary with the triangular panels. The

angles and forms of the cladding are intended to convey a sense of movement around the building, and a contemporary aesthetic in keeping with the dance company's ethos. It is proposed that plant would be on the roof however this would be effectively screened by parapets formed by the cladding. The office space would be situated on the first floor, directly above the café/foyer with aspects to the Highways Services Depot and along the approach from Javelin Way. The main spaces will have large windows to allow in lots of natural light.

- Hard landscaping areas have been designed to facilitate the SUDs strategy and finished levels would comply with Building Regulations.
- Existing fencing to the east are proposed to be maintained if possible and if not will be replaced like for like.
- The northern boundary fencing is proposed to be replaced by a 1.8m wire mesh fence over a masonry wall in the north-west corner of the site: this is required to accommodate the access road.
- A 1.8m weld mesh fence is also proposed along the boundary adjacent to the school playing fields, connecting with the existing fence line at the Highways Services Depot car park. New tree planting is also proposed along this boundary.
- It is proposed that the scheme would be able to meet a BREEAM rating of 'very good'.

### **Planning Statement**

- The primary aim of this project is to secure a new facility for the Jasmine Vardimon Company to enable them to grow their creative industry. The Jasmine Vardimon Company has been successful with bids to the Arts Council for funding towards this project.
- The creative laboratory would provide spaces for the development of new dance productions, administrative office space as well as a shared use café that is intended to be open to the public.
- The industrial units would be single storey but of an appropriate height that a mezzanine floor could be included in the future depending on future users requirements. The units would be divided into 5 blocks, each with parking to the front of each block.
- The proposed development would comply with the aims and objectives of the NPPF.

- Planning permission was previously approved for industrial and business units at this site. Policy S23 is also a significant material consideration. This policy which covers the entire Henwood estate see the site allocated for industrial B1, B2 and B8 uses.
- The Jasmin Vardimon Company has secured Arts Council funding for this project. Overall the project offers a unique opportunity to provide a purpose built facility within the borough and this should be attributed significant weight.
- The proposed development would comprise a creative, innovative, high quality design which will enhance the surrounding area.
- The development would be located some way from the nearest residential dwellings. As a result the development would not have any significant impact upon residential amenity.
- The site provides opportunities for travel by sustainable modes and there are suitable pedestrian and cycle links with bus stops a short distance away. The train station is located within a reasonable walking distance.
- The creative laboratory is already located within the town centre at the leisure centre and therefore has existing vehicular trip generation associated with it.
- A traffic impact assessment has been undertaken at all junctions which are anticipated to observe an increase in 30 vehicle movements or more. The results indicate that the development would have a negligible impact on the surrounding highway network.
- The applicant has carried out an ecological appraisal which recommends that a Great Crested newt survey and a reptile survey was carried out. These surveys have been undertaken. It is concluded that the development would not have a negative impact upon protected species, their habitats or biodiversity in general.
- The proposed development would comply with the Council's planning policy in respect of sustainable design and construction.
- The site is located within Floodzone 1 and therefore is at a low risk of flooding. SUDs have also been considered as part of this application.
- An air quality report and acoustic survey have been carried out.
- The proposed development would comply with the Development Plan and National Planning guidance.



## **Preliminary Ecological Appraisal**

- An ecological desk study and a walkover survey have been undertaken. The desk study revealed one UK statutory site within a 2 km radius and one non-statutory site within a 1 km radius. In addition, records of a number of protected/notable species were identified within the desk study, including bullfinch, dunnock, cinnabar moth, brown long-eared bat, common pipistrelle, otter, water vole, common lizard and slow-worm. Records of five invasive flora/fauna species were identified within a 1 km radius of the site.
- The walkover survey was undertaken on 21st February 2018. The site comprised of unmanaged and rank semi-improved grassland with scattered trees and scrub there was a wet ditch bordering the western boundary. The south-west of the site was heavily littered with rubbish and old reptile exclusion fencing was also present along the southern boundary.
- The key ecological features onsite in relation to the works proposed are scattered trees, birds, great crested newts, foraging/commuting bats, terrestrial mammals and reptiles.
- In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:
  - (a) Habitat Loss and Enhancement: Biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site.
  - (b) Trees: Any trees on site, or overhanging the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations".
  - (c) Great Crested Newt: A great crested newt survey should be undertaken for all ponds identified up to 500 m of the edge of the proposed development site.
  - (d) Foraging/Commuting Bats: Bats are likely to use the tree lines adjacent to the site for foraging and commuting. Therefore, any lighting, either temporary or permanent, along the site boundaries should be kept to a minimum and directed away from these boundary features to maintain 'dark' areas and corridors.
  - (e) Nesting Birds: Vegetation clearance should be undertaken outside the nesting bird season. If this is not possible then any vegetation to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing.

- (f) Terrestrial Mammals (including Badger and Hedgehog): Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.
- (g) Reptiles: A reptile survey should be undertaken of suitable habitats within the proposed development site.

### **Reptile Survey and Great Crested Newt Survey Report**

- Native Ecology carried out a reptile presence / likely absence and population assessment survey in May 2018 and a Habitat Suitability Index assessment for great crested newts in May and June 2018.
- A medium population of slow worms was found to be present within the site at a relatively high density. A small population of common lizard was also present within the site.
- In order to avoid harm to reptiles as a result of development within the site, it is recommended that a mitigation strategy is produced to detail appropriate and proportionate mitigation and compensation for measures. It is likely that the mitigation strategy will recommend the translocation of reptiles to a suitable off-site receptor area.
- Three waterbodies were identified within 250m of the site boundary, including the ditch present within the site. The ditch within the site was dry by early May and considered unsuitable as breeding habitat for great crested newts. WB3 was also found to be dry and no access was gained to WB2.
- Overall the potential presence of great crested newts within the development site is assessed as low and no further survey work or mitigation measures are recommended.

### **Bird Nesting Opportunities Document**

- It is likely that only common and widespread bird species will nest within the site, such as blackbirds, robins, wrens, great tits and blue tits. Notwithstanding this, through the installation of nest boxes and long-term natural nest provision, there is potential for the site to retain value for nesting and foraging birds post-development.
- This document with accompanying plan details the types and location of bird nest boxes that would be installed within the site, as well as the provision of native species planting to provide long-term foraging opportunities for birds within the locality.

### **SUD's Feasibility Report**

- The site has a moderate to high potential for infiltration, primarily due to the permeability of the underlying geology (predominantly sandstone). Site investigation is therefore recommended to confirm the infiltration capacity of the site.
- The site is over 100m from a surface water body, discharge to surface watercourse is therefore not considered to be feasible as this would require crossing large tracts of third party land.
- A surface water sewer is located within 10m of the site to the west. If infiltration tests confirm infiltration is not a feasible method to discharge surface water runoff, then discharge to the public surface water sewer to the west of the site would be the optimum sustainable drainage option for the new development area.
- SuDS features should be designed to provide a minimum surface water attenuation volume of 824.3 m<sup>3</sup> prior to discharging via infiltration. Where infiltration is not considered to be viable, surface water should be discharged to the combined sewer at a restricted rate of 3.8l/s. This would ensure surface water runoff is managed according to national and local policy in all events up to and including the 1% AEP event plus a 40% allowance for climate change, as preferred by DEFRA non-statutory guidance (DEFRA, 2015).
- The proposed drainage strategy is comprised of SuDS features which include permeable paving and bio retention areas with a minimum holding capacity of 838.5 m<sup>3</sup>, to provide adequate storage for the required 824.3 m<sup>3</sup> and to ensure there would be no increase in flood risk.

### **RIBA Stage 3 Access Report**

- The proposal to create this space for Jasmine Vardimon Company is fully representative of the company's commitment to equality and diversity and to the Social Model of Disability. It also closely follows or exceeds the ACE guidance "Building Inclusion". The design of the building, incorporating best practice access guidance wherever possible, would ensure that there are opportunities for people with a wide range of access requirements to visit or work in the building therefore contributing to its sustainability in the long term.

### **Energy Statement**

This report demonstrates how the targets for carbon dioxide emissions reduction are to be met through modelling and by predicting the energy performance and carbon dioxide emissions of the proposed development.

The results identify the carbon footprint of the development along with its energy usage after each stage of the energy hierarchy. Building Regulations Target Emissions Rate are proposed to be met as follows:

- Part L2A 2013 Target Emissions Rate: 121.5 Tonnes carbon dioxide per annum Part L2A 2013 Building Emissions Rate
- Part L2A 2013 Building Emissions Rate: 95.2 Tonnes carbon dioxide per annum
- Reduction in Carbon Dioxide Emissions of 26.3 Tonnes per annum would be achieved equating to 21.67%.
- 21.67% carbon dioxide reduction over the TER would be achieved to satisfy the Ashford Borough Council requirements.
- The proposed JVC Creative Laboratory within the Javelin Way Development would be eligible for 7 Ene 01 credits.

### **BREEAM Pre- Assessment**

- Ashford Council have specified a requirement for BREEAM Very Good, in line with emerging policy ENV11 – Sustainable Design and Construction – non-residential. This also includes a requirement for a 40% improvement in water consumption against baseline performance, which results in 3 WAT01 credits under BREEAM.
- The pre-assessment, (based on certain assumptions), shows a Very Good rating. With a score of 56.1% this is over the 55% required to achieve a Very Good rating. As the project moves forward additional credits are anticipated.
- The whole scheme will therefore achieve BREEAM Very Good.

### **Flood Risk Assessment**

- The site is currently undeveloped land with a small electrical substation. The site is located within fluvial Flood Zone 1, and is therefore at Low risk of fluvial flooding. According to the Environment Agency's Risk of Flooding from Surface Water flood mapping, the majority of the site is at very low risk of pluvial flooding although locally, in western areas, the risk is very high. According to GeoSmart's Groundwater Flood Risk (GW5) Mapping, the site is at negligible to low risk of groundwater flooding during the 1 in 100 year event. The site is not at risk of Reservoir Flooding.
- Finished Floor Levels (FFL) of the proposed development adjacent to the western boundary of the site (units 1 to 9) should be set no lower than 0.6m above current ground levels and a water entry strategy / water resistance and resilience measures should be included in the design of the development.

- FFL of the proposed development in the western section of the site (units 10 to 15 and 22 to 29) should be set no lower than 0.3m above current ground levels.
- A sustainable drainage strategy (SuDS) should be developed for the site, for effective management of surface water runoff from the proposed development. It is recommended that the mitigation measures detailed within the report are considered as part of the proposed development.

### **Environmental Noise Survey Report**

- An environmental noise level survey has been completed. Typical ambient and background daytime noise levels have been established around the site.
- Ambient noise levels are dominated by the M20 motorway. These levels have been taken into account in the design of the development to establish performance requirements for the sound insulation of the external building fabric to control external noise ingress to achieve relevant guideline internal noise criteria as set out in BS 8233.
- Background noise levels have been used to set preliminary daytime mechanical services plant noise criteria in accordance with BS 4142. These can be used as a basis for future noise control of mechanical services plant and for the assessment of potential impact of activity noise breakout from the creative laboratory.

### **Air Quality**

- Site-specific background UK-AIR and monitoring results from the wider area suggest that air quality in the borough is generally good, and background pollution concentrations at the application site are likely to be well below the relevant UK Air Quality Strategy standard concentrations.
- The construction phase of proposed development would have the potential to give rise to emissions that could cause dust soiling effects on adjacent uses. It is therefore recommended that a full construction phase assessment is carried out with reference to the IAQM guidance.
- Traffic generated during the operational phase of any development would have the potential to significantly increase NO<sub>2</sub> and PM<sub>10</sub> concentrations at nearby sensitive receptors, and also, potentially, within the town centre of Ashford. It is therefore recommended that these potential impacts are assessed using detailed dispersion modelling and appropriate mitigation guidance.

- Once the magnitude and significance of any impacts have been assessed, it is anticipated that these could be reduced to an acceptable level, where necessary, through the adoption of a tailored programme of mitigation.

### **Transport Assessment**

- The location of the site provides opportunities for travel by sustainable modes of travel, there are suitable pedestrians and cyclist links to the site and bus stops a short walk away. The train station is also within a reasonable walking distance.
- Due to the unique nature of the Creative Laboratory, and that it currently exists within Ashford town, consideration has been given to the existing trip generation and parking numbers in order to inform this assessment.
- A traffic impact assessment has been undertaken at all junctions which are anticipated to observe an increase of 30 vehicle movements or more. The results of the assessments indicate that the development will have a negligible impact on the surrounding highway network.
- The Transport Assessment demonstrates the suitability of the proposed site for development to that proposed and that there are no sound or reasonable reasons on highways and transportation grounds to refuse the proposed development.

### **Addendum to Transport Assessment**

- Confirms that the crash data submitted with the application has been appropriately sourced and is sufficiently up to date as there have been no significant changes to the network within the study area that would have altered the trends identified.
- Trip rate/generation have been updated.
- A sensitivity test of capacity at the junction has been undertaken using an alternative method of data input into the ARCADY model. The 'DIRECT' data input method enters traffic data in 15 minute time segments which may more accurately reflect an unusual traffic profile at a junction. The previous assessment was undertaken using the 'ONE HOUR' or 'ODT AB' data input method which enters traffic data across the whole peak hour which generates a smoother profile of traffic and can negate any noise present in the dataset.
- The capacity assessment results indicate that during the second 15 minute period (19:15-19:30) within the PM peak hour the Henwood arm of the junction operates over capacity within both the Do Nothing and Do Something

scenarios. Within this period there is a spike in queuing on this approach up to 28 vehicles without development and 33 vehicles in the with development scenario.

- Both the observed data and forecast model assessments indicate that any queueing at the junction dissipates completely within the following 15 minute period and by the end of the peak hour. Furthermore, although it is acknowledged that the junction operates over capacity for a single 15 minute period during the PM peak period, comparing the Do Nothing and Do Something scenario results demonstrates that the development does not have a severe impact at the junction and mitigation at the junction is not required as a direct result of the development.
- Updated drawings showing appropriate swept paths for a 16.5 metre articulated vehicle based on the updated site layout are contained in Appendix C of the addendum.
- The addendum provides direct responses to the issues raised by Kent Highways and Transportation following the initial consultation on this application. The Addendum provides clarification and additional information as requested.

## Planning History

**05/00786/AS** – Planning permission granted for the erection of B1, B2 and B8 units. Associated external works, new access road and junction and cycleway. This application was an outline permission and has since expired.

**06/014522/AS** – Planning permission granted at the adjoining site (County Deemed permission) for the highways depot comprising offices, garaging, salt barn and storage areas with associated car parking and landscaping.

## Consultations

**Ward Members:** The Stour Ward is represented by two Councillors, Councillor Galpin and Councillor Waters. Both are Members of the Planning Committee. Neither Ward Member has commented on the application at the time of writing this report.

**6** neighbours consulted, **0** representations received.

**Jasmin Vardimon Company** – General comment as follows:

*“Jasmin Vardimon Company are delighted to be given this opportunity to develop a key creative asset for Ashford and Kent and are grateful for all the support this project has received. We very much look forward to building upon our relationships*

*with local community groups and businesses to provide access to up to the minute facilities and well-being offers. In addition we will be able to further develop our international training programme for next generation creative talent making Ashford a centre for excellence.”*

**Southern Water:** No objections stating that initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. The developer will be required to make a formal application for a connection to the public sewer. Also requests an informative relating to this.

**Ashford Borough Council Environmental Health Manager:** No objections subject to conditions. Comments summarised below:

- The noise assessment provided does have a certain level of uncertainty on the basis that the background survey was undertaken over a limited period, when traffic was likely to be at its' heaviest. The report does not discuss or address any uncertainty. The report also states the background level has been based on minimum levels, but does not appear to have been. As such a condition is recommended that prior to the occupation of each unit, a scheme to control noise/vibration from any plant may be appropriate, with more extensive background surveys provided.
- The Air Quality report submitted recommends further assessment for both construction and operational phases, a condition is therefore requested to require this i.e. the applicant must complete an air quality assessment (including damage cost analysis in accordance with DEFRA guidance) and apply mitigation to the development based on the calculated damage cost.
- The applicant proposes to dispose of sewage by a connection to the mains public sewer. As such, a condition is appropriate to avoid pollution of the surrounding area.
- There is a potential for unexpected contamination to be found during the works and a condition in relation to this would therefore be appropriate.
- The provision of a construction management plan is requested by planning condition. In particular this should deal with measures to minimise the production of dust on the site, 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), measures to minimise the potential for pollution of groundwater and surface water, and the arrangements for public consultation and liaison during the construction works.

**Kent Highways and Transportation:** Raise objections and request the provision of amended plans and additional information.



**[HoDM & SS Comment:** Amended plans have been submitted in response and KHS re-consulted. ]

**Kent County Council Ecology and Biodiversity:** Requests the provision of further information.

**[HoDM& SS Comment:** Additional information was provided by the applicant and KCC Ecology and Biodiversity were re-consulted.]

**Environment Agency:** No comments to make.

**Ashford Access Group:** No objections commenting as follows:

With regard to parking provisions for each unit, it will be necessary to provide a designated parking bay if at any time a disabled driver is employed.

**Kent County Council Flood and Water Management:** No objections, commenting as follows:

- Desk based BGS information indicates that the underlying geology is Sandgate Beds (Sandstone) and shows that there are opportunities for bespoke infiltration. The depth of the water table is reported to be less than 3 metres below ground. In order to confirm the viability of SuDS infiltration at this site, additional ground investigation will be required. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time. Should infiltration not be considered feasible at this site, we are satisfied with the principles of the alternative approach where surface water will be discharged at 3.8l/s to the public surface water sewer on the western boundary.
- Requests a condition requiring the submission of a detailed surface water drainage scheme based upon the submitted SuDS report. The system should demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. A condition requiring a verification report is also requested.

**Ashford Borough Council (Refuse):** No objections, commenting as follows:

- ABC do not provide commercial collections, but recommend refuse collection vehicle tracking of the site be developed to demonstrate how waste collections can be achieved. A refuse collection vehicle will require turning points. The design also needs to consider how waste bins, which will be at least 1100L in volume would be stored/located. If not this may lead to businesses presenting bins in parking bays. Bins left in the open are also

subject to fly tipping which will have a detrimental effect to the property and environment.

**[HoDM& SS Comment:** Updated vehicle tracking information has been provided. The applicant has also confirmed that 1 x 1200L refuse bins will be located within each industrial unit and an enclosed bin store is proposed to the east boundary of the site serving the Creative laboratory].

Second Consultation (taking account of the amended layout and additional nesting bird information)

**Kent Highways and Transportation** – No objections subject to conditions.  
Comments are summarised below:

- The parking requirement for a B1 (c) Light Industrial Use is 1 space per 35 square metres and so for a total of 3046 square metres of B1 (c) a total of 87 car parking spaces are required. A total of 87 spaces are now provided through the creation of flexible LGV / car parking spaces.
- The parking requirement for a D2 (Assembly and Leisure) use is 1 space per 22 square metres and so for a total of 1257 square metres of D2 a total of 57 car parking spaces are normally required. Only 22 car parking spaces are provided. This is a shortfall of 35 spaces compared to the normal requirement and again is likely to lead in inappropriate car parking. The submitted Transport Assessment has sought to justify the parking provision of 22 car parking spaces through the unique nature of the potential occupier of the building and the likely number of staff travelling to the site by car. This is acceptable to the Highway Authority subject to a personal planning condition being attached to any permission granted.
- Paragraph 5.10 of the Transport Assessment states that 'the scheme promoters intend to discuss the potential of using the adjacent KCC Henwood office car park outside office hours for these events in order to cater for vehicles travelling to the site for showcase events'. A discussion will need to take place with Toby Howe, Senior Highway Manager at Kent County Council Highways and Transportation to discuss arrangements to provide car parking on KCC Highways land. This can be dealt with outside of the planning process however as a private agreement between the applicant and KCC Highways and Transportation.
- The site layout plan (718/010/PL03 Revision A) now shows a grasscrete car parking area to the south of the existing access road for a total of 8 parking spaces. A new vehicle crossing will also be required over the existing segregated footway / cycle way rather than a bell-mouth junction as currently shown. I would suggest that the existing segregation is removed and the footway / cycleway is made shared from the entrance to the Amey Depot to the KCC Highways and Transportation offices. The two existing speed humps on the site access road will also need to be removed. A planning condition is

therefore required detailing how the footway / cycleway will be amended and the removal of these speed humps.

- The existing Highway Depot site is secure through the use of fencing and a vehicle and pedestrian gate. There is no details submitted in the site layout plan of how the highway depot will be secured as a result of the proposals to remove the existing gates and fence. As the Highway Depot is a private site then the site will need to be secure. I would suggest that the applicant discusses this issue with Toby Howe, Senior Highway Manager at Kent County Council Highways and Transportation to discuss arrangements to secure the depot. This again can be dealt with outside of the planning process however as a private agreement between the applicant and KCC Highways and Transportation.
- A sensitivity test has now been undertaken for the A292 Hythe Road / Henwood roundabout junction. This is based on the 'DIRECT' data input in which traffic data has been entered in 15 minute time segments. This subsequently results in a more accurate traffic profile at the roundabout than was previously suggested in the Transport Assessment which was based on a one hour input method. The analysis undertaken demonstrates a queue of 28 vehicles on the Henwood arm in the PM peak with a delay of 100 seconds without the proposed development between the hours of 5pm and 5.15pm in a 2023 future year scenario. With the proposed development the queue will increase to 33 vehicles (an increase of 5 vehicles) and the delay will go up to 116 seconds (an increase of 16 seconds) between the hours of 5pm and 5.15pm in a 2023 future year scenario. Although this is an increase in queuing and delay on Henwood arm of the roundabout this does not represent a severe impact. The predicted queuing also dissipates completely within the following 15 minute period.
- Vehicle tracking for the site has now been undertaken for a 16.5 metre long articulated vehicle.
- A total of 5 motorcycle parking spaces are now provided which meet current standards.

**Kent County Council Ecology** - No objections subject to conditions. Comments are summarised below as follows:

- The reptile surveys have confirmed that breeding populations of slow worms and common lizards are present on site and the design of the proposed development means there are no opportunities for the reptile population to be retained on site and there is a need for an offsite receptor site. Details of a suitable off site receptor site at Godinton Park have been submitted and is sufficient to support the reptile population. This should be secured by condition.

- Suitable habitat is present on site for breeding birds and it will be lost a result of the proposed development. Information has been submitted confirming what features for breeding and foraging birds will be incorporated in to the site. This includes (but not limited to) erection nest boxes throughout the site (including open fronted nest boxes, cavity nest boxes and integrated terrace boxes), planting native species and climbers throughout the site. The provision of this mitigation should be secured by a planning condition.
- The Preliminary Ecological Appraisal detailed that the site provides opportunities for foraging/commuting bats and recommended a dark corridor along the site boundaries to retain that interest, but it does not appear if this has been incorporated in to the site plan. From reviewing the site plan it appears that there is access to the rear of the units so it's likely that some lighting will be installed (if not by the application but by the owners of the units.) along the boundaries of the development. Information has been provided detailing what measures the lighting plan must incorporated to minimise impact on foraging bats. These measures are considered to be appropriate. A planning condition is requested requiring a lighting plan to be submitted for approval.

## **Planning Policy**

19. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
20. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
21. The following are also material considerations to the determination of this application.

### **Ashford Local Plan to 2030 (adopted February 2019)**

SP1 – Strategic Objectives

SP3 – Strategic Approach to Economic Development

SP6 – Promoting high quality design

S23 – Henwood Industrial Estate.

EMP1 – New employment uses

EMP2 – Loss of redevelopment of employment site and premises

TRS3(b) – Parking standards for non-residential development

ENV1 – Biodiversity

ENV4 – Light Pollution and Promoting Dark Skies

ENV6 – Flood Risk

ENV9 – Sustainable Drainage

ENV11 – Sustainable Design and Construction

ENV12 – Air Quality

### **Government Advice**

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

22. 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:-
23. Section 2 – Achieving Sustainable Development. Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are:
  - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land,

helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

24. Section 4 – decision making. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way using 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.
25. Section 6 – Building a Strong and Competitive Economy. Paragraph 80 states that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should therefore be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It states that the approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
26. Section 8 – Promoting Healthy and Safe Communities. Planning policies and decision should aim to achieve healthy, inclusive and safe places. In addition paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
  - a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
  - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering the

location of housing, economic uses and community facilities and services.

27. Section 9 - Promoting Sustainable Transport.
28. Section 12 – Achieving Well Designed Places. Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 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 it functions. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

#### **Other Documents**

29. The following whilst not adopted planning policy are material considerations.
- The Ashford Borough Council and Kent County Council District Delivery Deal
30. The Ashford Borough Council/Kent County Council Delivery Deal is an agreement to work together to deliver better outcomes for residents and business of the borough, and by extension, Kent.
31. The Deal has two main parts:
- A commitment to focus the combined efforts of both Council's on delivering key strategic projects – **The Big 8** – that will help to deliver Ashford's significant potential.
  - An agreement to improve the way the Council's work together to make sure we deliver the best quality outcomes possible for residents and businesses.
32. The enabling of the Jasmine Vardimon Dance Academy is identified as one of The Big 8 projects.

The Ashford Borough Council Five Year Corporate Plan

33. This document sets out the Council's priorities and aspirations for the future – to have a borough where people do want to live and where businesses do want to locate.
34. The Council's priorities are to have a borough that:
- Promotes and delivers economic growth, including investment, jobs and skills levels.
  - Delivers on quality housing and planning.
  - Recognises the value of tourism and the benefits it brings to the towns, villages and the borough as a whole.
  - Supports our growing senior population to lead full and independent lives.
  - Provides healthy lifestyle choices and opportunities for all ages.
  - Maintains its environments attractively, responsibly and safely.
  - Is effective, efficient and sustainable in terms of finance, resources, service delivery and enforcement.
35. The Five Year plan also states that one of the big issues for the life of the plan is to keep Ashford and its projects on track, particularly driving **The Big 8**, for the benefit of the borough.
36. The enabling of the Jasmine Vardimon Dance Academy is identified as one of The Big 8 projects.

## **Assessment**

37. The main issues for consideration are:
- Principle of the Development
  - Visual impact
  - Impact upon residential amenity
  - Impact upon highway safety



- Other issues – Ecology, SUD's, BREEAM

### **The Principle of the Development**

38. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Central Government guidance contained within the National Planning Policy Framework states that planning has an important economic role and must contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available at the right time to support growth and innovation. As such the Government is committed to securing economic growth in order to create jobs and prosperity and therefore significant weight should be placed on the need to support economic growth through the planning system.
39. Adopted planning policy set out within the Ashford Local Plan (Feb 2019), states that the provision of new employment space is critical to the delivery of employment and jobs in the borough. The plan states that it is important that any new employment development occurs in locations which provide suitable access to the local road network and can be accessed via a range of means of transport – such as the application site.
40. The site is currently vacant and is located within an existing industrial area where comparable industrial uses can be found.
41. Policy S23 of the adopted Ashford Local Plan further identifies The Henwood Industrial Estate for B1, B2 and B8 uses. The policy states that
- Detailed proposals for any new development on vacant plots or redevelopment will need to ensure:*
- a) *That future redevelopment or intensification of existing developments will not result in a shortage of available premises of a particular size or type in Ashford;*
  - b) *Proposed uses would not have a significant adverse impact on the amenity of local residents; and,*
  - c) *Include a full flood risk and groundwater risk assessment to prevent pollution of controlled water both prepared in consultation with the Environment Agency and provide SuDs in accordance with ENV9.*
42. The principle of B1 uses here would comply with policy S23. Parts b) and c) of this policy are considered in subsequent sections of this report.

43. It is acknowledged that the policy does not support D2 uses specifically, however there are some other leisure based uses with the Henwood Industrial estate and the creative laboratory requires a building of a suitable size to provide the performance space required which can be accommodated here. The site is also well connected to the town centre and public transport links and cycle and pedestrian infrastructure provide the site with an enhanced level of sustainable transport options seeking to ensure ample opportunity is afforded to future employees and visitors to travel sustainably. The proposed café is a small part of the development, being an ancillary uses and would be well placed to serve employees of the Henwood estate as well as visitors.
44. The proposed development of this site for employment uses would be in accordance with the policy aspirations of both the Council by taking a positive approach to economic development (SP3) and central government which seeks to support employment generating uses in appropriate locations. The development would create new employment opportunities within the town and would not result in the loss of existing premises for employment uses in accordance with planning policy.
45. The development would therefore in principle comply with the requirements of Development Plan policy (policies SP1, SP3, S23 and EMP1) and Central Government guidance. As a result, the overall principle of the development is considered to be acceptable in planning terms.
- 46. Impact upon Visual Amenity**
47. In terms of its scale and massing the proposed industrial units echo the modern design approach adopted elsewhere in the Henwood estate. I consider that the scheme proposes high quality materials and contemporary form of an appropriately high standard for this location. Building forms are necessarily utilitarian and functional but this is appropriate for this location and is justified in terms of practical use considerations. Whilst material samples would be submitted by condition, the proposed metal cladding materials would be appropriate. Colour will need to be carefully considered however to ensure contrast and visual interest is achieved. Windows are proposed at higher levels which will assist in breaking up the elevations.
48. The design of the Creative Laboratory is also functional which is necessitated by the proposed use. The design is interesting and contemporary in style with its variations in height and various setbacks. The addition of a large glazed area at ground floor would also add interest to the front elevation and create pleasant and light space for those using the café. The windows would be placed appropriately forming a rhythm that would help to break up the elevations. The proposed used of contemporary cladding and grey fenestration would also be in keeping with the overall character of the area.

49. The proposed layout separates the development into 5 blocks of industrial units with the Creative Laboratory fronting the road. Breaking the units into these blocks will help to reduce the overall impact of the development. The layout of the units also results in a practical and efficient layout whilst retaining a presence and sense of activity to the street and convenient and safe pedestrian and vehicular access.
50. The buildings would be set back slightly from the road which would allow for the provision of a landscape buffer strip which would help soften the development. Landscaping, including enhanced trees and hedging, is also proposed within the site which will enhance the visual quality of the area. The proposed hard landscaping would comprise a mixture of materials including tarmac and block paving all of which I consider to be acceptable.
51. I am satisfied that the design, appearance, scale and massing and site layout would result in a scheme which would be successfully integrated within the existing townscape and neighbouring industrial development.
52. I am therefore satisfied that the development would meet the high quality design aims of policy SP6 of the Ashford Local Plan.

#### **Impact upon Residential Amenity**

53. The site is located adjacent to an existing industrial estate with the M20 on one side and the boundary with the Norton Knatchbull School on another. As such there are no near residential dwellings. Given this, I am satisfied that the development would relate well to neighbouring uses.
54. The proposed hours of use are not considered to be either unreasonable or antisocial (06.00 hours to 23.00 hours for the industrial units and 08.00 hours to 21.00 hours for the Creative Laboratory) and whilst these could be controlled by condition it would not in my view be reasonable to do so given that similar restrictions do not apply to neighbouring industrial buildings and the fact that there are no near residential properties. It would however be appropriate to ensure that any industrial processing only occurs within the buildings themselves to ensure that occupiers are respectful of their neighbours. I therefore propose that this is achieved through a planning condition. Similarly conditions are proposed relating to noise and vibration from plant and requiring further air quality assessments and additional mitigation as necessary. This is in line with the applicants own suggested mitigation measures and following consultation with the Council's Environmental Protection Officer. It is also recommended that if planning permission is granted that electric vehicle charging points are secured by

condition. In light of the above I am satisfied that the development would not be harmful to residential amenity.

**Impact upon highway safety**

55. The new access has been designed to ensure that all vehicles can enter and exit the site safely, with appropriate visibility spays being provided.
56. The amount of parking to be provided within the site is considered to be acceptable for the proposed uses. I do however note the comments of Kent Highways and Transportation who request a personal condition restricting the occupation of the Creative Laboratory to the Jasmin Vardimon Company as alternative D2 uses may generate a requirement for additional parking to be provided within the site.
57. KCC Highways and Transportation have raised no objections relating to highway capacity and safety on both local and strategic roads. In addition they are satisfied with the level of parking provision subject to conditions.
58. In light of the above I am satisfied that the development would not result in increased risk of accident, delay or congestion and would therefore not be harmful to highway safety.

**Other issues –BREEAM, SuDS, Ecology**

59. Local Plan policy ENV11 requires all non-residential development to achieve a BREEAM 'Very Good' standard with at least a 40% improvement in water consumption against the baseline performance of the building (Wat 1, 3 Credits), unless demonstrated that this is not practicable. The applicant has confirmed that this standard would be reached. Should planning permission be granted it is recommended that this requirement is secured by planning condition.
60. In respect of the management of surface water, the scheme involves the use of permeable block paving, bio retention areas and landscaped areas. A surface water sewer is located within 10m. Infiltration is proposed however if tests confirm that this is not feasible, then discharge to the public surface water sewer to the west of the site is considered to be appropriate.
61. SuDS features should be designed to provide a minimum surface water attenuation volume of 824.3 m<sup>3</sup> prior to discharging via infiltration. Where infiltration is not considered to be viable, surface water should be discharged to the combined sewer at a restricted rate of 3.8l/s. This would ensure surface water runoff is managed according to national and local policy in all events up

to and including the 1% AEP event plus a 40% allowance for climate change, as preferred by DEFRA non-statutory guidance.

62. Following consultation to Kent County Council as the Lead Local Flood Authority, who have raised no objections to this approach, I am satisfied that there would be adequate surface water storage to serve the development and there would be no increase in flood risk.
63. In terms of Biodiversity and Ecology I am satisfied that these matters can be appropriately and adequately dealt with subject to conditions and the mitigation measures set out within the applicant's ecological report. Furthermore the applicant proposes measures that would encourage biodiversity that are welcomed. As such the development would provide net gains and help to encourage biodiversity within the area. This is in accordance with the guidance set out within the NPPF.

## **Human Rights Issues**

64. 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**

65. 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**

1. The proposed works would develop a vacant site and improve the potential for generating employment opportunities, which is in line with the aims and objectives of the NPPF, which seeks to promote economic growth and support businesses.
2. The development would comply with the requirements of the Development Plan as a whole and would not represent a departure from its policies SP1,

SP3, SP6, S23, EMP1, EMP2, TRS3(b), ENV1, ENV6, ENV9 and ENV11 of the Ashford Local Plan to 2030

3. The impact of the proposal in highway terms is acceptable subject to conditions.
4. No significant harm to the visual amenity of the surrounding area would be caused by the proposed development.
5. The impact of the proposal upon residential amenity is acceptable.

## **Recommendation**

### **Permit**

**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)**

#### **Time limit for implementation**

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

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

#### **Monitoring and enforcement**

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

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

3. The development shall be 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**

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

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

### **Noise and vibration**

5. Prior to the first use of each building hereby approved, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

**Reason:** To prevent the transmission of noise and vibration into any neighbouring properties to protect amenity

### **Sewerage and Drainage**

6. None of the buildings hereby approved shall be occupied until works for the disposal of sewage have been provided on the site to serve the development, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented and maintained in accordance with these approved details unless otherwise approved by the Local Planning Authority.

**Reason:** To avoid pollution of the surrounding area.

7. Prior to the commencement of any ground works, a detailed sustainable surface water drainage scheme for the site shall be submitted to, and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the approved SuDS Report (GeoSmart Information, December 2018) and shall demonstrate that the surface water

generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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

8. No building 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, and approved in writing by the Local Planning Authority which demonstrates the suitable modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).



### **Air Quality**

9. The applicant must complete an air quality assessment (including damage cost analysis in accordance with DEFRA guidance) and apply mitigation to the development based on the calculated damage cost

**Reason:** To ensure that there is no negative impact upon air quality in accordance with policy ENV12 of the Ashford Local Plan.

### **Contamination**

10. If unexpected contamination is to be found at any time when carrying out the approved development it must be reported immediately and in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken and submitted to the Local Planning Authority for approval in writing, and where remediation is necessary a remediation scheme must be prepared and agreed in writing prior to completion. Finally, a verification report must be submitted for approval by the Local Planning Authority prior to the occupation of the development.

**Reason:** To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **Construction Management Plan**

11. 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. Prior to the commencement of the development a Code of Construction

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas

- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

**Reason:** To protect the amenity of the users of neighbouring sites.

### **Highways and parking**

12. The area shown on the drawing number (718/010/PL03 Revision A) as vehicle parking space and turning shall be provided, surfaced and drained in accordance with the details approved before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

13. The area shown as vehicle loading/unloading and turning facilities shown on the submitted plan (718/010/PL03 Revision A) shall be provided prior to the first occupation any of the light industrial units or creative laboratory and shall be retained in perpetuity for these purposes unless otherwise approved in writing by the Local Planning Authority.

**Reason:** Development without provision of adequate loading and turning facilities may lead to inconveniences to other road users.

14. Prior to the first occupation of the industrial units, full details showing the provision and permanent retention of 2 secure, covered cycle parking spaces for each of the light industrial units shall be submitted to and approved by the Local Planning Authority. These spaces shall be retained in perpetuity in accordance with the approved details unless otherwise approved 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.

15. Prior to the commencement of works above ground level, full details including elevations of the bicycle parking facilities detailed on approved drawing 718/010/PL03 Revision A, providing covered secure bicycle parking facilities serving the users of and visitors to, the Creative Laboratory, shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to the first use of the building and shall be permanently retained in accordance with the approved details unless otherwise approved 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.

16. Prior to the first occupation of any part of the development, the approved access shown on approved plan 718/010/PL03 Revision A shall be completed.

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

17. The building identified as the Creative Laboratory on approved drawing 718/010/PL03 Revision A shall be occupied by the Jasmin Vardimon Company only and be managed based on the day to day use of the Creative Laboratory as set out in paragraph 6.4 of the Transport Assessment unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** An alternative D2 use may generate further pressures on parking in the vicinity.

18. Prior to the commencement of the development, detailed plans shall be submitted to and approved in writing by the Local Planning Authority showing the provision of a vehicle crossing to serve the 8 proposed parking spaces (Kent Highways Depot parking identified on approved drawing number 718/010/PL03 Revision A). These details shall also detail the removal of the existing segregated footway / cycleway along Javelin Way and its replacement with a shared use facility together with the removal of the two existing speed humps. Works will be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

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

### **Ecology and Biodiversity**

19. No development works must commence on site until the approved reptile mitigation detailed within chapter 9 of the Reptile Mitigation Strategy and Management Plan (Native Ecology; October 2018) has been implemented. Upon completion of the reptile translocation the receptor site must be managed and monitored as detailed within Chapter 10 of the Reptile Mitigation Strategy and Management Plan (Native Ecology; October 2018)

unless otherwise approved in writing by the Local Planning Authority in consultation with Kent County Council Ecology and Biodiversity.

**Reason:** In the interests of ecology and biodiversity.

20. Prior to occupation of the site, the bird nesting features and planting detailed within the Bird Nesting Opportunities Plan; (Native Ecology; March 2018) shall be completed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of ecology and biodiversity.

21. Prior to occupation of the development, a detailed lighting plan (including a map showing anticipated light spill) must be submitted to and approved in writing by the Local Planning Authority. The plan must incorporate the recommendations within the letter from Native Ecology dated 4th March (Ref 0204\_L01\_Rev B). The lighting plan shall be carried out in accordance with the approved details and there shall be no additional lighting installed without the prior written approval of the Local Planning Authority.

**Reason:** In the interests of ecology and biodiversity.

### **Landscaping**

22. No development shall take place above ground level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; 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 order to protect and enhance the amenity of the area.

### **Use & Sustainable Design & Construction**

23. The industrial units hereby approved shall be used for the purposes of B1(a, b) and c) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the

alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

24. (A) Save for external stores, refuse stores, bins stores / substations to approved new buildings,

(i) details of the proposed sustainable design and construction measures that will be incorporated as part of the design approach to the approved buildings and associated plots that will enable a minimum BREEAM 'very good' standard and at least the 40% improvement in water consumption to be reached shall be submitted to the local planning authority for approval prior to the commencement of construction, or

(ii) if the sustainable design and construction requirements at (A)(i) above are not considered to be able to be achieved, a written justification shall be submitted to the local planning authority prior to the commencement of construction setting out the reasons why which shall include (i) an assessment as to what will be able to be achieved through the measures that are proposed, (ii) the likely BREEAM-based score as a result of those proposed measures and (iii) how far that score would be below that which is required to achieve a BREEAM 'very good' standard and the required improvement in water consumption

(B) Thereafter, the approved new buildings (save for external stores, refuse stores, bins stores / substations) shall be constructed in accordance with the sustainable design and construction measures approved pursuant to either (A)(i) or (A)(ii) above unless any variation has subsequently been agreed in writing by the Local Planning Authority. Prior to first occupation of each new building, a BREEAM-based report shall be submitted to the Local Planning Authority verifying that the agreed sustainable design and construction measures have been incorporated in the building and its associated plot and confirming the BREEAM-based standard that has been achieved.

**Reason:** In accordance with the NPPF and policy ENV11 of the Ashford Borough Local Plan 2030

### Other

25. No mezzanine floor space shall operate independently from the ground floor of the unit in which it is located.

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

26. Industrial processing shall only take place in the buildings identified on the approved plans.

**Reason:** In order to preserve the visual character of the site and the amenity of the surrounding area.

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

**Reason:** In order to preserve the visual character of the site and the amenity of the surrounding area.

28. Prior to the commencement of works above ground level full details of the proposed replacement electrical sub-station, bin stores and fencing shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved plans prior to the first occupation of any part of the development unless otherwise agreed in writing by the local Planning Authority.

**Reason:** In order to preserve the visual character of the site and the amenity of the surrounding area.

### **Electric vehicle charging**

29. (A) Prior to the first occupation of any floorspace, plans and details for the provision of a number of electric vehicle charging points to be agreed (together with a car parking design future proofing strategy facilitating easy future installation of additional charging points responding to employee/customer/user demands) shall be provided to and approved by the Local Planning Authority in writing.

(B) Thereafter the charging points shall be implemented and maintained in perpetuity in accordance with the approved details and retained available in a working order to assist employees/customers/users charging an electric or hybrid vehicle. Unless otherwise agreed by the Local Planning Authority in writing, the charging facilities shall be dedicated electric vehicle charging points.

**Reason:** in order to take account the cumulative impacts of major development on air quality and to encourage the use of sustainable transport modes by employees and customers by incorporating facilities for the charging of plug-in electric and hybrid vehicles at the point of trip destination.

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

### **2. Sewerage**

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>

For further details please refer to the consultation response relating to this planning application dated 23 January 2019.

### **3. Environmental**

The developer 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.

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.

The developer 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.

#### **4. Highways**

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.

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.

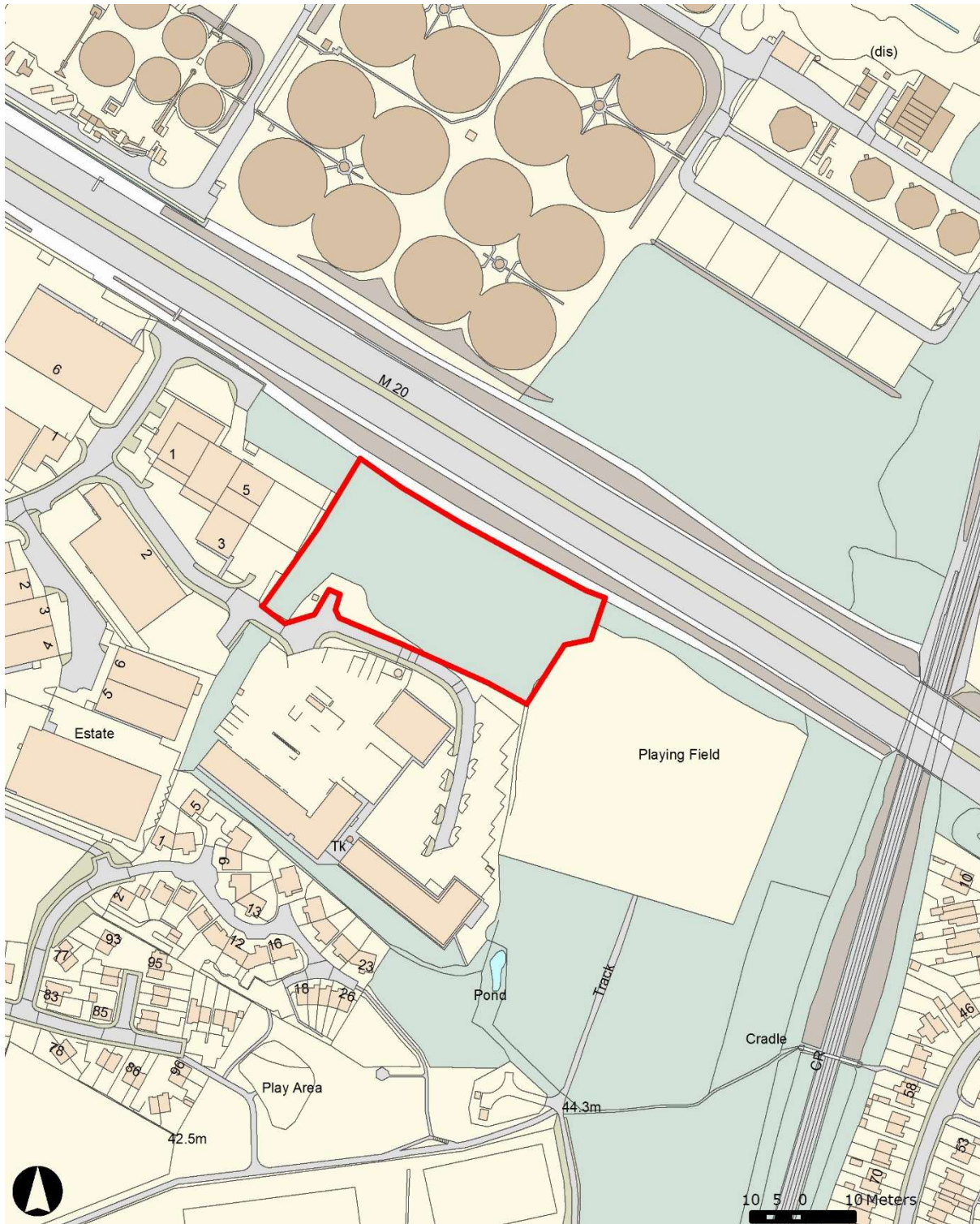
### **Background Papers**

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 //AS)

**Contact Officer:** Alex Stafford  
**Email:** alex.stafford@ashford.gov.uk  
**Telephone:** (01233) 330248



Annex 1



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<b>Application Number</b>	19/00054/AS
<b>Location</b>	Victoria Park, Jemmett Road, Ashford, Kent
<b>Grid Reference</b>	00415, 42238
<b>Parish Council</b>	None
<b>Ward</b>	Victoria
<b>Application Description</b>	Extension to existing nursery building to create new cafe provision. Improvements to entrances on public highway, resurfacing and extension to existing car park, new CCTV, lighting columns adjacent to new cafe (+4m in height), new feature play equipment (+4m in height).
<b>Applicant</b>	Emma Powell, Open Space Planning Development Officer, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
<b>Agent</b>	Mr James Penney, Allen Scott Ltd, 44 Newton Road, Tunbridge Wells, Kent, TN1 1RU
<b>Site Area</b>	0.66ha
(a) 435/1S/1R	(b) - (c) KHS/X, SUDS/X, KCC Arch/-, KCC Ecology/R, EA/X, KF&R/X, Police/+, EHM/X, Street Scene/-, Culture/-, SWS/-, Ashford Access/X

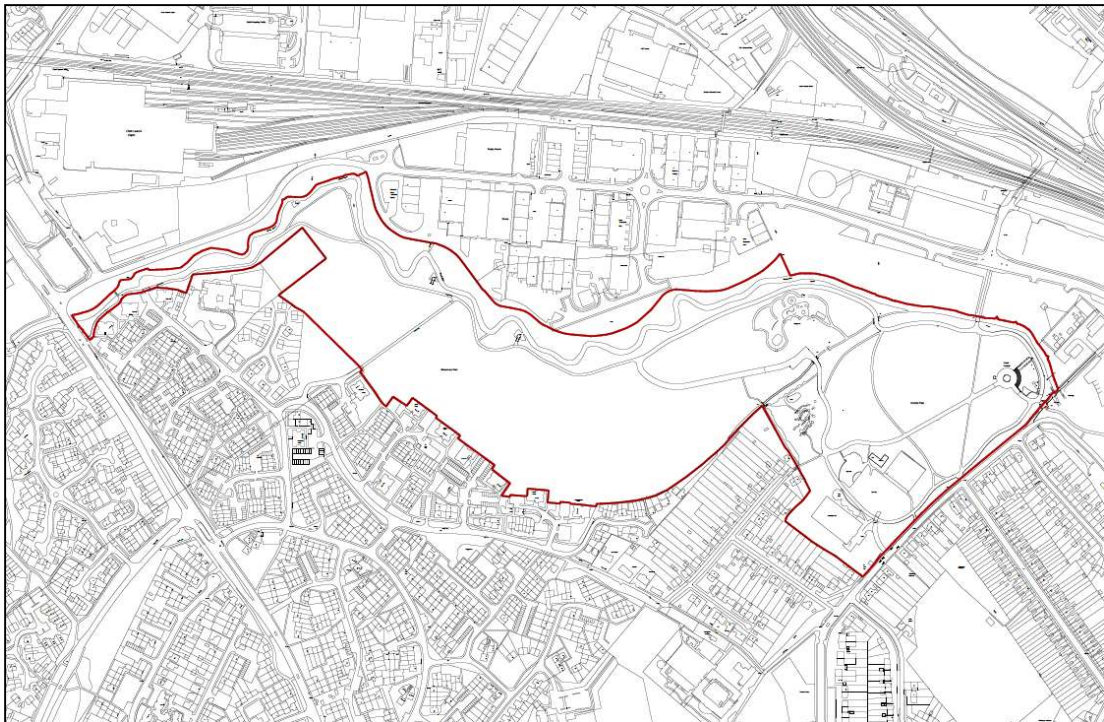
## Introduction

1. This application is reported to the Planning Committee because the Council is both the landowner and applicant. As such under the Council's scheme of delegation, it falls to the Planning Committee to determine this application.

## Site and Surroundings

2. The application site comprises land located within Victoria Park, a Council owned and maintained strategic recreation facility providing play equipment for different age groups, areas of open space for informal play and more formal areas of planting. The site is located close to the town centre with residential areas to the south, the River Stour to the north and industrial units and forthcoming residential developments beyond.

3. The site is located within Floodzones 2 and 3 and forms part of the Ashford Green Corridor.
4. Victoria Park is a late-nineteenth century park. The park comprises tree-lined footpaths, a riverside footpath and cycle way and Watercress Fields area of open space. The park is also notable for its grade II\* listed nineteenth century ornamental Hubert Fountain which was donated to the park in the early-twentieth century. The fountain is a key heritage asset of the borough and there are impressive views to the fountain from Victoria Road and Jemmett Road and from within the park itself.
5. **Figure 1** below shows the location of the park in relation to its surroundings.



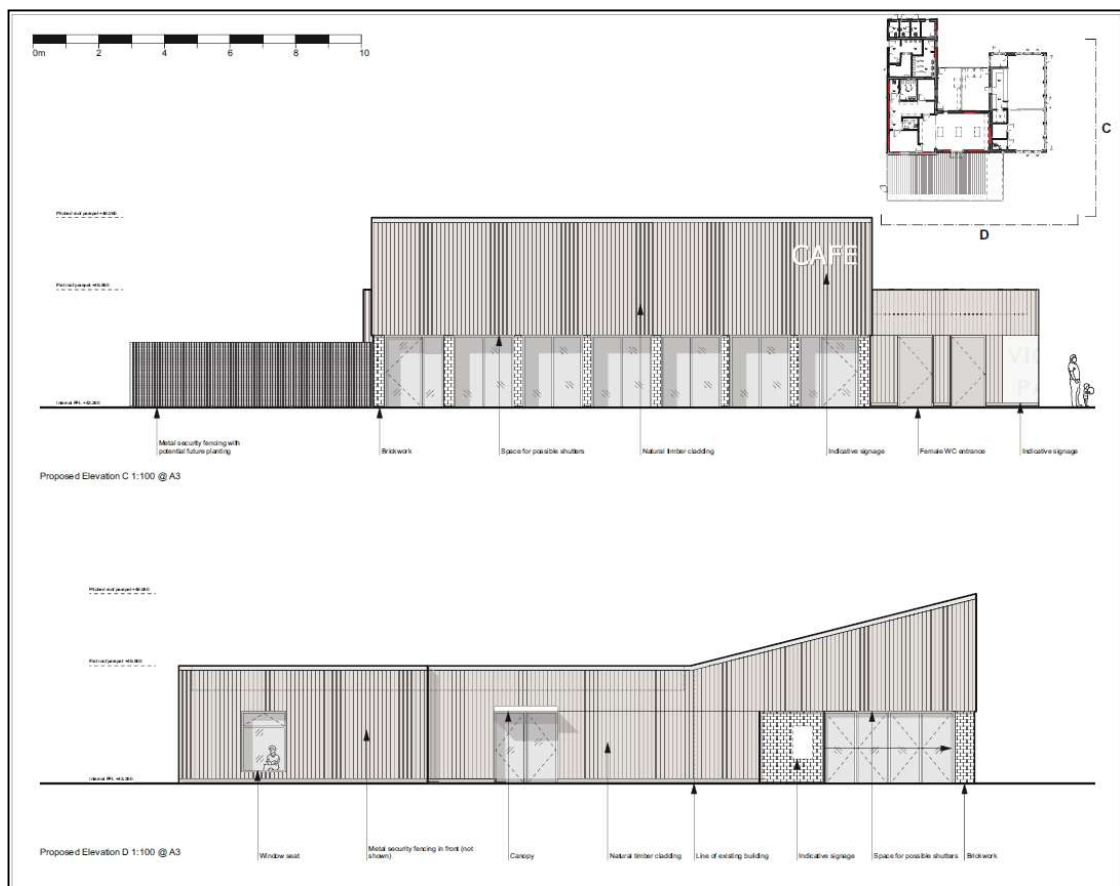
**Figure 1: Site Location Plan**

## **Proposal**

6. An application for planning permission has been made for various improvements to Victoria Park which forms part of a wider scheme of proposed improvements and a potential bid to the Heritage Lottery Fund (HLF). The works that are the subject of this application are as follows:

Extension and alteration to existing nursery school and toilet block

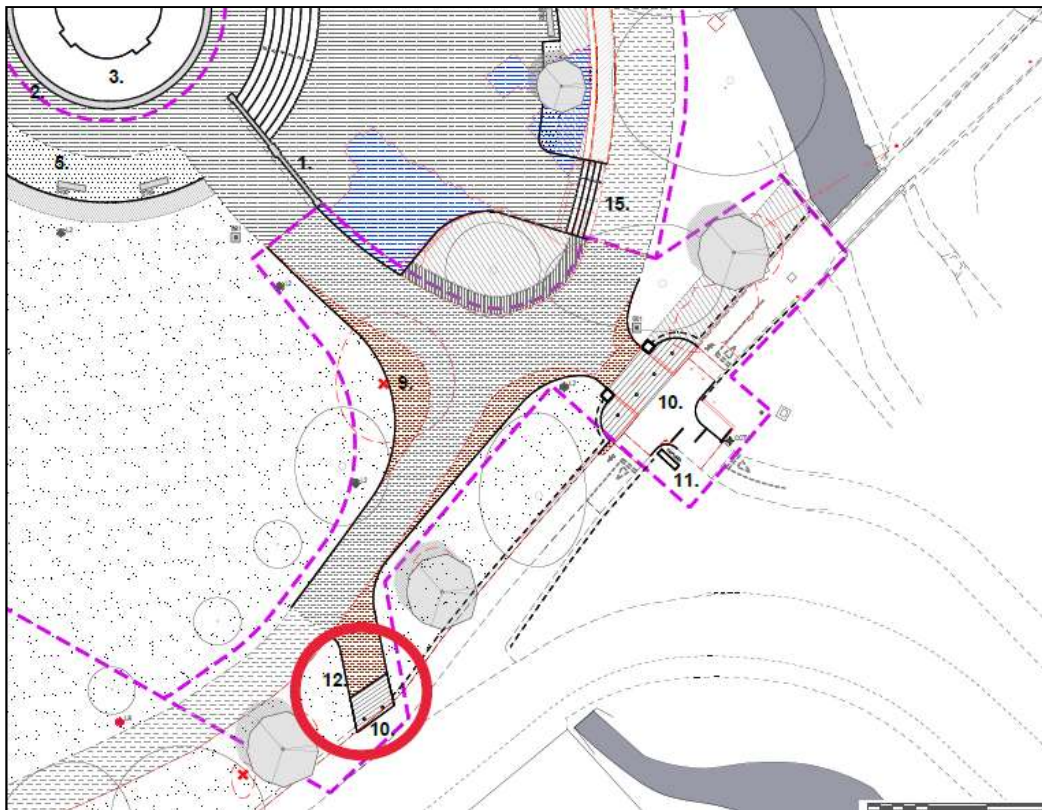
- 7. An extension is proposed to the north east of the existing nursery and toilet block. The extension would facilitate additional space within the building for a café. Externally there would be an outside seating area. The works aim to enlarge and modernise the external appearance of the building, presenting a revised choice of materials across the existing building while implementing a feature mono-pitched roof. Chosen materials would comprise natural timber and brickwork cladding and metal roofing.
- 8. **Figure 2** below details the proposed elevations.



**Figure 2: proposed extension to create cafe**

Access to the public highway

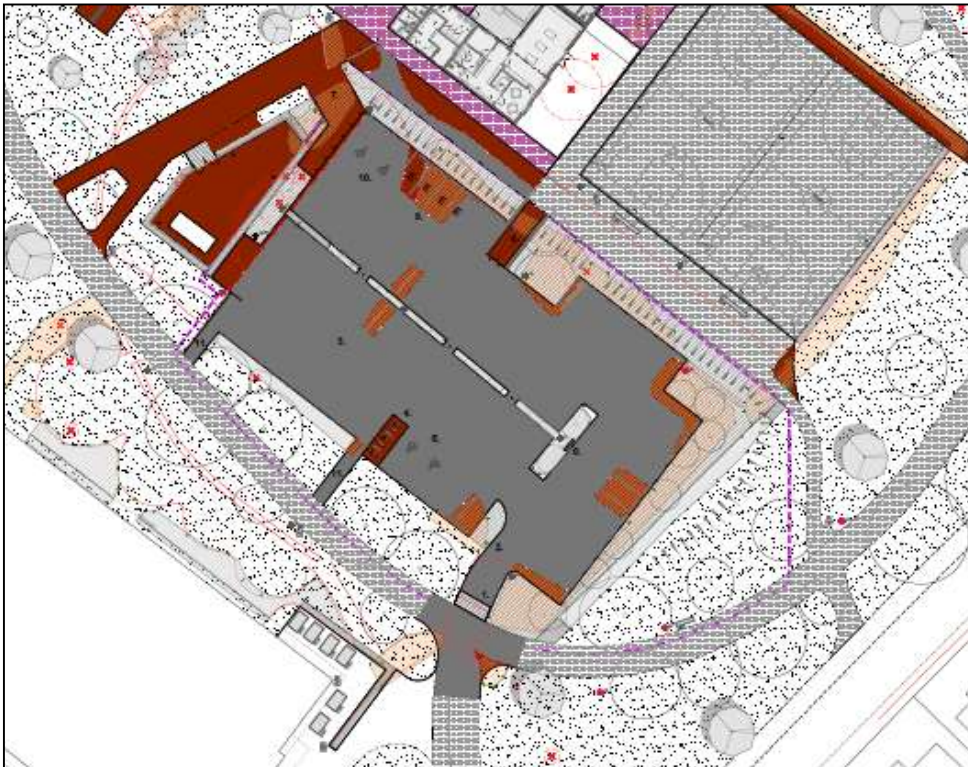
- 9. A new vehicular ‘events entrance’ is proposed to the east of the park as shown in **Figure 3** below (circled in red) that would ordinarily be secured by x 4 stainless steel bollards:



**Figure 3: Proposed new event vehicular access**

#### Resurfacing and extension to car park

10. An extended area of hardsurfacing is proposed to be provided to the existing Council owned car park. These works would increase the number of parking spaces from 57 to 68 in total. The improvements would also double the number of disabled parking spaces from 2 to 4 and would incorporate electric vehicle charging points. The new car park surface would comprise permeable asphalt. New bicycle stands are also proposed here. **Figure 4** below details the extent of the extension to the car park.



**Figure 4: Proposed car park extension**

Pathways and additional areas of hardstanding

11. A new 1.8 metre footpath is proposed to join the residential area to the west to Victoria Park via Watercress Fields and. This path would be constructed of permeable asphalt and is intended to provide a better. **Figure 5** below shows this route and extent of the new footpath. New areas of hardstanding are also proposed in the following areas (locations identified in orange in **Figure 6**).

- Extended footpath links into and through the Sensory Garden to make the area more accessible.
- Associated with the relocated children's playground, new play surfacing.
- Asphalt footpath from the Gasworks Lane entrance to the Hubert Fountain.
- Footpaths connections through the Adventure Play Area to better connect residents north of the River Stour to the park.
- A new high quality plaza / spill out space around the new hub building using granite plank paving to compliment the natural external building materials.
- New seating area around the Hubert Fountain to enhance and improve visual connections.

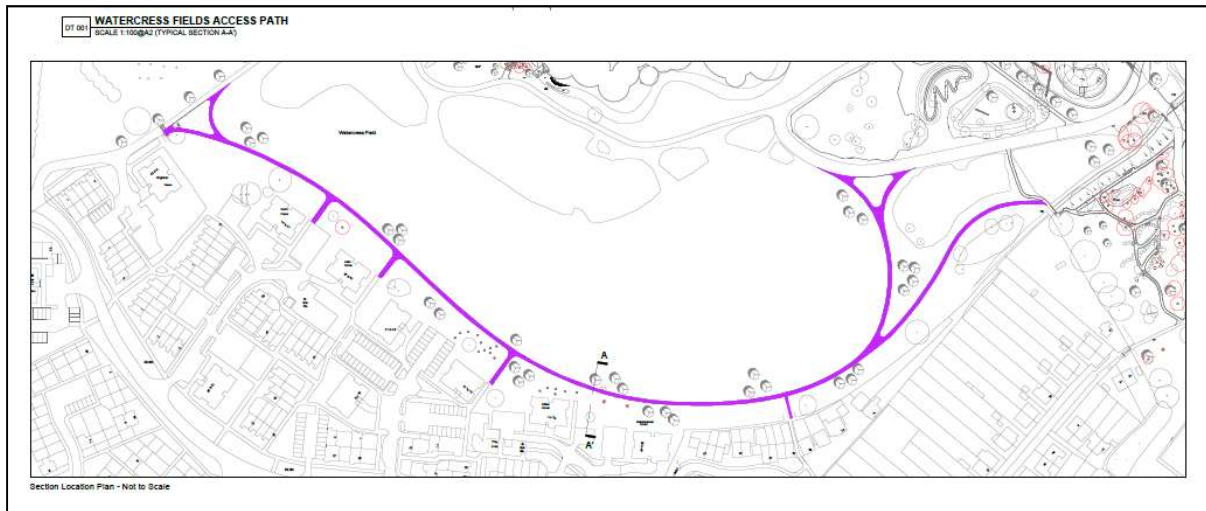


Figure 5: Proposed extent of new footpath



Figure 6: Locations of new areas of hardstanding (shown in orange)

Play equipment, CCTV and lighting columns over 4 metres

12. Feature play equipment, CCTV and lighting columns are also proposed. The play equipment would relate to other works to improve the existing play facilities that are being carried out within the park. Only structures over 4 metres high require planning permission granted in response to an application in this case due to the provisions of the General Permitted Development



Order. The Order allows certain works to be carried out as 'permitted development' by statutory undertakers (such as local authorities including parish councils) without the need to make an application for planning permission. The full details of the play equipment, CCTV equipment and lighting columns have not been provided in full at this stage and therefore it is intended that these details would be secured by a planning condition to be submitted for consideration at a later date.

13. Additionally, there are other sundry proposed works within the application which do not require planning permission due to the aforementioned permitted development rights (Class A of Part 12 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to undertake works on land belonging to the Council for the Council to undertake its statutory function. These works include small play equipment, bridges, landscaping, and seating areas.
14. The Victoria Park Masterplan which details a comprehensive list of all of the intended improvements is attached as **Annex 2** to this report. This includes both works that require planning permission via the making of an application and those that do not and would be 'permitted development'.

#### Supporting documents

15. The following supporting documents have been provided in relation to this application and are summarised below.

#### **Design & Access Statement**

- Ashford has been a designated South East growth area and is projected to double in size by 2030, with 31,000 new homes and 28,000 new jobs planned [**HoDM&SS note:** this was the aspiration of the Core Strategy which has now been superseded by the new Local Plan to 2030]. In order to sustainably deliver this growth, Ashford Borough Council (ABC) have developed a five year corporate plan, (Aspiration, Action and Achievement 2015 - 2020). The plan identifies the importance of Victoria Park & Watercress Fields in the context of Ashford's growth agenda which has led to the current Victoria Park project which is part of a Heritage Lottery Fund Parks for People bid. The corridor also contains NCR 18 (Canterbury to Tunbridge Wells).
- Primary movement patterns are primarily around, rather than through the park via NCR 18 and Jemmett Road, as well as from Hillbrow Road to the fountain and the adjacent bridge.
- The park is located within the Victoria Ward, which is the most socially deprived ward in Ashford, and together with neighbouring Stanhope Ward

falls within the 10% most deprived in the country. Although close to the town centre, the park is primarily used by the South Ashford community.

- Between February and July 2018 over 1,000 people took part in several community engagement activities about the restoration and improvement project for the park. These consultations identified a strong public support for a new cafe, lighting, playground and community spaces within the park, as well as improvements to the current facilities.
- The proposed park hub building is to sit on the main axis route from the fountain to the north-east, refurbishing and extending an existing building on the site. It sits next to the current car park and children's playground, adjacent to two multi-use games areas.
- The existing building is of very low architectural merit, with a low pitched roof susceptible to vandalism; small windows provide limited daylight and poor connection to outside, contributing to unwelcoming atmosphere. Nursery play area is disrupted by two trees in poor condition. Limited views of building from key axial route from fountain.
- The extended building is to be of an appropriate scale for the park, with a single storey addition that sits comfortably within its context. A new roof for the existing building will dramatically improve its appearance by removing the current low-pitched form and associated vandalism issues.
- Although only single storey, the extension will increase the building's prominence within the park with a simple, striking mono-pitched form; this will address the critical axial route across the park to the fountain in a more positive and confident manner.
- The design will not be too dominant an insertion into the surroundings, being considerably lower than the park's mature trees. The fountain is to remain the most prominent feature of the park.
- There will be new provision for the park staff in the form of a small, externally accessed office within the existing building. The new extension will house the park 'community hub' - a cafe (approx. 28 internal covers & 36 external covers) adjoining a flexible space. This will host a diverse array of activities, many connected to the park including meetings, workshops and exhibitions.
- Public toilets' configuration and access is significantly enhanced. Male and female toilets are entered from either side of the building's west wing, with a series of family and DDA-compliant WCs. The nursery will have a separate entrance courtyard space for controlled access, and a reconfigured external

play space.

- Low-carbon services including air-source heat pumps and photovoltaics will accompany good levels of daylighting through roof lights and glazing.
- Building seen to have a more welcoming and positive relationship with the park will foster improved behaviour towards it.
- Public consultation highlighted a fear of crime and anti-social behaviour within the park as a key issue. Working with ABC, the project will introduce four new CCTV points at strategic locations within the park to help prevent and reduce the fear of crime thereby improving the quality of the people's lives who use and live near the park.
- New areas of hard standing better connect the adjacent residents to the centre of the park and make the area more accessible.
- Access and circulation will be enhanced and improved via new access paths which will better connect visitors to the core of the park. The adjacent car park will be improved, increasing the number of spaces from 57 to 68. This will also involve doubling the number of disability spaces from 2 to 4 and providing electric vehicle charging points.

### **Flood Risk Assessment**

- EA mapping indicates that the site is located partially within Floodzones 1, 2 and 3, denoting a low to high probability of fluvial flooding.
- As a worst-case scenario, the development has been assessed against the undefended flood extents. This modelling confirms that the more vulnerable and less vulnerable uses within the proposed Hub area are located outside of the 1000 year flood extent and only the water compatible development uses are located in an area considered to be at risk of flooding. Therefore, the risk of fluvial flooding to the development is considered to be low.
- The risk of flooding from pluvial, groundwater and artificial sources of flooding has also been assessed and found to be low.
- The on-site drainage network and SuDS would be managed and maintained for the lifetime of the development by an appropriate managing body, ensuring that it remains fit for purpose and functions appropriately.
- Risk of fluvial flooding has been managed through sequential design of the proposed development. Flooding from tidal, fluvial, pluvial, groundwater and artificial sources has been assessed and found to be low risk. This report confirms that surface water can be managed sustainably to ensure that flood

risk is not increased elsewhere. It is considered that the information provided within this report satisfies the requirements of the National Planning Policy Framework and Local Policy.

### **Ecological Scoping Report**

- Several protected species are known to occur within or very close to the park these include White-clawed Freshwater Crayfish, Bullhead, Palmate Newt, Common Lizard, Slow-worm, Grass Snake and European Water Vole.
- Over one hundred bird species have been recorded from the Park or in nearby habitats, including Kingfisher, Water Rail and Great Crested Grebe. Ten species of bat are known to occur on The Park & Fields or nearby. Approximately eleven bat roosts are known to occur within 1km of the park, which is relatively close to these areas as some bats will fly several kilometres in a night.
- Victoria Park and the Watercress Fields provide a seamless range of interconnected habitats. The dominant habitat type, is short cut, improved grassland. Along the northern boundary of the park runs the Greater Stour, this river shows some riffle and pool hydrology and is banked by native riparian herbland to the south and by herbland and damp, native woodland to the north.

### **Riparian Plant Survey**

- One hundred and six plant species were recorded in the survey. All of the species recorded are relatively widespread in the UK and most are common in wetland areas in Kent. The aquatic and riparian vegetation reflects the urban environment and the eutrophic river water quality, enriched from agricultural run-off upstream.
- The Community Type could be described as a River Community Type between 1 and 4 (EA, 1999a), which relates to lowland river communities that are moderate/impooverished and impacted by enrichment.
- The northern bank of the River is not easily accessible by the general public, this bank is dominated in many places by mixed riparian woodland and this habitat within an urban environment is uncommon. As a general rule, it is recommended that the northern bank is left largely unmanaged and allowed to develop under semi-natural conditions, without public access.
- The southern bank has areas of riparian woodland but much of the riparian habitat is dominated by a limited number of herbaceous species. It is known that a diverse riparian vegetation habitat increases invertebrate diversity

within waterbodies and it is recommended that to increase plant species diversity on this bank a 5-year rotational bankside vegetation cutting management programme is enacted. This programme should cut the herbaceous and scrub riparian habitat to various and mixed heights, to vary sward height and re-growth durations. The bird nesting season for cutting should though be avoided where possible to avoid disturbance to that group.

- To increase wetland habitats in the Park and Watercress Fields the creation of ponds and side ditches of various depths could be considered. However, these should not be planted up with stock obtained from garden centres, rather transplanting of native species from existing wetland habitats within the Park should be undertaken.

### **White-clawed Crayfish Survey**

- An earlier ecological scoping survey considered that the River Stour had the potential to hold native White-clawed crayfish (*Austropotamobius pallipes*), particularly as this species had been last recorded in the Great Stour in Victoria Park in 2007 (Bramley Associates, February 2018).
- Bramley Associates was subsequently commissioned in 2018 to undertake a crayfish survey of the Great Stour and associated waterways in Victoria Park. This survey set out to ascertain whether crayfish species were found on the site and if so propose appropriate mitigation measures prior to any waterside developments.
- No whole or shed parts of native or non-native crayfish were seen during the survey of the Great Stour River or associated ditches that run through Victoria Park in Ashford, Kent.
- The habitat in the River is however considered to still provide good potential habitat for crayfish, with a rather natural developed riffle and pool character in several sections (Smith et al., 1996). It is important therefore that the River channel remains as natural as possible within any proposed changes. This channel should not be re-shaped, deepened or culverted and water run-off from any new planned development should be very closely regulated so as not to alter established water flows.

### **Water Vole Survey**

- No signs of current water vole activity were found in the waterways that are present.
- Three possible old burrows were seen in the River Stour but no feeding remains or other signs were located.

- Brown rat evidence was found at the most westerly section of the Great Stour River in Victoria Park and an individual rat and rat control box were seen west of Victoria Park around the nearby Singleton Lake.
- Although no evidence of current presence of water voles in the waterways in Victoria Park was found in this survey the habitats found along the Great Stour River are considered to provide very good potential. This could be improved by reducing the extent of stinging nettle dominance on some bank areas by selective cutting and strimming, to provide a greater mosaic of interconnected riparian vegetation.
- It is recommended that in general the current management of this river section is continued, with some greater variance in timings and extent of riparian vegetation cutting, and incorporated within any updated management plan or within other new proposals.
- It appears that water voles, which were present in 1991, have been lost from Victoria Park and this mirrors the loss of this species from some 90% of English waterways in recent history. This loss may in part be related to the presence of brown rat, a species known to predate water vole, a population of which was found on the western most section of river within Victoria Park. Brown rat appeared to be abundant at the nearby Singleton Lake and probably is supported by waste food and waste fishing bait found in many places around that lake; this species may also be supported by dog faeces, which is a potential food source, found in several places. To reduce brown rat numbers, it is recommended that the responsible disposal of waste food and bait is directly encouraged as well as the responsible disposal of dog faeces.
- The installation of new fishing stations along the Great Stour River within Victoria Park should be limited and the responsible disposal of food and fishing bait encouraged; otherwise the spread of brown rats along this river within Victoria Park is very likely to occur

### **Tree survey**

- The overall quality of the park's trees within the areas subject of the survey is good. The park is located close to an urban setting, providing a landscape aesthetic of open grass spaces that contrasts and compliments the wet woodland areas and riparian setting. There is a good broad mix of native species, however, the dense planting has reached a stage where judicious thinning works are recommended to provide the optimum space and growth to promote the best tree stock, which as they mature will ensure a robust legacy for the park.

## Planning History

**94/01100/AS** – Listed building consent granted for demolition of existing balustrading and concrete steps approaching Hubert Fountain and the construction of new steps, balustrading and walling.

**03/00949/AS** – Planning permission granted for the erection of an indoor bowls club, tennis court and putting green. New access way and car park for both the proposed building and general park usage and landscaping.

**17/00294/AS** – Planning permission refused for new parking and permeable surfacing at the Bowls Centre.

## Consultations

**Ward Members:** The Ward Members, Councillor Farrell and Councillor Suddards, have not made any comments in relation to this application at the time of writing this report. Cllr Farrell is a member of the Planning Committee.

**KCC Highways & Transportation** – No objection subject to relevant conditions.

**KCC Flood and Water Management** – No objection subject to relevant conditions.

**KCC Archaeology** – No comments.

**KCC Biodiversity** – Requesting more details in respect of mitigation measures. [HoDM&SS note: An update will be provided to Members in relation to the progress of this discussion].

**Environment Agency** – No objection subject to recommendations of Flood Risk Assessment.

**Kent Fire & Rescue Service** – ‘means of access considered satisfactory’.

**Kent Police** – Request for meeting. [HoDM&SS note: A meeting will be held subject to the application’s determination.]

**Environmental Services (ABC)** – No objection subject to relevant conditions.

**Street Scene (ABC)** – No comments received.

**Cultural Services (ABC)** – No comments received.

**Southern Water** – No comments received.

**Ashford Access Group** – “...helpful to have pad assisted doors opening into the café area. The area will be busy with parents with pushchairs, toddlers who would

welcome the help. Fully automatic would not be advised as there will be small children moving around independently”.

**Ashford Indoors Bowls Centre – Object, comment summarised below:**

- Increasing size of car park, modernising play equipment, improving public toilets and nursery would be positive
- Moving the existing play area and building a new café and removing the metal tables would, however, be a disadvantage to the bowls club
- The Council is ignoring the bowls centre.
- Loss of trading to the bowls centre summer kiosk would constitute a breach of the lease and a substantial loss of income to the facility which is run as a franchise
- The bowls centre would require additional parking
- The bowls centre could provide the café facility within the park
- Full business analysis of the potential for a café has not been carried out
- There are inadequate roads and access for deliveries.

**Neighbours – 435 consulted; 1 comment in support received and inserted below:**

- “...wonderful opportunity to bring the community together and fully enjoy the potential of this beautiful park! The plans look amazing, well done to all involved!”

[**HoDM&SS note:** Any consultation comments received between the preparation of the report and the date of the Planning Committee will be provided as an update to the Planning Committee in the usual manner.]

## Planning Policy

16. The Development Plan is the Ashford Local Plan 2030 except where the Chilmington Green AAP (2013) applies instead, together with (where relevant) the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).

For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

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

SP1 – Strategic Objectives



SP5 – Ashford Town Centre

SP6 – Promoting High Quality Design

TRA3b – Parking Standards for Non-residential Development

ENV2 – Ashford Green Corridor

ENV6 – Flood Risk

ENV13 – Conservation and Enhancement of Heritage Assets

COM1 – Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

## **Government Advice**

### National Planning Policy Framework (NPPF) 2018

18. 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:-
19. The following NPPF paragraphs apply:
20. Paragraph 08 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are
  - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

21. Paragraph 92 states that to provide the social, recreational and cultural facilities and service the community needs, planning decisions should plan positively for the provision and use of shared spaces and open space to enhance the sustainability of communities and to ensure that established facilities are able to develop and modernise and are retained for the benefit of the community.
22. Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
23. The following, whilst not adopted planning policy, are material considerations.

Ashford Borough Council and Kent County Council District Delivery Deal 2018/2019

24. The Ashford Borough Council/Kent County Council Delivery Deal is a commitment to focus the combined efforts of both councils to deliver key strategic projects. The deal has identified new areas of focus, including Victoria Park. The deal aims to reinforce a shared commitment to supporting this priority project to deliver community aspirations.

The Ashford Borough Council Five Year Corporate Plan 2015-2020

25. This document sets out the Council's priorities and aspirations for the future – to have a borough where people want to live and where businesses want to locate. The Council's priorities are to have a borough that:
  - Recognises the value of tourism and the benefits it brings to the towns, villages and the borough as a whole.
  - Provides healthy lifestyle choices and opportunities for all ages.
  - Maintains its environments attractively, responsibly and safely.
26. The Five Year plan also mentions priority 4, Attractive Ashford: Countryside and Townscape, Tourism and Heritage. The plan aims to deliver a best mix of new and existing parks and green spaces.

## Assessment

The main issues for consideration are:

- Principle
- The visual impact of the development and setting of the Hubert Fountain
- Impact upon residential amenity
- Impact upon highway safety
- Ecology/Flooding other issues

### Principle

27. The key consideration is whether the proposals are acceptable under current development plan policies and central government planning guidance. The NPPF emphasises the important role that planning plays in facilitating social interaction and creating healthy, inclusive communities. High quality public spaces are encouraged to ensure the active and continual use of public areas. Moreover relevant local development plan policies, namely COM1 and COM2, encourage the provision of leisure infrastructure and facilities that meet the community's needs. Victoria Park, being identified as a strategic park, therefore demands good quality investment in order to maintain the sustainability of the community that it serves.
28. The proposed café, although modest in size will provide economic benefits. In addition the hub facility would support the current recreation and leisure uses and provide a much needed community facility in a location that is currently seeing a significant number of new dwellings being built currently.
29. It is also worth noting that the redevelopment proposals were subject to a comprehensive consultation, prior to the submission of this application where the local community and wider borough residents were asked to contribute towards shaping the scheme. The results of the consultation are indicated to have been fed into these proposals.
30. In light of the above, I consider that the emphasis of this scheme is encouraged in principle by the Council's corporate ambition, local development plan policy, and the NPPF more generally.

### Visual amenity of proposals

31. The existing nursery school and toilet block building is of a poor quality design that does not contribute positively to the character of the park. However, the proposals relating to this existing building would greatly improve the external appearance of the building within the park and would provide a more welcoming destination for visitors.
32. Although only single storey, the extension will increase the building's prominence within the park with a simple, monopitched form; this will address the critical views across the park to the fountain in a more positive and inviting manner. The design would not be overly dominant and would be considerably lower in height than the park's mature trees. The fountain would subsequently remain the most prominent feature of the park: I am agreement with this approach.
33. The intention of proposed lighting is to improve safety within Victoria Park and to provide a more efficient lighting system for nearby paths. The lighting columns would be over 4 metres in height and would be fitted with directional luminaries to illuminate key points of ingress and egress as well as new features at the park. The design would present a modern design statement addition to landscape features within the park and so would add to a sense of place and be in keeping with the aspirations of the modernisation of the café. In light of this, the details of the lighting columns will be approved at a later date, secured by a planning condition as final details are not clear at this time. The detail of these lighting columns over 4 metres is subject to the wider HLF funding bid.
34. Some of the play equipment within the park would similarly be over 4 metres in height and would also require planning permission as opposed to constituting 'permitted development'. I am happy that the feature play equipment would help develop a sense of place and continue the ambition of the proposals to create a modern and exciting destination for visitors. In a similar manner to lighting, the details of play equipment over 4m in height can be secured by a planning condition as final details are not clear at present. The detail of play equipment over 4 metres is subject to the wider HLF funding bid.
35. Chosen materials for hardstanding would also, in my opinion, be appropriate for the park context. Permeable asphalt and self-binding gravel would be principally used. Granite sets and granite paving would be implemented for feature sections, such as the outdoor seating area to the café. I consider that this is appropriate given the high quality design emphasis of the wider proposals.

36. The extent of hardstanding proposed for the purposes of additional footpaths would be proportionate to the requirements of the park without appearing unduly prominent. High quality materials have been chosen that are suitable for disabled users. The works would improve the extent of usable space within the park and so are acceptable in visual terms.

Impact on setting of grade II\* listed Hubert Fountain

37. The Hubert Fountain is set over 140 metres from the proposed development site. Existing footpaths and views towards the fountain would be maintained as the development would mostly affect the existing building which is set away from the main vistas towards the fountain.
38. The development would enhance the overall setting of the listed fountain as the development would improve and modernise the facilities of the park and greatly improve the unfortunate architecture of the existing building at the site.
39. The design of the café would be more appropriate to the park context than the current buildings and therefore I feel that the appearance of the park more generally and thus the setting of the listed fountain would be improved.
40. It is also worth noting that the proposed maintenance and repairs to the fountain would not require listed building consent as they would not alter, extend or remove existing fabric.

Impact on residential amenity

41. The use of the park is very well established. I do not consider that the additional demand and footfall resulting from the proposed park uses would be of detriment to the amenity of neighbouring residences. While the café extension would contribute the greatest change in respect of a neighbourly impact, I consider that conditions can be imposed in order to restrict times of visitors throughout the day.
42. Local residents have raised no objections to the scheme and the only objection is by the Ashford Indoor Bowls Centre. The assertion that the café might adversely affect their existing business through drawing potential custom away would not constitute a material planning consideration for the Council to take into account.
43. The proposed feature lighting columns would improve the safety of the park by providing lighting to public areas that may not currently be covered by efficient or effective lighting at night. The hours of illuminance can be secured by a planning condition in order to preserve the amenity of neighbouring residents.

44. In light of the above, I consider that impacts on neighbouring amenity can be mitigated by appropriately worded planning conditions.

Parking and highway safety

45. The increased arrangement for parking at the site is positive given that this is a strategic park and would contribute to meeting the demand generated by improved park facilities. The parking provision would be made more suitable by a resurfacing of the car park where asphalt will be used.
46. Overall, I consider that the additional provision of nine parking spaces would be positive. I consider that the proposals are acceptable in terms of highway safety subject to relevant conditions being imposed as per KCC Highways comments.

Flooding

47. The proposals would increase the amount of hardstanding at the site however it is accepted that the surface water network will be minimally changed. The proposed discharge rate of 1l/s would be achieved and following consultation to KCC Flood and Water Management (the lead local flood authority), this is an accepted rate due to the small contributing area. It is recommended that a detailed sustainable surface water drainage system is submitted prior to the commencement of the extension or the creation of any hardstanding) and it is suggested that this is secured by condition should planning permission be granted.
48. I therefore consider that the proposals would meet the requirements of policies ENV6 and ENV9 as well as the requirements of the NPPF and its Planning Practice guidance and would therefore be acceptable in terms of flood risk.

Ecology

49. KCC Biodiversity have requested further information regarding the mitigation of reptiles and enhancements to their habitats, bat emergence surveys, information on habitat management and tree reports.
50. The general emphasis of the proposals is to enhance and encourage the park's natural offering and therefore it is considered that the principle of the development would not be contrary to ecological matters.
51. At the time of the preparation of this report, further details are yet to be received. However, an update report will be provided to committee in the

usual manner to address ecological matters. My Recommendation set out further below seeks to delegate authority back to me to resolve any outstanding ecological matters satisfactorily in consultation with KCC Biodiversity.

#### Other issues

52. The development would not result in the loss of important or significant trees or hedgerows as per advice from the Council's tree officer. The proposal would see an enhancement of landscaping within the site.

### **Human Rights Issues**

53. 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**

54. 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**

55. I am satisfied that the proposed scheme would comply with the emphasis of the NPPF in promoting healthy and safe communities. The scheme would bring significant benefits to this strategic park in accordance with the aims of the Council.
56. The proposed development would provide additional on-site parking and which would be able to be accessed safely. The proposals would not be harmful to highway safety.
57. The development proposed is relatively minor and would not have a negative impact on residential amenity.
58. The proposed extension to the nursery building would be well designed and of an appropriate scale. The proposed materials would be high quality.

59. The development would enhance the setting of the grade II\* listed Hubert Fountain.

## **Recommendation**

### **Permit**

**(A) Subject to resolution of any outstanding ecological matters to the satisfaction of the Head of Development Management and Strategic Sites or the Joint Development Control Managers (following prior consultation with KCC Biodiversity) and**

**(B) 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)**

- Standard time condition
- Condition to ensure development in accordance with approved plans
- Materials to be submitted.
- Condition imposed on building structures over 4 metres in height – full details to be submitted.
- Highways/parking conditions
- SUDS conditions
- Condition to control noise and vibration from plant
- External lighting on a timer control
- Condition to make site available for inspection

### **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

- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **2. Environment Agency**

The applicant should be aware that any activities in, over, under or within eight metres of the top of the river bank may require a permit with some activities excluded or exempt. Further details and guidance are available at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Contact the Partnerships and Strategic Overview team at [pso.eastkent@environment-agency.gov.uk](mailto:pso.eastkent@environment-agency.gov.uk) or our National Customer Contact Centre on 03708 506 506 or [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) for more information.

## **3. Advertisements/signage**

The applicant is advised that the proposed signage to the café may require the benefit of a separate application for advertisement consent.

## **4. Environmental Health**

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.

## 5. Highways

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

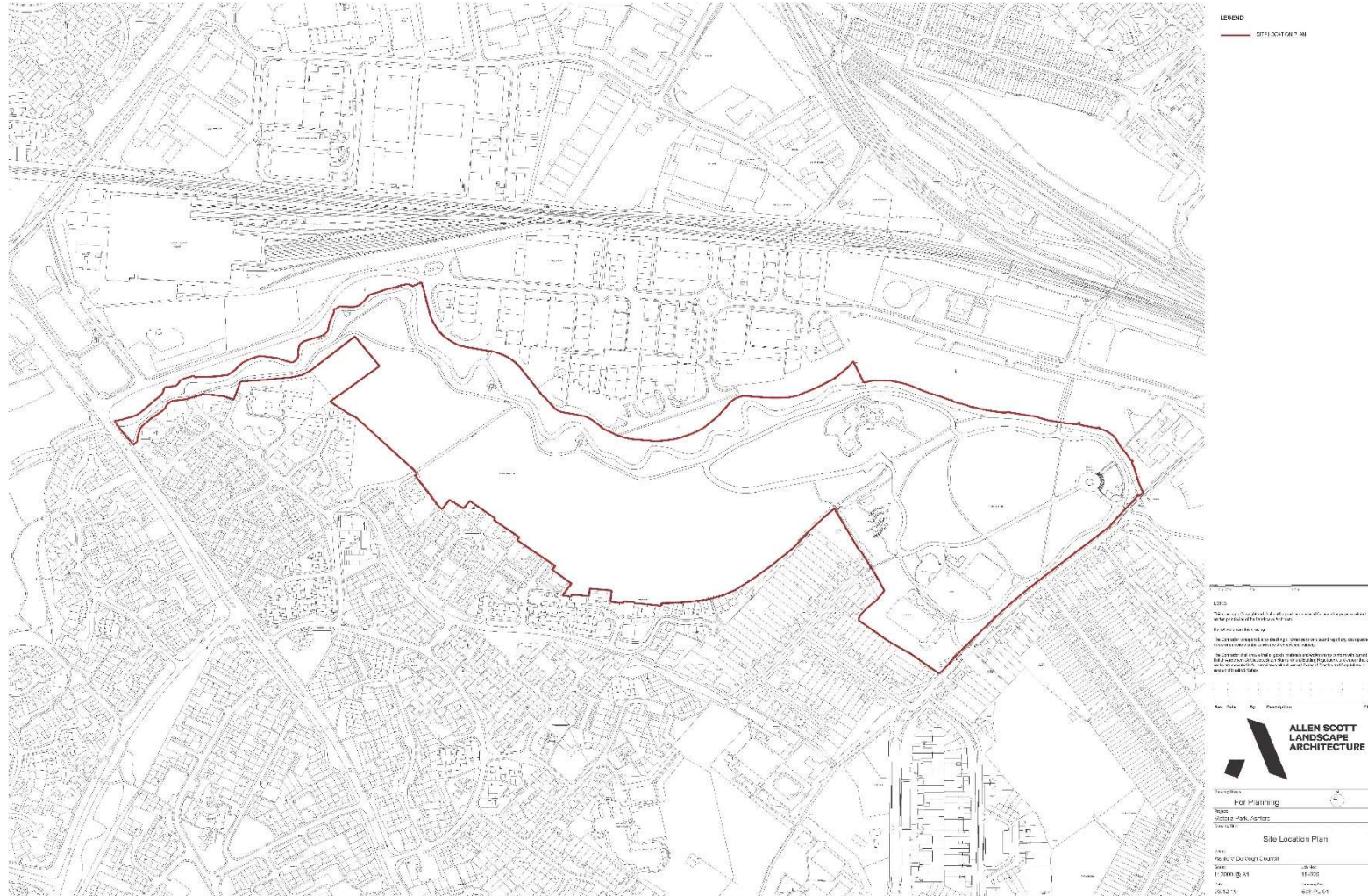
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement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

## 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 19/00054/AS)

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Annex 1:



Annex 2:

