



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Ashford Borough Council on Wednesday, 19th February, 2020 at 7.00 pm.

The Members of the Planning Committee are:-

Councillor Burgess (Chairman)  
Councillor Blanford (Vice-Chairman)

Cllrs. Chilton, Clarkson, Clokie, Forest, Harman, Heyes, Howard, Howard-Smith, Krause, Ovenden, Shorter, Smith, Spain, Sparks, Ward and Wright

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(c) 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 22<sup>nd</sup> January 2020

<https://ashford.moderngov.co.uk/documents/g3460/Public%20minutes%2022nd-Jan-2020%2019.00%20Planning%20Committee.pdf?T=11>

### 4. Requests for Deferral/Withdrawal

**Note to Members of the Committee: The cut-off time for the meeting will normally be at the conclusion of the item being considered at 10.30pm.** However this is subject to an appropriate motion being passed following the conclusion of that item, as follows:  
“To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee”.

### 5. Schedule of Applications

- |     |   |           |
|-----|---|-----------|
| (a) | <b>19/00189/AS - Land west of Stonebridge House, Brook</b><br>Outline planning application for the erection of three dwellings with all matters reserved.   | 3 - 24    |
| (b) | <b>19/00709/AS - Land at junction of Romney Marsh Road and north of, Norman Road, Ashford</b><br>Development of 212 flatted units, in six blocks, new vehicular and pedestrian access, internal estate road, footpaths and car parking, earthworks, creation of a new section of active floodplain and floodplain compensation for the development, sustainable drainage systems, open space and hard and soft landscaping. | 25 - 116  |
| (c) | <b>19/00766/AS - Northdown House, 4 Station Road, Ashford, Kent, TN23 1PT</b><br>Change of use of B1 office to 24no. 1 and 2 bed residential units to include first and second floor extensions and roof extension above existing second floor together with works to include external treatments and fenestration alterations, car parking, basement and surface cycle parking, surface water storage tank and bin storage | 117 - 144 |
| (d) | <b>18/01763/AS - Land between Stanley House and Long Meadow, Pluckley Road, Smarden, Kent</b><br>Erection of two detached 2 storey dwellings and creation of new vehicular access together with associated infrastructure.  | 145 - 162 |
| (e) | <b>19/00715/AS - Land at Homewood School adjoining Fire Station, Ashford Road, Tenterden, Kent</b><br>Erection of apartment block containing 7 dwellings with associated parking and amenities.   | 163 - 192 |

(f) **19/01351/AS - Land rear of 1, Ragstone Hollow, Aldington, Kent**

193 - 200

Formation of new permanent car parking bay (retrospective)

**Note for each Application:**

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

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

**Note on Votes at Planning Committee Meetings:**

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

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

DS

13 February 2020

Queries concerning this agenda? Please contact Rosie Reid Telephone: 01233 330565  
Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk)

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## 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 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 alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, 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: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

### **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 alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

**If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.**

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<b>Application Number</b>	19/00189/AS	
<b>Location</b>	Land west of Stonebridge House, Stonebridge, Brook	
<b>Grid Reference</b>	606237/144240	
<b>Parish Council</b>	Brook	
<b>Ward</b>	Bircholt	
<b>Application Description</b>	Outline planning application for the erection of three dwellings with all matters reserved.	
<b>Applicant</b>	Skylark Kent LLP	
<b>Agent</b>	Mr Steven Davies, Hobbs Parker Property Consultants, Romney House, Monument Way, Orbital Park, Ashford, Kent TN24 0HB	
<b>Site Area</b>	0.36 hectares	
(a) 14/5R 1X	(b) Brook - R	(c) KH&T - X; PRoW - X; KCC ECO - X; Ramblers - X

## Introduction

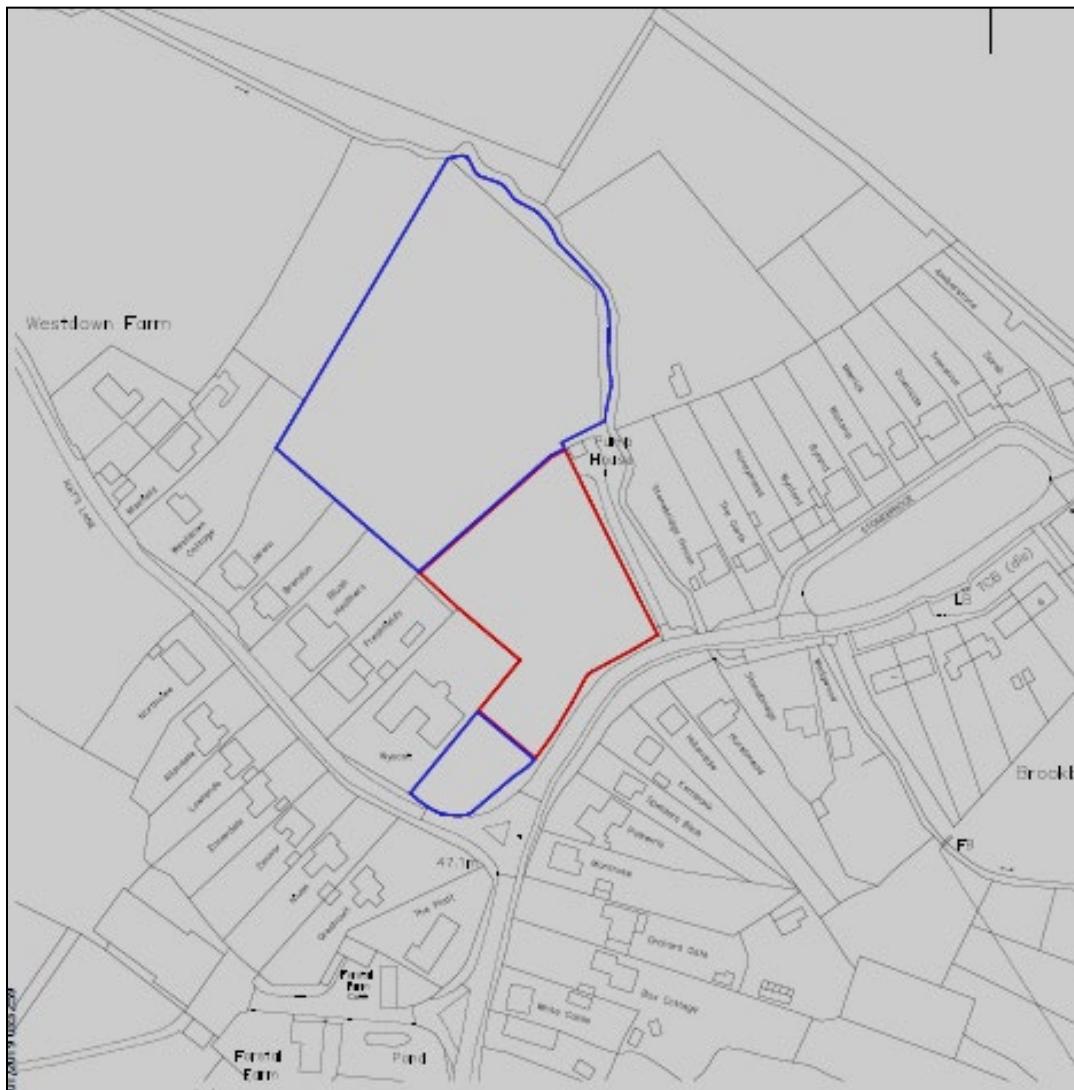
1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Howard.

## Site and Surroundings

2. The application site is located within the village of Brook, north of the junction of Nat's Lane, Spelders Hill and The Street. It sits on the western side of The Street and forms part of a wider agricultural field, with frontage along the road. The site abuts the open countryside to the north. To the east, south and west of the site are linear rows of detached dwellings set within generous gardens, which are typical of the built form and settlement pattern in Brook.
3. A strip of land adjacent to the eastern boundary contains a pumping station to the nearby brook and associated gated access track. The land immediately around this watercourse is within flood zones 2 & 3. The application site falls within Flood Zone 1. The Wye and Crundale Downs Site of Special Scientific Interest (SSSI) is located to the north of the site, at around 100m from the boundary.

4. The site, and whole settlement of Brook, is within the Kent Downs Area of Outstanding Natural Beauty (AONB). The site boundary along the road frontage contains a mature hedgerow and trees, with the exception of the gated field access point. There is an electricity pylon within the site. The site is classified as Grade 3 agricultural land.

**Figure 1 - Site Location Plan**





**Figure 2 – Aerial Photo of the site**



## Proposal

5. The proposal seeks outline planning permission for a residential development for the erection of 3 detached dwellings, with all matters reserved for future consideration. Indicative layout and elevation drawings have been provided, but detailed layout and design of the site and the properties would be determined at the reserved matters stage and are not for consideration or approval under this application.
6. **Amendments:** The scheme has been amended during the course of the application following negotiations between the Council and applicant. These changes comprise the following:
  - The indicative proposed site layout plan and elevations were amended in order to provide clarity on the potential scale of the proposals
  - The masterplan/site layout was amended to reflect the Great Crested Newt Receptor site (Areas A&B on Figure 3 below)

**Figure 3 - Indicative Proposed Site Layout**



**Figure 4 - Indicative Proposed Elevations**



7. In support of the application, a number of documents have been submitted which set out the applicant's position and have been summarised below:

#### Planning Statement

- Includes the planning history with regards to the Local Plan 2030 site allocation and subsequent removal at Examination.
- Sets out the national planning guidance and development plan policy relevant for the site. Ashford Local Plan 2030 policies identified include SP2, HOU3a, HOU12, HOU15, TRA3a, TRA6, ENV1, ENV3b.
- References the Kent Downs AONB Planning guidance and landscape design handbook
- Discusses the key issues such as the location, character and appearance, landscape impacts, traffic and access, drainage and flood risk

#### Ecological Reports

- Preliminary ecological appraisal
- Great Crested Newts Survey Reports
- Construction Management Plan
- Reptile Survey Report

## **Planning History**

The site has no planning application history.

## **Consultations**

**Ward Member:** Is a member of the planning committee and has requested that the application be determined by the Planning Committee.

**Brook Parish Council:** Object to this application raising the following issues (summarised):

- The development would not be in keeping with the linear nature of Brook and would appear as an urban housing estate. Proposals are higher density and as 2-storey are not in keeping with the other dwellings in the vicinity.
- The site is located on a blind bend where vehicles park and turn along the site frontage and drive excessive speeds in this location.

- The site is outside of the village envelope as per the recently undertaken envelope and therefore does not meet the requirements of infill windfall policy HOU3a which states 'usually capable of taking one or two dwellings only'.
- Brook is not included within the edge of settlement windfall policy HOU5. The site would be a departure from the development plan.
- The development constitutes 'major' development. Development would cause great harm to AONB and will be visually intrusive in the historic landscape, not being justifiable in the context of its national level of protection. The village is visible from the Devils Kneadingtrough in Wye and North Downs Way. Development is not in accordance with AONB Management Plan and Setting Position Statement.
- Close to property boundaries in Nat's Lane and would lead to a loss of privacy
- Site was removed from the Local Plan based on Inspector's comments – the proposals do not resolve the Inspectors conclusions.
- Proposals will create harm to the nearby Listed buildings.
- Proposals will create harm to biodiversity and surrounding SSSI.
- The village struggles with poor infrastructure and the proposals would not be required to make contributions due to the scale.
- Proposals will include hard surfacing and create surface water run-off. contributing to local flooding issues at times of heavy and prolonged rain.
- Recreational activities associated with AONB will be hindered by new development which will have an economic impact on the local businesses who rely on visitors

**KCC Highways and Transportation** - Raise no objection and make the following comments:

The traffic generated by the proposed development does not cause concern in relation to highway capacity or safety. Considering all matters are reserved with this application, the site has sufficient space to deliver parking to Ashford Borough Council's Parking SPG and I am content that safe visibility splays for the new driveways can be delivered within land under the control of the applicant and within the highway verge.

As such, I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:-

- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.

- Gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of vehicle parking spaces to be provided in accordance with Ashford Borough Council's parking SPG, with details to be submitted to and approved by the Local Planning Authority.
- Provision and maintenance of visibility splays at each new access with no obstructions over 1.05 metres above carriageway level within the splays, with details to be submitted to and approved by the Local Planning Authority prior to use of the site commencing.

Second consultation on Construction Management Plan:

The highway elements of the submitted construction management plan are acceptable. The revised layout does not alter previous views as such requested conditions should remain unaltered.

**KCC's Ecological Advice Service:** - Initially objected raising the following points:

Advise that additional information is required prior to determination of the planning application. In summary they required additional information for the following:

- Details of the proposed mitigation measures for the protection of the designated sites are submitted to the local planning authority prior to determination of the planning application.
- An updated GCN survey is undertaken at the pond to confirm their presence/absence. If GCN are present, there will likely be a need for mitigation measures to be implemented. Survey results, along with any recommended further surveys and/or mitigation measures, must be submitted to local planning authority prior to determination of the application.
- A full reptile survey is undertaken (between March and October), with the results, along with any necessary mitigation measures if reptiles are present, submitted to the local planning authority prior to determination of the application.

Second/Third consultations following updated GCN Strategy and Reptile Survey Reports:

Advise that additional information is required prior to determination of the planning application.

In summary they requested/stated the following:

- Confirmation that the mitigation for the EPS licence can be implemented and the receptor site retained and managed in perpetuity and not part of any residential garden OR An Impact Assessment and Conservation Payment Certificate from NE confirming that they have been accepted on to the District Level Licensing scheme.
- Masterplan updated to show the area to be used as a receptor site, and that it would be retained and managed appropriately in the future not used as residential garden land.
- A reptile survey has been undertaken and no reptiles were found on site. However, in order to minimise any residual risk of harm or impact to reptiles, precautionary measures will have to be undertaken.

#### Final consultation following updated GCN survey and revised masterplan

Raise No Objection and state:

- Advise that sufficient ecological information has been provided for the determination of the planning application. Detailed ecological mitigation/enhancement requirements must be submitted and implemented as a condition of planning permission if granted.

**KCC Public Rights of Way:** No Comments

**Ramblers Association:** No Comments

**Neighbours:** 14 neighbours were consulted, site notice posted and the development advertised in the local paper. 6 comments received; 5 representations to object and 1 general comment which stated that a legal matter prevented them from commenting, but that their inability to comment should not be construed as passive support for the proposed development. Objection comments are summarised below:

- The site is located on a blind bend in the road which is dangerous, particularly at school times and in poor weather. Vehicles park and turn along the site frontage and drive excessive speeds in this location. Access does not meet e) of HOU3a
- Area already has issues with surface water run off and drainage in periods of heavy rain. Water run off from increased hardstanding will put additional pressure on the stream and drainage.
- Planning Inspectors report removed site from the Local Plan 2030 due to the impact of the proposals on local character and residential amenity.

- Local Village confines exercise removed the site from the red line boundary – it is therefore not Policy HOU3a compliant.
- Layout, design and appearance is not compatible with surrounding character and density. Village is made up of bungalows and chalets. The proposed houses would ‘loom’ over the existing houses opposite and destroy the rural setting. The proposed dwellings are 2 –storey and will be too close to the road, not in keeping with surrounding grain and building lines. The proposal will remove the countryside edge to the adjoining properties in Nats Lane which is part of the character.
- Streetlighting would change the character and nature of the village and increase light pollution, creating negative effects on local wildlife.
- Local ecology and biodiversity will be adversely affected. Land is uncultivated land under EIA regs.
- There is no public transport and no shop – the proposed development is unsustainable. There is too much development already in the country, south east and particularly in Brook and the local schools and other services and infrastructure are strained.
- No evidence of housing need in Brook
- The development displaces the current land use for sheep grazing on the site and the area of land to be retained adjacent to the junction which is to be left free from development. Therefore not in accordance with h) of HOU3a with regards to displacing active uses.

## 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), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
9. 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).
10. The relevant policies from the Development Plan relating to this application are as follows:-

SP2 - The Strategic Approach to Housing Delivery  
SP6 - Promoting High Quality Design  
HOU3a – Residential Development in the rural settlements  
HOU12 - Residential space standards internal  
HOU15 - Private external open space  
TRA3a - Parking Standards for Residential Development  
TRA6 – Provision for Cycling  
TRA7 - The Road Network and Development  
ENV1 - Biodiversity  
ENV3b - Landscape Character and Design in the AONBs  
ENV4 - Light pollution and promoting dark skies  
ENV5 - Protecting important rural features  
ENV6 – Flood Risk  
ENV9 - Sustainable Drainage

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

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

- Residential Parking and Design Guidance SPD 2010
- Sustainable Drainage SPD 2010
- Landscape Character SPD 2011
- Residential Space and Layout SPD 2011
- 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) 2019

12. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF effectively provides that less weight should be given to the policies above if they are inconsistent with the NPPF. The following sections of the NPPF in particular are relevant to this application:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making



- Chapter 5 – Delivering a sufficient supply of homes
  - Chapter 8 – Promoting healthy and safe communities
  - Chapter 9 – Promoting sustainable transport
  - Chapter 11 – Making effective use of land
  - Chapter 12 – Achieving well-designed places
  - Chapter 15 - Conserving and enhancing the natural environment
13. 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.
14. 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.
15. Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

## Assessment

### Introduction – Local Plan context

16. The entire larger field (outlined blue in the site location plan) was a proposed site allocation in the submission version (2018) of the Local Plan 2030 for up to 10 dwellings. It was later removed as an allocation as recommended by the Local Plan Inspectors following Examination. This was due to the proposed 10 dwellings and backland nature of the site being at odds with the linear character of development in the settlement, and there being no evidence at the time that a smaller, frontage only linear development (as proposed in this application) could be satisfactorily achieved. The full Inspectors comment can be found below:
17. *'Brook is a village with a distinct linear form within the Kent Downs AONB. The site at Nats Lane (S53) would introduce depth to the settlement pattern that would be significantly at odds with this local character. The Council's suggestion of a 'farmstead' design and layout for buildings to the rear of the frontage would not alter the likely harmful impact of any such development. This would conflict with the principles of good design set out in national policy and development is unlikely to be able to respond positively to local character. Limiting development to the frontage only would reduce the potential capacity to a very small number of dwellings and there is no guarantee an acceptable*

*form of development could be achieved in terms of the living conditions of nearby residents. Owing to these uncertainties, the site should be removed from the Plan and consequential changes made to housing numbers.'*

18. In summary, the Local Plan Inspectors removed the site due to concerns with the site footprint and scale of proposals at 10 units not being in keeping with the linear form and local character. They raised the potential of a smaller number of dwellings along the frontage being considered, subject to being acceptable in terms of living conditions of nearby residents. Frontage only development would not be of a scale / amount that would warrant a site allocation.

### **Main issues**

19. The main issues for consideration for this application are:
- The principle of the development
  - Landscape character, Visual Amenity and Local Character
  - Residential Amenity
  - Ecology / impact on designated sites
  - Highway Safety / Parking
  - Other material considerations

### **The Principle of the development**

20. 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.
21. The Council can currently demonstrate a 5 year housing land supply and therefore the policies in the adopted Local Plan 2030 are afforded full weight.

### **Built-up confines**

22. As set out in the supporting text to HOU3a, the 'built-up confines' of the settlement is defined as *'the limits of continuous and contiguous development forming the existing built up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (e.g garden areas)'*. As stated in paragraph 6.52 of the Local Plan, this definition may, however, *'include sites suitable for 'infilling' which is the completion of an otherwise*

*substantially built up frontage by the filling of a narrow gap, usually capable of taking one or two dwellings only'.*

23. During 2019, the Borough Council commenced a process whereby Parish Councils were able to work with the borough council to undertake a 'village envelope' exercise where a drawn boundary was agreed for each settlement, to reflect this written definition visually.
24. Brook Parish have commenced this exercise. However, the Borough Council's proposed boundary line included the application site within the built-up confines, and the draft proposed by the Parish excluded the application site. Due to the receipt of this application, and in order not to prejudice the decision, the Brook village envelope exercise has not been finalised or endorsed by the Borough Council at Cabinet, and therefore cannot be given weight in the determination of this application. Therefore, the written definition assessment of the built-confines (above) is to be used to assess the application.
25. The application site is currently a gap in the otherwise built up frontage of The Street, and adjoins linear development in Nats Lane to the west of the site. As the site adjoins linear development on both sides, it is considered that it is a narrow gap in the otherwise substantially built up frontage of the settlement and is suitable for infilling. In light of this and the fact that Brook is an HOU3a settlement it is officers view that this application falls to be determined under HOU3a and not HOU5.
26. Policy HOU3a is set out below:
  - a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
  - b) It would not create a significant adverse impact on the amenity of existing residents;
  - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
  - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
  - e) It 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;
  - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
  - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,

- h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.
27. Policy HOU3a requires an assessment of the local services and infrastructure. The site is located within Brook and is within easy walking distance of the centre of the village where there are local services and facilities including public house, village hall, recreation ground and open space with a children's play area. The Primary school is located outside of the built settlement, but is around 500m from the site. There are also bus stops located within walking distance of the site.
28. The rural service centre of Wye, which provides a larger number of local services and the urban area of Ashford are both located within 3 miles. Therefore, the site is not regarded as being physically isolated from services and is sustainably located. Brook has been identified in the Settlements Matrix supporting document to Examination (ABC/PS/23 AUGUST 2018) as a settlement which was suitable for development within the built-up confines based on access to these local services and the settlement pattern.
29. On this basis, it is considered that the location of the proposed development is sustainable and acceptable in principle subject to the below.

### **Landscape Character, Visual Amenity and Local Character**

#### AONB and Landscape Character

30. Policies HOU3a, and specifically ENV3b, of the Local Plan require the Council to 'have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs AONB'. Policy SP6 promotes high quality design requiring consideration of a number of criteria including "character, distinctiveness and sense of place". Policy ENV5 also seeks to protect important rural features including hedgerows.
31. Paragraph 116 of the NPPF states that permission for 'major' developments within AONBs should be refused unless there are exceptional circumstances and where it is in the public interest. As outlined in PPG, whether development is considered 'major' in these circumstances is a "matter for the relevant decision taker, taking into account the proposal in question and the local context".
32. The Kent Downs AONB management plan sets out the importance of the North Kent Downs and seeks to protect its recognised landscape quality and distinctive features. It states that there is a balance to be struck between the enhancement and protection of the AONB, and the need for sustainable

development. New development proposals must respect the settlement form and conserve the sensitive areas of the settlement setting and views in and out of the AONB landscape.

33. Taking into account the small-scale nature of the development of 3 dwellings, and the characteristics of the site and the settlement form and pattern, development here would not represent 'major' development for the purposes of paragraph 116 of the NPPF. In any event, given the location within the built-up area of Brook village, with housing on 3 boundaries, it is considered that the proposed development would conserve the rural character and openness of the AONB. The site does not constitute an important undeveloped gap within the AONB. It is therefore considered that the proposals are acceptable in accordance with HOU3a and ENV3b with regards to landscape, visual amenity and AONB.
34. In addition, in order to ensure that the wider AONB landscape and views in and out of the settlement are protected, conditions will also require specific details with regards to native tree landscaping on the northern boundary where the site adjoins the countryside, and details of all boundary treatments such as walls and fences, and materials and lighting which is in accordance with the AONB management plan.

#### Layout design and appearance

35. Policy HOU3a requires infill development to meet a number of design requirements. This includes that it is of a layout, design and appearance that is appropriate to, and compatible with the character and density of the surrounding area.
36. This area of the village is characterised by mid-century detached properties, in a linear form, set back from the road and which benefit from generous curtilage. The houses immediately to the east of the site comprise detached bungalows, mostly in chalet style, on plots approximately the same size proposed in the indicative layout of this scheme.
37. The proposed development would be adjacent to linear form of development on either side, infilling a current gap in the built form. The opposite side of the road is also a built-up linear built form of chalet style properties. The indicative block plan indicates that three detached dwellings could be successfully accommodated on the site without appearing as a cramped form of development. The linear plot pattern proposed would be sympathetic to the existing plot patterns, layout and density of the properties located immediately around the application site and the settlement as a whole.

38. The indicative elevations show two-storey dwellings, which, although are not in keeping with the character of the immediate surrounding dwellings, which are largely chalet style bungalows, they are consistent with the height of properties in other areas of the settlement, namely Brookbank, which is 100m to the east of the site. The storey height can be controlled by condition.
39. As this is an outline application, with all matters reserved, the layout and design are not being considered. The indicative drawings serve to illustrate how the site may be development in an acceptable way. The specific design of the dwellings is also not for consideration as part of this outline application and a well-designed scheme utilising high quality materials and architectural detailing could be secured under any subsequent reserved matters application. I therefore consider that the indicative proposals are of a layout and design which is compatible with the character and density of the surrounding area.

#### Local character

40. Policy HOU3a requires that infill development does not result in significant harm to land that contributes positively to the local character of the area and ENV5 requires important local landscape features to be protected.
41. The proposal will reduce a current area of open land in this part of the settlement, which does form part of the rural setting and local character. However, the proposals do not do result in the complete loss of the open gap as shown on the indicative masterplan and elevations. The area to the west of the application site will remain as undeveloped open land, used as the GCN receptor site (and retained for this purpose in perpetuity by condition).
42. The indicative elevations also show that significant gaps will be retained between the proposed dwellings, which will be set in large plots. This will enable views through the development to the open countryside which together with the retention of the access gate to the pumping station on the east and GCN receptor site on the west, will mitigate the impact of the loss of the open land. I therefore consider that the proposals to do not result in significant harm to local character through loss of land.
43. The proposal would result in the loss of small sections of the hedgerow/tree boundary to facilitate vehicle access points to the proposed development. This loss would not significantly adversely impact on the rural character of the road and replacement landscaping can be secured at the reserved matters stage.

### **Residential Amenity**

44. Policy HOU3a requires that new development would not create significant adverse impact on the amenity of existing residents. When the larger allocation was removed from the Local Plan by the Inspectors, one of the main concerns was the impact on residential amenity of surrounding neighbours.
45. The proposed dwellings would be situated around 25m (approx. based on indicative plans) from the closest residential dwellings to the North East (Stonebridge House), South West (Wycot) and opposite the site to the South East (Spelders Beck to Hurstmead), and it is considered that this would not have an overbearing / overlooking impact or negatively affect the neighbours residential amenity.
46. Policy HOU3a requires developments to have safe lighting and pedestrian access which does not significantly impact on neighbours. A full assessment would need to be made of these issues at the reserved matters stage, when the formal designs are submitted as to the impact on neighbouring properties. However, designing out overlooking and overbearing impact should be easily achievable and can be assessed when detailed storey heights, orientations, and layouts are submitted as reserved matters. Lighting and pedestrian access for three dwellings is not expected to create material harm to existing residents and lighting will be conditioned with regards to ecological impacts in any event.
47. In terms of future residents, the development will need to meet the Nationally Described Internal Space Standards (as set out in Policy HOU12) and external amenity space standards (as set out in policy HOU15). At 0.3ha, the site size, together with the illustrative layout, indicate the proposed development would be able to meet these standards. This can again be controlled by condition.
48. In light of the above it is not considered that the proposed development would unacceptably impact upon the residential amenity of existing / future residents subject to careful consideration of the reserved matters and the imposition of conditions.

### **Ecology / impact on designated sites**

49. Policy HOU3a requires that development proposals do not result in significant harm to biodiversity interests. Policy ENV1 requires 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. 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.

50. The site is of medium / high ecological value and the Ecological assessments and surveys submitted highlighted presence of GCN. Following consultation with KCC Ecological Advice Service, the applicant has completed a number of surveys and updated the indicative site plans. KCC is satisfied that the submitted documents provide details of on-site mitigation to ensure the ecological interest of the site is maintained. This will take the form of a receptor site within the wider site ownership boundary (as shown on Figure 3 above as Area B) and will be maintained in perpetuity by a management company which will include the residents of this proposed scheme. Conditions are requested in respect of securing the mitigation set out in the revised GCN Strategy and additional enhancements, which have been applied.
51. Policy ENV1 also states that developments that adversely affect the integrity of nationally or locally designated sites will not be permitted unless the benefits in terms of other objectives, including overriding public interest, outweighs the adverse impacts and there is no alternative acceptable solution.
52. There is a Site of Special Scientific Interest (SSSI) within 200m to the north of the site. KCC has stated that although the development proposal will not directly impact the SSSI, there is a risk that construction may have a negative impact. The applicant has provided a construction management plan with the application, and KCC advise that the measures are implemented as described within the Construction Management Plan and should be secured by condition.
53. Based on the information submitted and the responses received from KCC, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the conservation of Habitats and Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan and NPPF.

### **Highway Safety / Parking**

54. HOU3a requires that development can be safely accessed, but specific access, layout and parking cannot be considered at this outline stage. However, the indicative plans show the removal of sections of the boundary



hedge to accommodate a new vehicle access point for each dwelling and that two parking spaces would be provided on each plot, along with garaging. The site currently has one access point already, so the hedge removal would be relatively minimal. In addition, it is proposed that unit 3 would share an access point with a proposed new access road to the fields at the rear along the NE boundary.

55. The size of the dwellings are unknown, but if the properties are 4 bedroom or larger three parking spaces will be required for each property in accordance with parking standards set out in TRA3a. The indicative layout shows on-site turning areas for plots 1 and 3 but not for unit 2 where cars would therefore have to reverse in or out of the unit. Whilst this could be designed out at the reserved matters stage, similar arrangements already exist elsewhere along The Street and speed limits in this area are restricted to 30 mph. Parking in accordance with TRA3a can be secured by condition.
56. I have had regard to the paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. KCC Highways and Transportation has raised no highways safety objections to the indicative parking and access arrangements, subject to conditions. As an outline application, the detail of these arrangements is to be approved at a later stage. Therefore, it is accepted that the indicative proposals accord with HOU3a.

### **Other Material Considerations**

57. Policy ENV6 and ENV9 of the Ashford Local Plan 2030 state that new development should contribute to an overall flood risk reduction and include appropriate sustainable drainage systems. The site lies within Floodzone 1, an area of low flooding risk. The applicant will be required to provide surface water SUDs features and confirm that Southern Water can provide foul water disposal to service the development.
58. As an outline application, the detail of these is to be approved at a later stage and conditions are applied to agree the final details. In summary, the indicative proposals are acceptable on flooding and drainage grounds.

### **Human Rights Issues**

59. 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 constraints 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**

60. 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**

61. The principle of development is acceptable and in accordance with Policy HOU3a as set out in the assessment above.
62. Details relating to the layout, scale, access, appearance and landscaping will be required to be submitted under any subsequent reserved matters application to ensure a high standard of design is achieved that would preserve the character of the area and the AONB, and conditions are set out below in order to achieve this.
63. I am therefore satisfied that the proposed development would comply with the requirements of Development Plan policy as a whole and Central Government guidance. There are no material considerations that would give rise to any unacceptable planning harm. I therefore recommend that outline planning permission is granted subject to conditions.

### **Recommendation**

#### **Permit**

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

**(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager 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**

1. Standard time and reserved matters conditions
2. Materials
3. Architectural details i.e. sections through eaves, ridge, window reveals, joinery etc
4. Removal of permitted development rights for extensions and alterations, outbuildings and walls and fences

### **Highways and Parking**

5. Parking spaces in accordance with TRA3a
6. Cycle Storage in accordance with TRA6
7. Highway surfacing and gates
8. Visibility Splay provision and maintenance
9. Compliance with approved Construction Management Plan with regards to site personnel parking, storage, wheel washing facilities etc.
10. Electric car charging points

### **Landscaping**

11. Walls/Fencing and other boundary treatments
12. Landscaping scheme – to include native planting
13. Trees/hedgerow protection measures

### **Biodiversity / Ecology**

14. Ecological Mitigation Measures as set out in GCN Survey Letter
15. Compliance with approved Construction Management Plan with regards to ecological mitigation measures
16. Ecological Enhancement Measures
17. Scheme of reasonable avoidance measures for reptiles submitted and approved
18. External lighting design plan for biodiversity

### **Residential**

19. Details of residential space standards including minimum garden sizes
20. Refuse storage details
21. Water efficiency condition pursuant to policy ENV7

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

22. Sustainable urban drainage
23. Foul water and sewerage disposal for site

### **Others**

24. Development in accordance with the approved plans
25. Development available for inspection

### **Notes to Applicant**

1. Working with the Applicant

2. KCC Highways and Transportation informative regarding vehicular crossing works
3. Wildlife and Countryside Act 1981 – Nesting Birds

## **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 19/00189/AS)

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**Telephone:** (01233) 330328

# Agenda Item 6b

Ashford Borough Council - Report of the Head of Planning and Development  
Planning Committee 19<sup>th</sup> February 2020

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<b>Application Number</b>	19/00709/AS
<b>Location</b>	Land at junction of Romney Marsh Road and north of, Norman Road, Ashford
<b>Grid Reference</b>	01228/41493
<b>Parish Council</b>	None
<b>Ward</b>	Norman
<b>Application Description</b>	Development of 212 flatted units, in six blocks, new vehicular and pedestrian access, internal estate road, footpaths and car parking, earthworks, creation of a new section of active floodplain and floodplain compensation for the development, sustainable drainage systems, open space and hard and soft landscaping.
<b>Applicant</b>	Quinn Estates Ltd, c/o agent
<b>Agent</b>	Mr Peter Keenan, Q+A Planning Ltd, One Mortimer Street (third floor), London, W1T 3JA
<b>Site Area</b>	2.67 hectares

(a)	310/100R	(b)	-	(c)	Kent F&R- X, NE- X, Police – X, UKPN – X, KCC Ecology – X, EA – X, SW – X, SACF – R, KCC H&T – X, HE – X, KWT – X, KCC SUDS – +, KWT-R, ABC OSSS – X, HOUSING – X, IDB – R, ABC REFUSE – R, ABC EHM – X, KCC ARCH –X, KCC DC- X
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## Introduction

1. This application is reported to the Planning Committee because it is classed as a major application and under the Councils scheme of delegation it falls to be determined by the Planning Committee.

## Site and Surroundings

2. The site comprises an area of relatively flat undeveloped scrubland of approximately 2.67 hectares in size. The site is open with scattered trees.

3. The site is located within south Ashford, adjacent to the A2042 dual carriageway from which it is separated by a band of mature trees and vegetation. To the east of the road lies the Ashford Designer Outlet retail park which has recently undergone a large expansion project.
4. The site forms part of the designated Ashford Green Corridor and a shared footpath/cycle tarmac path runs north/west through the site, separated from the scrubland with a post and wire fence. The River Stour is beyond that behind a bund that is overgrown with vegetation. The other side of the river bank abuts the rear gardens of the dwellings along Riversdale Road which is a late 1960's housing development of two storey terraced dwellings and the Riverside public house. To the east of the site is a large concrete circular pedestrian walkway what crosses above the A2042 connecting the site to the Designer Outlet and the town beyond.
5. The site is detailed in Figures 1 and 2, below.

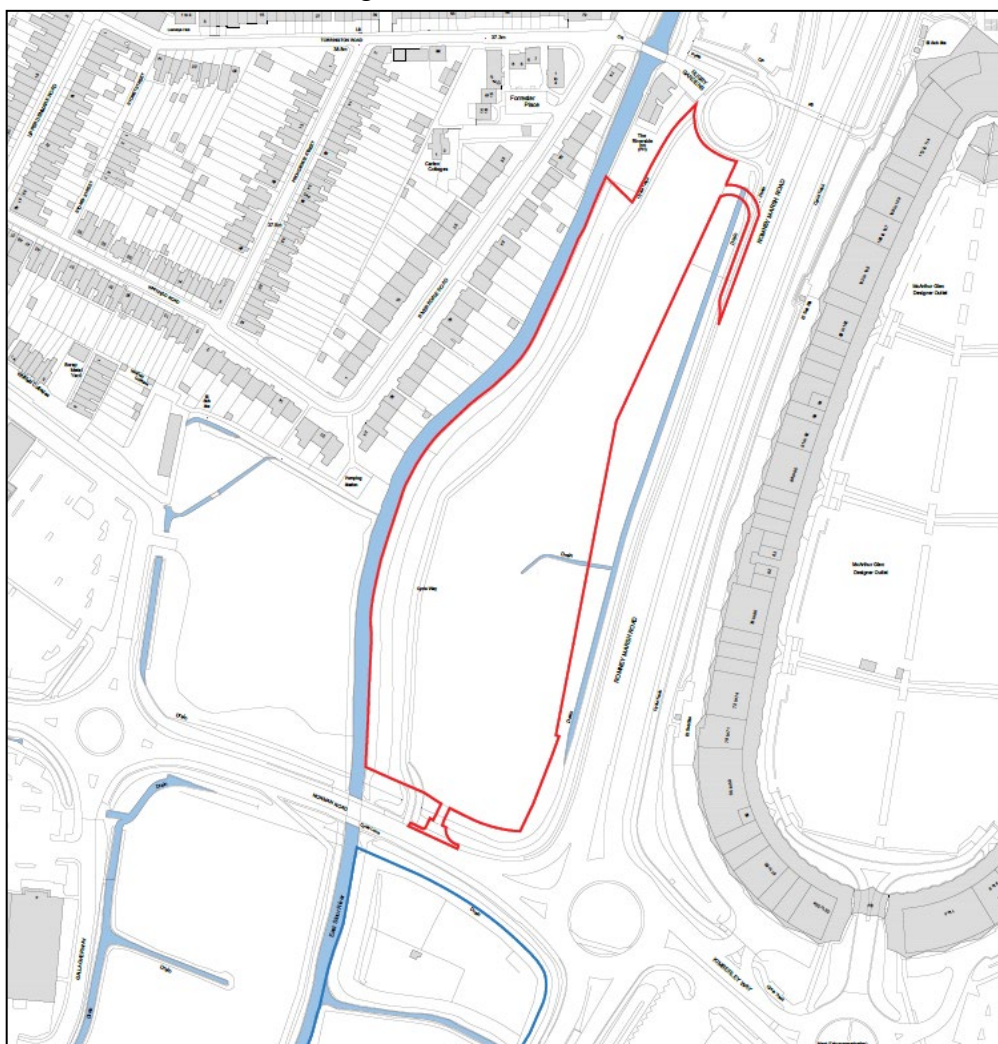


Figure 1: Site location plan

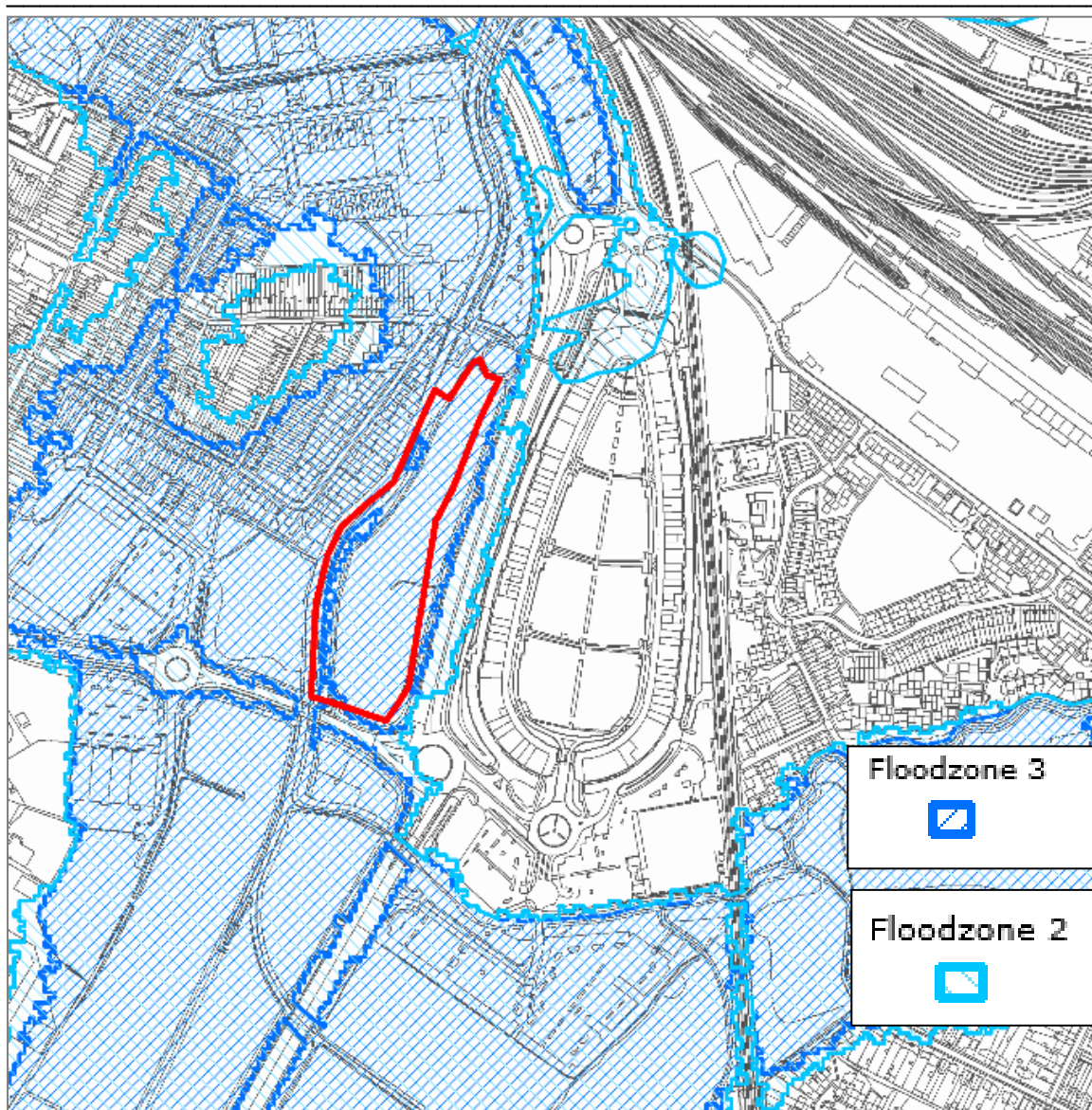


Figure 2: Site location

6. The site is located within Flood Zone 3 of the River East Stour.
7. Flood Zone 3 is split into 2 separate zones; 3(a) and 3(b) ((a) being defended and (b) being undefended). Areas within Flood Zone 3 are defined in Table 1 of the NPPF Planning Practice Guidance (PPG) 'Flood Risk and Coastal Change' as:

***Flood Zone 3 'High Probability' (greater than 1 in 100 (1%) annual probability of river flooding, or greater than 1 in 200 (0.5%) annual probability of sea flooding).***

8. Figure 3, below, details the extent of Flood Zones 2 and 3 (with Flood Zone 2 having a reduced risk of flooding compared to 3).



**Figure 3: Flood Zones 2 and 3**

9. Flood Zone 3 development proposals require the submission of a flood risk assessment as part of the planning application which determines if the site is classified as flood zone 3(a) or 3(b) as well as reviewing flood risk on the site and proposing suitable mitigation.
10. The types of development that can occur within flood zone 3 is not only controlled by the vulnerability of these usages but also if the site is located within flood zone 3(a) or 3(b).
11. The online Flood Zone map provided by the Environment Agency indicates that the site is within an area benefitting from defences (although the existing embankment/bund is not considered to be a formal Environment Agency flood defence).



12. Figure 4. which shows the aforementioned Environment Agency Flood Zone map indicates the site is mostly located within defended Flood Zone 3(a) with a small area of Flood Zone 3(b) at the northeast corner of the site.

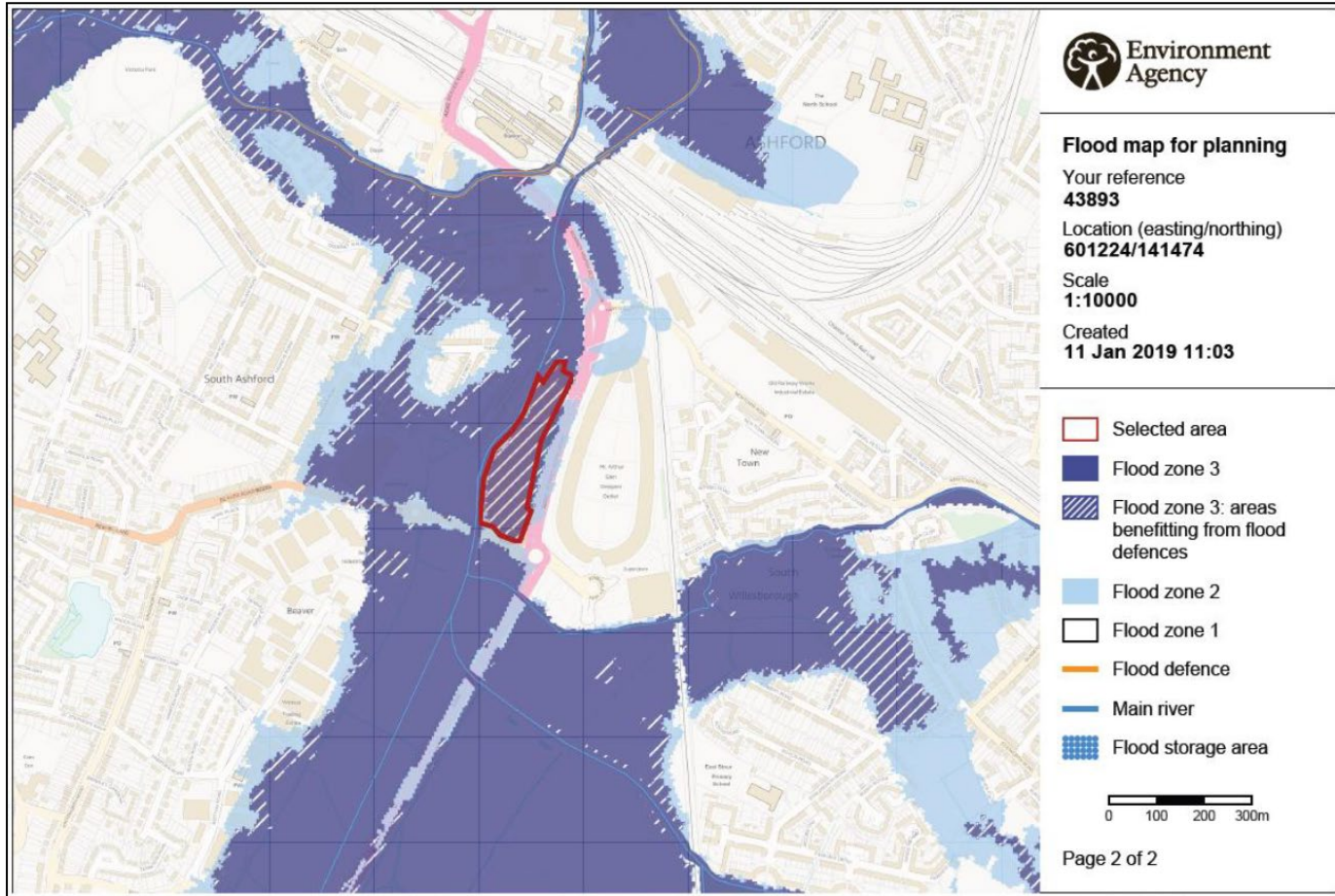


Figure 4: Environment Agency Flood Map (2019)

13. The site is located within the Ashford Green Corridor as shown in Figure 5. below. This is a network of largely green open areas made up of recreation space and other green and blue spaces alongside the Great and East Stour rivers. The riverside areas have remained largely undeveloped, due to being within the flood plain and are considered to provide a unique opportunity for improving the quality of the urban environment and for establishing green links between the town and surrounding countryside.
14. The Ashford Green Corridor Action Plan (2017) which is a background document supporting the Ashford Local Plan identifies the site as being located within the area C1 of the Green Corridor. This document identifies the land as a whole as a key approach to the Town Centre, the International Station and the Designer Outlet Centre and acknowledges that there are opportunities to improve the appearance of the whole area.



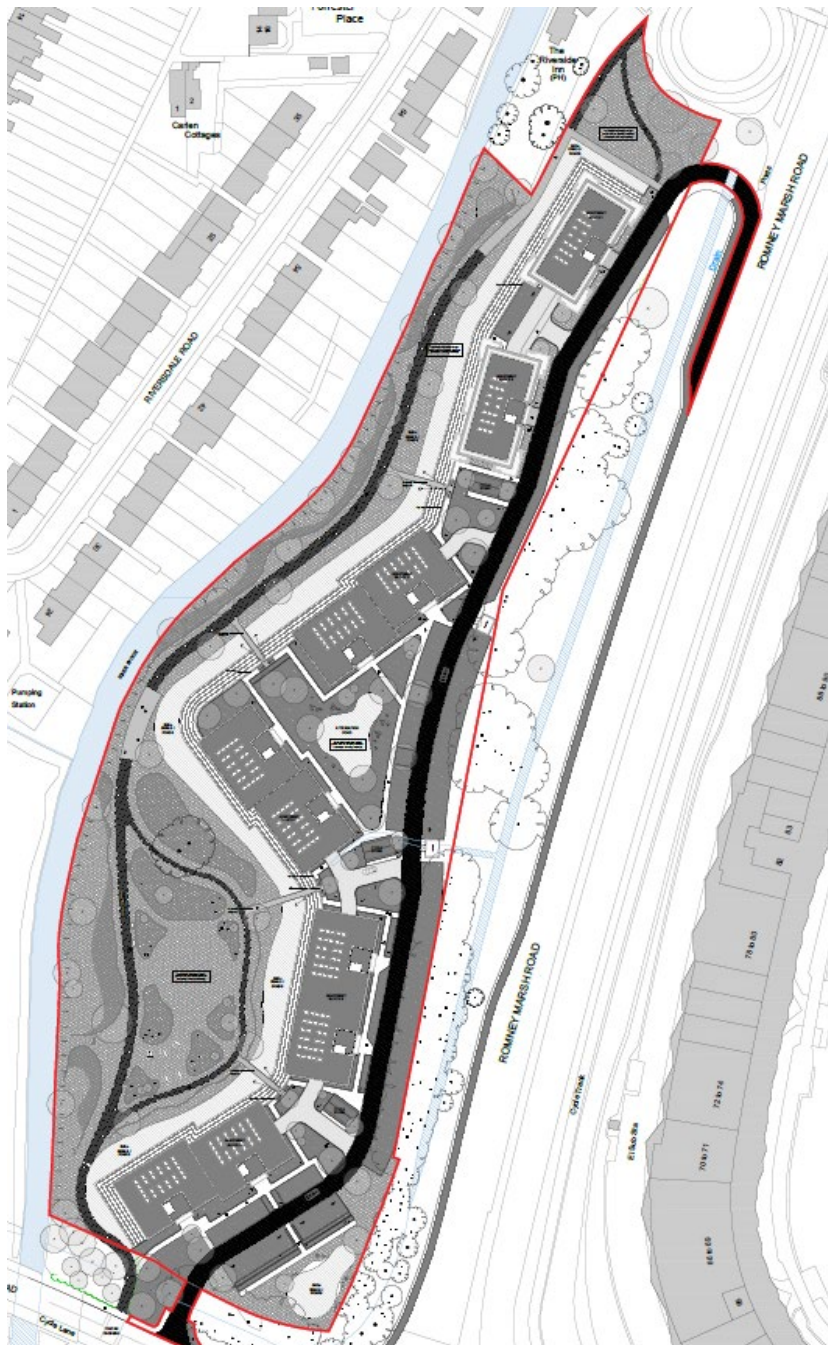
**Figure 5: Ashford Green Corridor.**

## Proposal

15. Full planning permission is sought for the erection of 212 residential flats, set out in six blocks, a new vehicular and pedestrian access, an internal road, footpaths, car parking, earthworks, the creation of a new section of active floodplain and floodplain compensation for the development, sustainable drainage systems, open space and hard and soft landscaping. The site layout is shown in Figures 6 & 7 below:

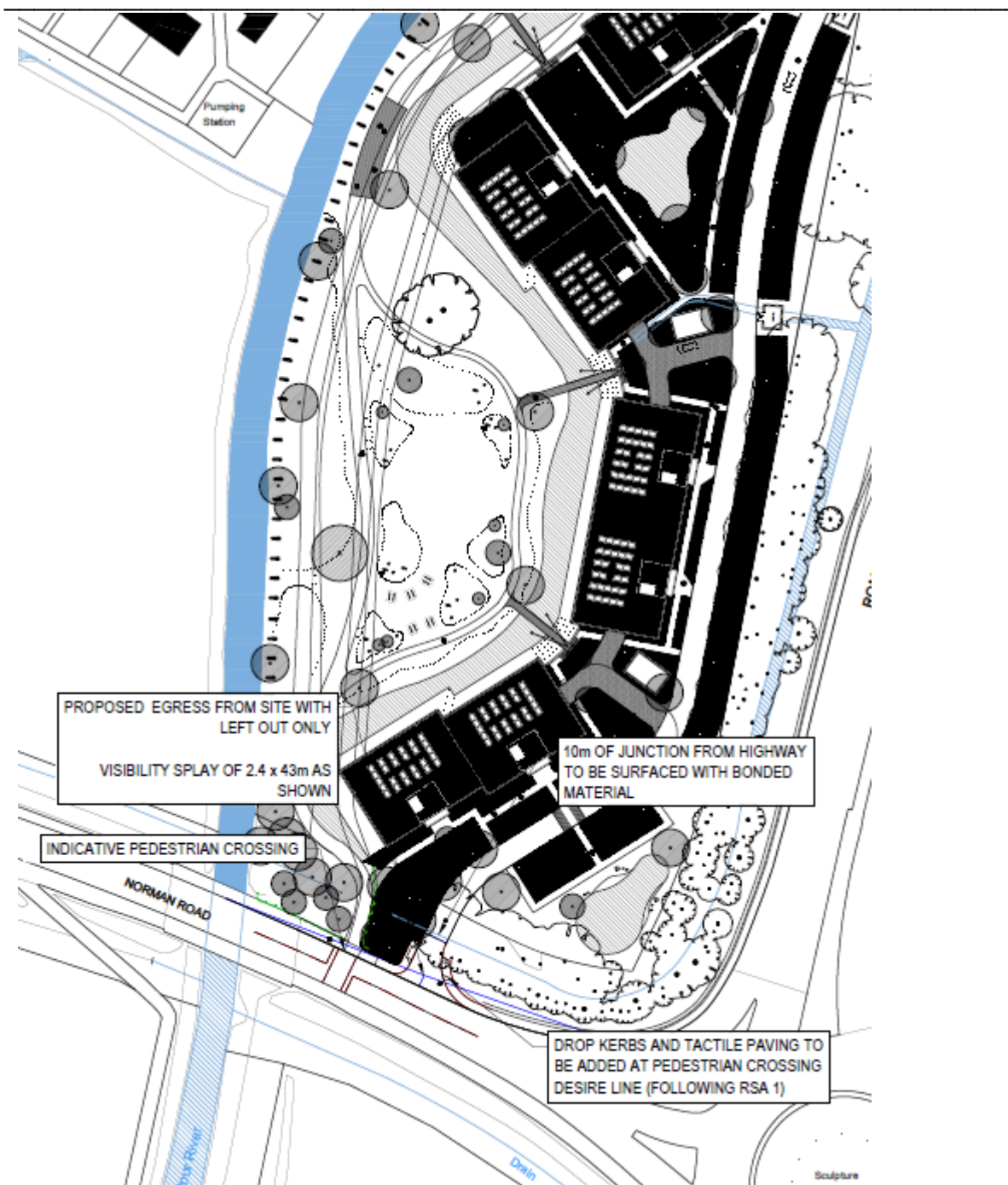


Figure 6: Site Masterplan



**Figure 7: Proposed site layout**

16. The proposed vehicular access to the development would utilise a one way system with access to the site from the north off Romney Marsh Road. Access out of the site would be via Norman Road where a new Toucan crossing is also proposed (Figure 8). Parking would be largely located underneath the blocks within an undercroft. There would be no ground floor living accommodation. Cycle and bin stores would also be provided within the site for residents under the buildings. Refuse collections would be provided by a private management company.

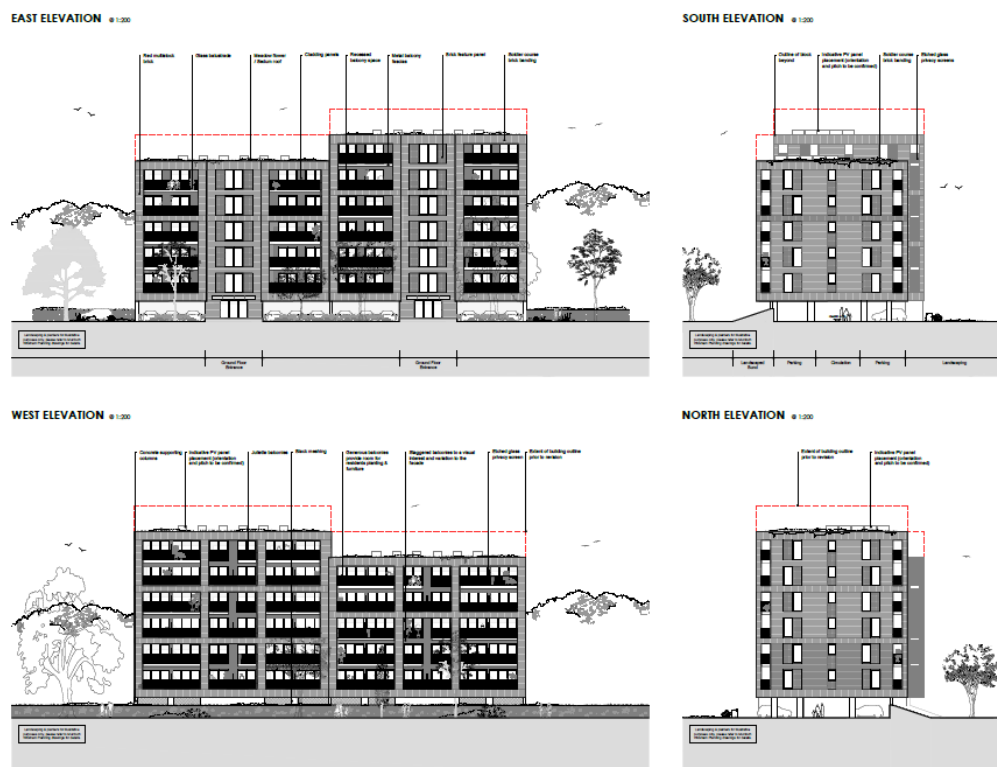


**Figure 8: Proposed exit from the site with pedestrian crossing across Norman Road**

17. The blocks are proposed to have sedum green roof systems which are intended to retain rainwater and attenuate the surface water flow to match the existing greenfield runoff rate for the site to ensure that there is no increase in surface water run-off.
18. The blocks towards the south of the site have been designed with the intention of forming a 'gateway' upon approach from the Romney Marsh Road. It is also intended that in order to achieve the gateway and relate to the scale of the outlet, the southern blocks would be a minimum of 7 storeys (including the undercroft parking) and would step down to 5 storeys

(including the parking level) at the northernmost part of the site . The spacing between the blocks is also proposed to increase towards the north where the blocks are closer to existing residential development to improve visual permeability through the site.

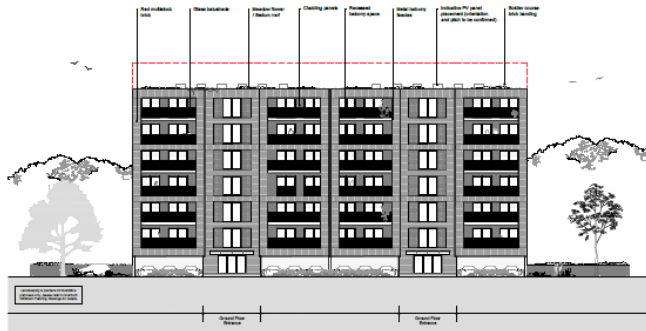
19. In terms of design a contemporary approach has been adopted with the proposed use of red and yellow multistock brick, concrete, mesh and grey feature panelling, decorative banding, recessed brick details and large areas of glazing. All of the flats would benefit from private balconies and some of the units would benefit from a dual aspect. Each block would have solar PV panels on the roof which is intended to improve the sustainability credentials of the development and improve air quality. Electric Vehicle charging points are also proposed (10%).
20. The proposal (in its earlier stages) was subject to a Design Review in March 2019 by Design South East. The report of this review is appended as Appendix 1 of this committee report.
21. The proposed elevational details of each block is detailed below. The dotted red line shows the outline of the block behind.



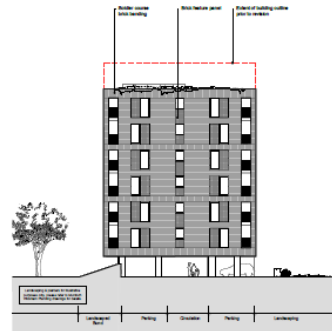
Block A

# Ashford Borough Council - Report of the Head of Planning and Development Planning Committee 19<sup>th</sup> February 2020

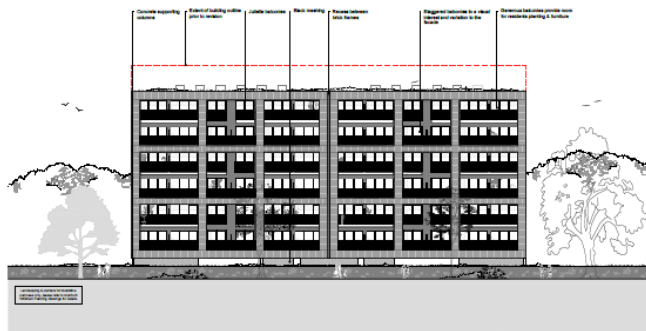
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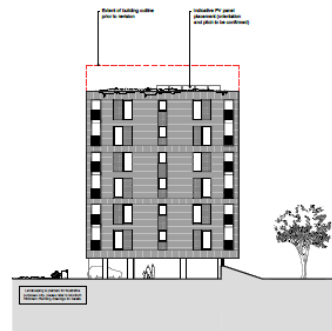
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**WEST ELEVATION** @ 1:200

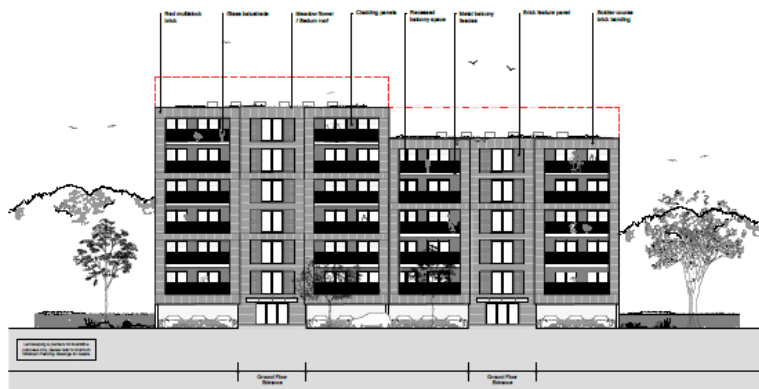


**NORTH ELEVATION** @ 1:200

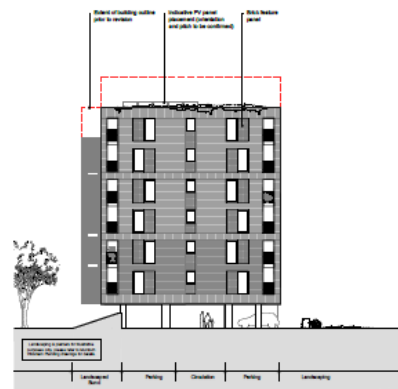


## Block B

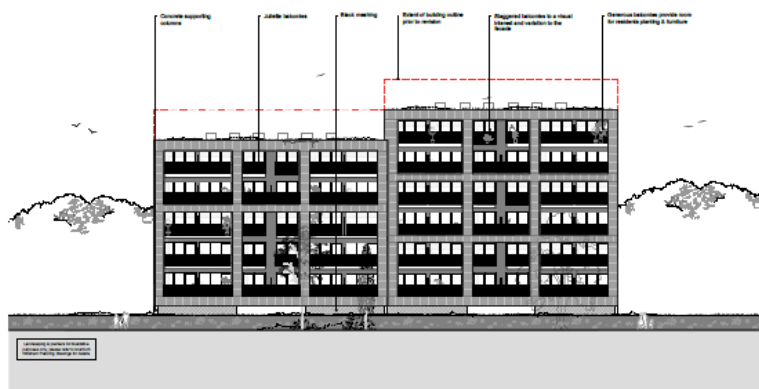
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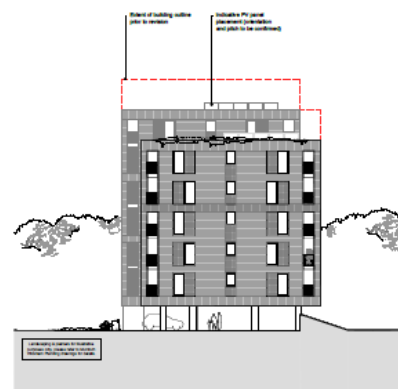
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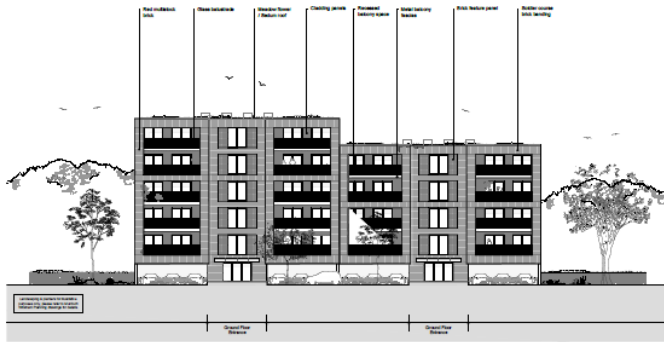


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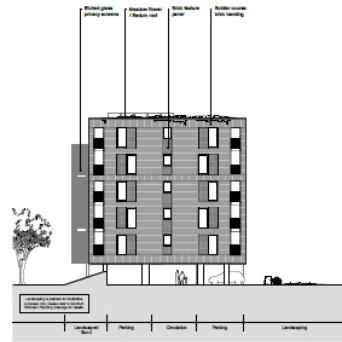


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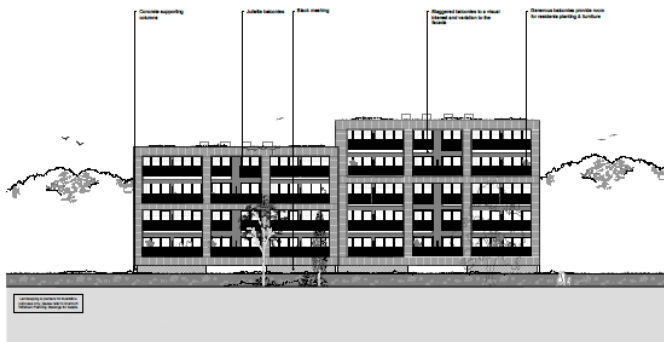
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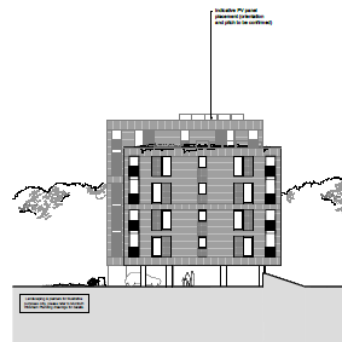
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WEST ELEVATION @ 1:200

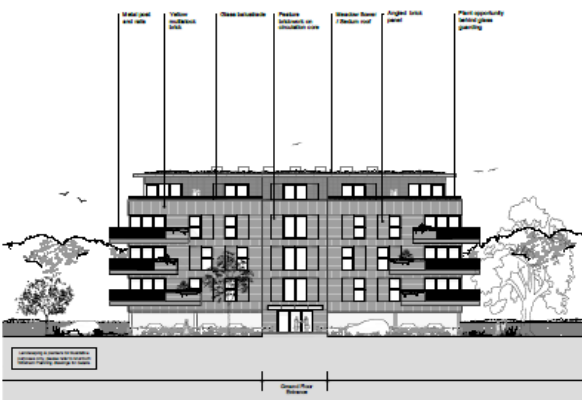


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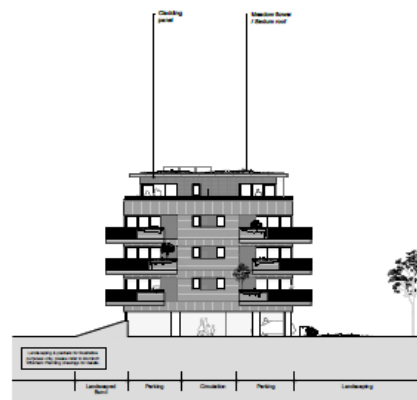


Block D

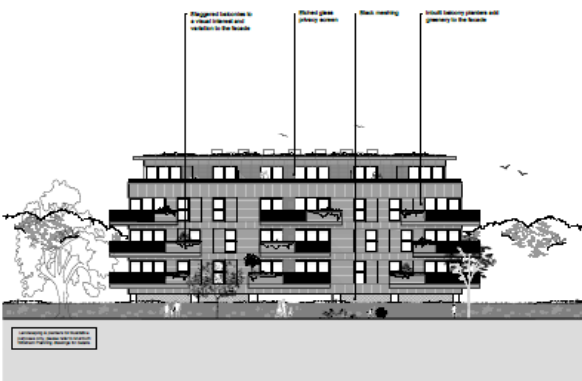
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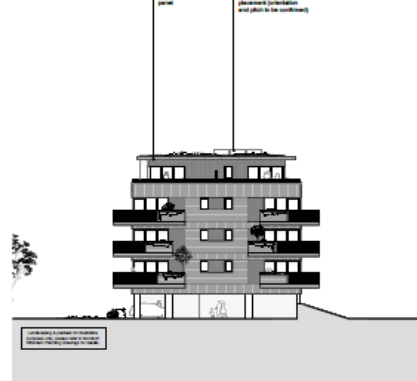
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WEST ELEVATION @ 1:200



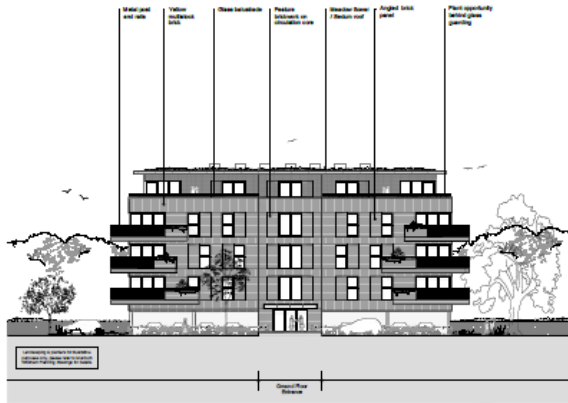
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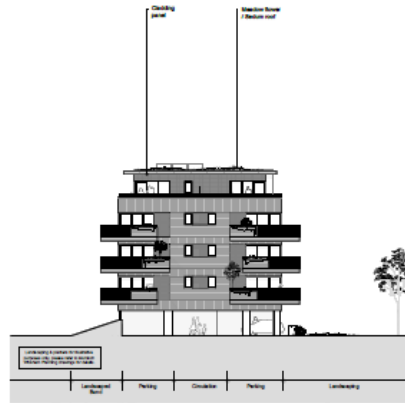
Block E



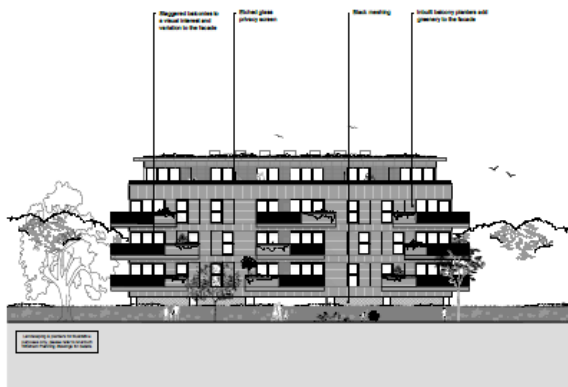
**EAST ELEVATION** @ 1:200



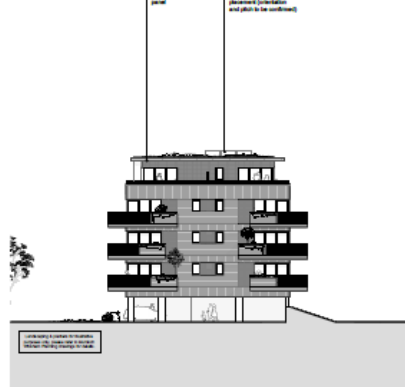
**SOUTH ELEVATION** @ 1:200



**WEST ELEVATION** @ 1:200



**NORTH ELEVATION** @ 1:200



Block F



Figure 9: Proposed facade detailing





**Figure 10: Proposed development (indicative CGI's)**

22. The application has been amended since it was originally submitted to reduce the number of flats from 234 to 212 (thus decreasing the scale from 8 storeys to 7). The amendment has also seen an increase in the amount of on-site parking to provide 255 which is the amount required by Ashford's parking standards and equates to 1.2 spaces per unit. The unit mix is detailed below in Figure 11.

Type	Number	%
1 Bed	102	48
2 Bed	110	52
Total	212	100

**Figure 11: Proposed housing mix**

23. In addition, whilst there is no planning policy requirement under HOU1, it is now proposed that Block F is to be allocated as affordable housing representing a total of 20 units (9.4%). Block F comprises x8 one bedroom

units and x12 two bedroom units. Block F would be located at the northernmost part of the site.

24. In terms of landscaping it is proposed that the existing bund located between the river and the footpath that is currently acting as a flood defence (albeit an unrecognised EA defence), would be set back further away from the river along much of the site. This would expand the river floodplain and reconnect the area behind the existing bund with the river, creating more riparian habitat. A new swale is also proposed that would provide additional wetland habitat for species such as water voles and attenuation ponds are proposed in order to provide suitable breeding habitat for Great Crested Newts and other amphibians. Trees around the boundary of the site are to be retained and additional planting is proposed throughout the site and along the river.
25. A play area is proposed to be located at the northern end of the site as shown in Figure 12 below, where there is easy access for existing local residents and the proposed new residents and direct access off the East Stour River path. It is proposed that this play area would be designed to be natural in character, with the use of timber play equipment and natural landscape features including climbing logs and boulders. Fencing and shrub planting would form the boundary to the play area.



Figure 12: Proposed location of the play area

26. A number of documents and reports have been submitted in support of the application which have been summarised below:

Design and Access Statement

DA.1 The sites location within Flood Zone 3a – for which the sequential and exception tests must be met to meet with the NPPF and Ashford Local Plan policy ENV6. The sequential and exception test is considered to be met.

DA.2 Due to the site's location within the Green Corridor, Policy ENV2 of the Local Plan requires development to enhance its function.

DA3. Whilst the site is located within the designated Green Corridor and flood Zone 3a it is currently protected from flooding by bunding along the eastern bank of the river, meaning local properties to the west of the river will flood ahead of the application site. The site therefore fails to meet its key purpose currently to provide flood storage.

DA4. The proposal seeks provide additional storage within the flood plain by opening up the site to allow it to flood by removing the current bunding along the west edge of the development site adjacent to the river and relocating it within the site to provide additional flood benefits that reduce flood risk within the surrounding residential area. The development would provide significant betterment to the surrounding area, by reducing flood risk impacts to over 130 properties.

DA5. In terms of the Green Corridor the site does not currently provide useable green infrastructure with the exception of the shared cycle/pedestrian path.

DA.6 The landscaping proposals will create a wild parkland habitat, with opportunity for children to play and residents to enjoy the open space and access to the river. Natural surveillance and use of the area will increase the use of the cycle path, providing improved connections to the town centre from the wider area. The buildings will incorporate green roofs and façade planting to form an integral component of the parkland itself.

DA.7 The existing bund along the river bank will be drawn back along much of the site, expanding the river floodplain and reconnecting the area behind the existing bund with the river. This will create additional riparian habitat for species such as Water Vole, and seasonally wet areas that will be valuable for bird and invertebrate species. The creation of a new swale will provide additional habitat. Further benefits for wildlife will be provided by native tree planting and wild-flower grassland creation across the site.

DA.8 The buildings have been designed to provide a strong connection to the newly created parkland through private balconies, generous areas of glazing and careful consideration of each building's orientation and siting to provide visual separation between and through the buildings.

DA.9 The scheme proposes a selection of high quality materials which would respond sympathetically to the context of the site and would harmonise the buildings into their parkland setting.

DA.10 Boundary trees are proposed to be retained to provide a buffer between the road and the development.

DA.11 The scheme was subject to critique through the Design Review process. The design and layout has been amended to take account of pre application advice and in response to the comments of the Design Review Panel.

DA.12 Following analysis of the surrounding context, each block has been appropriately scaled at varying heights in direct response to their function and immediate context. The blocks towards the south of the site create a gateway between the Romney Marsh roundabout and the Outlet. To achieve the gateway and relate to the scale of the Outlet the southern blocks are at a maximum of eight storeys high (including parking level) and step down to the northern end of the site

DA.13 Towards the north of the development, it is proposed that the scale of the blocks steadily decrease in relation to the nearby residential areas and the distances between the blocks also increase to improve visual permeability through the site.

DA.14 The proposed vehicular access into the residential development uses a one way system with access into the site from the north off Romney Marsh Road and access out on to Norman Road. The road's granular shared surface ensures pedestrians are given equal priority to vehicles.

DA.15 A total of 255 parking spaces are proposed to be provided on site serving the 212 residential apartments with 11 visitor spaces. 14 disabled parking spaces are also to be provided and 6 motorcycle parking spaces.

DA.16 Vehicles are to be located primarily underneath the building in undercroft parking and to the periphery of the site to ensure that they have a minimal impact on the landscape spaces which seek to retain and enhance the site's green corridor setting.

DA.17 The development also provides secure cycle spaces located within cycle stores, encouraging a sustainable alternative mode of transport which takes full advantage of the site's edge of town centre location and local amenities.

DA.18 The development makes provision for refuse storage and collection.

DA.19 In relation to landscaping the applicant has worked with the East Stour Partnership Group, to ensure development in this area can restore and enhance the East Stour River corridor.

DA.20 The landscape seeks to retain and restore the green corridor along the East Stour River, with enhancements to the Stour Valley footpath and river edge along the western side of the site. The character of the landscape design reflects the presence

of the East Stour River and the site being located within the flood plain, with the use of attenuation ponds and a swale along the western side of the buildings. The swale provides a landscaped edge to the change in level, with the buildings, road and parking on the eastern side of the site at a higher level.

DA.21 An informal area of open space is located on the western side away from the East Stour River and margins, where there is opportunity for a natural outdoor gym and a play area to the north of the site.

#### Planning and Sustainability Assessment

PS.1 It is considered that the application is consistent with the development plan and is supported by significant material considerations that weigh in favour of the development, and is also sustainable under social, economic and environmental dimensions. Therefore, under paragraph 11 of the NPPF (2019), the application should be approved without delay.

PS.2 The proposed development will result in significant benefits for the local community and residents of the new dwellings. These benefits include the following:

- a) the provision of 212 bespoke and architecturally designed apartments;
- b) a significant contribution to the housing market, meeting an identified short term housing need in the urban area;
- c) the provision of housing in a highly sustainable location being close to a variety of town centre functions and public transport facilities;
- d) bringing into beneficial use land which does not fulfil the functions of the Green Corridor being neglected and of low environmental quality, with limited public access;
- e) the provision of high-quality recreational space including a play area and outdoor 'gym' for use by residents and the community at large;
- f) the creation of a parkland habitat in the Green Corridor through extensive new tree planting, enhancement to the river bank, creation of additional water features (swale and attenuation ponds) and seating areas;
- g) increasing public access to the East Stour River within the parkland setting;
- h) the provision of additional flood storage facilities within the flood plain by removing the current bunding to the east of the river and relocating it to within the site thereby reducing the flood risk to the surrounding area. This betterment will directly reduce the flood risk to 130 properties;
- i) the provision of 11.82ha of land to ABC and associated ecological improvements to create an offsite wetland park thereby fulfilling the delivery of a long-term aspiration of the Council. It would create an extended network of enhanced, strategically important open space under the control of the Council and for the benefit to the residents of Ashford;

**[SD&DM Comment: ABC have rejected this in favour of alternative Green Corridor mitigation and Members are therefore advised to give it no weight]**

PS.3 The development would bring many economic benefits both during the construction phase and after completion including the following:



- a) approximately £36m of direct investment in building the proposed development, which supports almost 25 permanent construction jobs, with the likelihood that over 18 are net new jobs taken by local residents.
- b) the new residents could generate additional expenditure of £7.6m per annum, with the likelihood that £2.8m of this will go to local businesses, supporting nearly 18 new local jobs in Ashford.
- c) the gross value added to the local economy (GVA) is estimated to be £2.2m.
- d) the Council will also benefit from approximately £0.4m of council tax rates payable per year, and £213,600 paid in New Homes Bonus receipts.
- e) there will be qualitative benefits that will support local communities and businesses.
- f) enhancement to the public footpath and cycleway to improve linkages with other networks in the vicinity of the site;
- g) provision of appropriate S106 contributions and S278 works to mitigate the impact of the development.

PS.4 There are overriding objectives at all levels of planning policy to create development which is sustainable to ensure social, economic and environmental well-being is achieved. It is considered that the site and the current proposals meet these sustainability objectives.

PS.5 The site is well related to the existing urban development close to areas of employment, housing and the amenities offered in the town centre located some 700m to the north and the Designer Outlet. The development therefore seeks to make efficient use of land without compromising the value of the site as being part of the Green Corridor.

PS.6 The site is readily accessible by means other than the private car with excellent public transport linkages being close to 2 bus stops and some 750m from Ashford International train station. The site has a cycle path running through it and there are off road cycle routes into Ashford Town centre via the train station linking to the number 18 national cycle route.

PS.7 An Energy and Sustainability Report has been prepared by Malcolm Hollis to provide design stage advice in terms of target fabric U values, air-permeability and the most appropriate building services to demonstrate compliance with Part L 2013. This advice has informed the preparation of the design of the scheme to ensure that the scheme achieves high levels of sustainable construction and seek to reduce carbon emissions with the use of the following:

- a) exacting U values that surpass the standards set under Part L of the building regulations;
- b) the fabric has been designed to achieve high levels of air-tightness with a permeability rate of 3m<sup>3</sup>/hm<sup>2</sup> to minimise fabric losses;
- c) glazing has been specified to maximise natural daylighting levels and to reduce the risk of overheating; and
- d) party wall to heated communal areas to be fully edge sealed; and
- e) efficient internal heating systems.

PS.8 The sustainability strategy is summarised within the DAS and clearly demonstrates the various design features to be included as part of the proposed development.

PS.9 The development will enhance existing flood defence measures through the provision of a flood plain compensation scheme designed to provide approximately 120% compensation for the loss of flood storage which fully mitigates for the development but brings protection to adjoining properties on Riversdale Road which currently does not exist.

PS.10 The development will result in an extensive range of further environmental benefits through the enhancement of the Green Corridor and the creation of a parkland area available to the residents of Ashford to enjoy along with the residents of the new development.

PS.11 The development also provides the opportunity to carry out significant improvements to the East Stour River to create new wetland habitats.

PS.12 A suite of economic benefits which are set out earlier in this statement and expanded upon in the Economic Statement which will bring significant benefits to the local economy and the residents of Ashford.

PS.13 The provision of 234 apartments over a two year period helping the Council deliver against its housing target in the ALP and particularly providing a short-term identified supply of housing.

PS.14 The proposed development will provide a high-quality residential scheme that brings into active use an under-utilised part of the Ashford's Green Corridor and the creation of a landscaped park providing substantial public benefits through ecological enhancement, public access and recreational space within the heart of the town. In addition, a further area of land will be made available to the Council for the creation of an off-site wetland park if they wish it. Therefore, the scheme provides substantial benefits.

PS.15 Paragraph 11 of the NPPF (2019) sets out the presumption in favour of sustainable development. The application is fully consistent with the adopted development plan. Therefore, in such situations paragraph 11c requires development proposals to be approved without delay.

PS.16 Overall, the proposed development is sustainable and any negative impacts of granting permission would not significantly and demonstrably outweigh the benefits. Using the three overarching objectives in paragraph 8 of the NPPF (2019), the evidence shows that the development is sustainable under the economic, social and environmental objectives.

PS.17 It is also considered that the two main policy considerations relevant to the site; development within the Green Corridor and within flood zone 3a have been satisfactorily addressed and thus the principle of the proposed development is acceptable. The development has also been assessed in relation to compliance with

other relevant policies contained within the ALP and national policy and it has been concluded that the proposed development meets all necessary planning policies.

### Transport Assessment

TA. 1 The site is located within walking distance (less than 300m) to local bus services and 750m from Ashford International Train Station. There are off road cycle routes into Ashford Town centre via the train station linking to the number 18 national cycle route.

TA.2 The development proposal outlines one vehicular site access (on the A2042) and one vehicular egress (on Norman Road). The egress on Norman Road is proposed to be a left-out junction and will be designed to prevent drivers turning right from Norman Road into the Site. This has been designed to stop any potential queueing onto the A2042 roundabout. This would require minor adjustments to the existing footway. A visibility splay of 2.4 x 43m can be achieved at this access and can be seen in drawing 43893/5501/001.

TA. 3 The Site access from the A2042 is proposed to be a left in movement only, with a direct taper deceleration lane provided. This has been designed to DMRB TD42/95 standards including a 40m deceleration length to allow drivers to slow down while entering the Site. This approach and design guidance appears consistent with the plans for the new Designer Outlet car park on the southbound carriageway of the A2042, which has provided a single taper merge from the car park.

TA.4 Residential parking provision for the Site has been provided at a rate of 1:1 (Increased to 1.25 per unit during the course of this application). This level of parking has been determined through discussions with highway officers and Ashford Borough Council officers and is based on an evidence-led assessment of the local car ownership statistics from the 2011 Census.

TA.5 To provide an understanding of local traffic conditions at the junctions being assessed a set of manual classified counts were commissioned. Traffic surveys were completed on Tuesday 22nd January 2019 at locations agreed with the highway authority. In addition to the traffic flows informed by the surveys discussed above, historic data has been used for the assessments for three other junctions in the area, as agreed with KCC Highways Officers.

TA.6 Crash data for the previous 3 years (01-01-2013 to 31-12-2015) was obtained from KCC for the local highway network surrounding the Site.

TA.7 In order to determine potential traffic generation from the proposed development discussions with KCC Highways Officers advised that a review of the trip rates used for the Klondyke Works site on Newtown Road (application ref 18/00584/AS) should be used to inform the Transport Assessment for the proposed development.

TA.8 The traffic generation from the Site has been distributed on the highway network according to census Journey to Work data for the surrounding area according to MSOA E02005004.

TA.9 The future year of 2030 has been used to assess the potential impact of the development on the highway network. This future year has been agreed with KCC Highways and represents the end of the current Ashford Local Plan.

TA.10 The 2030 background traffic described above has then had the impact of committed development sites within Ashford included. The committed sites and methodology to determine the TEMPro growth factor used for the 2030 future scenario has been discussed and agreed with KCC.

TA.11 The junction assessments detailed in this TA demonstrate that the impact from the proposed development will not be perceptible in practice, and as such no physical mitigation works are proposed.

TA.12 A Stage 1 Road Safety Audit has been provided for the Scheme and the points raised as a result of the RSA1 have been considered by the design team.

TA.13 A Framework Travel Plan has been outlined to manage the journeys generated by the proposed development and aim to reduce the environmental impact by promoting sustainable travel modes and impact on the choices that reduce the reliance of residents on car trips.

#### Highways Technical Note 09/01/2020

HTN.1 This document was submitted in response to KCC Highways and Transportation initial consultation comments and is summarised as follows:

- a) The applicant agrees to fund the provision of a CPZ and this funding can be secured via the S106 agreement.
- b) Based on a total of 42 movements being generated from this site a contribution of £374,045 is required on a pro-rata basis based on the outstanding funding gap of £5,076,308. This should be secured through a Section 106 planning agreement if planning permission is granted and be payable prior to the occupation of any development on site. The applicant agrees to this.
- c) The request for the inclusion of a box arrangement at the Beaver Road junction is also noted and is acceptable as a planning condition by the applicant.
- d) The applicant has been involved in further discussions with a car-club operator to deliver a car-club at the site. The applicant further considers a condition or S106 clause relating to the provision of a car club to be reasonable and can be secured. The exact operator will be a commercial decision in the future.
- e) It is agreed that the access and egress detailed design shall be secured by condition.
- f) The applicant considers that a condition can be applied for the detailed internal design of the cycle store to meet KCC requirement.
- g) A detailed plan has been provided demonstrating where the proposed alignment of the footway / cycleway deviates from the existing provision.

Lighting a tree details in relation to the footpath have also been submitted in response to KCC concerns.

- h) 14 disabled parking spaces are now provided together with the provision of 6 motorcycle parking spaces in accordance with KCC advice.

### Flood Risk Assessment (FRA)

FRA.1 In accordance with the fundamental objectives of the NPPF, the FRA must demonstrate that:

- (i) The development is safe;
- (ii) The development does not increase flood risk; and,
- (iii) The development does not detrimentally affect third parties.

FRA.2 The Environment Agency Flood Zone map shows the site mostly lies within defended Flood Zone 3 'High Probability' of the River East Stour. Flood Zone 3 is defined in Table 1 of the NPPF Planning Practice Guidance (PPG) 'Flood Risk and Coastal Change' as:

***Flood Zone 3 'High Probability' (greater than 1 in 100 (1%) annual probability of river flooding, or greater than 1 in 200 (0.5%) annual probability of sea flooding).***

FRA.3 EA Flood Zones do not consider the impact of flood defences. Based on the National Flood and Coastal Defence Database (NFCDD) data and modelled flood levels, the majority of the site (except a small area at the north) is defended above the 1:100 (1%) annual probability flood level.

FRA.4 The proposed development is considered appropriate within Flood Zone 3 (under NPPF PPG Tables 2 and 3), subject to the development satisfying the Sequential Test and the two-part Exception Test.

FRA.5 The Sequential Test has been undertaken for the proposed development. A comprehensive assessment has been undertaken for each potential alternative site showing there are no suitable alternatives, therefore, from a flood risk perspective, this test is satisfied.

FRA.6 The Exception Test requires the development to provide;

- wider sustainability benefits outweighing the flood risk; and
- an FRA demonstrating the development will be safe for its lifetime.

FRA.7 In terms of the sustainability benefits, which outweigh the flood risk, they are the delivery of 234 (now 212) residential units in a highly accessible location, along with the Green Corridor advantages and a mechanism to deliver some of the wetland park (subject to this being agreeable to the Council).

FRA.8 The FRA shows that the development will be safe for its lifetime, there will be more than sufficient flood plain compensation and there will be a reduction in flood risk to other local residential properties. Overall, the exception test is satisfied from a flood risk perspective, demonstrating that the application complies with both national policy and the emerging Local Plan.

FRA.9 The proposed surface water drainage strategy for the development consists of blue/green attenuating roofs on all the developments buildings, with permeable, infiltrating site roads and parking, and attenuating infiltration basins, which discharge to the swale on the river side of the new defence line via outlet control devices. This will result in a reduction in peak runoff rates discharging from the developed site.

FRA. 10The FRA concludes that:

- a) The majority of the site is in defended FZ3, excepting a small area to the north of the site.
- b) The site is currently protected to 1:100 and the eastern side with the flood embankment re-established down the centre of the site will also be.
- c) The expected 1:100 annual probability plus 45% climate change event flood level on site is approximately 37.17 m AOD.
- d) The proposed development is a 'more vulnerable' use and is considered appropriate for defended Flood Zone 3 as the Sequential and Exception Tests have been satisfied.
- e) The proposed development will include several ecological enhancements to the channel, which have been developed in consultation with Kentish Stour Countryside Project.

FRA.11 The proposed development has been designed to include measures to reduce the flood risk at the site as follows:

- a) The development has been designed following the Sequential Approach, locating the 'more vulnerable use' residential development over 2.2 m above the design 1:100 annual probability plus 45% climate change flood level.
- b) A flood mitigation scheme has been developed which demonstrates that the proposed development provides a reduction in flood level for third parties in the design 1:100 annual probability plus 45% climate change event (also for the 1:100 and has negligible impact for the 1:20).
- c) Excavation is proposed on site to provide 116% of flood compensation for the development, as the site is a defended flood cell, it has been considered in terms of total volume and not level for level.
- d) By employing a flood evacuation approach, linked to flood warning services - such as the EA Floodline, and will also provide 'safe refuge' in the event of a flood with all habitable space located above the climate change flood level.

FRA.12 When considering the surface water drainage strategy (See PBA Drainage Strategy – April 19) the follow conclusions with respect to the FRA are drawn:

- a) The site is a moderate risk from ground water flooding. Actual ground water levels recorded over 2018 winter period ranged from 0.3m to 1.7m below ground. There is no history of groundwater flooding at the site.
- b) The site consists mainly of open agricultural land, such that surface water would be expected to primarily drain via infiltration into the ground. The raised embankment along the right bank would limit the area of the site where runoff could flow directly into the River, while the site includes no impermeable surfaces beyond a tarmac public footpath/cycleway.
- c) The LPA has indicated that it would consider the attenuation system in a defended floodplain area as acceptable and liked the use of below road attenuation and blue roofs. The LPA have set the Greenfield runoff rate below that nationally required, at 4 l/s/ha.

FRA.13 The design standard adopted is that which is typically accepted by KCC and also meets the national standard. This means using the FEH dataset and designing the drainage system for the 1:100+20% CC with a design for exceedance test under the +40%CC scenario. As the site is still defended by a flood embankment the surface water attenuation does not interact with the floodplain up to the design events.

FRA.14 Even though there are slow soakage rates due to the highly cohesive nature of the local clay encountered, infiltration is still seen as the most viable means of drainage, albeit to maximise drainage to ground will require wide shallow features to minimise the half drain time to ground.

FRA.15 Using the Microdrainage software, it has been shown that the building roof drainage can be fully attenuated via blue roof cellular storage. The outflow from the roof drainage will be discharged directly into the proposed river swale, which is to be constructed as part of the floodplain restoration works.

FRA.16 Using the Microdrainage software and applying the ABC maximum runoff rate of 4 l/s/ha, breaking the site in sub-catchments, it has been shown that selecting tree protection cellular containment system for the access road and car parking, as well as using permeable paving on the building spur roads provide, has provided adequate infiltration and attenuation storage so that there is no direct discharge from the site.

FRA.17 Exceedance flows from the development roads will be intercepted by a series of adjacent infiltration linear french drains which will convey the flows to various infiltration basins located across the site. These basins have been designed to have additional volume to store the 100 year +40% storm runoff and an overflow control device to restrict the discharge rate from the Site to 5 l/s, for exceedance rainfall events.

FRA.18 Consideration has been given to extreme rainfall events, i.e. those greater than the 1 in 100 year +40% CC, for which the system has been designed. An additionally a 200 mm high landscaped bund and associated filter drain is to be provided around the perimeter of all the retained greenspace areas to provide additional storage areas for water to be held until capacity within the drainage infrastructure becomes available.

FRA.19 Appropriate pollution control measures will be included in the surface water drainage system to minimise the risk of contamination or pollution.

FRA.20 It is proposed that a post-construction SuDS as-built verification report is prepared and at detail design a maintenance schedule.

FRA.21 In conclusion, the modelling has shown that the infiltration and attenuation-storage based surface water drainage system meets the necessary local and national drainage requirements, which includes not increasing the surface water runoff from the site as a result of the development. The future occupants and users of the proposed development will be safe from flooding and there will be no detrimental impact on third parties. The FRA concludes that the proposal complies with the (NPPF) and local planning policy with respect to flood risk and is therefore an appropriate development at this location.

#### Sequential and Exception Test - Flood Risk (May 2019)

SET.1 The Flood Risk Sequential and Exception Test is needed to satisfy paragraph 158 and 160 of the NPPF (2019) and policy ENV6 of the ALP 2030.

SET.2 Best practice has been employed to undertake the sequential test, and the scope and sites to be assessed have been agreed with the Council. The search focuses on the Town Centre Area given the flatted development proposed. The characteristics and benefits of the proposed development mean that other sites that have been assessed are likely to be inherently unsuitable.

SET.3 Notwithstanding this, a broader approach has been taken where it is considered to what extent other sites are suitable for a similar scale of residential development and are available either now or in a reasonable period to deliver a similar scale of development within five years.

SET.4 A comprehensive assessment has been undertaken for each site. This shows that for every site assessed, there are compelling reasons that the sites are either not suitable or available as an alternative to the application site. Therefore, the sequential test is met.

SET.5 In terms of the exception test, the sustainability benefits are substantial from 212 (the amended scheme) residential units delivered in a highly accessible location, along with the Green Corridor advantages. The FRA shows that the development will be safe for its lifetime, there will be more than sufficient flood plain compensation and finally there will be a reduction in flood risk to other local residential properties.



SET.6 Overall, both the sequential test and exception tests are satisfied from a flood risk perspective, demonstrating that the application complies with both national policy and the recently adopted Ashford Local Plan.

#### Updated addendum to the Sequential Test

UST.1 The application originally sought 234 dwellings. However, this has since been revised to 212 dwellings

UST.2 The Sequential Test assessed Site S6 – the Former Newtown Works and found that it was both unsuitable and unavailable. Part of the reason was that at the time, the site's developers (which includes Quinn Estates as a Joint Venture partner, U&I and the Creative Improvement District Company) were promoting a seven studio scheme and were not anticipating including any further residential within the S6 site area.

UST.3 Since the May 2019 assessment, the site's development has progressed. Through discussions with Historic England it became clear that it would be difficult to justify the harm to the Listed Building (locomotive shed in particular) caused by building studios within this building and that such works could be considered "substantial harm". The proximity to the railway line and vibration and noise from the working railway sheds to the rear also raised concerns for a studio use from an acoustic perspective. Therefore, the scheme reduced the number of studios to four as new build, with the existing buildings converted and extended for residential and commercial. A planning application (19/01476/AS) was validated in October 2019 as follows:

*'Detailed application for a mixed-use development (1-18 storeys) comprising 7,440sqm of film/ TV Studios with 7,125sqm associated post-production offices (Use Class B1) and 3,830sq.m associated workshop and media village (Use Class B1); 120 bedroom hotel (Use Class C1) including 1,150sqm reception/ancillary space and food and beverage space, 500sqm restaurant, 360sqm leisure facilities and 449sqm event/conference space; 62 serviced apartments (Use Class C3); a 336 space multistorey carpark; change of use, internal and external alterations to the listed Locomotive Shed buildings, including increasing the height by an additional twostoreys, to provide 7,030sqm of flexible commercial floorspace for use in connection with the film/tv studios (Use Class B1/ D1) and 303 residential units (Use Class C3) comprising 130 x 1 bedroom and 173 x 2 bedroom units and 322 internal parking spaces; Change of use, internal and external alterations to listed Engine Shed building, including increasing the height by an additional two storeys, to provide 1,050sqm gym/ restaurant (Use Class D2/A3) and 1,500sqm of commercial floorspace (Use Class B1); Change of use, internal and external alterations of the Paint Shop building (114sqm), Acetylene Store (57sqm) and Clock Tower (73sqm) listed buildings to provide ancillary uses to the film/TV studios; plus associated infrastructure including open space, landscape and public realm provision, external parking, servicing, pedestrian and vehicular access and associated engineering, utilities and infrastructure works.'*

UST.4 In Section 3 of the May 2019 Sequential Test, the NPPF policy and importantly the practice guidance was highlighted. This makes it clear that the sequential search needs to relate to the development proposed. Importantly, the following passage is highlighted again:

*“Within the area you’ve agreed with your local planning authority, look for sites that could be suitable for your development. First, check your adopted or draft local plan for sites that have already been allocated for development and could be suitable for the development you’re proposing. Also look at sites that haven’t been allocated in the local plan, but that have been granted planning permission for a development that’s the same or similar to the development you’re proposing. Your local planning authority will have details of sites with planning permission.”*

UST.5 Therefore, the application of the sequential test needs to relate to what is being proposed at East Stour Park and, in particular, it needs to be the same or similar. The guidance is emphatic that it needs to relate to what ‘you are’ proposing (i.e. the applicant). Therefore, in this case, the proposals for East Stour Park are for 212 new build residential units in six separate blocks. This is logically the starting point for any sequential search and, the new build nature of the development is fundamental to its characteristics.

UST.6 The Newtown Works scheme does include 62 new build apartments and 303 residential units in the converted buildings, totalling 365 residential properties proposed within the application. The serviced apartments are distinct from traditional residential and are anticipated to be predominantly occupied on a short to medium term rental basis, by personnel serving the film studio operations and managed in conjunction with the proposed hotel. The 303 residential units are within the retained Listed Building rather than new build blocks as proposed at East Stour Park.

UST.7 Having considered the site itself, the nature of the development as submitted at Newtown Works and the practice guidance, it is not a reasonably available site on the basis that there are a series of reasons why the site is not ‘similar’ to the development as proposed at East Stour Park.

UST.8 Further, Quinn Estates are a Joint Venture Partner in the Newtown Works scheme unlike the ownership of the current application site. Since new build flats are proposed at East Stour Park, the Newtown Works site is not comparable. Therefore, the East Stour Park site could not accommodate the Newtown Works development and similarly the Newtown Works site could not accommodate the East Stour Park development. Therefore, there is no new build residential proposed and there is no remaining land within the Newtown Works site to deliver the quantum of new build flats proposed at East Stour Park.

UST.9 Overall, there is compelling evidence to dismiss Newtown Works as a reasonable available site to East Stour Park under paragraph 158 of the NPPF (2019) and therefore the sequential test is satisfied.

Environmental Noise Assessment

NA.1 An assessment of the potential noise impacts attributable to the existing ambient environment has been undertaken.

NA.2 Unattended noise measurements were undertaken to obtain sound levels representative of the existing environment for assessment in accordance with BS 8233:2014 and the WHO Guidelines for Community Noise.

NA.3 Measured ambient LAeq,T noise levels achieve the BS 8233 criterion noise levels for residential rooms with windows closed, assuming a façade reduction of 33 dB.

NA.4 Noise levels at amenity areas are measured to exceed the BS 8233 lower guideline noise level. BS 8233 indicates that these guidelines are not always achievable and that development should not be prohibited provided the development is designed to mitigate external noise levels as far as practicable.

NA.5 Night-time maximum LAmax,F noise levels achieve the WHO guideline noise level for the onset of sleep disturbance, with the 45 B criterion noise level exceeded for no more than 15 times per night when assessed over 1-minute periods.

NA.6 The assessment indicates that a typical façade design will achieve the required noise levels and therefore no specific consideration to the proposed design would be required. Suitable ventilation options have been suggested and sufficient ventilation should be incorporated to allow windows to remain closed.

NA.7 Detailed façade calculations can be undertaken following finalisation of the façade design, should they be required. Additionally, internal measurements can be undertaken upon completion in order to ensure compliance with BS 8233 and the WHO.

### Economic Statement

ES.1 The report concludes that in delivering the proposed development, there would be substantial economic benefits arising from the proposed development. These are as follows and fit with the strategic objectives for the area:

- a) Approximately £36m of direct investment in building the proposed development, providing accommodation for 234 households, who will have the potential to generate expenditure of £7.6m per annum, with some £2.8m of this expenditure going to local businesses.
- b) The construction investment and spending by new residents could support 73 gross jobs, of which 37 are estimated to net new jobs to the local economy.
- c) The gross value added to the local economy (GVA) is estimated to be £2.2m.
- d) There could be nearly £0.4m of council tax rates payable per year, and over £0.2m paid in New Homes Bonus receipts.

- e) The development meets with the aims of the Local Plan by concentrating housing growth in a sustainable location, close to the town centre, which aligns with strategies on improving employment opportunities within the town and supports the vitality of the town.

ES.2 Overall, the proposed development has the potential to provide investment opportunities and support growth in Ashford. As such, it meets with the aims of the Local Plan by concentrating housing growth in a sustainable location, close to the town centre, which aligns with strategies on improving employment opportunities within the town and supports the vitality of the town.

#### Historic Environment Desk-Based Assessment (May 2019)

HA.1 The effect of the development proposals on the known and potential heritage resource are a material consideration in determination of the planning application. No overriding cultural heritage constraints have been identified that would be likely to prohibit development.

HA.2 The assessment has established that there is an archaeological interest within the Site. The Stour Valley Palaeolithic Project identified that there is a low to moderate potential to encounter Palaeolithic remains within the Site that are considered to be of high significance. Investigations within the Study Area and wider landscape have found that prehistoric communities favoured settling close to a water source. With the Site lying adjacent to the East Stour there is a low to moderate potential for prehistoric activity within the Site.

HA.3 A high potential has been assigned to the 19th century and modern period with a farm evident on OS mapping from 1898 to 1975. However the development proposals exclude this area from the development. Any remains of the farmstead would be of low significance only.

HA.4 Any adverse impact to buried archaeological features as a result of the implementation of the development proposals would be permanent and irreversible in nature. This potential adverse effect could be reduced through the implementation of an appropriate scheme of archaeological mitigation, in accordance with national and local planning policy.

HA.5 The Historic Landscape Character of the Site is anticipated to change as a result of the proposed development. However, the loss of the Site's existing HLC is not considered to impact the wider historic environment resource and the elements of the Historic Landscape that were identified are to be preserved as part of the development proposals.

HA.6 The proposed development is not expected to harm the setting of any of the designated heritage assets located within the Study Area or wider ZTV. As such, there is considered to be no harm to the significance of any of the designated heritage assets.

HA.7 The presence, location and significance of any buried archaeological remains within the Site cannot currently be confirmed on the basis of the available information. As such it is possible that additional investigations may be required. Additional investigations could be secured as part of a planning condition and would be agreed by statutory consultees.

### Air Quality Assessment

AQ.1 The proposed development is not located within an Air Quality Management Area and ABC has not declared any AQMAs in the borough.

AQ.2 This report presents the findings of a detailed air quality assessment of the potential impacts of the development on local air quality during the construction and operational phases. The source and significance of potential impacts are identified and the measures that should be employed to minimise these impacts are described. Consideration is also given to the suitability of the proposed development site for its proposed end-use with regards to air quality.

AQ.3 An air quality impact assessment has been carried out to assess both construction and operational impacts of the proposed development.

AQ.4 An assessment of the potential impacts during the construction phase has been carried out in accordance with the latest Institute of Air Quality Management Guidance. This has shown that for the proposed development, limited releases of dust and particulate matter are likely to be generated from on-site activities. However, through good site practice and the implementation of suitable mitigation measures, the impact of dust and particulate matter releases may be effectively mitigated and the resultant impacts are considered to be negligible.

AQ.5 ADMS Roads dispersion modelling has been carried out to assess both the impact of the operation of the proposed development on local pollutant concentrations and the suitability of the proposed development site for its proposed end use with regards to local air quality. The results indicate that predicted concentrations of relevant pollutants (NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>) concentrations are below the relevant objectives within the proposed development and at nearby sensitive receptors.

AQ.6 Predicted concentrations as a result of emissions arising from traffic generated by the operation of the proposed development would remain well below the objective levels at all the selected receptors. In accordance with the Kent & Medway Guidance, the impact of the emissions arising from traffic associated with the operation of the Proposed Development is considered to be *low / imperceptible*. In accordance with the criteria provided within the EPUK & IAQM guidance the impact is considered to be negligible.

AQ.7 Future occupants of the proposed development would not be exposed to pollutant concentrations above the relevant objective levels, indeed concentrations within the proposed development site are predicted to be well below (less than 75% of) the relevant objective levels. The impact of the proposed development with regards new exposure to air quality is therefore considered to be negligible.

AQ.8 The Kent & Medway Guidance suggests that a package of air quality mitigation measures (amounting to £74,081.96) should be put in place to mitigate the impact of the proposed development on air quality in the area. The report demonstrates that the proposed mitigation measures will significantly exceed this figure.

AQ.9 It is concluded that air quality does not pose a constraint to the proposed development, either during construction or once operational.

AQ.10 It is concluded that air quality does not pose a constraint to the proposed development, either during construction or once operational.

### Drainage Strategy Report

DS.1 Due to the number of units propose, the floor area and the overall site area, the surface water management strategy needs to be approved by the LLFA.

DS.2 The site is at a moderate risk from ground water flooding. Actual ground water levels recorded over 2018 winter period ranged from 0.3m to 1.7m below ground. There is no history of groundwater flooding at the site.

DS.3 The site consists mainly of open agricultural land, such that surface water would be expected to primarily drain via infiltration into the ground. The raised embankment along the right bank would limit the area of the site where runoff could flow directly into the River, while the site includes no impermeable surfaces beyond a tarmac public footpath/cycleway.

DS.4 The LPA has indicated that it would consider the attenuation system in a defended floodplain area as acceptable and liked the use of below road attenuation and blue roofs. They have set the Greenfield runoff rate below that nationally required, at 4 l/s/ha.

DS.5 The design standard adopted is that which is typically accepted by KCC's and also meets the national standard. This means using the FEH dataset and designing the drainage system for the 1:100+20% CC with a design for exceedance test under the +40% CC scenario. As the site is still defended by a new flood embankment the surface water attenuation does not interact with the floodplain up to the design events.

DS.6 Southern Water advised that the closest available point of connection is on an existing 300 mm diameter vitrified clay foul sewer that runs across the northern part of the development site, at manhole reference 2501.

DS.7 Even though there are slow soakage rates due to the highly cohesive nature of the local clay encountered, infiltration is still seen as the most viable means of drainage, albeit to maximise drainage to ground will require wide shallow features to minimise the half drain time to ground.

DS.8 Using the Microdrainage software, it has been shown that the building roof drainage can be fully attenuated via blue roof cellular storage. The outflow from the

roof drainage will be discharged directly into the proposed river swale, which is to be constructed as part of the floodplain restoration works.

DS.9 Using the Microdrainage software and apply the ABC maximum runoff rate of 4 l/s/ha, breaking the site in sub-catchments, it has been shown that selecting tree protection cellular containment system for the access road and car parking, using permeable paving on the building spur roads combined with further attenuation and infiltration basins, has provided adequate infiltration and attenuation storage so that there is no direct discharge from the site.

DS.10 Exceedance flows from the development roads will be intercepted by a series of adjacent infiltration linear french drains which will convey the flows to various infiltration basins located across the site. These basins have been designed to have additional volume to store the 100 year +40% CC storm runoff.

DS.11 It is proposed that all infiltration basins located will be fitted with overflow control devices to restrict the discharge rate from the Site to 5 l/s, for exceedance rainfall events. Surface water would outfall to the proposed river swale feature constructed in the restored floodplain of the River East Stour at this controlled rate.

DS.12 Consideration has been given to extreme rainfall events, i.e. those greater than the 1 in 100 year +40% CC, for which the system has been designed. An additionally a 200 mm high landscaped bund and associated filter drain is to be provided around the perimeter of all the retained greenspace areas to provide additional storage areas for water to be held until capacity within the drainage infrastructure becomes available.

DS.13 Appropriate pollution control measures will be included in the surface water drainage system to minimise the risk of contamination or pollution. The extensive use of infiltration and limited use of pipework will enhance the onsite treatment of contaminants. The final strategy for pollution control will be confirmed as part of the detailed design.

DS.14 It is proposed that a post-construction SuDS as-built verification report is prepared prior to occupation to provide evidence that the installed drainage system is as designed, or if due to necessary on-site adjustments, the final form of the system still operates appropriately.

DS.15 At detail design a maintenance schedule will be developed, so that it can be put in place for the lifetime of the development to maintain any SuDS specified.

DS.16 The outline indicative proposals for managing foul water drainage is to connect to an existing 300 mm diameter vitrified clay foul sewer at manhole reference 2501 as advised by SW, which might mean there is a need for pumping of foul effluent.

DS.17 There are several foul sewer pipes, which cross the site, and these will need to be considered in the masterplan development and/or be diverted.

DS.18 In conclusion, the modelling has shown that the infiltration and attenuation-storage based surface water drainage system meets the necessary local and national drainage requirements, which includes not increasing the surface water runoff from the site as a result of the development.

Mechanical, Electrical and Public Health Services Strategy April 2019

MEP.1 Engineering systems will be based on current standard, guidelines, regulations, legislation and good industry practice. All systems installed within the package of works are to be commissioned to BSRIA standards for good practice.

MEP.2 Foul and Surface Water Drainage to be installed in accordance with BSEN 12056 and CIPHE guide.

MEP.3 Hot and Cold Water Distribution to be in accordance with BS 8558, BS EN 806 and Water Supply (Water Fittings) 1999 Regulations.

MEP.4 Noise levels will be in line with the Acoustic Consultant's report.

MEP.5 New utility metering shall be installed for each residential flat. Additional utility metering shall be installed for landlord/common areas.

MEP.6 Each residential block shall have its own mains-powered fire detection and alarm system to serve the landlord and communal areas. Each residential flat shall have its own mains-powered (with battery back-up) fire detection and alarm system.

MEP.7 Each residential block shall have a new passenger lift.

MEP.8 It is proposed that a new water main is installed to serve the site and for it to become a privately adopted water main. Water meters shall be installed for each residential flat to allow billing to each resident.

MEP.9 Initial calculations show that an estimated 1,900kVA TPN supply is required to serve the residential blocks and site-wide power and lighting services.

MEP.10 The development will be powered by electricity and there is no gas requirement. Given the current use of the site there are no current utilities available. No cooling services will be provided to the development

MEP.11 An all-electric heating solution is proposed and would be installed individually into each flat.

MEP.12 It is proposed that two new substations are installed. These will be located to minimise distribution losses by siting them centrally between groups of the residential blocks. The construction of the new substations will need to be discussed and coordinated with the district network operator (DNO) as the site is a flood-risk area. This may require the substations to be either bunded or raised above the flood level.



MEP.13 Electricity meters shall be installed for each residential flat to allow billing to each resident.

MEP.14 Ventilation - For each flat, it is proposed that a continuous mechanical ventilation with heat recovery (MVHR) unit is installed. External wall louvres will be installed for the intake and exhaust air. The ventilation system will be constructed to maximise energy efficiency.

MEP.15 For the kitchen areas, general extract ventilation will be provided via the MVHR and local recirculation cooker hoods will be installed to capture and filter odours and air-borne grease. Openable windows will allow purge ventilation to the habitable spaces. The ground floor car park within each residential block can achieve a naturally ventilated solution in accordance with Building Regulations Part F.

MEP.16 Each residential block will be provided with a photovoltaic (PV) system that will generate renewable energy and feed back into the residential block as a whole (rather than to each individual flat). The energy generated will contribute to the landlord and tenant electricity requirements, thus reducing the amount required from the grid. Any excess electricity produced will be delivered back to grid.

MEP.17 New above-ground drainage services will be installed to connect the kitchens, sanitary ware, safety discharge tundishes, etc. to the new below-ground sewer system. This will comprise of horizontal floats and common vertical soil vent pipes (SVPs) and vent pipes. The new drainage installations will be fully ventilated gravity systems and will be designed with self-cleansing gradients, and eliminate any requirement for pumping wherever possible. Sump pumps may be required for plant rooms, etc. to remove flood water. New rainwater systems will be installed to suit the roof design. This will generally require external façade mounted rainwater pipes but internal pipes may be required if the roof is insufficiently pitched to remove surface water. The new below-ground sewer system will need to pick-up each SVP, rainwater pipe, floor gully, etc. The sewer system will then need to route to the nearest existing sewer system.

#### Energy and Sustainability Report (May 2019)

ESR.1 This report has been prepared to outline the initial energy strategy and to demonstrate compliance with Part L 2013. There are no additional specific local requirements in addition to those set out in part L 2013.

ESR.2 The initial strategy is based on a number of assumptions made for the thermal performance of the building fabric and is to provide guidance at the concept design stage. Additional SAP modelling will be undertaken as the design develops through the RIBA stages to ensure the development achieves the targets.

ESR.3 In order to minimise the carbon emissions of the proposed buildings a “fabric first” approach has been used which includes:

- Exacting U-values that surpass the standards set under Part L of the building Regulations;

- The fabric has been designed to achieve high levels of air-tightness with a permeability rate of 3m<sup>3</sup>/hm<sup>2</sup> to minimise fabric losses;
- Glazing has been specified to maximise natural daylighting levels and to reduce the risk of overheating; and
- Party wall to heated communal areas to be fully edge sealed.

A number of different building services have been considered appropriate, including:

- Electric Underfloor heating and Standalone electric DHW;
- Electric Under floor heating and Standalone electric DHW & Improved glazing Specification;
- Air to Water ASHP, LTHW & DHW;
- Direct acting Electric Combi heaters serving LTHW and DHW;
- Electric underfloor heating and standalone electric DHW with 0.250 kWp of South facing PV, and;
- Electric underfloor heating and standalone electric DHW with 0.250 kWp of South facing PV and a centralised extract system only.

ESR.4 It is concluded that the proposal would achieve and exceed the requirements of Part L and would be economically viable. The use of electric underfloor heating mitigates the risk of buried/screeded pipework failures and the installation of PBV panels would offset the electricity usage of the development.

#### Phase 1 Land Contamination Assessment (Sept 218)

CA.1 The geology underlying the Site potentially comprises Head and River Terrace as superficial deposits and Weald Clay as bedrock formation. A Secondary A Aquifer is recorded within the superficial deposits and East Stour river is located along the western site boundary. The Site is in a Flood Zone 3, area that benefits from flood defences.

CA.2 The site appeared to be part of the agricultural and pasture land located south of Ashford during the 19th century. Some buildings and a pond have been observed to be located historically within the centre of the site and a historical 'Builders' yard' have been in the northern end of the site. Industrial activities were recorded within 250m of the site among which, the more relevant findings have comprised a presence of historical metal scrap yard, railway works, marshland, road and groundworks and waste transfer site.

CA.3 An outline Conceptual Site Model (CSM) has been developed based on the relevant findings of the Phase I assessment. Potential sources of contamination have been identified in connection to the current and historical site uses and the following Preliminary Risk Assessment of the Relevant Pollutant Linkages has been produced:

- Future End Users: Moderate/Low Risk.
- East Stour river: Moderate to Low Risk.
- Secondary A Aquifer: Moderate Risk
- Buildings and structures: Moderate to Moderate/Low Risk.

- Water supply pipework: Moderate/Low Risk.

CA.4 From the review of the relevant findings of the present Desktop Study, initial investigation of the identified Moderate risks is recommended. This would comprise:

- Investigation of ground conditions and determine nature / extent of any Made Ground potentially impacted within the area with records of historical site uses.
  - Monitoring of groundwater of Secondary A Aquifer (and ground gas if organic contamination is found).
- At this stage, as a minimum, it would be expected that any construction works would be undertaken allowing for:
- Appropriate PPE for ground workers, to mitigate potential risks from dermal contact, ingestion and inhalation of contaminated materials/soils.
  - Good housekeeping rules should also be observed on site i.e. washing of hands before eating etc. in accordance with health and safety regulations.
  - A discovery strategy during re-development works in the event that unforeseen and suspected contamination is encountered, the client should stop works and further assessment undertaken by experienced Environmental Consultant.

CA.5 If soils are to be re-used on site during future redevelopment works, then this should be undertaken in accordance with a Materials Management Plan (MMP). If soils are to be removed from site due to development requirements, these should be disposed of under the appropriate duty of care.

### Landscape and Visual Impact Assessment

LVIA.1 A detailed appraisal of the surrounding study area has been undertaken using Ordnance Survey data, historical map data, local policy and published character assessments. This has informed the on-site field analysis to identify key viewpoints, analyse the landscape character and visual environment of the local area and determine the extent and significance of any potential landscape and visual effects.

LVIA.2 The assessment of effects has been derived from guidance provided within GLVIA3 (Guidelines for Landscape and Visual Impact Assessment 3 Edition) published by the Landscape Institute and the Institute of Environmental Management and Assessment in April 2013.

LVIA.3 The site is not subject to any national or local qualitative landscape designations.

LVIA.4 In terms of landscape character, the site is located within the Wealden Greensand NCA of the published Natural England character assessment and the Willesborough Dykes USV2 of the Ashford Landscape Character Assessment (2005).

LVIA.5 The site lies within a distinctly urban fringe location. The site is influenced by the townscape to the north and west, the road corridors to the east and south and the designer outlet to the east. While the site currently comprises pasture, the presence of the localised built form and infrastructure is prominent. The watercourse and road corridors form defensible boundaries to the site and separate it from the wider, more open floodplain to the south. A Box 5.1 assessment of landscape value, in accordance with GLVIA3 has been undertaken and it is considered that the site and its immediate setting do not represent a “valued landscape” with reference to para 170(a) of the NPPF.

LVIA.6 In terms of the existing visual environment, views of the site are highly localised as a result of the established vegetation structure and built form that characterises the immediate and wider setting of the site. The primary views towards the site are from the road corridors immediately to the east and south of the site, and the cycleway that runs along the eastern side of the site. Within the context of these views the urban setting of the site is prominent, in particular the white, tent-like structures of the retail park to the east of the A2042.

LVIA.7 In terms of the effect of the proposals upon the receiving landscape and townscape character, it is considered that the proposals will not harm the key characteristics of the Wealden Greensand and Willesborough Dykes landscapes as identified within the published assessments. It is acknowledged that the proposals will change the character of the site, however, the proposed development has been carefully designed to respond positively to its townscape setting, while the complementary landscape scheme will ensure a high quality, sympathetic setting to the development is achieved. The proposals will not result in the loss of any important landscape features.

LVIA.8 The site is bound to the north, east and west by the urban areas of Ashford and the presence of Norman Road will ensure that the proposals do not extend the perception of Ashford further south into the wider Stour floodplain landscape. It is concluded that the proposals can be integrated without significant adverse effects to the localised or wider landscape and townscape setting.

LVIA.9 In terms of the effect of the proposals upon the receiving visual environment, it is considered that the proposals can be integrated within this context and will not significantly affect the localised or wider visual environment. It is acknowledged that the proposals will change the visual environment within the context of the site, however, the presence of established vegetation cover and built form within the localised context reduces opportunities to view the site and assists the integration of the proposals. The proposals will be visible within the context of some longer distance views from elevated locations, however, within these views, the proposed upper levels of the southern blocks will be seen within the context of the designer outlet and the urban backdrop. It is considered that the proposals can be integrated without significant adverse effects to the receiving visual environment, residential amenities or the night-time visual environment.

LVIA.10 In terms of the effect of the proposals upon landscape related policy, the site is not subject to any landscape designations. It is considered that the proposals comply with Policy ENV2 of the adopted Local Plan and will not harm the Ashford

Green Corridor. It is considered that the proposals can be integrated without significant adverse effects to the character or visual amenities of the receiving landscape and comply with the aims and objectives of adopted local policies and the NPPF.

LVIA.11 It is considered that the application site and receiving environment have the capacity to accommodate the proposals. The proposals will not result in significant adverse effects to the landscape character or visual environment and represents an appropriate development located within the context of the perceived settlement edge. It is considered that the proposed development can be integrated in this location and is supportable from a landscape and visual perspective.

#### Statement of Community Involvement (May 2019)

SCI.1 Consultation has included discussions with local borough councillors, local residents and interested organisations. In addition, discussions have been held with planners at Ashford Borough Council. The Applicant has sought to engage with key stakeholders throughout the pre-application and consultation phase.

SCI.2 Pre-application consultation with the local community has included a public exhibition event which was attended by representatives of the Applicant and members of the consultant team therefore providing residents with the opportunity to discuss particular points of interest or concern and to obtain further detailed information.

SCI.3 Throughout the pre-application process, the Applicant employed a variety of methods and approaches in accordance with best practice. The evolution of the scheme demonstrates that the local community influenced the final submitted design.

SCI.4 The list of consultees has included the following:

- Ashford Borough Council (Officers and Members)
- Local residents
- Environment Agency
- KCC Highways
- Design South East
- Kent Stour Partnership

SCI.5 The results of the consultation exercises have been fully taken into account and are documented throughout this SCI and within the supporting technical documents and Design and Access Statement. The Applicant believes that the public consultation exercise and workshop events has helped to improve local understanding of the development proposals and has generated some useful information and comments. The comments received as a result of the consultation process have resulted in amendments to the scheme and the submission of supporting information where appropriate.

## Planning History

There is no recent and relevant planning history for this site which is currently undeveloped.

## Consultations

**Ward Member:** The Ward Member, Councillor Webb is not a member of the Planning Committee. Objection comments have been received as follows:

*“As Ward councillor for Norman Ward I am totally against this development on flood plains and green corridor. The impact upon local residents will be unacceptable and will not be in keeping with the local area. This will be a development too far in this designated area. The impact upon the road structure of Norman Road, which is already at breaking point. Parking will be an issue for the local residents that already experience serious problems.”*

Following re-consultation the amended scheme, Councillor Webb has made further comments which are as follows:

*“As Ward Member for Norman I reiterate all my previous objections against this proposed development. Serious concerns have to be raised regarding flood plain and green corridor which ABC has always maintained to protect. The development will have too much of a negative impact on the local residents especially Riversdale Road. The highway is already over capacity for any more traffic, the entrance and exit onto Norman Road is totally impractical along with parking issues this will incur. This development will not be beneficial to the area indeed it will be totally detrimental”.*

310 neighbours have been consulted, 100 letters of objection have been received. Comments are summarised as follows:

- The lorries and other vehicles used during construction would cause traffic problems on the nearby roads.
- The development would cause disruption for the Riverside Inn and their customers.
- The development would take away the cycle path.

**[SDDM comment:** The pedestrian footpath/cycleway would be retained and enhanced and supplemented with additional pathways and interconnecting footpaths]

- Moving the footpath would deter people from using it.
- The development would be located within the Flood Zone and the Green corridor.
- Development within the Green Corridor must have the agreement of the Environment Agency.

**[SDDM comment:** The EA have been consulted and raise no objections to the development subject to conditions.

- The bulk, height and scale of the development would be unsympathetic to the character of the area and surrounding houses.
- The development would place pressure on existing infrastructure.
- The development would result in unacceptable light pollution.
- The B&Q car park floods.
- Houses in Whitfeld Road are in the Flood Zone. If the development is permitted it could increase insurance premiums which the developer or the council should be made to cover.

**[SDDM comment:** The proposals seek to increase flood storage on the site by moving the existing bund. This should result in an overall flood betterment within the surrounding area.

- The flats would be visible from neighbouring properties.
- The impact on local residents would be unacceptable.
- Schools and surgeries in the area are already oversubscribed.
- The surrounding fields flood regularly and when the car park floods where will the car park?

**[SDDM comment:** The parking area would be set back behind the bund and would only likely flood during a severe flood event.

- The development would impact on local wildlife.
- The proposed play area would result in noise when in use.
- The proposed access and exit would be dangerous to highway safety.
- The site would be better made into a park.
- People don't have the money to buy houses.
- Blocks D and E are too close to residential properties and would be overbearing on them.
- The environmental impact of the development needs to be considered.
- The roads are already too busy around the Designer Outlet and in particular the Romney Marsh Roundabout.
- Ashford needs affordable family homes.
- The development will cause existing homes to flood more regularly.

**[SDDM comment:** The applicant proposes to provide 10% affordable housing which is not required by planning policy in this instance]

- Crossing Norman Road is already a problem and will become harder.

**[SDDM comment:** A Toucan Crossing is proposed to Norman Road and KCC Highways and Transportation have requested that this is secured by planning condition]

- Recent events have demonstrated the current statistics for deciding on the building on flood plains are woefully inadequate due to the unprecedented effects of climate change. Development on this site will be to the severe detriment of local homes, being highly likely to cause an increased risk of flooding.

- The mitigation measures put in place to cope with flooding on the nearby designer outlet car park recent extension have been demonstrated to be inadequate, with the car park itself being closed.

[SDDM comment: The Designer Outlet Car Park is designed to flood in extreme events].

- The proposed number of parking spaces would not be adequate to serve the development.

[SDDM comment: The application has been amended to reduce the number of units and increase the parking provision.

- Ashford needs houses not high rise flats.
- The access and the exit would be dangerous.
- The development will impact television reception.
- The flats won't accommodate families.
- The design of the flats is unacceptable.
- The green corridor should not be built upon.
- The development would be harmful to residential amenity.
- There is insufficient infrastructure and the developer does not propose any.

[SDDM comment: Any permission would be subject to a S106 agreement with obligations towards local infrastructure such as schools, health provision etc. This is considered in the assessment section and table 1 of this report)

- Technical consultees have raised objections to the development.
- Existing residents paid extra money for the view which will be lost.
- The site well used by dog walkers.
- If the site is suitable for development why it is not allocated in the Local Plan?

[SDDM comment: The site is put forward as a windfall site.

The development would result in additional noise and pollution.

The existing trains are already overcrowded with commuters.

- If housing is to be built here it should be for low level housing.
- Residents will park on neighbouring roads which already suffer parking problems.

[SDDM comment: KCC Highways and Transportation have requested a financial contribution from the development towards a controlled parking zone for local roads surrounding the site. It is proposed that this was be secured by a S106

Agreement.

- People visiting the Designer Outlet and the town already park on neighbouring streets. Residents should be entitled to a refund of Council Tax.
- The land should be made into a park.
- The development does not include affordable housing.

[SDDM comment: the application has been amended to include 10% affordable housing.



- On a positive note, improvements to the area's flood defences are welcomed. Also the wetland/natural habitat proposals should remain a commitment and forefront in any planning and development should this application be approved.
- The comments of the Ashford Railway Club are not shared by all members.

**Kent Fire and Rescue:** Comment that the means of access is acceptable.

**Natural England:** No comments. Refer to standing advice.

**Kent Police:** Makes observations in relation to designing out crime.

**UK Power Networks:** No objections

**Kent County Council Ecological Advice Service:** No objections subject to conditions. Comments as follows:

*"The submitted ecological information has provided a good understanding of the ecological interest of the site and we are satisfied that sufficient surveys have been carried out. We advise that the submitted information provides a good overview of what mitigation is proposed but we advise that if planning permission is granted there is a need for a detailed mitigation strategy to be submitted" (by condition).*

**Ashford Railway Club:** Support. Comments as follows.

*"The development has everything, housing for young people, play areas, ponds, board walks, educational areas, tree lined areas and parking. The development would be within easy access of the Designer Outlet, the railway station and the town centre".*

**Environment Agency:** No objections subject to conditions following the receipt of additional information. Comments are as follows:

*"Given the extent of Flood Zone 3a (an area of 'high' flood risk) within the boundaries of this site, we would request that your Authority initially considers whether the applicant has suitably addressed the requirements of the flood risk Sequential Test. In accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has been applied and whether or not there are other sites available at lower flood risk.*

*If you are satisfied with the principle of residential development at this site and are content that the Sequential Test has been passed, the Exception Test becomes applicable; the second part of this requires that the development and its occupants are safe from flooding. The developer has outlined their intent to 'sequentially develop' the site such that the least vulnerable areas of the site are used for the most vulnerable*

*forms of development, and that the proposed dwellings will be located at first floor level above the undercroft car parking area. Safe, dry access and egress should also be provided from all dwellings.*

*The submitted Flood Risk Assessment interrogates and expands upon the most pertinent flood modelling for the area. The results of the applicant's consultant's modelling is used to derive a 'design' flood level, above which all living and sleeping accommodation will be provided for the lifetime of the properties. They have also demonstrated that the off-site flood risk will not be exacerbated through the development of this site.*

*The proposed development will only be acceptable if the measures, as detailed within the Flood Risk Assessment submitted with this application, are implemented and secured by way of a planning condition on any planning permission granted”.*

**Southern Water:** Requests conditions and informatives should planning permission be granted.

**South Ashford Community Forum:** Objects. Comments summarised below:

- This development, on a green field site not allocated for development in the Local Plan, is not required to meet the housing needs of Ashford.
- The site is not a windfall site. Developments on green field sites of this size, should go through the SHELAA selection process.
- The Flood Risk Sequential and Exception Test is flawed in that it, incomprehensibly, includes sites that were filtered out of the SHELAA at Stage 1 yet excludes the site at the corner of Beaver Road and Avenue Jacques Faucheux (the Homeplus site), a brownfield site, which has been considered for re-development since at least 2017.
- The development does not meet the exception criteria for development on the Green Corridor required by Local Plan Policy ENV2. One of the benefits of the Green Corridor is that it promotes movement of wildlife through the town. The proposed development will severely restrict the Green Corridor, in an area adjacent to that where the Green Corridor is constrained by the infrastructure surrounding the International Station, further inhibiting the movement of wildlife between the South Willesborough Dykes Local Wildlife site and South Park and Bowens Field Wetland Open Space.
- The developer states that “The highest blocks are located to the southern end of the site forming a ‘gateway’ to the town along Romney Marsh Road”. The Victoria Way East development was approved having been described as Hotel and Brewery building to act as gateway buildings to Ashford. The junction of Beaver Road, Victoria Road and Avenue Jacques Faucheux as the Gateway to the town will be reinforced by the proposed development of the Homeplus Site by A Better Choice for Property.

- The design and position of the proposed apartments on this development and their relationship with the Macarthur Glen Designer Outlet do not create a gateway.
- The benefit of the flood mitigation measures has been overstated and, potentially, that inadequate replacement flood storage has been designed.
- The developer states, that “Whilst the site is ... currently protected from flooding by bunding along the eastern bank of the river, meaning local properties to the west of the river will flood ahead of the application site” despite statements in the Flood Risk Assessment (FRA), at 2.3.10, that “the crest of the flood defence does not appear to be consistently maintained and there are locations where there appear to be ‘dips’ in the defence line” and, at 2.3.12, “EA do not consider the structures on site (embankment) to be a formal EA flood defence”. Figure 3.6 of in the FRA shows the site as having suffered flooding, whereas properties to the West of the river have not. The site did flood in February 2014. Properties in Riversdale Road did not suffer flooding during that period.
- In the absence of KCC comments, there are concerns that the proximity of the vehicular egress from the site to the Kimberley Way roundabout will create a hazard.
- The developer proposes that land is made available to Ashford Borough Council (for a Wetland Park. A Wetland Park within Willesborough Dykes is not part of the current Green Corridor Action Plan. Any development within the South Willesborough Dykes could have a negative impact on this important habitat.

**Kent County Council Highways and Transportation:** No objections subject to conditions and S106 requirements following the submission of amended plans. Comments are made as follows:

- ABC Parking Services to comment on Controlled Parking Zone required contributions.
- As agreed with the applicant the contribution towards the junction improvement works to the Malcolm Sergeant roundabout of £374,075 should be secured through a Section 106 Legal Agreement with payment being made prior to the occupation of the 50th dwelling on site.
- The inclusion of a box junction at the junction of Beaver Road / Victoria Way and Avenue Jacques Faucheux should be secured through a planning condition in the event that planning permission is granted with the box junction being delivered by the applicant prior to the occupation of the 1st dwelling on site.
- The provision of a car club for 2 cars should be secured through a planning condition in the event that planning permission is granted with a car club being delivered by the applicant prior to the occupation of the 1st dwelling on site. Further details of the car club are required prior to commencement of

work on site and should be secured through a suitably worded planning condition.

- The distance between the cycles within the cycle stores should be 450mm rather than 400mm as currently shown in the submitted cycle stores plan (18.006 018 Revision 01). This has been discussed with at length with the applicant. Amended plans are therefore required showing how the cycle store can be provided with a 450mm between cycles. I am however satisfied that the finer details of these cycle stores can be dealt with through a suitably worded planning condition in the event that planning permission is granted.
- A detailed plan has now been produced by the applicant in Appendix B which shows the extent of re-location of the footway / cycleway. This will require a stopping up order for the sections of the footway / cycleway that are to be re-located. A planning condition is therefore required for the Stopping up Order to be approved prior to the commencement of development on site in the event that planning permission is granted. Unfortunately no details of street lighting have been provided within the landscape masterplan and so I cannot therefore agree to the landscape details as currently submitted. However details of street lighting can be dealt with through a suitably worded planning condition in the event that planning permission is granted.

**Highways England:** No objection. Commenting as follows:

*“on the basis that, subject to ABC applying Local Plan and SPG6 policy as normal, we are satisfied that the proposal will not materially affect the safety, reliability and/or operation of the strategic road network”*

**[SDDM Comment:** An SPG6 contribution has not been requested by KCC Highways and Transportation.

**Kent Wildlife Trust:** Object. Comments summarised below:

This development will result in the loss of a strategically important section of green space situated close to the intersection of the three main branches of the Ashford Green Corridor. Concerns that the development would have a disproportionate effect on both habitat and green infrastructure connectivity, and also set a precedent for further encroachment on the Green Corridor.

It is accepted that the proposed development contains mitigation and habitat enhancement measures that meet targets of the Mid Kent Greensand and Gault Biodiversity Opportunity areas. However it is considered that in the wider context it represents a threat to the integrity of ecological and green infrastructure networks. This development will be of a high density, with 234 units (now amended) covering an area of approximately 2.5 ha. It will also reduce the width of the Green Corridor, at a point where it is already narrow, to approximately 30m. Therefore it will significantly reduce the size of the area that wildlife will be able to commute through, and significantly increase the levels of disturbance to wildlife that includes protected species such as otter and water vole.

**Kent County Council Flood and Water Management:** Raise objections stating that unless it can be demonstrated that it is possible to provide a minimum unsaturated depth of 1m across the site, it is recommended that the principle of infiltration is abandoned and an alternative proposed. States that alternative arrangements such as lined tanks discharging directly to the East Stour (pumped solution) may be acceptable as it overcomes the technical difficulties presented by building on a constrained site (subject to being accompanied by suitable maintenance arrangement).

**Ashford Borough Council Culture and the Environment:** No objections subject to infrastructure contributions related to:

- Sports provision (indoor and outdoor), Informal/natural open space, play provision, allotments and strategic parks. Provision is to be both off site and on site and would be secured through S106.
- A further contribution to the value of £85,500 is sought to mitigate against the loss of part of the Green Corridor.
- An off-site contribution of £350,000 towards the delivery of an extension to the Christchurch Community Hall which is a local community project.
- ABC do not wish to agree to the offer of land for the creation of a wetland park. As such a Green Corridor contribution is sought.

**Ashford Borough Council Housing Officer:** No objections. 10% affordable housing is welcomed in an area where there is no planning policy requirement. It is preferable that the units are in one single block (as proposed). The proposed mix of x8 one bed units and x12 two bed units is considered to be acceptable.

**River Stour Internal Drainage Board:** Raises concerns in line with the initial objections received from the EA and KCC Flood and Water Management. Re-consultation carried out but no additional comments received at the time of writing this report.

**Ashford Borough Council Refuse:** The roadway entering the site as on the vehicle sweep is showing the RCV will pass along the front of the blocks. Bin store locations will need to be within a 10metre pull out distance of where the RCV will pass, have a level pull to the road, secured with FB1 or 2 keys & dropped kerbs where required installed. Advises that an indemnity agreement will be required prior to the commencement of the service.

[SDDM: the applicant proposes a private refuse collection strategy and has requested that this is secured and detailed by condition].

**Ashford Borough Council Environmental Health Manager:** No objection subject to condition relating to air quality, contamination, noise and construction practices.

**Kent County Council Heritage:** No objections stating the following:

*“The site of the application lies within the valley of the River Stour and is actually adjacent to the current main channel of the East Stour. The river has been canalised but during the Prehistoric period it might have been following a different route and been much wider. As such there is very high potential for archaeological and palaeoenvironmental remains associated with Early Prehistoric through to Medieval activity. Of particular importance is the potential for palaeoenvironmental remains including wood, seeds, shell, leather etc. The river would have been an important resource for food and fuel, to support settlements and industrial activity.*

*There are also indications that the river was of religious significance on the basis of the proximity of Brisley Farm and Cheesemans Green Iron Age funerary sites and the Roman small town of Westhawk Farm to the river channels. The site of the proposed development may contain multi-period evidence of a wide variety of uses of the river”.*

Conditions are requested to ensure that any features of archaeological and palaeoenvironmental interest are properly examined and recorded.

**KCC Development Contributions:** No objections subject to the provision of financial infrastructure contributions.

**Kingsnorth Parish Council:** Objects. Comments summarised as follows:

- Kingsnorth Parish Council support the concerns raised by the Kent Wildlife Trust regarding the erosion of a key link in Ashford’s ecological network by narrowing the Green corridor. The comments of the South Ashford Community Forum are also supported.
- Regarding the assumed car ownership rates Kingsnorth Parish Council believe it will clearly under estimate traffic and parking requirements to compare existing local car ownership and assume it will hold for this scheme.
- Kingsnorth Parish Council is particularly concerned by the construction on and modification to the floodplain. It considers that the development does not conform to the Sequential Test and is concerned, given that the application has been brought this far by the applicant, that ABC’s officers may too be in error when it comes to applying the test. The Parish Council therefore highlights various Planning Inspectorate decisions to ensure consistency of decisions.
- Kingsnorth Parish Council considers that there are failures within the FRA.

## Planning Policy

27. 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), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).

28. 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).

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

**SP1** – Strategic Objectives

**SP2** – Strategic Approach to Housing Delivery

**SP6** - Promoting High Quality Design

**HOU1** – Affordable Housing

**HOU3a** – Residential Windfall Development within Settlements

**HOU12** – Residential Space Standards

**HOU14** – Accessibility Standards

**HOU15** – Private External Open Space

**HOU18** – Providing a Range and Mix of Dwelling Types and Sizes

**TRA3(a)** – Parking Standards for Residential Development

**TRA5** – Planning for Pedestrians

**TRA6** – Provision for Cycling

**TRA7** – The Road Network and Development

**TRA8** – Travel Plans, Assessments and Statements

**ENV1** – Biodiversity

**ENV2** – The Ashford Green Corridor

**ENV3a** – Landscape Character and Design

**ENV6** – Flood Risk

**ENV7** – Water Efficiency

**ENV8** – Water Quality, Supply and Treatment

**ENV9** – Sustainable Drainage

**ENV10** – Renewable and Low Carbon Energy

**ENV12** – Air Quality

**ENV15** – Archaeology

**COM1** – Meeting the Communities Needs

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

**COM3** – Allotments

**IMP1** – Infrastructure Provision

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

**Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces & Water Environment SPD 2012

Sustainable Design and Construction SPD April 2012

Dark Skies SPD 2014

**Informal Design Guidance**

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

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

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

**Government Advice**

National Planning Policy Framework (NPPF) 2018



31. 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).
32. The NPPF sets out the high level government aim of achieving sustainable development through 3 main 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.
33. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development
34. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
35. The NPPF 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, so that the needs of groups with specific housing requirements are addressed and so that land with permission is developed without unnecessary delay.

36. Paragraph 64 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.
37. Paragraph 130 of the NPPF states that 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
38. In terms of flooding, the NPPF is clear that inappropriate development in areas at risk of flooding should be avoided. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Developers should apply a sequential approach to the location of development taking into account the current and future impacts of climate change. If necessary the exception test should also be applied.
39. Paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding
40. Paragraph 59 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

## **Assessment**

41. The main issues for consideration are:
  - (a) The principle of the proposal, i.e. how the development of the site fits within the existing local and national planning policies in terms of use and location;
  - (b) Whether the proposals are acceptable in terms of housing mix/affordable housing;
  - (c) The quantum of parking provision and impact of the development on the local highway network;

- (d) The design quality of the scheme and the impact on the visual character of the surrounding area;
- (e) Impact of the development upon the Green Corridor
- (f) Whether the proposed open space / amenity space is adequate to serve the development;
- (g) The impact on residential amenity;
- (h) Whether the proposal is acceptable in terms of flooding and surface water drainage;
- (i) Ecology;
- (j) Other issues;
- (k) Planning Obligations;

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

- 42. Ashford is the borough's principle settlement, representing a sustainable location and the Local Plan sets out that because of this, this is where most development should be located.
- 43. There is a wide range and full range of services available within the town centre and the various neighbourhoods that make up the wider urban area. Aside from a limited number of development opportunities in the town centre, the existing urban area provides limited opportunities for development on a significant scale.
- 44. As stated in policy SP2 of the Local Plan the Council's strategic approach to the delivery of new housing in order to maintain an adequate supply is to ensure that the majority of new housing will be in Ashford and its periphery, as the most sustainable location within the borough, based upon its range of services and facilities, access to places of employment, access to transport hubs and the variety of social and community infrastructure available. The policy states that windfall housing will be permitted where it is consistent with the Council's spatial strategy as well as other policies in the Local Plan in order to ensure that sustainable development is delivered.
- 45. The site is not allocated within the Ashford Local Plan, it has been put forward as a windfall housing site, intended to contribute to the overall housing supply. The Council's housing targets makes allowance and indeed expects windfall sites to come forward and therefore has a policy specifically related to this.

46. Policy HOU3a relates to the residential windfall development (of a scale that can be satisfactorily integrated) located within existing settlements. The policy states that such development will be acceptable in principle provided the following requirements are met:
- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;*
  - b) It would not create a significant adverse impact on the amenity of existing residents;*
  - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);*
  - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;*
  - e) It 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;*
  - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;*
  - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,*
  - h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.*
47. The site is located within a highly sustainable location and well related to existing infrastructure being a short walk from the ADSA and ALDI supermarkets, the Designer Outlet Centre, Ashford International train station and the town centre that has a wide range of local services and facilities available. The site is clearly located within the existing confines of Ashford and thus an area wherein development should be directed.
48. As such, on the proviso that the specific tests of HOU3a (a-h) are met (which I consider in subsequent sections of this report) I consider that the overall principle of residential development in this location is an acceptable one in terms of Policy SP2. HOU3a (h) is not applicable as the development would not displace an active use (i.e. a community, employment or leisure facility).

**Whether the proposals are acceptable in terms of housing mix/affordable housing**

49. The NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.
50. Notwithstanding this, the starting point is the development plan. Policy HOU1 does not require the provision of any affordable housing where a flatted scheme is proposed within the Ashford Town area.

51. Notwithstanding that, the applicant proposes that block F, comprising 20 units (x8 one-bed units and x12 two-bed units) will be provided as affordable housing. This is welcomed by the Council's Housing Manager given that there is a need for affordable housing products within this area. In particular it is helpful that a whole block is set aside as this would be attractive to an affordable housing provider. I support the affordable housing provision as part of the scheme.
52. Policy HOU18 requires that all major residential proposals are to provide a range and mix of dwelling types. This policy applies to flatted schemes which should provide a mix of sizes and tenures. I consider that the scheme provides a good mix of one and two bed units in accordance with Policy HOU18 of the Local Plan and so is acceptable.

#### **The quantum of parking provision and impact of the development on the local highway network**

53. A total of 255 car parking spaces are proposed resulting in an overall ratio of 1.2 per dwelling. Of these there are 14 spaces for disabled people along with 6 motorcycle bays. The quantum of parking has been increased since the application was first submitted in 2019 and this in response to technical consultee comments received from KCC Highways and Transportation. As a result, the number of flats has been reduced and additional parking incorporated.
54. The parking spaces are proposed to be provided both within the undercroft underneath the residential blocks and as surface parking located further to the east. Cycle parking for 234 cycles is also proposed in order to encourage sustainable modes of transport for everyday local journeys: this would be provided in secure covered stores located throughout the site.
55. Policy TRA3a of the Local Plan sets out a requirement for residential parking provision. Sites located within the town centre area are required to deliver a minimum parking provision of 1 space per unit on average. The development would provide in excess of this requirement.
56. In terms of visitor parking the applicant has provided sufficient information to satisfy the concerns of KCC Highways and Transportation on the proviso that the applicant also signs up to a car club and contributes towards the implementation of a new Controlled Parking Zone (CPZ) intended to prevent overspill parking in neighbouring roads (subject of course to consultation with local residents). A financial contribution related to the CPZ is proposed to be secured by S106 agreement should planning permission be granted. The car club would be secured by condition.

57. In conclusion am satisfied that the level of parking provided would be appropriate for this sustainable location and I therefore consider that the approach to parking provision is an acceptable one.
58. Access to the site would be one way with access in from the northern end of the site from Romney Marsh Road via a 'left in only' movement, with a deceleration lane provided leading towards that entrance. Egress from the site would be provided onto Norman Road, comprising a priority junction for 'left-out only' movements: the arrangement is acceptable to Kent Highways as it is designed to prevent drivers turning right from Norman Road into the site from the south: such a manoeuvre would impact adversely on highway safety given the proximity to the arms of the nearby roundabout.
59. Access for pedestrians and cyclists would continue to be provided via the existing link running through the site from Norman Road. Alternative pedestrian access would also be provided with footpaths off Romney Marsh Road and Norman Road. To improve connectivity across the bund, bridges are to be provided at regular intervals, connecting the residential area and public open space.
60. I note that some objectors have raised concerns about pedestrian safety at Norman Road, something which is an existing problem for those using the current footpath/cycleway. A Toucan (pedestrian and cyclist) crossing is therefore proposed at the southern end of the site where the footway meets Norman Road. This crossing would facilitate safe pedestrian / cycle movements across Norman Road and so I consider it would have significant safety benefits.
61. The TA shows that the development would, if permitted, impact upon the Malcolm Sergeant Roundabout and this is an issue that has been raised by some objectors to the application. KCC Highways and Transportation, in conjunction with other developers in the area, have devised an enlarged signalised roundabout scheme together with a left hand filter lane from the Romney Marsh Roundabout onto Bad Munstereifel Road. This scheme is intended to create more capacity in the network. In order to ensure it can be delivered the applicant would be required to financially contribute towards this scheme. This can be secured through a S106 legal agreement and it forms a Head of Term in Table 1 of this report.
62. Further, the applicant, with the agreement of KCC Highways and Transportation, proposes the inclusion of a box junction at the junction of Beaver Road/Victoria Way and Avenue Jacques Fauchaux which is proposed to provide capacity and operational improvements to that junction. Should planning permission be granted this would be secured by a planning condition to be delivered prior to the first occupation of any dwelling.
63. KCC Highways and Transportation raise no objection to the scheme in its amended form. In light of the above, I am satisfied that highway safety concerns have been appropriately considered and mitigated and there are no

reasons to refuse the application on highway safety concerns. This is in accordance with local plan policy and the NPPF.

64. In conclusion, the proposal is therefore acceptable in terms of HOU3a (e) and TRA3(a) of the Local Plan.

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

65. The apartment blocks have been designed to sit within the landscape aligned in a north south direction through the site. The orientation of the blocks break up the mass, create visual breaks and deliver views in between the buildings. The blocks are of varied height from 5 storey at the narrowest part of the site to the north and 7 storeys to the southern end. This would both aid visual interest and minimise the impact of the development over the length of the site. The intentional escalation of height to the southern end of the site as part of a creating a sense of entrance along with the Designer Outlet on the opposite side of Romney Marsh Road is one that I support.
66. The blocks comprise two different designs with the higher buildings (blocks A-D) located towards the south / middle of the site. These are proposed to be constructed in a red brick with recessed balconies, a glass balustrade and grey clad balcony facias. The elevations would include staggered balcony arrangements and feature horizontal brickwork detailing along with large areas of glazing to add interest and break up the overall massing of the buildings.
67. Blocks E and F at the northern end of the site are the smallest blocks in height. Projecting staggered balconies enclosed by metal balustrades as well as brickwork balconies are proposed. These blocks would be constructed from a yellow stock brick. Further architectural details include angled brick reveals and large areas of glazing. The top floor would be recessed from the main elevations and would be constructed in grey panelling with a glazed balustrade. This feature would assist in breaking up the overall scale and massing.
68. Whilst the design approach is contemporary the materials, and in particular the bricks, have been chosen to reference the existing development to the north-west of the site.
69. The architectural approach adopted by the applicant is contemporary. The proposals feature simple forms articulated with brick textures, contemporary proportions and a simple but varied palette of high quality materials.
70. I acknowledge that the proposals would result in new contemporary urban architecture that would be juxtaposed alongside pockets of traditional built form. In my view, this would only serve to give this part of Ashford its own distinct character, aiding legibility and visual interest for residents and visitors alike and so I support this approach. It would add variety and interest to the

townscape in which it would sit, differentiate between different eras of housing and is appropriate to the uses proposed. There is no heritage context that would suggest only a more traditional architectural style would be appropriate at this windfall site. The buildings would be well detailed include subtle variations in the building line and elevational articulation such as setbacks, projecting brick detailing, which along with quality materials will help ensure a visually rich architectural appearance and an overall high quality design.

71. Whilst a number of reservations have been expressed by local residents concerning the architectural style, I consider that the proposed design approach is acceptable as it would provide articulated and active facades and balanced and well-proportioned elevations. In addition, the proposals are to be constructed in practical, durable, affordable and attractive materials, which draw on the local tradition of building in brick.
72. The finer details of the scheme such as joinery, doors, rainwater goods, eaves, fascia and entrance canopies etc. can be the subject of a planning condition to ensure that what is constructed delivers on that which is shown on the application drawings.
73. The residential use levels of the blocks would be raised above existing ground levels due to the potential for flooding, supported on a series of columns above a series of under crofts. These areas are proposed to provide car parking, cycle stores and refuse collection areas and these more functional areas will be partly screened by a new landscaped bund. This bund, intended to replace the existing overgrown bund adjacent to the river, would be provided on the western side of the proposed residential blocks. Whilst flood mitigation is discussed in subsequent parts of this report, this re-profiling of the areas nearest to the river is intended to help provide increased flood storage. I have no objections to it in visual or landscape impact terms.
74. The building arrangement would serve to create a series of external open spaces. The open-spaces to the west of the blocks would comprise a landscaped park, publicly accessible via the enhanced walkway/cycle path. The open space areas to the east of the blocks would be more private with access cores to all blocks facing this area along with the provision of further surface car parking. The buildings are designed to provide natural surveillance of all of the external open spaces in line with good urban design practice.
75. It is proposed that the substantial tree boundary adjacent to Romney Marsh Road is retained and, indeed, much of this is outside of the applicant's ownership in any event. There is no adverse impact of the development on this existing planted boundary. The applicant does, however, propose to enhance and reinforce this boundary with additional tree planting here which would comprise of semi mature and advanced nursery stock.
76. The proposal provides for opportunities for new planting throughout the site, which is proposed to comprise a mixture of native and ornamental species that would contribute positively to biodiversity as well as placemaking.



Extensive tree planting within the site and along the watercourse would not only break up the perception of the built environment but reinforce a riparian character and create landscape focal points within the areas of public open space. Native wildflower and wet grassland areas are proposed to be established, replacing the species poor semi-improved grassland of the paddock.

77. Significant landscape improvements are proposed along the boundary to the East Stour River facilitated by the relocation of the bund. This would open up the area up for public access with the provision of new seating and viewing areas accessed from the footpath and across new bridging structures within the site.
78. The landscape hard materials and soft landscape specification are high quality and appropriate for this prominent and well trafficked location, and would in my view be complimentary to the buildings, supporting the overall design.
79. Whilst I acknowledge that the proposals would change the qualities of the landscape in this location which is currently undeveloped, I am satisfied that the building heights proposed are suitable for the urban environment. The scale ties in with that of the Designer Outlet and other flatted schemes close by in and around the town centre.
80. In conclusion, I consider that the proposals accord with the objectives of Policy SP6 of the Local Plan by providing high quality design of high sustainability standards. The proposed design would enable Ashford to grow as envisaged and supply much needed housing. The proposals are substantial and would deliver the opportunity of regenerating an area of land, which is currently unmaintained scrubland. The proposals would result in this part of the town centre changing and, to this end, I do understand the concerns expressed by some residents. However, I am satisfied that the design is well considered in terms of its scale and design, can be accommodated on the site in a way that retains existing tree screens and creates an attractive parkland within which the proposed blocks would sit and so I consider that what is proposed would be a positive addition to the town. Accordingly, I conclude that the proposal would accord with HOU3a (a), SP1 and ENV3a of the Local Plan.

### **Impact of the Development upon the Green Corridor**

81. The site is located within the Ashford Green Corridor, it is not designated as a nature reserve.
82. Policy ENV2 of the Local Plan relates to the Green Corridor which has been a central element to Ashford's planning strategy and approach to green infrastructure for many years. Land within the Green Corridor is to provide a connected network of largely green open areas that are predominantly located along main watercourses in Ashford. The areas are generally undeveloped and form part of the floodplain. It is considered that they provide an area for

recreation, visually provide a break in the built-up areas and offer an important habitat for biodiversity.

83. Policy ENV2 does not preclude development within the Green Corridor but allows for development that is *'compatible'* or that provides *'overriding benefits'* where *'it can be demonstrated that the proposal would not harm the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor'*.
84. The site is not allocated within the Local Plan therefore justification in terms of impact on the Green Corridor is necessary. The submitted landscape masterplan details how the ecological impact would be mitigated, and the recommendations provide an opportunity to enhance the river corridor within the site. However the loss of open space and increase in residential population would place long term increased pressure on the remainder of the Green Corridor, and this, in my opinion, requires mitigation over and above the required S106 contributions for the provision of public open space.
85. The applicant has offered additional land beyond the site to be provided to the Council as a wetland park. This land is part of a wider network of fields and is already part of the designated Green Corridor. The land is privately owned and typically grazed as part of its land management.
86. The land is proposed as an off-site receptor site but at the same time is proposed to support the development in maximising opportunities for biodiversity with enhancement measures, to offset the ecological impact of the development, and the associated loss of the Green Corridor as it currently exists. The nature of the proposed receptor site and the presence of wet scrapes and grazing marsh would not provide enhancements that would also be suitable for public use and thus counteract the loss of space involved with the development on the application site. In effect, the applicant's proposition is one that focusses on ecology and biodiversity but does not deal with the public access qualities of the Green Corridor and the diminution that would result at the application site as a consequence of the proposal.
87. The wider Willesborough Dykes strategic park relies on scale and site wide conservation management, particularly to the ditches which are a valued habitat of District importance. I have discussed the proposal with the Cultural Services Manager and concluded that a piecemeal approach would have limited benefit and, at this stage, agree that mitigation in the form of investment in the Green Corridor on sites already managed by the Council would be a higher priority.
88. In light of the above, I do not consider that the provision of land towards a wetland park would be appropriate Green Corridor mitigation for the development. Accordingly, I have agreed with the Cultural Services Manager a financial contribution of £85,500 instead be sought via S106 agreement. The financial contribution would secure additional resources to mitigate impacts, reduce pressures and enhance the 'ecological resilience' of the Green Corridor.

89. It is proposed that the contribution would help fund and deliver a ten year programme (in partnership with Kent Stour Countryside Partnership to, (a) enhance connectivity of habitats particularly where there are 'missing links' in the immediate vicinity of the development site on Romney Marsh Rd; (b) generally complement the work of Aspire in the management of key habitats in the Green Corridor, principally river and river banks, wildflower meadows and woodland areas (c) control of invasive species, notably *Himalayan balsam*.
90. I consider that this approach would appropriately mitigate the development and provide real benefits and be in accordance with policy ENV2 of the Local Plan and policy HOU3a (a, c & d).

**Whether the amount of open space / amenity space is adequate to serve the development**

91. The Council's Public Green Spaces and Water Environment SPD establishes the quantitative, qualitative and accessibility standards of green space and water environment provision to be applied in new developments. In doing so, one of its objectives is also to provide an appropriate balance between the provision of new open spaces on and off-site, and the enhancement, where appropriate, of existing open spaces and services so the needs and aspirations of local communities are met.
92. There is a shortfall between what is being provided and what the SPD requires, in terms of sport, informal/natural, strategic parks and allotments on the site.

In the circumstances, the SPD requires a financial contribution to be made for off-site facilities in lieu of what would not be provided on site. As such, off site contributions are proposed for additional informal/natural open space, sport facilities provision (indoor and outdoor) and strategic parks. In terms of allotment provision, there is a nearby scheme that requires funding towards a community garden and community allotments at Torrington Road. This is very close to the site and would benefit both new residents and those people currently living nearby. I support these items being secured by s.106 agreement.

93. A play park is proposed to be provided on site which would have public access. The park has been deliberately placed towards the northern end of the site which is easily accessible and adjacent to the Riverside Inn garden and would complement this use. Full details of the play equipment would be provided by condition and required under S106 agreement if planning permission is granted.
94. In addition, the applicant has agreed to fund an extension to the Christchurch Church Community Hall. This extension would result in the provision of a much needed community facility in the immediate vicinity of the site that would

be of benefit to new and existing local residents. I support this funding of community infrastructure.

95. In conclusion, I consider that the proposed on and off-site provision is acceptable and would be in accordance with policies HOU3a (f) COM1, COM2 and COM3 of the Local Plan and the requirements set out within the Public Green Spaces and Water Environment SPD.

### **The impact on residential amenity**

96. The residential blocks have been designed to take account of the nearby residential dwellings to ensure that the development would not give rise to an adverse impact on the amenity, particularly the two storey properties on Riversdale Road. This is proposed to be achieved through reduced block height and size towards the northern end of the site and appropriate separation distance between buildings (the closest residential dwelling is located approximately 44 metres from block F). The blocks have also been angled in such a way to preclude direct overlooking.
97. The applicant has carried out a daylight and sunlight assessment which sets out that these properties would not be adversely affected as a result of the proposed development in terms of daylight, sunlight or overshadowing and would meet the relevant standards.
98. Whilst residents' concerns are noted and the perception of overlooking is not taken lightly, given the site layout and the separation distances between properties the impact is not considered to be unacceptable in planning terms. I am satisfied that there would not be any harm to residential amenity and so conclude that the proposal would accord with policies SP1 and HOU3a (b).

### **Whether the proposal is acceptable in terms of flooding and surface water drainage**

99. The site is located with Flood Zone 3a and therefore under paragraph 158 of the National Planning Policy Framework (NPPF) and policy ENV6 of the adopted Ashford Local Plan 2030, a sequential and exception test is required.
100. The purpose of the flood risk sequential and exception test is to provide the evidence to show that the application site satisfies the sequential test and exception test and demonstrate that any development would contribute to an overall flood risk reduction. Development will only be permitted therefore, where it would not be at an unacceptable risk of flooding itself and there would be no increase to flood risk elsewhere.
101. Section 8.7 of the ABC Strategic Flood Risk Assessment relates to developments located within Flood zone 3a. It sets out that whilst highly vulnerable development would not be permitted, more vulnerable development may be acceptable stating "*water-compatible uses and less vulnerable development are allowed in this flood zone, following application of*

*the sequential test*". The SFRA sets out what the applicant must include within their Flood Risk Assessment for developments located within Flood Zone 3a. It states that the applicant is required to provide evidence that the sequential test and the exception test, have been passed.

102. The applicant has submitted a Flood Risk Assessment in support of the application which is summarised in a preceding section of this report. The report notes that the East Stour River abuts the site and is a tributary to the River Great Stour. In addition, there are a number of other watercourses which come together in Ashford and create a complex flood convergence.
103. There are a number of flood defences comprising earth embankments along the route of the River including within the application site. It is understood, however, that the EA does not consider the embankments to be a formal EA flood defence. That which exists is likely to be the result of soil built up from the construction of the footpath some years ago.
104. The report also identifies that there are several flood storage areas in the borough including the Aldington Flood Relief Area along the River East Stour and the Hothfield Flood Relief Area on the River Great Stour. In terms of flood risk, the report considers all potential sources of flooding. The results conclude that only fluvial flooding presents a high risk. There is a historic record of the southern part of the application site flooding.
105. The NPPF and policy ENV6 of the Local Plan make it clear that any development within Flood Zone 3a must demonstrate an overall flood risk reduction and meet the exception and sequential tests in order for a development to be considered acceptable.
106. A key requirement of the sequential test (which the applicant has updated during the course of this application) is that sites should be both reasonably available and appropriate for the proposed development. The exception test concerns wider sustainability benefits that outweigh the flood risk and ensure that development is safe for its lifetime.
107. The extent of the sequential test is concentrated on the town centre wards. The scoping exercise included allocated sites, sites with planning permission for development and windfall sites which were not allocated nor had the benefit of planning permission but could become available. To be considered 'eligible' the sites need to be suitable, of a similar size and in a lower or same flood zone. Sites should also be available now or reasonably available in the future.
108. The applicant's sequential and exception Test identified that the comparison of the application site with alternative sites is difficult as the application site offers other benefits that none of the other sites could bring such as potential enhancements to the Green Corridor and engineering works to provide wider flood mitigation benefits. Ten alternative development sites were considered by the applicant together with other potential sites which were included as part of the SHELAA but subsequently rejected.

109. The 'sequential test' concludes that all of these alternative sites were either unsuitable for the development proposed, were unavailable, and would not provide for a similar scale of development. I am satisfied that the sequential test requirement has been met in accordance with policy ENV6 and the requirements of the NPPF.
110. Moving to the 'exception test', it is required that wider community benefits are demonstrated that outweigh any flood risks. The applicant has summarised these benefits as follows:
- Enhancements to the Green Corridor providing a reconnection of this part of Ashford with its river setting through the provision of a landscaped public park and more attractive urban river corridor with an improved pedestrian and cycle route from south Ashford to the Designer Outlet, International Station and town centre beyond.
  - Provision of land to be leased to ABC to deliver an offsite wetland park
- [SDDM Comment:** Alternative financial contributions are now proposed to mitigate for the loss of Green Corridor in line with the Green Corridor Plan 2017 and as outlined in the preceding section of this report].
- Economic benefits of market housing located close to Ashford town centre, the Designer Outlet and International Station; and the provision of 212 homes over a two-year period thereby helping the Council to deliver against its housing target and protect its 5 year housing land supply.
111. The applicant identifies that the scheme includes several flood mitigation measures intended to ensure that the site is safe for its lifetime as required by the exception test such as:
- Locating the 'more vulnerable' residential elements of the development at a minimum of 39.05 m AOD (greater than 1.8 m above the design 1 in 100 annual probability plus allowance for climate change level).
  - Flood evacuation linked to flood warning services and the provision of a 'safe refuge' in the event of a flood with all habitable space located above the climate change flood level.
  - Mitigation and ground works to create a 'level-for-level' increase in floodplain storage up to the 1 in 100 annual probability plus climate change flood level and mitigate off-site flood impacts to achieve betterment or negligible impacts (i.e through the relocation and re-modelling of the earth bund). The bund would be set at a higher level and have a narrower footprint than the existing bund enabling the

creation of an enlarged floodplain which would protect the new residential development and also the properties on Riversdale Road.

- Blue/green attenuating roofs would be provided on all the buildings together with permeable, infiltrating site roads and parking, and attenuating infiltration basins which would discharge to the swale on the river side of the new defence line via outlet control devices. These measures would result in a reduction in peak run-off rates discharging from the developed site.
112. The submitted Flood Risk Assessment that has been fully considered in consultation with the Environment Agency concludes that the proposed flood plain compensation scheme would provide approx. 120% compensation for the loss of flood storage due to the building structures. Therefore, the proposal not only fully mitigates the impact of the development but would provide over compensation with benefits to the wider area.
113. The Environment Agency raise no objection to the development and state that the Flood Risk Assessment interrogates and expands upon the pertinent flood modelling for the area. The Agency conclude that the modelling has been used to derive a design flood level, above which all living and sleeping accommodation would be provided for the lifetime of the properties. The EA is also satisfied that the applicant has demonstrated that the off-site flood risk would not be exacerbated through the development of the site.
114. The Environment Agency recommends the attachment of a number of planning conditions to any permission that is granted to deal with these aspects of the scheme. In conclusion, I am satisfied that the requirements of the NPPF are met in terms of flooding along with the requirements of policy ENV6.
115. In terms of foul water drainage, Southern Water has confirmed that the sewer network in the vicinity of the site has capacity to enable connection for the proposed development. Conditions are also requested which would be appropriate. I consider this to be in accordance with Policy ENV8 of the local Plan.
116. In terms of surface water drainage, the applicant proposes that surface water would primarily drain via infiltration and discharging into a surface water body following the relocation of the bund and the introduction of a swale connected to the river with a valve control to address exceedance flows. KCC as the Lead Local Flood Authority has however suggested that due to groundwater depths, unless it can be demonstrated that it is possible to provide a minimum unsaturated depth of 1m across the site, they would recommend that the principle of infiltration is abandoned and an alternative proposed. They state that alternative arrangements such as lined tanks discharging directly to the East Stour (pumped solution) may be acceptable as this would overcome the technical difficulties presented by building on a constrained site (subject to suitable maintenance arrangements). The applicant has confirmed that they

would be able to seal/line the drainage system to stop infiltration and any ingress of high-level ground water.

117. In addition to this, as part of the SuDS scheme the applicant proposes permeable paving, swales and tree planting and blue roof cellular storage to ensure that the drainage system would meet local drainage requirements, which includes not increasing the surface water runoff from the site as a result of the development.
118. In light of the above, subject to a condition requiring the submission of a detailed drainage and SuDS strategy, including a management schedule and a verification report I am satisfied that surface water drainage can be appropriately dealt with in accordance with the requirements of policy ENV9.

### **Ecology**

119. The application includes proposed mitigation in terms of habitats, ecological features and associated fauna identified within and adjacent to the site. It also includes enhancement measures consistent with the objectives in the Green Corridor Action Plan. The report recommends that monitoring and the management of the river banks take place on a yearly basis to ensure the appropriate water flow is maintained and that mowing programs be employed for the seeded meadows. It is recommended that these measures are included within an ecological management plan to be secured by condition should planning permission be granted.
120. Further, KCC's biodiversity officer in raising no objections has requested the following be secured by condition:
- a. the proposed habitat to be created adjacent to the river should be created in accordance with the submitted landscape masterplan;
  - b. a lighting survey shall be carried out to determine the lighting strategy, to ensure there is no increase above current light levels, and
  - c. the submission of a detailed management and monitoring plan.

I consider that this would be both reasonable and necessary to ensure the ongoing enhancement and protection of species and habitats.

121. I am satisfied that the development would not result in harm to protected species and their habitats and, that the measures proposed would be consistent with the objectives for the Green Corridor. As a result, the proposals are considered to be consistent and in accordance with policies ENV1 and ENV2.

### **Other issues**



122. An air quality impact assessment has been carried out to assess both the construction and operational impacts of the proposed development. The report concludes that that air quality does not pose a constraint to the proposed development for housing either during construction or once operational. Further, the applicant suggests that the scheme can be seen to meet the objectives of policy ENV12 since the development is sustainability located being within walking and cycling distance of the town centre and a variety of public transport facilities. It is also proposed that 10% of the parking would utilise EV charging points which is proposed to be secured by condition which would, in turn, further aid quality and encourage the use of electric vehicles. A future proofing strategy for the other parking areas can be secured by planning condition to ensure that in the future unnecessary disruption to what is constructed now is avoided in terms of increasing charging points. I view this as sensible good design.
123. KCC Heritage have been consulted and raise no objections concluding that archaeology matters can be appropriately dealt with by the imposition of planning conditions.

### **Planning Obligations**

124. 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
125. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case

## Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
<b>Potentially applies to any size/scale of residential development</b>				
Page 94	<p><b><u>Controlled Parking Zone</u></b></p> <p>Contribution towards the making and implementation of a traffic regulation order for the roads around the site.</p>	<p>To be confirmed</p>	<p>Prior to the occupation of the 1st 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, the Residential Parking SPD and guidance in the NPPF. To prevent overspill parking from the application site onto the surrounding local roads.</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>
	<p><b><u>Informal/Natural Green Space</u></b></p> <p><i>Potentially applicable to all residential developments</i></p> <p>Project: Off-site improvements to Frog Island Willesborough</p>	<p>Off-site provision:</p> <p>£67,089.17 capital contribution</p>	<p>Half the contribution upon occupation of 25% of the</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,</p>

Page 95		£50,239.58 maintenance	dwellings and balance on occupation of 50% of the dwellings	<p>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>Local Highways</u></b></p> <p>Contributions towards junction improvements to Malcolm Sergeant roundabout</p>	£374,074	Upon occupation of the 50 <sup>th</sup> dwelling	<p><b>Necessary</b> in order to meet the demand generated by the development and in the interests of highway safety pursuant to Local Plan 2030 Policies SP1, TRA1 (and any relevant site policies), KCC Highways guidance 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> as would be site specific requirement to enable site delivery.</p>
	<p><b><u>Travel Plan Monitoring</u></b></p> <p>To ensure that the number of vehicle movements associated with</p>	£1000 per annum over 5 years	From the date of occupation of the 75 <sup>th</sup> dwelling	<p><b>Necessary</b> in order to meet the demand generated by the development and in the interests of highway safety pursuant to Local Plan 2030 Policies SP1, TRA1, KCC Highways guidance and guidance in the NPPF. To ensure that KCC Highways and</p>

Page 96	<p>the development can be assessed yearly over a 5 year period to ensure that the actual number of movements is not greater than those predicted in the TA.</p>	<p>Should vehicle movements be greater than predicted financial penalties to be agreed with the Local Highway Authority to further encourage the use of sustainable transport from the site.</p> <p>TRICS survey upon final occupation.</p>	<p>Transportation can effectively monitor the travel plan to ensure that the initial trip rates are met.</p> <p><b>Directly related</b> as the development will generate vehicle movements</p> <p><b>Fairly and reasonably related in scale and kind</b> as would be site specific requirement to enable site delivery.</p>
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Applies to sites of 10 dwellings or more or 0.5ha or over				
	<b><u>Affordable Housing</u></b>	10% affordable housing (shared ownership)	Affordable units to be constructed and transferred to a registered provider upon	<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.
	10% affordable housing to be provided in accordance with paragraph 64 of			

	the NPPF. Registered provider to be approved by the Council.	(identified as block F)	occupation of 75% of the open market dwellings.	<p><b>Directly related</b> as the affordable housing 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.</p>
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Applies to sites of 11 dwellings or more				
Page 97	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
	<p><b><u>Adult Social Care</u></b></p> <p>Project: Increasing capacity at Age UK, Farrow Court Centre</p>	£46.06 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated 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 occupiers will use community facilities and assistive technology services and the facilities and services 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 taken into account the estimated number of users and is based on the number of dwellings.</p>

Page 98	<p><b><u>Allotments</u></b></p> <p>Specific Project: Community garden and allotments at Torrington Road</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 25% 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>Children's and Young People's Play Space</u></b></p> <p>On site provision</p>	<p>£92,308.13 capital contribution</p> <p>£113,124.38 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>
Page 99	<p><b><u>Community Buildings</u></b></p> <p><i>Extension to Christchurch Church Community Hall</i></p>	<p>£319,210.37 capital costs</p> <p>£90,146.31 maintenance</p>	<p>Upon occupation of 25% of the dwellings</p>	<p><b>Necessary</b> as community services are required to meet the demand that would be generated and must be maintained pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, KCC’s ‘Development and Infrastructure – Creating Quality Places’ and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services 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 taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Community Learning</u></b></p>			<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2,</p>

	<p>Project: Provision of additional It equipment art the adult education centre at Ashford Gateway</p>	<p>£34.45 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services 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 taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Health Care</u></b></p> <p>Project: Extension/improvements to local doctor's surgery within the vicinity of the site.</p>	<p>£504 for each 1-bed dwelling                  £720 for each 2-bed dwelling                  £1008 for each 3-bed dwelling                  £1260 for each 4-bed dwelling                  £1728 for each 5-bed dwelling or larger</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 additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities 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 estimated number of occupiers.</p>



Page 101	<p><b><u>Libraries</u></b></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 balance on occupation of 50% of the dwellings</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> <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>Hub project to be determined.</p>	<p>£81,971</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 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</p>

				number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
Page 102	<p><b><u>Indoor Sports Provision</u></b></p> <p>Upgrades to existing indoor facilities.</p>	£72,966	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% 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>Project: Phase 2 Finberry Primary School</p>	<p>£1,134.00 per flat</p> <p>£0 for any 1-bed dwelling with less than</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of	<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>

		56 m <sup>2</sup> gross internal area	50% of the dwellings	<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>
Page 103	<p><b><u>Secondary Schools</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Project: Phase 1 Norton Knatchbull expansion</p>	<p>£1,029.00 per flat</p> <p>£0 for any 1-bed dwelling with less than 56 m<sup>2</sup> gross internal area</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<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 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>Project: Victoria Park Regeneration Project (National Lottery/Heritage Fund project)</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</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 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> <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>Sustainable Travel</u></b></p> <p>Each household shall have a the option of a cycle voucher or a 3 month free bus pass on the Stagecoach East Kent network up to the value of £100 per dwelling.</p>	<p>One cycle voucher per dwelling or 3 month (£100) bus pass per dwelling</p>	<p>Prior to occupation of each dwelling</p>	<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 will need to access the site via sustainable travel methods 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 because the amount has been calculated based on local and site specific evidence.</p>

Page 105	<p><b><u>Youth Services</u></b></p> <p>Project: Additional equipment at Ashford Youth Centre</p>	£27.91 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use youth services and the services 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 taken into account the estimated number of users 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>
	<b>Area / Site specific potential requirements</b>			
	<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
	<b>Detail</b>	<b>Amount (s)</b>	<b>Trigger Points</b>	
	<p><b><u>Green Corridor</u></b></p> <p><i>Applies to developments within or adjoining designated Green Corridor only</i></p>	£85,500	Upon commencement of the development	<p><b>Necessary</b> as Green corridor preservation and enhancement and access and connections to the movement and functional network are required pursuant to Local Plan 2030 Policies SP1, ENV2, COM1, COM2, IMP1 and IMP2, Green Corridor</p>

Page 106	Green Corridor investment to deliver long term improvements to habitats and ecological sustainability.			<p>Action Plan, 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 movement network 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.</p>
	<b>Applies to all</b>			
	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 per annum until development is completed	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (payment)</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>
<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

126. 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

127. 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

128. The site is not allocated for development in the adopted development plan.
129. The proposal is one that I consider would comply with the criteria set out in policy HOU3a of the Local Plan.
130. 10% affordable housing is proposed by the applicant which is not required for flatted development located within the town centre area as set out in policy HOU1. The development would provide a suitable mix of 1 and 2 bed units in line with Policy HOU18.
131. Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with the NPPF and its sustainable location. Other recognised social and economic benefits include enhancing the vitality of Ashford urban area, its ability to promote personal wellbeing and social cohesion as a consequence; its potential to increase demand for existing services thus maintaining and/or enhancing their vitality, generation of job opportunities, for example, during the construction process, and other economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.
132. Sustainability measures are proposed within the scheme such as blue/green roofs, PV panels on all of the blocks and 10% EV charging points for electric vehicles. This is in accordance with policies ENV10 and ENV12. The site is also highly sustainably located with good access to a range of sustainable transport modes.

133. There would be no material harm to neighbouring or future occupier's amenities. The development would comply with policies SP1 and HOU3a (b) and (g) in this respect.
134. Ecological mitigation and enhancements are considered to be acceptable, the development would also include the planting of new trees and areas of mixed native and ornamental planting, further aiding biodiversity and placemaking. Appropriate Green Corridor mitigation is proposed. The development would comply with policies HOU3a (d), ENV1 and ENV2.
135. In terms of flooding, drainage and contamination, I am satisfied that subject to conditions, the site can be developed in an acceptable way and would not increase flood risk. The development also satisfies the sequential and exception tests. I am therefore satisfied that the proposal accords with policies ENV6 and ENV9.
136. Additional traffic movements can be accommodated through enhancements to the network. The access and egress to the site is considered to be safe in relation to highway safety and as a result the development would not materially increase the risk of road traffic accidents or significant traffic delays. Pedestrian enhancements are also proposed such as the Toucan crossing at Norman Road. Acceptable car parking would be provided within the site and measures are proposed to prevent inappropriate overspill car parking on neighbouring streets. The development would comply with policies HOU3a (d), (g) and TRA3a.
137. The proposals would provide a unique and high quality design that responds to the site and delivers a contemporary form of architecture which should add to the character and appearance of the area. The development would not be harmful to visual amenity. The development would comply with policies HOU3a (a) and SP1.
138. The development makes adequate provision for on and off site open space, and play facilities. Contributions are also proposed towards strategic parks, sports provision, allotments and community facilities and towards local schools, health services and other community and volunteer services in line with policies HOU3a (f), COM1, COM2 and COM3.
139. In light of the above, it is considered that the benefits of the development significantly weigh in its favour, and that there are no other material considerations that indicate that planning permission should not be granted. It is therefore recommended that permission be granted subject to a s.106 agreement and the conditions set out at the end of the report.

## **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 Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager 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) Permit**

**Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

**Summary list of conditions**

1. Standard time conditions.
2. Submission of materials samples.
3. Submission of fine elevational details.
4. Submission of a Construction Management Plan (including dust management).
5. Submission of a car parking management strategy for the site detailing how the car parking within the application site will be managed by the applicant.
6. Provision and permanent retention of the vehicle parking spaces and motorcycle parking spaces as shown on the submitted plan (18.006\_002 Revision 04).
7. Provision and permanent retention of secure, covered cycle parking facilities.
8. Completion and maintenance of the access details shown on the submitted plans (43893-5501-009 Revision A and 18.006\_002 Revision 04) together with the proposed toucan crossing across Norman Road and central island on Norman Road to prevent right turn movements out of the site prior to the occupation of any of the flat units hereby permitted.
9. Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
10. Provision and maintenance of the visibility splays shown on the submitted plan (43893-5501-009 Revision A).

11. A combined soft landscaping plan and street lighting plan to be submitted.
12. Lighting strategy should be informed by a lighting survey. Levels are not to increase.
13. A hard landscaping plan to be submitted.
14. Details of all soft landscaping to be submitted including an implementation and management plan.
15. Details of alterations to the Beaver Road arm of the Beaver Road / Victoria Way and Avenue Jacques Faucheux junction and installation of a box junction to be submitted.
16. Submission and approval of a stopping up order to the Department for Transport for the removed sections of public footway / cycleway prior to the commencement of development on site. The re-located footway / cycleway to be completed prior the occupation of any units.
17. Submission and approval of the proposed car club details.
18. Provision and permanent retention of electric vehicle charging points for 10% of the total car parking provision. 10% passive charging points also to be provided.
19. Details of the widening of the existing footway along the southern side Norman Road between the site access point and the signal controlled crossing across Romney Marsh Road to be submitted.
20. Details to be submitted of the measures which will be undertaken to protect/ divert the public sewers.
21. Details of the proposed means of foul and surface water sewerage disposal to be submitted.
22. Public Art.
23. Details of refuse strategy to be submitted.
24. 10% EV charging to be provided as well as the solar PV arrays.
25. Details of internal sound levels.
26. Noise and vibration of plant.
27. Contamination investigation/reporting.
28. Archaeology condition.
29. Details of play equipment.
30. Details of bridges.
31. Development to be carried out in accordance with the approved Flood Risk Assessment.

32. Submission of an invasive non-native species and ecological management plan.
33. No surface water infiltration without the consent of the LPA.
34. Detailed SUDS design to be submitted including verification report.
35. Submission of detailed ecological mitigation strategy.
36. Submission of a detailed ecological management and monitoring plan.
37. Standard inspection/enforcement condition.

### **Notes to Applicant**

1. S106
2. Working with the Applicant
3. Highways informatives
4. Southern Water informatives
5. Environment Agency Informatives

### **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

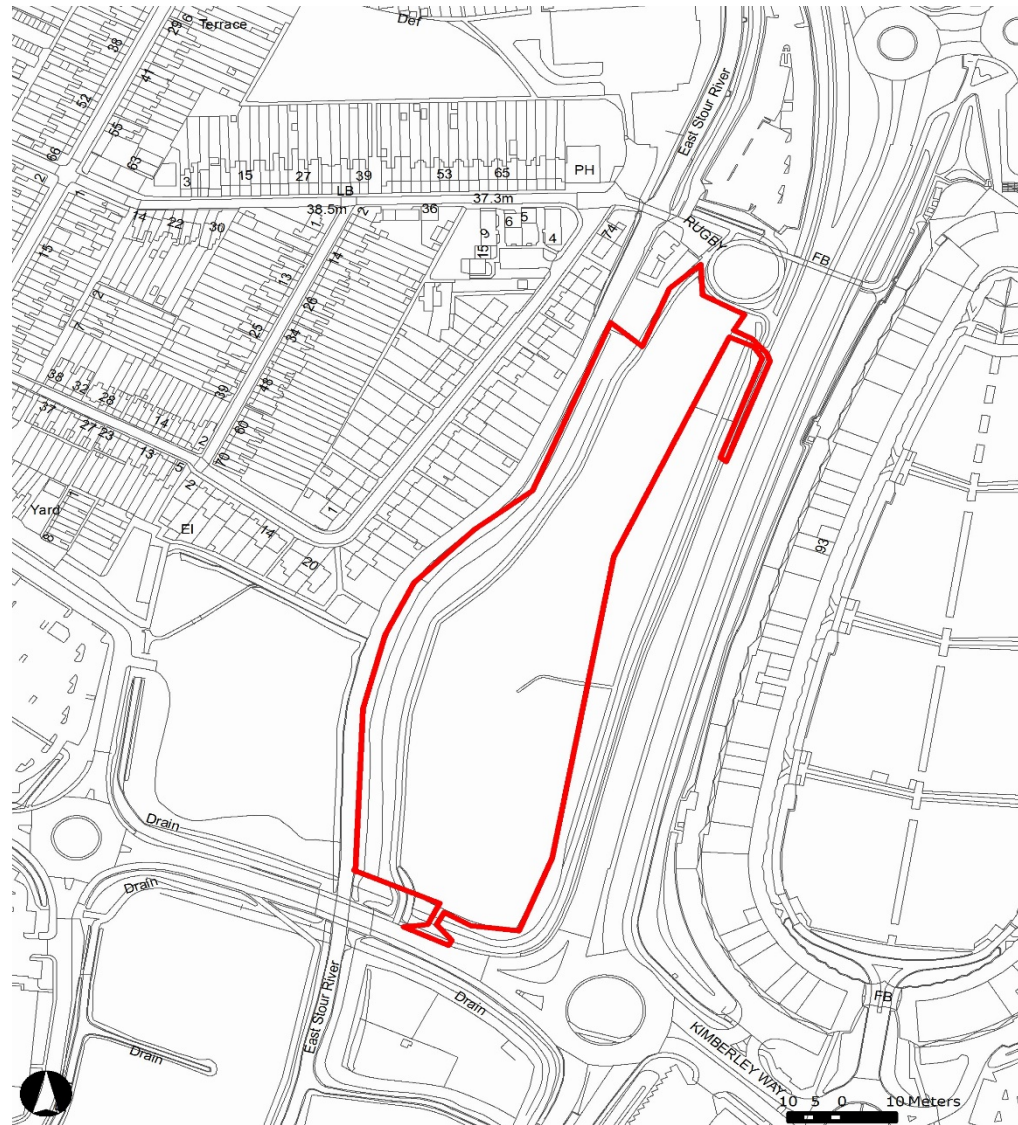
- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent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

## 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 19/00709/AS)

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

Annex 1



## Annex 2

### Design Review Report

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#### Summary

This residential scheme has many admirable intentions and strong ideas that, if realised, would make for a good development. It would exploit an undeveloped site that is currently making little contribution to the amenity of Ashford, connections to the town centre or the working of the floodplain of the East Stour. By bringing the site into use and opening up some of its flood management potential, while also improving routes and enhancing its landscape and biodiversity, the scheme would have public benefit. Also, the site being so close to the town centre means it is a sustainable location.

The panel has some reservations and suggestions to put forward especially concerning the relationship of buildings and landscape and how the fine aims and intended quality could be held right through to occupation.

Generally, there is a strong story to tell. The scheme is portrayed mainly as a response to physical challenges, site, flood, bund, buildings. This is valid, but the scheme should tell the bund story more boldly as this is key not only to flood alleviation but to the character of the scheme and the contrasting spaces east and west. Moreover, it seems people are missing when the narrative could start with demographics of who the scheme is for, how they will occupy and enjoy the scheme (even illustrating the views out they will have), and how it will contribute to the housing mix, the needs of the town and its fit to the wider context. The buildings would come only at the end of this narrative.

The panel was glad to have a good range of disciplines present from the applicant and design team. The commitment of the client and the quality of the design team are encouraging, and one can envisage a successful scheme after further development.

#### Background

This is a proposal for some 232 flats (50% 1 bed, 50% 2 bed) and landscaping works on the edge of Ashford town centre.

The site is roughly rectangular on a north-south axis. Romney Marsh Road (A2042) runs to the east of the site, with the Ashford Designer Outlet beyond. Norman Road is to the south. Beyond the river to the west: in the southern third is a piece of undeveloped floodplain and beyond it is B&Q; while there is housing in the northern two-thirds. At the narrow northern end of the site is the Riverside Inn and cul-de-sac access to the Inn connecting to a bridge over the river.

A footpath/cycle route runs north-south on the western side of the site, connecting southward to south Ashford and northward at grade to the railway station and town centre, and across a pedestrian/cycle bridge over the road to the Outlet Centre.

The 2.67 ha site is greenfield, is not allocated for housing and has no planning history. The site lies east of the East Stour river. It is designated Green Corridor and is in Flood Zone 3a. The proposal seeks to provide additional on-site flood storage and improved water management within an enhanced open space setting. An existing bund on the east bank of the river is to be replaced by a bund further into the site. The scheme includes a landscaping strategy intended to give the flats a parkland setting.

Also proposed is an off-site enhancement of Green Corridor land to provide a wetland park, on a site nearby to the south.

The scheme is at pre-planning application stage. It has been discussed with Ashford Borough Council officers and presented to members. Public consultation is under way.

#### Green corridor

The location within Flood Zone 3a means the scheme must meet sequential and exception tests, while the site's location within the Green Corridor (Policy ENV2 of the Local Plan) requires development to enhance its function. The Council will judge the scheme on these fundamental issues. The panel believes a good case can be made.

Ironically, the site is currently protected from flooding by the bunding, meaning properties to the west of the river flood ahead of the site and therefore the site is failing in part to meet the primary purpose of the Green Corridor. By providing additional flood storage capacity on the site, the scheme will help to alleviate flooding elsewhere, most notably the housing area west of the river.

However, the bold claims made will need to be backed up by thorough analysis and robust proposals for them to be fully convincing. It is encouraging that EA supports in principle the approach to managing flood risk. There should be wider analysis of the issues to understand how the wider floodplain works, not only at, but above and below the site. The more flood risk can be managed upstream the better. The scheme must avoid forming any bottlenecks on the site in flood conditions.

The panel commended the wider enhancement to the Green Corridor, through 11.8 ha of land to be leased to the Council to deliver a wetland country park. This would meet long-held aspirations of the Council, as set out in the Ashford Green Corridor Action Plan 2017. The off-site wetland park could have a functional relationship with the scheme in the context indicated above. We were glad to hear that walking and cycling connections to the proposed wetland park are to be improved and hope this can be substantiated or conditioned at planning stage. It would be helpful to see a diagram or plan of the site and wetland park together showing routes between them and how they relate in the functioning of flood management.

#### Site layout

The panel commends the applicant's determination and vision to achieve a scheme that befits its Green Corridor character, as well as seeking to fulfil the flood management role. 232 units could be accommodated on this site without over-development, in the panel's view. The amount of open space will be generous for a scheme of this quantum on the edge of a town centre, with the added benefit of enhancing a key pedestrian and cycling route.

The concept of a series of apartment blocks running sinuously north-south over the new bund is a strong idea that we support. It makes for a clear split of the site into two areas with contrasting character: parkland and wetland to the west, and a leafy residential streetscape to the east. And the continuity of the bund helps tie the scheme together. We welcome the deployment of the bund to hide, at least partially, parked cars.

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The scheme shown was five blocks, of decreasing mass and height to the north, and little exploration of other options was presented. The panel suggests that it would be worth investigating other possibilities.

The two highest blocks to the south are also the largest in plan form and grouped together they present a considerable mass on this approach to the site and Ashford. Alternative groupings of say three groups of two blocks, or two blocks of two plus two of one, may create a more permeable and successful approach.

Were the layout shown the starting point, then realigning block A, the southernmost block, with B would seem to have advantages. Possibly the whole scheme could major on a south-west orientation.

Generally, the panel would favour a looser, more fragmented arrangement of the blocks. This would better support the parkland aim and would afford more views across the site. There could be more interaction between buildings and landscape, as at Roehampton where the buildings are almost part of the park.

The layout seems to rest on a wish to form a gateway to the town at the southern end. We have doubts about this, not least because of the prominence of the Outlet Centre at this entry, and we would not eliminate the northward rise in height to be expected towards the town centre.

Study of the spaces east and west, pondering the shape and conditions they should have, might prompt emergence of a layout that works well with the spaces. We share the design team's view that this is a landscape-led scheme, so the layout is best approached in that direction.

We do not know if nearby development or anything about the history of the site and area might give clues for the form and architecture. It would be useful to see a representation of the grain of this part of the town. We would have been glad to see more of the context in drawings, not least the Inn adjacent to the site.

The site is somewhat isolated. We think existing connections should be strengthened and new ones formed – new vehicular connections were shown east and south. Although preliminary investigation was discouraging, we ask that you look again at a potential pedestrian route west over the river, connecting to Riversdale Road.

Circulation within the site, particularly vehicular, as was acknowledged, is not fully resolved. We would want to see as little hard surface as possible with access to each block as localised as possible. We gather the scheme has moved on from a spine road running under the flats; certainly, we'd favour allowing the landscape to flow across (over the bund) between the east and west spaces. A clear site plan or ground floor plan would illuminate these and other issues.

### Landscape

The landscaping strategy is well considered and promising. It responds well to the site.

The proposals are too complicated in places. The area to the east might be a simpler street, not an attempt to create woodland, though it is important to maintain the tree belt to the

east for noise and air quality reasons next to the major road. There should be scope to prevent this street becoming constrained – it must be a street, not an alley.

We did not see a tree survey but gather that it may be possible to retain some existing trees. The old pollarded willows along the west bank of the river in particular could provide a reference to the intended character and nature of the scheme.

The scheme needs to take account of the impact of flooding in the wetland area and how the consequent silt would be dealt with, as both a design and management issue. We were unclear how the swales connected to the river.

The planting will need to be strong to fulfil the notion of the first floor 'resting' on the landscape, but this could work well.

The enriched biodiversity envisaged is appealing but it would be good if some assessment of the likelihood realistically of, for example, Great Crested Newts appearing between populous flats and a major road could be put forward.

The new footpath/cycle route will need to be large enough to handle simultaneously cyclists set on speed and walkers inclined to leisure. It also needs to have capacity to handle through traffic in an expanding town into the future.

Further detail on the children's area, currently positioned at the north of the site, and its integration into the new development and relationship to the Inn, would be welcome.

### Architecture

The emerging architectural approach has merits but has a slight town centre character when the ethos of the scheme is about water and parkland. This relates to our comment above about a looser layout. The typology could loosen up too, with different and more site-specific typologies responding to aspect and the landscape. As shown, the scheme employs a rather generic and singular typology which is then applied repetitiously to the whole site. Some materials in common between the blocks and landscape features would be good.

The succession of flat roofs seemed heavy and dull. A waterside scheme on this site near the Outlet Centre could offer some playfulness or exuberance on the roofline.

The panel was concerned about the depth of units and the implications for light and amenity internally. It seemed unfortunate that entry into two-bed flats leads to the darkest internal space when more light and a view would be far more welcoming. Further consideration should be given to fronts and backs. A different mix of one and two-bed flats might help.

We were glad to hear that water harvesting is being pursued. The idea of an architectural device to highlight the flow from roof to swale would be interesting.

The panel considers the quality of architecture emerging to be commendable and we ask that the applicants and Council work together to ensure that quality is sustained throughout the process. This depends on consistency in presentation, ensuring CGIs



match the drawn scheme. Everyone involved should be honest and realistic about what is achievable. It is encouraging that the applicants are to build the scheme; even so, value engineering can mar the best-intentioned schemes.



<b>Application Number</b>	19/00766/AS	
<b>Location</b>	Northdown House, 4 Station Road, Ashford, Kent, TN23 1PT	
<b>Grid Reference</b>	01200/42755	
<b>Parish Council</b>	-	
<b>Ward</b>	Victoria Ward	
<b>Application Description</b>	Change of use of B1 office to 24no. 1 and 2 bed residential units to include first and second floor extensions and roof extension above existing second floor together with works to include external treatments and fenestration alterations, car parking, basement and surface cycle parking, surface water storage tank and bin storage	
<b>Applicant</b>	Abbey Commercial Ltd.	
<b>Agent</b>	Mr G Simpkin, Graham Simpkin Planning Ltd., 2 The Parade, Ash Road, Hartley, Longfield, DA3 8BG	
<b>Site Area</b>	0.1ha	
(a) 18/2R	(b) -	(c) KH&T/X, NHS/-, Housing/+, OSS/X, Refuse/+, ED/+, EHM/X,

## Introduction

1. This application is reported to the Planning Committee because the application is a major application.

## Site and Surroundings

2. The application site is located within Ashford town centre on the corner of Station Road and the High Street and comprises a building which is part two storey and part three storey. The building is in mixed use with the ground floor occupied by Kaspas ice cream and dessert restaurant, a cash and carry, a nail bar and Skin Lumia clinic. The upper floors which comprise the lower first floor, first floor and second floor are vacant but were last used as B1(a) office space. The site is located within the designated Ashford – Town Centre Conservation Area and close to other buildings as shown in figure 1 (below).

The site is within the secondary shopping frontage part of the town centre as defined under policy EMP7 of the Ashford Local Plan 2030.

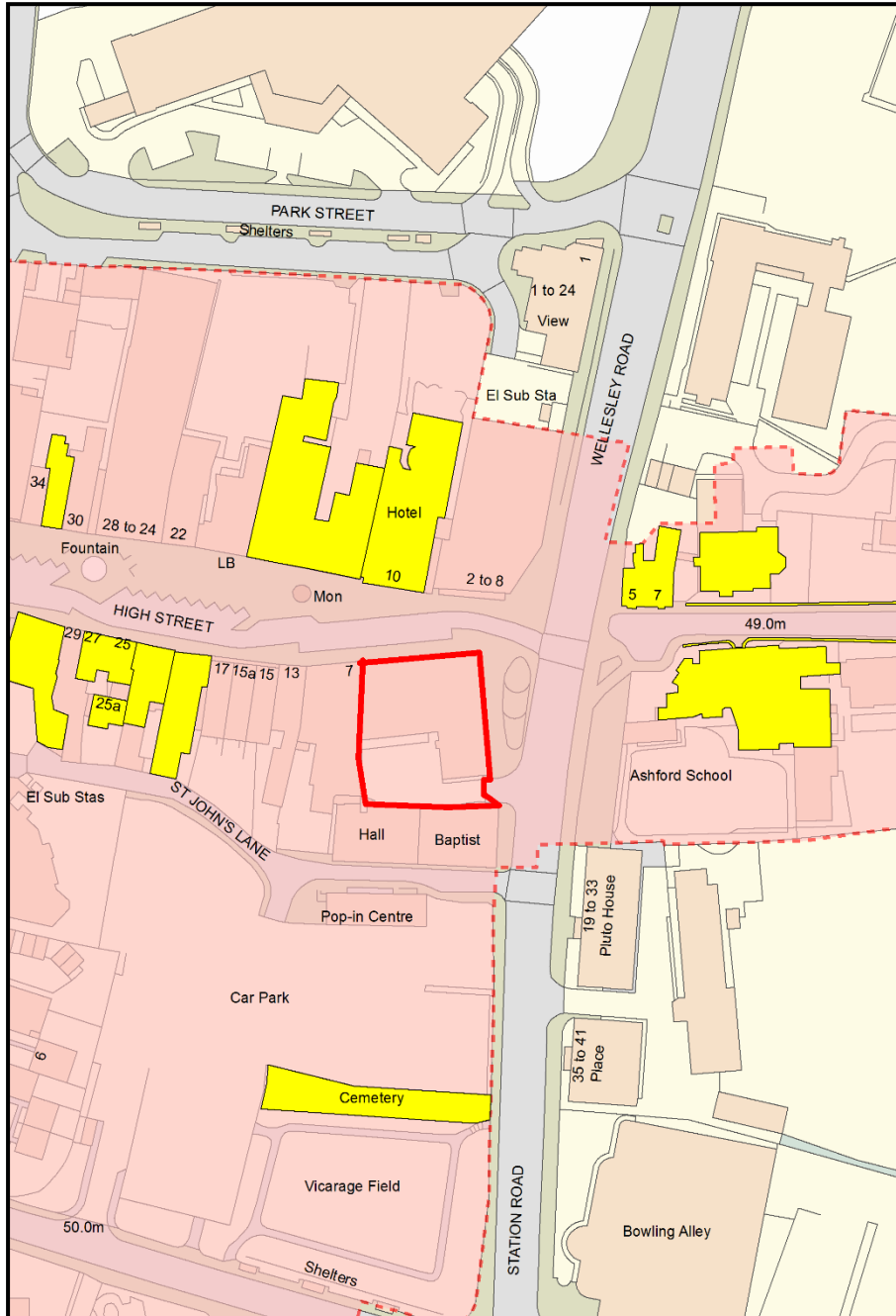


Figure 1 - Site Location Plan



**Figure 2 View from High Street looking east towards Station Road**



**Figure 3 View from Station Road towards the High Street - looking south west**

## Proposal

3. Full planning permission is sought for the change of use of the upper floors of the building, which were previously used for B1a office use, to 24 residential units comprising a mix of one and two bedroom apartments (18x1 bed and 6x2 bed). To facilitate the proposed conversion, physical alterations will be required internally to the building and the erection of several extensions including a first and second floor extension and a roof extension over the existing second floor. Physical alterations to the external appearance of the building, including infilling between the existing fenestration is also proposed to enable the conversion to residential and to improve the appearance of the building which is in a poor condition due to its vacancy for a number of years.
4. The proposed scheme has been subject to amendments with a reduction in the number of residential units from the 27 units originally proposed to the 24 under consideration. Originally it was proposed that all units would be 1 bed units, however, the scheme under consideration makes provision for 18x1 bed units and 6x2 bed units
5. The existing parking area is located between the southern side of the building and the Ashford Baptist Church. This is primarily utilised for the existing commercial units at ground floor level. The proposed development would provide cycle and refuse storage and 1 parking space would be allocated for the residential development.

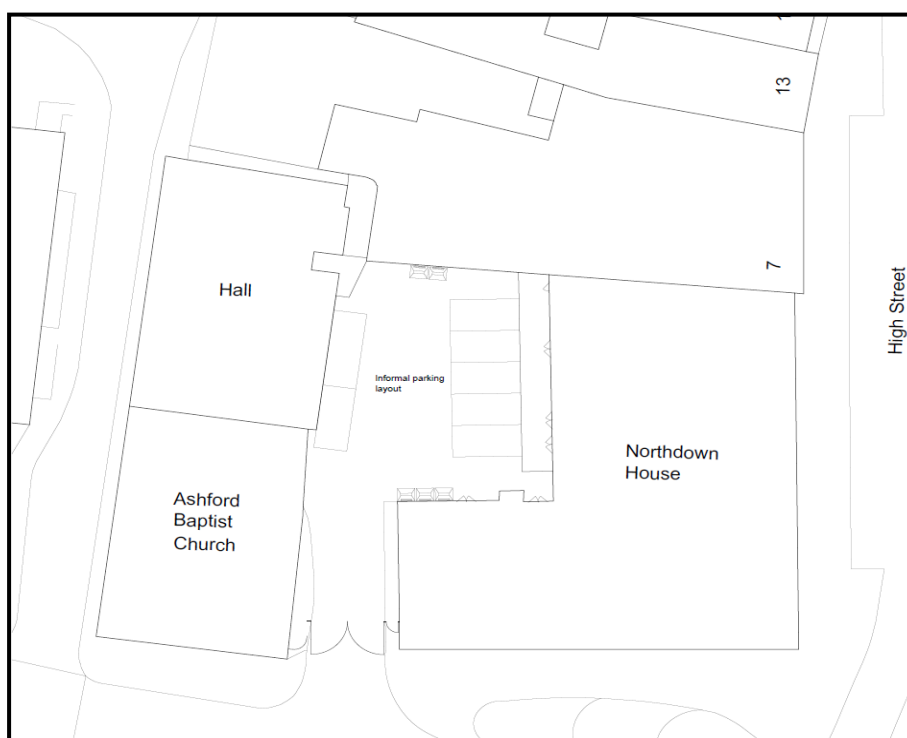


Figure 4 Existing Site Layout Plan

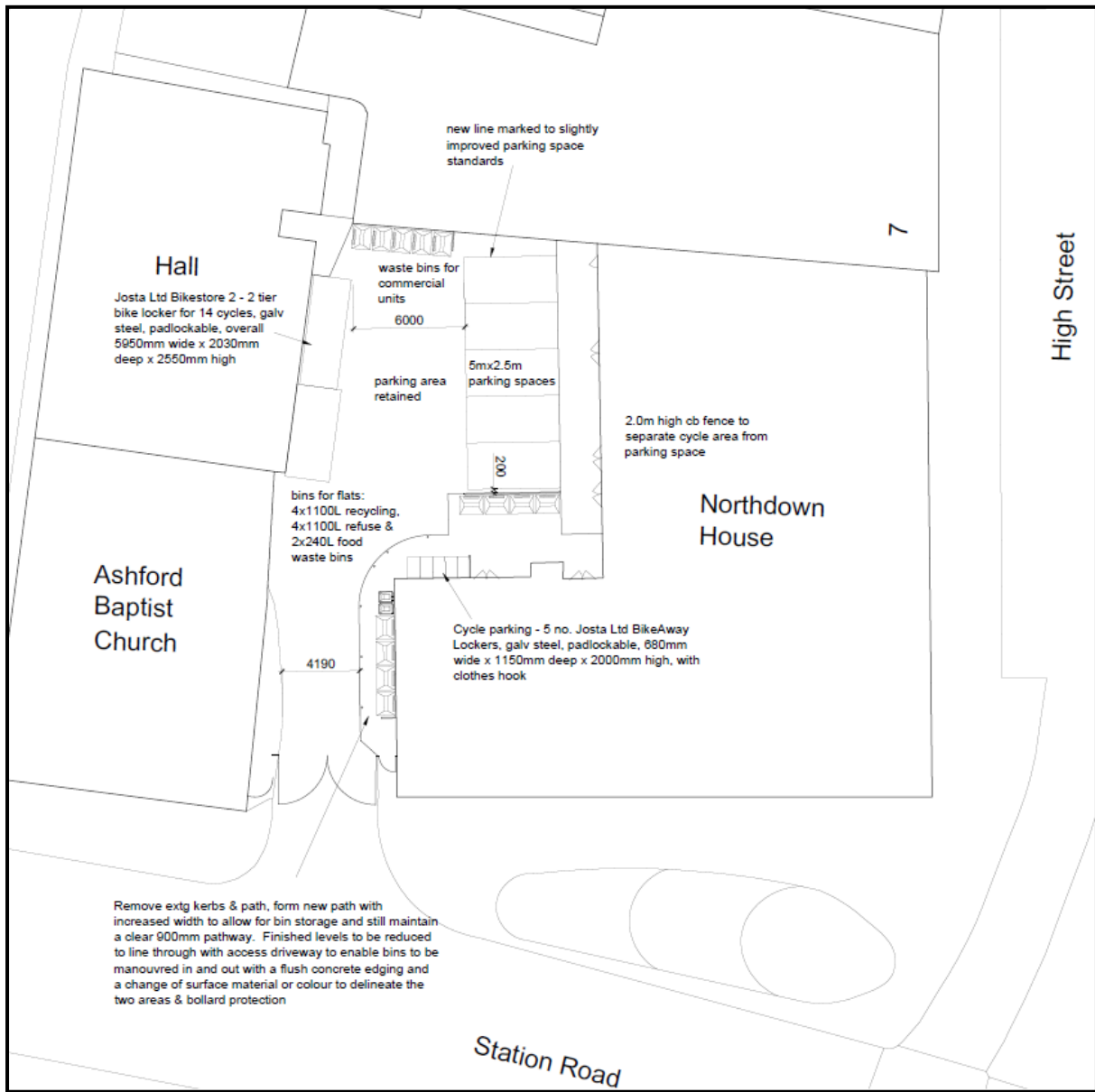


Figure 5 Proposed Site Layout



Figure 6 CGI images of proposed development from Station Road and the High Street

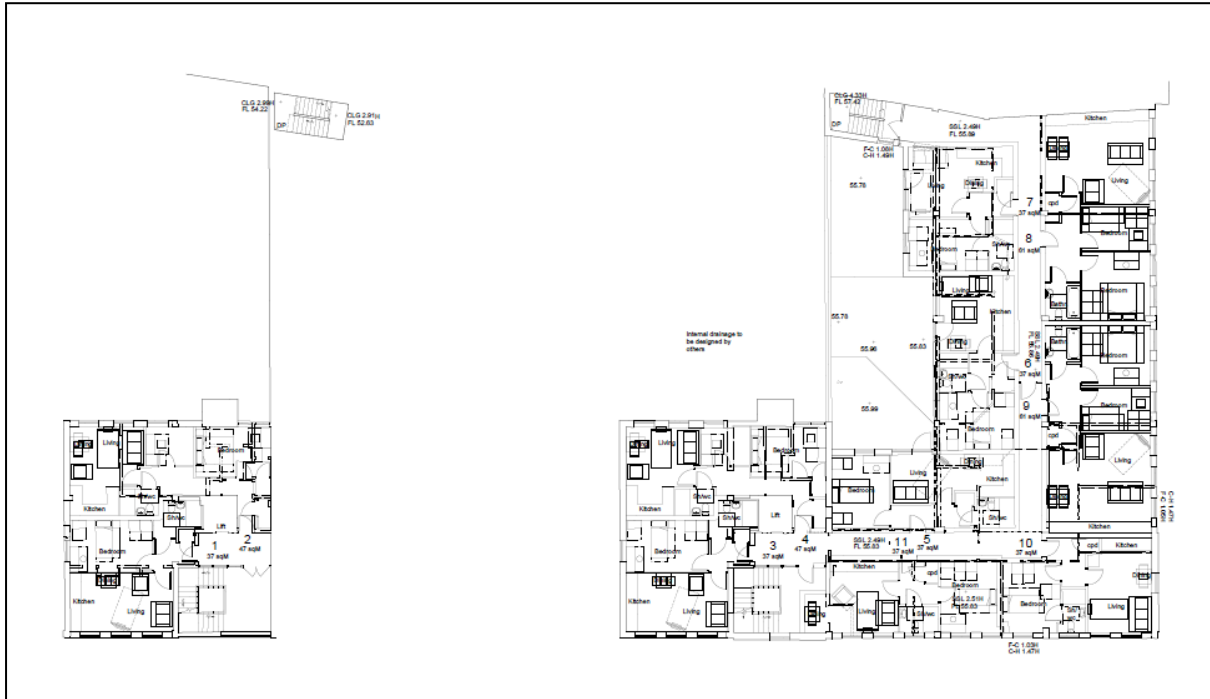


Figure 7 Proposed Upper Ground and First Floor Plans

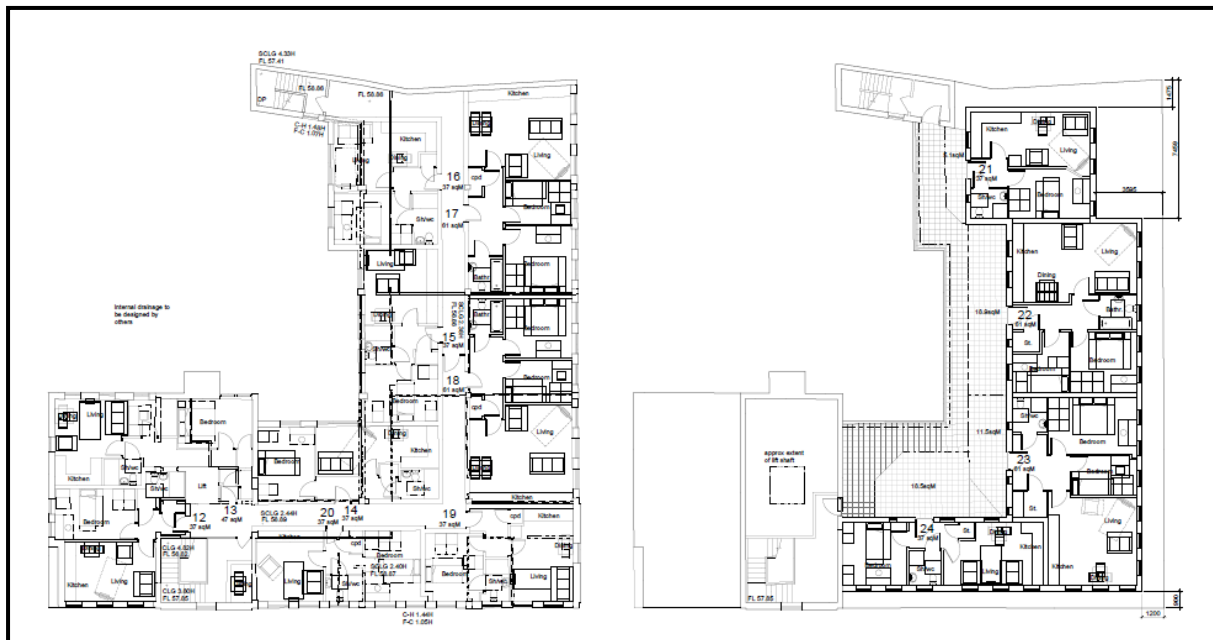


Figure 8 Proposed Second and Third Floors

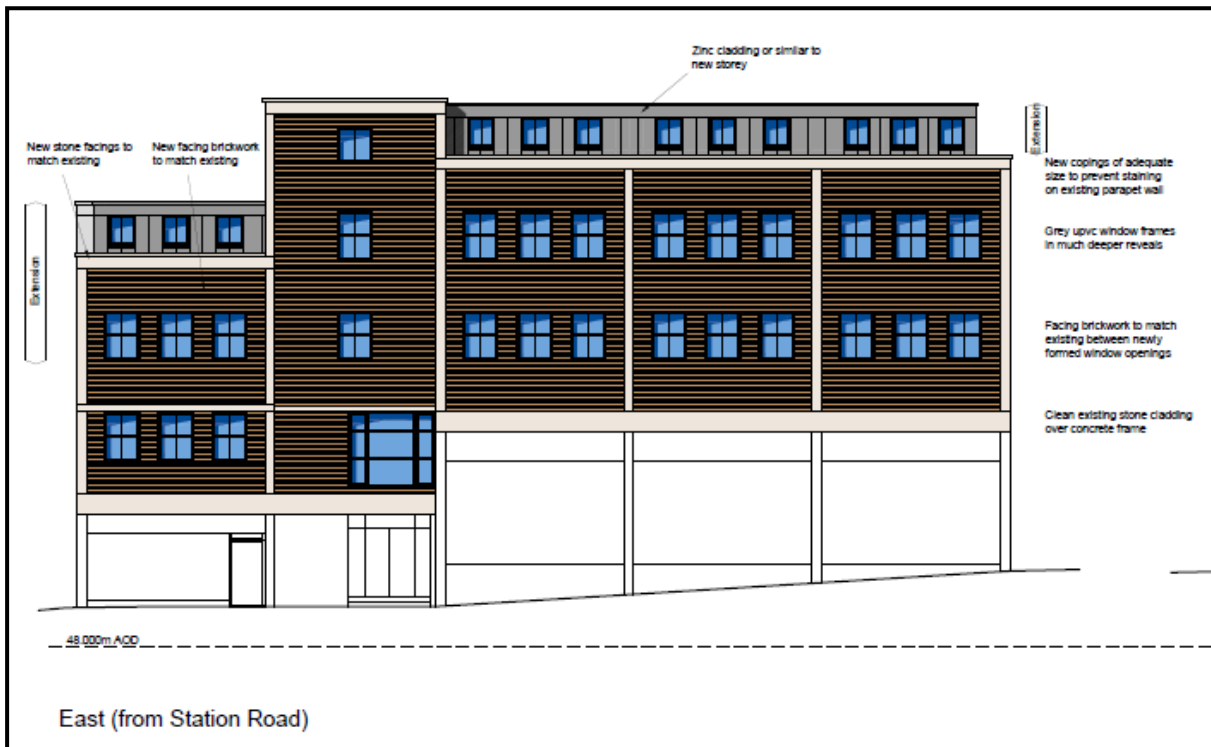


Figure 9 Station Road - Proposed Elevation

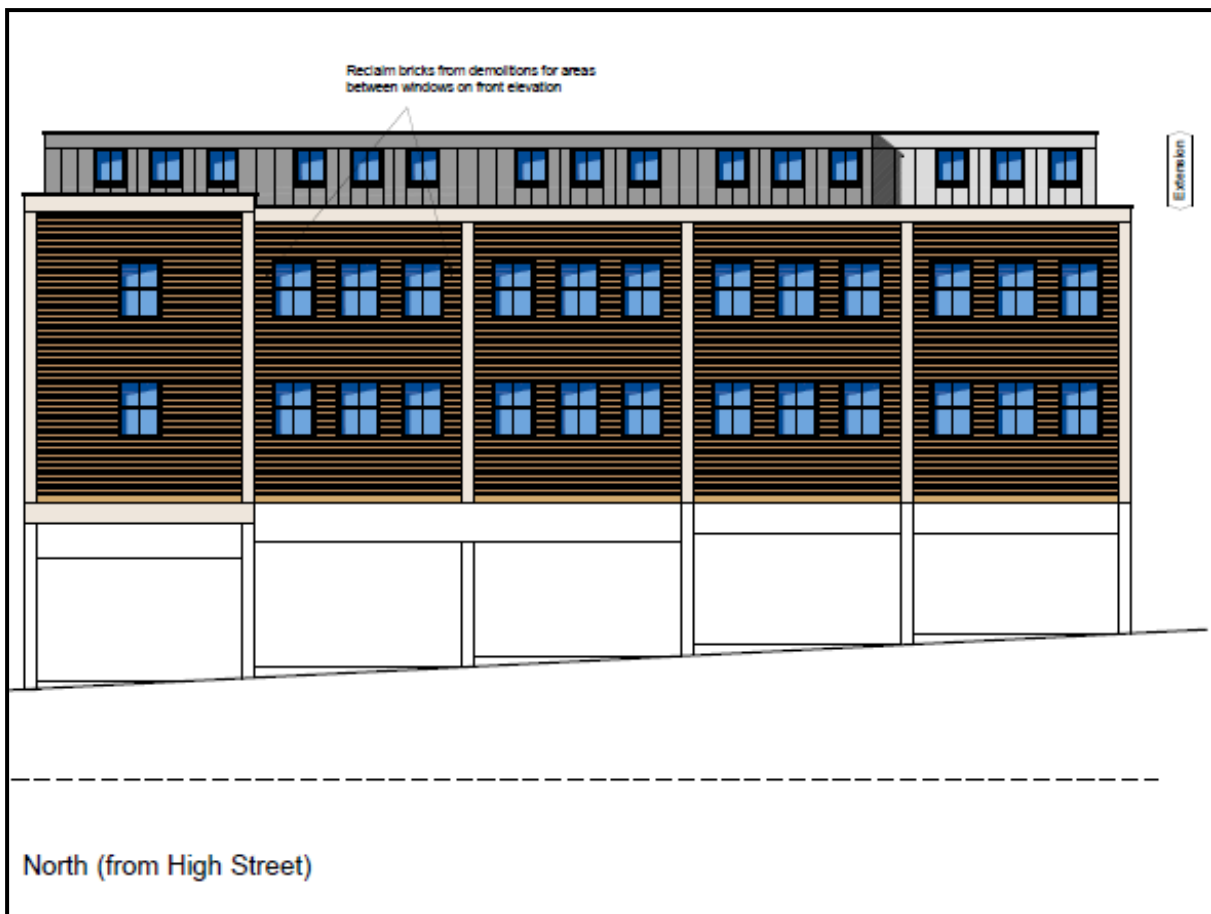


Figure 10 High Street - Proposed Elevation



## Planning History

6. Notification for Prior Approval for a proposed change of use – conversion from office (B1(a) to 20 residential apartments (C3) – Prior approval not required – 22/11/2016.

## Consultations

**Ward Members:** Cllrs Suddards and Farrell have not commented on the application and neither are members of the Planning Committee.

**KCC Highways and Transportation:** initial comments on the scheme placed a holding objection as a result of the bicycle parking which requires amending. Additional comments made with respect of the following:

- 5 parking spaces to be retained for current commercial uses at ground floor.
- Disabled parking spaces shown but these are not required for residential development.
- The parking spaces shown with bicycle and bin storage only allow for 1 additional parking space to be provided with sufficient reversing distance (6 metres).
- The site is extremely well served by nearby retail, health and public transport provision.
- Surrounding roads have parking restrictions.
- No negative impact on highway network.

Upon receipt of the amended plans further clarification was sought regarding bicycle storage details. This however can be controlled by condition in the event that planning permission is granted.

**NHS CCG:** no representations received

**Housing Services:** general comment received confirming no requirement for affordable housing on site in accordance with HOU1 for initial scheme for 27 units. However, would note a large proportion of 1 bedroom units [**DMM comment:** this has been addressed following receipt of amended plans which results in a greater proportion of 2 bedroom units through a reduction in the total number of units to 24]

**Cultural Services (Open Space):** projects identified for the proposed development (see Table 1) later in the report.

**Environmental Services (Refuse):** general comment confirming bin storage in accordance with plans provided.

**Economic Development:** general comment received stating the following:

- The existing unit has been vacant for a long time.
- Demand for office space in Ashford is good but Connect38 has created extra availability in the area which can provide space in line with demand.
- No marketing evidence has been submitted to demonstrate how long the property has been marketed.
- The lost employment floor space is not proposed to be replaced so this part of the policy does not apply.
- Confirmation that policy EMP6 can be met
- EMP7 allows upper floors to be brought back into use including residential but could impact upon nearby businesses.
- Parking

**Environmental Health:** no objection subject to condition following consideration of the noise assessment and clarification from the applicant which would require the recommendations of the noise assessment be to be secured by condition together with an electric car charging point and informatives regarding the construction phase.

**KCC Developer Contributions:** no objection subject to contributions towards library provision and a condition for fibre broadband.

**Neighbours: 18 neighbours consulted: 2 objection comments raising the following:**

- Impact of residential on the night time economy at this end of the High Street
- Sound proofing will be required.
- Sleeping accommodation should be to the rear to reduce impact on night time economy and amenity of future occupiers.
- Lack of parking for residential units.
- No change in the parking provision for the commercial units.

In addition to the above the application has been advertised in the local press and a site notice posted.

## Planning Policy

7. 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), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
8. 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).
9. The relevant policies from the Local Plan relating to this application are as follows:-

**SP1** – Strategic Objectives

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

**SP3** - Strategic Approach to Economic Development

**SP5** - Ashford Town Centre

**SP6** - Promoting High Quality Design

**HOU1** – Affordable Housing

**HOU3a** – Residential Windfall Development Within Settlements

**HOU12** – Residential Space Standards (Internal)

**HOU15** – Private External Open Space

**TRA3a** – Parking Standards for Residential Development

**TRA6** – Provision for Cycling

**TRA7** – The Road Network and Development

**ENV7** – Water Efficiency

**ENV9** – Sustainable Drainage

**ENV13** – Conservation and Enhancements of Heritage Assets

**ENV14** – Conservation Areas

**EMP6** – Promotion of Fibre to the Premises (FTTP)

**EMP7** - Primary and Secondary Shopping Frontage in Ashford Town Centre

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

**IMP1** – Infrastructure Provision

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

**Supplementary Planning Guidance/Documents**

Affordable Housing SPD

Sustainable drainage SPD

Residential Parking SPD

Residential Space and Layout SPD 2011 – External Space Standards Only

Dark Skies SPD 2014

Public Green Spaces and Water Environment SPD 2012

**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) 2019

11. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
12. 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.
13. 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.
14. 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.
15. 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...
16. 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.

17. Paragraph 190 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
18. Paragraph 193 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.
19. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

National Planning Policy Guidance (NPPG)

## **Assessment**

20. The following issues are considered to be raised by the application:
  - Principle of the development
  - Visual Amenity and Impact on the Conservation Area and heritage assets
  - Residential Amenity
  - Highway Safety & Parking
  - Other issues
  - Planning Obligations

### **Principle of the development**

21. The application site until recently benefited from a prior approval whereby the building (with the exception of the ground floor) had permission to change use from B1(a) office to 20 residential apartments. This was never implemented and has since expired, however, the provisions within the legislation have not changed and as such if a new application for the same were to be submitted it would still comply with the requirements of the General Permitted Development Order 2015 and would therefore be granted by this order. This

provision in the Order does not limit the number of residential units which can be created within the building. Furthermore, residential space standards, which seek to ensure a good standard of amenity for future occupiers, is not a consideration under the prior approval procedure. The provision can and indeed has, resulted in the creation of substandard accommodation which would not ordinarily have been granted planning permission. The prior approval fall-back position here carries considerable weight as it is likely this would be carried out in the event of planning permission being refused. The benefits associated with this scheme would not be secured.

22. Policy EMP7 seeks to encourage the re-use of upper floors of buildings within the secondary shopping frontage, where the site is located. This would bring the building back into use at the upper floors and help to bring vitality to the town centre, which the Local Plan and the guidance within the NPPF actively encourages.
23. Residential development within Ashford town is generally supported under policy HOU3a and in this instance, subject to no overriding harm identified in the report which follows, it is considered that the residential development of this site would comply with HOU3a in principle.
24. In light of the above, the proposed development can be considered acceptable in principle, particularly in light of the prior approval fall-back position.

### **Visual Amenity and Impact on the Conservation Area and heritage assets**

25. The application site is within the Ashford - Town Centre Conservation Area and within close proximity to a number of listed buildings, as shown in figure 1. The proposed development would have the potential to impact upon the character and appearance of the conservation area / setting of listed buildings, where the presumption is that they should either be preserved or enhanced by any development under Government legislation, policies ENV13 and ENV14 and the NPPF.
26. The existing building at upper floor levels is in need of improvement. It is located on the corner of Station Road and the High Street and is an unattractive, 1960s office building which has fenestration which wraps around the building at first and second floors which very much confirms its use as an office with facing brickwork and the concrete frame of the building being visible. The building has the typical appearance of a 1960s office block and makes no positive contribution to the conservation area / area as a whole. The building is highly prominent.
27. The proposed development would result in physical alterations to the building in the form of replacement windows and filling of the gaps with facing

brickwork. It is also proposed to clean the exterior of the externally facing concrete structure as shown in figure 4.

28. The main changes, however, would be for the erection of extensions to the side and rear of the building. These would take the form of first and second floor extensions. There would also be a roof extension over the main part of the building, which would be recessed back from the edge of the existing parapet roof. This would be of a lightweight construction and clad in zinc. Details of the design finish including external facing materials can be secured by way of condition to ensure a high quality finish.
29. The submitted heritage statement concludes that the proposed development would result in some minor adverse impacts to the conservation area and heritage assets, the setting of which the application building falls within. Each of the proposed elements of the development are considered in turn below.
30. The proposed side and rear extensions, would not be out of scale or noticeably alter the massing of the existing building. When read in context, the resultant building would sit comfortably within the streetscape. Given a large proportion of the extension is to the rear at first and second floor, it would not being visible from public vantage points, I do not consider this would result in harm to the setting of the listed buildings within close proximity to the site. Neither would they result in harm to the character and appearance of the conservation area.
31. The proposed extension to the roof would result in a recessed and low rise extension which, due to the height of the existing building, would not result in an overbearing or poorly proportioned addition to the roof due to these two design features. The lightweight construction and materials would lift the building and not result in a highly prominent or intrusive form of development. The roof extension would add visual interest to an otherwise uninspiring building. Given that there are varied roof forms and building heights within the immediate vicinity, the proposed extension to form a 3<sup>rd</sup> floor would not be uncharacteristic. Furthermore, given that the building is on a prominent corner which forms a gateway into the High Street, the resultant building would provide a positive gateway building into the town centre rather than the current detracting appearance.
32. In addition, the proposed alterations to the physical appearance of the existing parts of the building would also rejuvenate and enhance its appearance and make for a more attractive gateway into this end of the High Street from Station Road and vice versa. The spacing between the windows would be more in keeping with that of neighbouring buildings and the use of grey framed windows would be an improvement compared to the existing metal framed windows which are in poor condition and not characteristic of the conservation area. The use of brick cladding would complement the existing



building and neighbouring buildings which also have exposed brick elevations. This would enhance the appearance of the conservation area.

33. As a result, the development would enhance the character and appearance of the conservation area and not harm the setting of any nearby listed buildings. It would also have a significant benefit of bringing the building back into active use, following a long period of vacancy, deliver housing on the site towards the Council's housing supply (windfall requirements) and bring vibrancy and vitality to the town centre through increased footfall and supporting the night time economy which the NPPF and Local Plan actively encourage.

### **Residential Amenity**

34. The original scheme on the site (prior approval) allowed for 20 residential units which comprised 15x1 bed units and 5x2 bed units. The flats in this scheme fell significantly short of the space standards required under HOU12. As identified under the principle section, there is no consideration of the space standards under a prior approval application or any upper limit for the number of residential units which can be created as a result of conversion from office to dwellings. Therefore, a greater number of smaller residential units could be created under prior approval over the scheme under consideration here.
35. The proposed accommodation in this application complies in full with the National Space Standards and policy HOU12 of the Local Plan. As a consequence the standard of accommodation in this scheme is significantly better than that shown in the scheme granted prior approval.
36. The prior approval did not make any provision for external amenity space. Under this application external provision is available for 6 of the units. Whilst not compliant with HOU15, it is not feasible to provide external amenity space for every unit given the constraints of the site and given that this is an existing building and not a new build. Whilst this would fail to comply with HOU15, this would be a significant improvement on the fall-back position (prior approval).
37. A thorough assessment and further information has been submitted at the request of the Council's Environmental Health Officer with regards the potential noise and disturbance for future residents nearby commercial uses and road traffic along Station Road. This concludes that this could be overcome through design, which again is a significant improvement upon the prior approval whereby this cannot be considered and could result in potential conflict with neighbouring commercial uses and give rise to a poor level of amenity for future occupiers. This is a significant improvement on the fall-back position (prior approval).

38. In light of the above, the proposed development, would comply with HOU12 and whilst not fully compliant with the HOU15, the scheme would result in a significant improvement to the amenity afforded to future occupants.

### **Highway Safety & Parking**

39. The existing office accommodation only benefits from 2 parking spaces on-site at present with the remaining 5 spaces allocated to the other commercial uses at ground floor level. In accordance with the Council's parking standards (TRA3b), the office use would require 40 on-site parking spaces, a shortfall of 38 spaces. The existing situation on site is that the 7 parking spaces are poorly laid out and do not comply with the requirements of KCC Highways and Transportation due to there being insufficient reversing distance for vehicles to leave the reserved parking spaces.
40. The proposal would formalise the parking layout, provide dedicated storage for refuse and secure bicycle storage. As a result of the proposed alterations, which do not require the benefit of planning permission, a more realistic proposition is that 6 vehicles would be able to park on site. The proposed residential development would therefore benefit from 1 on-site parking space, the same as under the prior approval for the conversion from office to 20 residential units.
41. Policy TRA3a requires, as a minimum, 1 parking space per residential unit in central areas, therefore 24 spaces are required for this scheme. Whilst there would be a shortfall in on-site parking for the scheme under consideration, the proposed use would be less intensive than the current office use of the building which would require 40 spaces, where only 2 spaces are currently provided, one of which is not useable.
42. The prior approval scheme for this building also has only 1 dedicated parking space. A greater number of smaller units could be provided under the prior approval legislation compared to that under consideration with again only 1 dedicated parking space. The site however lies in a highly sustainable location. It is also an existing building with limited outdoor space. The constraints mean that it simply isn't possible to provide any more parking on site.
43. The existence of parking controls within the vicinity of the site, availability of public car parks and excellent public transport links including bus and rail and the close proximity of amenities/employment uses means the net increase of 4 residential units compared to the prior approval application would not result in a severe highway safety impact as outlined under policy TRA7 to warrant refusal.

44. In light of this, whilst the scheme represents a departure from policy TRA3a the material considerations as set out above warrant a departure in this instance.

#### **Other issues**

45. The proposed development is currently all developed with hardstanding and buildings. The proposed development would not result in an increase in the footprint of the existing building. The proposed development would not result in an increase in surface water run-off. An improvement upon the current run-off rate can be achieved through a control device and a cellular storage tank within the car parking area of the site which can be secured through condition.
46. Refuse can be stored on site within the designated storage area and would raise no objection from the Council's Environmental Services team.

#### **Planning Obligations**

47. 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
48. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

## Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
<b>Potentially applies to any size/scale of residential development</b>				
Page 136	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: Site furniture at Queen Mothers Park, Ashford:</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon 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>

<b>Applies to sites of 11 dwellings or more</b>				
<b>Planning Obligation</b>				<b>Regulation 122 Assessment</b>
	<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>	
Page 137	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Project: provision of new Town Centre play space, Ashford</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>Libraries</u></b></p> <p>Contribution for additional bookstock at Ashford Library</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the</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>

			<p>dwelling and balance on occupation of 50% of the dwellings</p>	<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>Page 138</p>	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>Project: New goals at pitch side facility</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<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>Strategic Parks</u></b></p>		<p>Upon occupation</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</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 139</p>	<p>Project: Signage and furniture, Conningbrook Lakes, Ashford</p>	<p>£146 per dwelling for capital costs  £47 per dwelling for maintenance</p>	<p>of 75% of the dwellings</p>	<p>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 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>Voluntary Sector</u></b></p> <p>Project: Grant application service to be delivered by the Volunteer Centre, Ashford</p>	<p>£63 per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the voluntary sector and the additional services 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.</p>
	<p><b><u>Monitoring Fee</u></b></p>			<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p>

	Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	<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>
<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>an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				



## Human Rights Issues

49. 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

50. 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

51. The proposed development would bring back into use existing vacant first and second floors of office accommodation within the town centre’s secondary shopping frontage. The building is within a sustainable location with good access to a full range of day to day services and has excellent public transport links. The proposed physical alterations, when taken as a whole, would not result in harm to the setting of neighbouring listed buildings.
52. The re-use of the upper floors within the secondary shopping frontage in which the site is located would be supported and comply with policy EMP7.
53. Whilst the proposed development would not comply with the relevant parking requirements for flatted development in a central area as required under policy TRA3a, the existing use as B1(a) office is more intensive and were it to be brought back into use would likely give rise to increased demand on car parking within the immediate area compared to the residential use under consideration. The site is well served by public transport and the proposed on-site parking provision is the same as that which could be carried out under the fall-back (prior approval). The net increase of 4 residential units under this scheme would not result in any severe highway impact which would warrant refusal. This view is supported by KCC Highways and Transportation who raise no objection.
54. The scheme complies with policy HOU12 (internal space standards) and in part with policy HOU15. Future occupiers would benefit from a significant improvement in the level of amenity to that which can be insisted upon under the fall-back position (prior approval) as space standards are not a

consideration. Furthermore, the impact of commercial units in close vicinity of the site can be mitigated through condition as requested by Environmental Health which is not a consideration under the prior approval process. Therefore, there is a significant enhancement in the quality of the accommodation being sought under this scheme compared to the fall-back position.

55. The proposed development would make financial contributions to off-site provision as outlined in Table 1, which cannot be secured under a prior approval.
56. When taken as a whole, the net benefit of this scheme over and above that which could be allowed under a prior approval through improved mix of units, bringing back into use vacant floor space within the town centre which would help contribute towards the night time economy. The development would also make a contribution through windfall development towards the Council's 5YHLS. There would be a visual enhancement to the building and wider conservation area and the setting of nearby listed buildings and when taken as a whole, would result in a significant improvement over the prior approval fall-back position. Therefore I recommend to Members of the Committee that permission be granted subject to conditions and the securing of monies through S106 agreement.

## **Recommendation**

### **(A)**

**Subject to the applicant first entering into a section 106 as set out in Table 1 agreement/undertaking in respect of planning obligations in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager 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)**

**Subject to the following conditions and notes:**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Materials
4. Design details including joinery, rainwater goods, eaves, fascia (including material finish) and windows reveals
5. Location and style of mechanical vents

6. Enclosures for private garden areas
7. Parking provision
8. Electric car charging point
9. Cycle Parking
10. Refuse Storage
11. Construction management plan
12. SUDs
13. Water efficiency
14. Fibre broadband to premises
15. C3 use only
16. Ecological enhancements
17. Details of noise mitigation
18. In accordance with the approved plans
19. Available for Inspection

#### **Note to Applicant**

1. S106
2. Working with the Applicant
3. Code of construction practice
4. Burning of waste
5. Dust and construction emission

#### **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 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
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00766/AS)

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

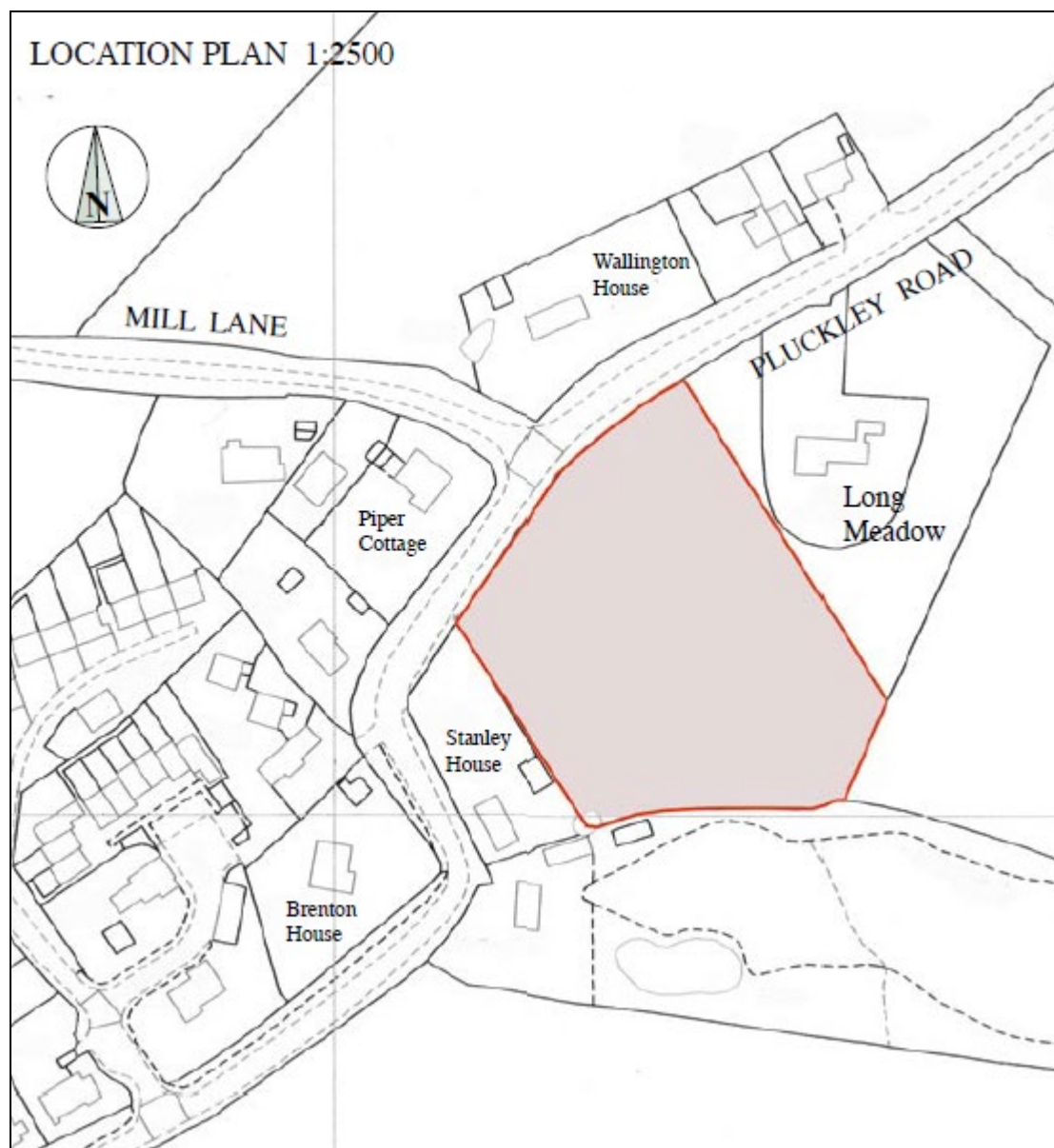
<b>Application Number</b>	18/01763/AS
<b>Location</b>	Land between Stanley House and Long Meadow, Pluckley Road, Smarden, Kent
<b>Grid Reference</b>	588721 142689
<b>Parish Council</b>	Smarden
<b>Ward</b>	Smarden
<b>Application Description</b>	Erection of two detached 2 storey dwellings and creation of new vehicular access together with associated infrastructure.
<b>Applicant</b>	Chilmington Construction Ltd
<b>Agent</b>	Ian Bull Consultancy
<b>Site Area</b>	0.72 hectares (development area)
(a) 17/5R & 1+	(b) Parish Council – R (c) KCCH&T/X, KCCE/X,

## Introduction

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

## Site and Surroundings

2. The application site is located within a rural area abutting the edge of Smarden village. The site comprises an open grass field / meadow. The site forms a gap in an otherwise sporadic linear residential development on the south side of Pluckley Road. The roadside boundary is formed of a native hedgerow with some tree planting. The side boundaries consist of post and wire fence, tree planting and abut residential properties. The rear boundary is formed of native hedge and tree planting and abuts a residential curtilage and an open grass field.
3. There are residential properties to the north, east and west. The site lies just to the east of Smarden village and there is a roadside pedestrian footpath on the opposite side of the road to the northwest of the site which links the site to the village. Land to the south of the site benefits from planning permission for 50 dwellings granted at appeal (16/00045/AS). There are listed buildings to the north and northwest of the site on the opposite side of the road and a listed building to the southwest of the site on the adjacent plot.



**Figure 1 - Site location Plan**

## **Proposal**

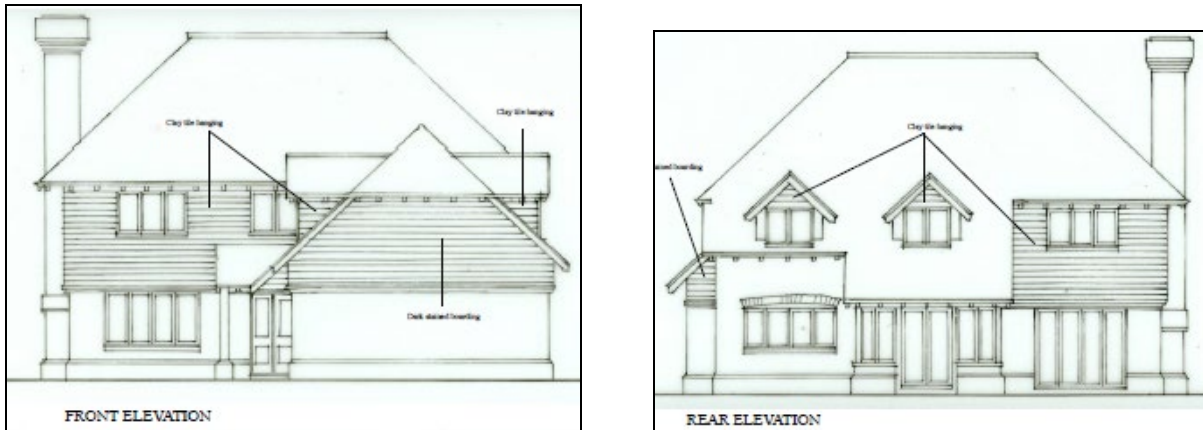
4. Erection of two detached 2 storey dwellings and creation of new vehicular access together with associated infrastructure. The dwellings would front Pluckley Road and would be set back from the road behind the native roadside hedge and a retained area of grassland habitat and new landscape planting. A new shared vehicle access is proposed for the two houses with three parking spaces and turning areas proposed at the front of each house. The houses would have a traditional appearance finished in natural materials comprising facing brickwork, clay hanging tiles and clay roof tiles. The scheme proposes tree and hedge planting at the front and rear of the site and additional tree/hedge planting on the side/shared boundaries. The layout also

proposes to retain areas of grassland habitat adjacent the housing development.

5. **Amendments:** The proposal has been reduced from three to two houses and the introduction of an area of ecological habitat predominantly on the western side of the site following negotiations between the Council and applicant.
6. A highways safety audit has been submitted at the request of Kent Highways & Transportation (KH&T) and the application proposes alterations to the road outside the site including an extension to the roadside footpath on the opposite side of the Pluckley Road and a road side footpath outside the site.



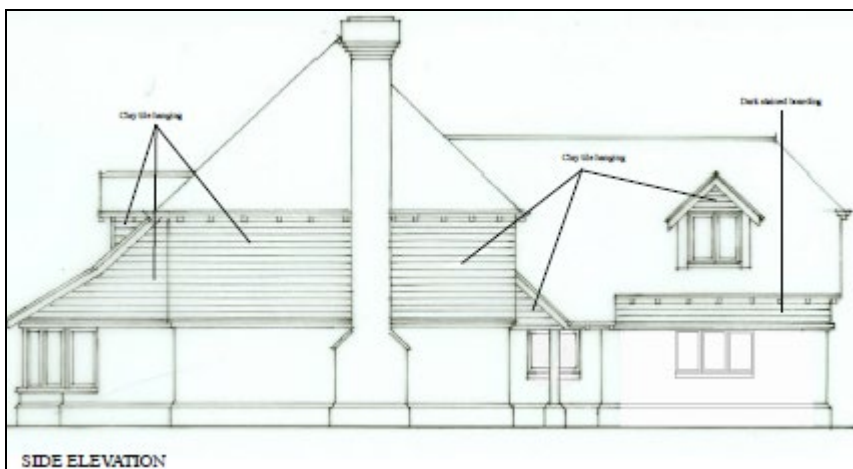
Figure 2: - Proposed block plan



**Figure 3 - Plot 1 – Proposed Front and rear elevations**



**Figure 4 - Plot 1 – Side elevation**



**Figure 5 - Plot 1 – Side elevation**





**Figure 6 - Plot 2 – Front and Side elevation**



**Figure 7 - Plot 2 – Front and Side elevation**

## Planning History

17/01894/AS	Erection of 3 detached 2 storey dwellings and detached garages and creation of new vehicular and pedestrian access together with associated infrastructure	Withdrawn	14/02/2018
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## Consultations

**Ward Member:** The former ward member requested that the application be determined by the planning committee.

**Parish Council:** Objects for the following summarised reasons:

- The application site is outside the village envelope on a greenfield site. .

- The proposed site is a typical Kentish meadow.
- Impact on the setting of listed buildings
- Long Meadow has intrinsic value to the entrance of the ancient village of Smarden and is an important green space.
- Out of keeping with local character and grain.
- The access is on an extremely dangerous piece of road involving a blind 'S' bend. Pedestrians, horses, and bicycles have to negotiate this part of the road
- Smarden already has a significant number of new houses with planning consent, and yet to start building.
- This site is a greenfield site.
- It does not sit sympathetically within the wider landscape.
- It does not enhance its immediate setting.
- Harm to the amenity of the nearby residents

**Neighbours; 17 neighbours notified; 5 objections and 1 general comment received.**

**Objections are summarised as follows:**

- Out of keeping with surrounding plot pattern and scale.
- Village post office running a reduced service.
- Increased noise and loss of privacy.
- High density.
- Smarden gas little or no public transport infrastructure.
- Housing previously refused on this site.
- The site is outside the village envelope.
- This is a greenfield site.
- Ecological impact and loss of lowland meadow.
- Highways safety impact.
- Impact on heritage assets.
- Smarden does not need more executive housing.
- Increased impact on village infrastructure.
- Ownership of site raised by a neighbour.
- 50 houses already approved at Smarden.
- Detrimental impact on the landscape character area.
- The site was rejected under the call for site process.
- Contrary to policy HOU5.
- Infill and ribbon development not welcome.
- The site is a sensitive gateway location to the village.
- Heritage and Planning Statement contain inaccuracies.

Comments are summarised as follows:

- Eating into the rural feel of this village.
- The access is difficult.
- Not affordable housing but a windfall development.

**KCC Highways** – Following the submission of a highways safety audit KCC Highways raise no objection subject to conditions.

**KCC Ecology** – No objection. A range of surveys have been carried out within the site and the applicant has a good understanding of the ecological interest of the site. Recommend ecology conditions to protect and enhance ecology.

**ABC Drainage** - No objection. Surface water management could be dealt with via a condition.

**ABC Tree Officer** – No objections in terms of tree impacts. A conditioned landscaping plan would afford significant planting on site as it is at the transition to countryside.

## Planning Policy

7. 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), Rolvenden Neighbourhood Plan 2019 and the Kent Minerals and Waste Local Plan (2016).
8. 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).
9. The relevant policies from the Development Plan relating to this application are as follows:-
  - SP1 – Strategic Objectives
  - SP2 – Strategic Approach to Housing Delivery
  - SP6 - Promoting High Quality Design
  - HOU5 - Residential windfall development in the countryside
  - HOU12 - Residential space standards internal
  - HOU14 – Accessibility standards
  - HOU15 - Private external open space
  - TRA3a - Parking Standards for Residential Development

TRA6 – Provision for Cycling

TRA7 - The Road Network and Development

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Dark Skies

ENV5 – Protecting important rural features

ENV9 - Sustainable Drainage

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

**Supplementary Planning Guidance/Documents**

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces SPD

Dark Skies SPD

**Government Advice**

National Planning Policy Framework (NPPF) 2019

11. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
12. 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.
13. 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.

14. 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.
15. 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.
16. 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.

#### National Planning Policy Guidance (NPPG)

17. Technical housing standards – nationally described space standards

### **Assessment**

18. The application site adjoins the edge of Smarden village and is outside the built-up confines of village as defined on the Smarden built confines map. The site is therefore classed as countryside for the purposes of the development plan. There are residential properties to the north, east and west of the site. The residential property to the west of the site falls within the Smarden village envelope.
19. Policy HOU5 of the new Local Plan 2030 covers housing developments adjoining or close to the existing built up confines of settlements, including Smarden, providing that each of the following criteria is met:
- **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;**
20. Local services in Smarden include a primary school, pub, butchers and a new post office / village store has recently been granted planning permission and is under construction. This is a small scale development for two houses and together with committed development would not be disproportionate to the size of the settlement or the level, type and quality of day to day service provision within it.
- **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;**
21. The proposal includes new roadside footpaths outside the site and an extension to the existing footpath on the opposite side of Pluckley Road. The

new and established footpath would provide an easy and short walking distance to the village services (300m to the new post office and village store, 400m to the Primary School, 600m to the play-park and butchers, 800m to the pub). In addition, there are road side bus stops in proximity to the site with four services a day (one at peak AM and one at peak PM) just to east of the application site and another bus stop along The Street on the way into Smarden.

- **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;**

22. The proposal includes a new shared vehicle access onto road. A highways safety audit has been submitted and KCC Highways have reviewed the proposals and have confirmed that the access and visibility splays are acceptable from a highways safety perspective. In addition, on-site parking/turning areas would enable vehicles safe access onto the highway in forward gear.

23. Two residential units would not result in a significant increase in traffic generation on the local road network and there are not considered to be any objections in terms of highways safety or parking provision from the proposed development. In coming to this conclusion I have had regard to paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

24. The proposals include new / extensions to the existing roadside pedestrian footpaths in proximity to the site which would provide safe and easy access to the services in the village and bus stops in the village. There are no dedicated cycle routes around the village, however, speed limits outside the site and around the village are restricted to 30 mph which would help promote cycling on the village road network.

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

25. The application site comprises an enclosed parcel of open grassland with tree and hedgerow boundaries. The site is located on the edge of Smarden village and forms a gap in a predominantly residential streetscape. In addition, the site abuts the eastern edge of Smarden village and a site to the south has planning permission for 50 houses. There are listed buildings to the north and northwest of the site on the opposite side of the road and a listed building to the southwest of the site on the adjacent plot.

26. The development of the site would undoubtedly result in a change in the character of the application site and the loss, in part, to the open aspect of the site, however, the immediate area and adjoining properties are residential so the redevelopment of this site for housing would not appear out of keeping in this locality.
27. The site is not accessible to the public, however, the open aspect of the site does make a positive visual contribution to the character of the rural area. The visual impact of the site on the wider area is limited due to the overall size of the development site, presence of residential development to either side of the site and, due to the relatively restricted public views of the site which are afforded at the front of the site only. In addition, the proposal would constitute an appropriate infill site within a residential streetscape on the edge of the village and the two new houses would be located on spacious plots with areas of grassland habitat retained at the front and along the western boundary which would help maintain an open character to the site and would follow the plot pattern of residential development leaving Smarden village along Pluckley Road.
28. The significant natural features of the site comprise the mature native hedge and tree boundary planting which would be retained save for a new vehicle entrance through the roadside hedge. Additional tree and hedge landscaping is proposed within the site and would enhance the character of the site and would help soften the impact and integrate the development into the existing residential streetscape.
29. Given the proposed set back from the road, separation distances involved and proposed / retained landscaping at the front of the site, the proposed development would preserve the setting of the listed buildings on the opposite side of the road. Following the omission of the third dwelling and inclusion of an ecology buffer and landscaping to the west of the proposed development, coupled by the separation distances involved and orientation of the listed building located to the southwest of the site, the proposed development would preserve the setting of this heritage asset in accordance with policy.
30. In summary the proposal would preserve the setting of heritage assets and the plot pattern and layout would be in keeping with the residential character of the immediate area. The proposal would not result in any demonstrable harm to the character and openness of the wider countryside as the development would infill a gap between residential properties in an edge of village location.
  - **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**



31. The two houses would constitute infill development and would sit sympathetically within the residential streetscape of Pluckley Road by virtue of the set back from the road, spacious plot pattern, retain grassland habitat and additional planting and the traditional house design and palette of materials. The design, scale and form of the houses would be in keeping with the surrounding residential development in Smarden and would constitute a high standard of design and the set back from the road and retained grassland habitat and additional landscaping would help assimilate the proposal within the established residential streetscape.

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

32. The application site comprises a gap site on the edge of Smarden village and the proposal would constitute acceptable infill development adjoining the edge of the village confines in accordance with HOU5.
33. The immediate area is characterised by a varied residential streetscape with denser plot patterns in the village becoming more spacious along Pluckley Road. Infill development on this plot would be in keeping with the neighbouring residential plot patterns and would preserve the immediate predominantly residential character of the area.

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

34. The scheme would retain and enhance the tree and hedge planting at the front and rear of the site (with the exception of the vehicle entrance) and additional tree/hedge planting is proposed to bolster the side/shared boundaries. The retention and enhancement of the rear boundary treatment would provide a good landscape buffer to the countryside beyond commensurate with the amount of development being proposed.

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

35. The two houses would be of traditional form, design and appearance and the palette of materials would complement the edge of village semi-rural location and be consistent with the local character and built form. Good quality natural materials are proposed and further details / samples can be secured by condition.
36. The layout plan indicates that the dwellings would be located on spacious plots and set in from the shared boundaries and could be successfully accommodated on the site without appearing as a cramped form of development. The plot pattern, set back from the road and length of the rear gardens would be in keeping with the plot patterns, layout and density of the nearby residential properties.

**v) it does not adversely impact on the neighbouring uses or a good standard of amenity for Page 157 residents,**

37. Given the separation distances involved the proposals would not result in any detrimental amenity impacts upon the adjoining or nearby residential properties by virtue of appearing overbearing and oppressive or giving rise to any overlooking.

**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.**

38. Policy ENV1 states proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats, including ancient woodland.
39. The proposal is supported by a reptile survey, bat survey, botanical and grassland evaluation and a biodiversity and enhancement management plan. The range of ecology information demonstrates that the applicant has a good understanding of the ecological interest of the site and there would be no significant negative ecology impact subject to securing a suitable Ecological Mitigation Strategy and Ecological Enhancement and Management Plan via condition.
40. The amended red line site plan reduces the proposed development area and number of dwellings proposed from three to two. Areas to the front, rear and west of the development site would be retained habitat outside the curtilage of the proposed houses. The retained habitat / buffer strips and Wildlife Area are expected to be maintained by a Management Company formed by the Developer. They will be brought into positive conservation and enhanced by the addition of local wildflower plug planting. To ensure that the areas of grassland/mitigation areas will be managed appropriately in the long term, a detailed management plan will be secured by condition.
41. The proposed ecological enhancements and management plan can be implemented in accordance with Paragraph 175 of the NPPF “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”.

**Other matters**

42. The proposed dwellings would benefit from rear gardens which would comply with policy HOU15 and the proposed internal living accommodation would comply with the National Technical Standards, which are also set out under policy HOU12.
43. Parking and on-site turning would be provided in accordance with KCC Highways standards and policy TRA3a of the Local Plan.
44. The application form indicates that surface water would be addressed by means of SuDS and a soakaway would be the preferred sustainable drainage strategy. Further details will be secured via condition and ABC drainage raise

no objection to this. Foul water will be disposed of via the existing mains sewer system.

45. Five category C trees would be removed to accommodate the proposed development and the site layout has been amended to have regard to trees located on the shared boundary. The Council tree officer has reviewed the proposal and tree report and does not raise any objections to the loss of the category C trees subject to new tree planting as mitigation which will be secured by condition. The tree officer has confirmed that tree protection measures can be secured by condition.
46. The proposal constitutes infill development in between residential properties and the development of two houses would not have a significant negative impact in terms of light pollution within the dark skies zone.
47. The proposal makes a modest but important contribution to the Council's windfall housing numbers that play a critical part of the Council maintaining its 5 year housing land supply.

## **Human Rights Issues**

26. 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**

27. 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**

28. Considering the context of the site and its surroundings the two proposed houses are considered acceptable under policy HOU5. The site is not an isolated location and is within safe and easy access of Smarden where there are services and facilities provided.
29. The proposal would constitute an infill development within a predominantly built up streetscape and the proposed development would be in keeping with the plot pattern, character and appearance of the adjoining residential development.

30. The loss of private open space would result in some visual change to the character of the area, however, the houses would be located on spacious plots, set well back from the road and areas at the front, rear and western part of the site would be retained as grassland maintaining an open character to the site. On balance the public benefits of additional housing is considered to outweigh any minimal visual harm.
31. The design, plot pattern, scale and palette of materials would complement the immediate and wider residential streetscape and the dwellings would fit comfortably within the plot with policy compliant garden areas and internal living standards.
32. No residential amenity, highways safety, tree or ecology objections area raised.
33. In light of the above assessment I am satisfied that the proposed development would comply with the requirements of Development Plan policy and Central Government guidance. I therefore recommend that planning permission is granted.

## **Recommendation**

### **Permit**

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

**(with delegated authority to either the Strategic Development and Delivery Manager or the Development Management Manager 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. Standard time condition
2. Materials
3. Architectural details – sections through eaves, ridge, dormers, chimneys, entrance porches, window reveals, joinery details

### **Highways/Parking**

4. Provision / Retention of parking spaces and turning areas
5. Electric car charging
6. Visibility splays
7. Completion and maintenance of the access and roadside footpath prior to first occupation.
8. Closure of the existing access prior to first occupation
9. Construction Management

10. Cycle parking and refuse storage

### **Landscaping**

- 11. Walls/Fencing
- 12. Landscaping scheme
- 13. Trees/protection measures

### **Drainage**

- 14. SUDs scheme

### **Ecology**

- 15. Biodiversity Mitigation and Enhancement Strategy
- 16. GCN mitigation strategy
- 17. Ecology lighting
- 18. Dormice precautionary mitigation strategy
- 19. A Landscape and Ecological Management Plan (LEMP) – to include details of a management company responsible for maintaining the habitat.

### **Other**

- 20. Development in accordance with the approved plans
- 21. Development available for inspection
- 22. Removal of PD rights for extensions / alterations, outbuildings and wall and fences.

### **Note to Applicant**

- 1. Working with the Applicant

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/1763/AS)

**Contact Officer:** Andrew Jolly

**Email:** [andrew.jolly@ashford.gov.uk](mailto:andrew.jolly@ashford.gov.uk)

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<b>Application Number</b>	19/00715/AS	
<b>Location</b>	Land at Homewood School adjoining Fire Station, Ashford Road, Tenterden, Kent	
<b>Grid Reference</b>	588805 134276	
<b>Parish Council</b>	Tenterden	
<b>Ward</b>	Tenterden North	
<b>Application Description</b>	Erection of apartment block containing 7 dwellings with associated parking and amenities.	
<b>Applicant</b>	Churchview Estates	
<b>Agent</b>	Batcheller Monkhouse, 1 London Road, Tunbridge Wells TN1 1DH	
<b>Site Area</b>	0.27 hectares (red line site boundary)	
(a) 17/11/R & 1/X	(b) Parish Council - R	(c) KCC ECO X; KH&T X REFUSE X ESM X KF&R X EA X

Re-consultation following receipt of additional information

(a) 17/2R (b) (c) KH&T X

## Introduction

1. This application was deferred by Members at the Planning Committee of 22 January 2020 for the following reasons:
  - **Land ownership along the woodland boundary;**
  - **Is the school access included in the size of the development site?;**
  - **Provision of a traffic management plan explaining the existing and proposed traffic arrangements as a result of the new development;**
  - **Whether the access road has a traffic regulation order on it;**
  - **Measures to be taken to control light with reference to the Dark Skies SPD.**

## Site and Surroundings

2. Please refer to the original 22 January 2020 committee report appended as annex 1.

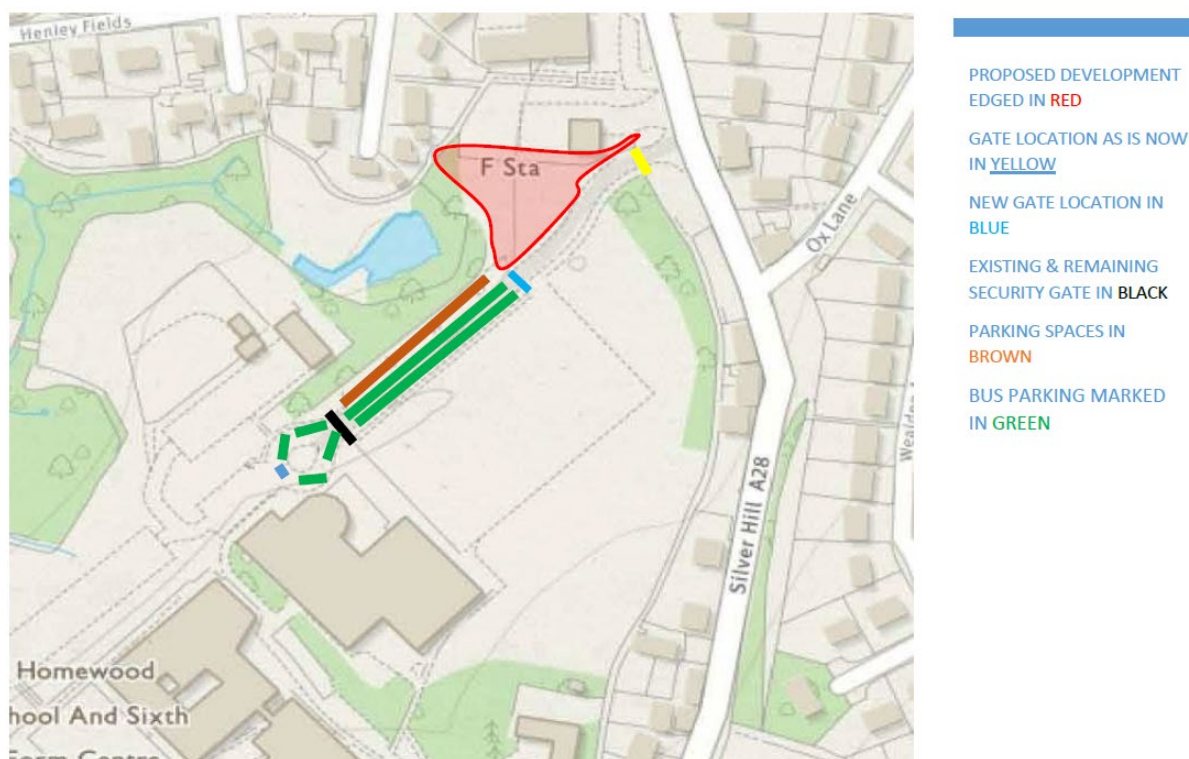
## Proposal

3. Please refer to original 22 January 2020 committee report appended as annex 1 to this report.
4. The following additional information has been submitted to address the reasons for deferral:
  - Red line site plan indicating the land owned by the applicant.
  - School bus access plan.
  - School access management plan by Homewood School.
  - Email from the agent addressing the reasons for deferral.



Figure 1 – Land owned by applicant measure 0.19ha





**Figure 2** – School bus access plan.

5. A school access / bus management plan has been prepared by Homewood School and sets out the following:

Existing bus management

- At present the school gates open at 6.45 am and close at 9pm. When the gates are relocated these times will not change. The gate is automated.
- School buses start arriving at 8am through to 8:50am.
- The school provide two staff at the main gate (being relocated) to manage buses on entry and three staff at the end of the day. Five further staff manage students alighting the buses and entering the school.
- School finishes at 3.30pm and 2.15pm on Wednesday. Buses start to arrive 45 minutes beforehand and wait in front of the gates located in proximity to the school (black on the above plan).
- 30 minutes before the end of school duty staff start bus duty and buses are let through the gates (black on the above plan).
- The queue of buses on the access road is managed by school staff.
- Buses are managed out of the school roadway by school staff.

- Students and public are assisted in crossing the school entrance by school staff.  
Future bus management
- The existing staff management will not change other than the relocation of the existing gates and the above plan demonstrates how buses will park / wait.
- New private entrance signs will be placed on / by the relocated school gates.
- The school note that the entrance for the school is only used for vehicle access, with the main school entrance used for pedestrians.
- The yellow lines along the shared section of the access drive will be fully retained and the school has advised there is a commitment to enforce these.

## Planning History

6. Please refer to the original 22 January 2020 committee report appended as annex 1.

## Consultations

7. Please refer to the original 22 January 2020 committee report appended as annex 1.
8. Further consultation was undertaken following the submission of additional details by the applicant which seek to address the above reasons for deferral.
9. **KCC Highways** – No objections raised subject to conditions. KCC note the submission of additional information and advise that their previous comments remain unchanged.
10. **Neighbours** - Four objections / comments have been received regarding the additional details and are summarised as follows:
  - Overdevelopment of the site.
  - Additional traffic.
  - Loss of trees and wildlife habitat.
  - Loss of privacy / overlooking.
  - Light pollution.
  - Tree protective fencing should be erected prior to development.
  - Drainage and utilities connections.
  - Access for emergency services.
  - Pollution and noise from school buses.

- Access conflict between private cars and school buses.
- Toxic dust fumes from 3G pitch.

The neighbour objections have been previously addressed in the 22 January committee report and in the report below.

## Planning Policy

11. 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), Rolvenden Neighbourhood Plan 2019 and the Kent Minerals and Waste Local Plan (2016).
12. 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).
13. The relevant policies from the Development Plan relating to this application are as follows:-
14. SP1 – Strategic Objectives  
SP2 – Strategic Approach to Housing Delivery  
SP6 - Promoting High Quality Design  
HOU3a - Residential windfall development in settlements  
HOU12 - Residential space standards internal  
HOU14 – Accessibility standards  
HOU15 - Private external open space  
TRA3a - Parking Standards for Residential Development  
TRA6 – Provision for Cycling  
TRA7 - The Road Network and Development  
ENV1 – Biodiversity  
ENV4 – Light Pollution & Promoting Dark Skies

ENV6 – Flood Risk (Minor Ground Water Vulnerability Zone)

ENV9 - Sustainable Drainage

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

**Supplementary Planning Guidance/Documents**

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

**Government Advice**

National Planning Policy Framework (NPPF) 2019

16. 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:-
17. 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.
18. 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.
19. Paragraph 117 state Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

20. 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.
21. 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.
22. 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.

National Planning Policy Guidance (NPPG)

23. Technical housing standards – nationally described space standards

## Assessment

24. The main issues for consideration are those that resulted in the deferral of the application and these are assessed in turn below. All other material considerations which the planning committee considered on 22 January 2020 are as per the appended report.

- **Land ownership along the woodland boundary;**

The agent has submitted a red line plan identify the land owned by the applicant. The plan is shown in Figure 1 above.

The initial site location plan included the shared access road which is owned by Homewood School. Certificate B was completed and notice was served on the school as the owner of the access. The applicant has therefore followed the correct procedure in terms of land ownership notices.

- **Is the school access included in the size of the development site;**

The school access is included in the original red line site location plan and therefore was included in the site area calculation on the application form.

The agent has confirmed that the site area excluding the access is 0.19 hectares and the scheme would present a density of approximately 36 dwellings per hectare.

The proposed density of approx. 36 dwellings per hectare is considered to be appropriate for the suburban location. In addition, the proposed layout indicates that the development would be accommodated within the plot without appearing as a cramped form of development with private outdoor amenity space for the ground floor units, a communal garden, landscaping and policy compliant parking provision and turning areas.

It should be noted that during the course of the application a two-bed flat over garages (FOG) has been omitted from the scheme. The Council sought to

have the FOG removed from the application as it constituted a poor standard of design and overdevelopment of the site.

- **Provision of a traffic management plan explaining the existing and proposed traffic arrangements as a result of the new development;**

Homewood School has provided an existing and proposed traffic management plan. The management plan and school bus access plan (Figure 2 above) demonstrates that there is sufficient space to park buses and coaches inside the relocated school gates. The school management plan includes active surveillance and on site management by school staff at peak times and indicates that there should not be an occasion where buses are backed up on to the shared section of the access road.

KCC Highways have been reconsulted and do not raise any objections to the bus and coach parking / access in terms of highways safety.

- **Whether the access road has a traffic regulation order on it;**

The school has confirmed that the yellow lines along the shared section of the access will be fully retained and the school has confirmed there is a clear commitment to enforce the parking restrictions.

- **Measures to be taken to control light with reference to the Dark Skies SPD.**

The application site is located in a suburban area where external lighting is already present at residential properties, street lighting and other developments typical of this suburban area.

The introduction of seven new flats would not have a significantly detrimental impact on the dark skies due to the suburban location of the site.

A lighting condition is recommended to control external lighting in accordance with policy ENV4 of the Local Plan.

## Human Rights Issues

25. 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**

26. 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**

27. The amendments address the reasons for deferral as set out above.
28. In terms of location, the proposal would constitute sustainable residential development in accordance with policy HOU3a of the Local Plan 2030.
29. The vacant site is surplus to the requirements of the school and no objections are raised regarding the principle of development on this site. It is also noted that a block of eight flats has been granted permission on this site previously, albeit some time ago and for key workers located in borough. The principle of a flatted development has therefore been agreed previously on this site.
30. Given the location and redundant nature of the site the loss of the open aspect within the site would not result in unacceptable harm to the visual amenity of the immediate or wider surrounding area.
31. The design, siting, scale and palette of materials would complement the surrounding area and proposal would not appear overly prominent due to the location of the site and set back from the A28.
32. No residential amenity, highways safety, tree, ecology or drainage objections area raised. The proposal is therefore policy compliant, results in no unacceptable harm and as such (and in accordance with the NPPF), it is recommended that planning permission be granted.
33. In light of the above it is recommended that planning permission be granted.

## **Recommendation**

### **Permit**

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

**(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager 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. Standard time condition
2. Materials

### **Highways/Parking**

3. Parking spaces / turning areas
4. Construction Management Plan
5. Electric car charging

### **Landscaping**

6. Walls/Fencing
7. Landscaping scheme
8. Trees/protection measures

### **Drainage**

9. SUDs scheme
10. Foul sewerage

### **Ecology**

11. Ecological enhancements and mitigation

### **Other**

12. Obscure glazing northwest elevation upper floor windows
13. Contamination
14. External lighting
15. Development in accordance with the approved plans
16. Development available for inspection

## **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 19/00715/AS)

**Contact Officer:** Andrew Jolly  
**Email:** [andrew.jolly@ashford.gov.uk](mailto:andrew.jolly@ashford.gov.uk)

Annex 1

<b>Application Number</b>	19/00715/AS	
<b>Location</b>	Land at Homewood School adjoining Fire Station, Ashford Road, Tenterden, Kent	
<b>Grid Reference</b>	588805 134276	
<b>Parish Council</b>	Tenterden	
<b>Ward</b>	Tenterden North	
<b>Application Description</b>	Erection of apartment block containing 7 dwellings with associated parking and amenities.	
<b>Applicant</b>	Churchhill Estates	
<b>Agent</b>	Batcheller Monkhouse, 1 London Road, Tunbridge Wells TN1 1DH	
<b>Site Area</b>	0.27 hectares	
(a) 17/11/R & 1/X	(b) Parish Council - R	(c) KCC ECO X; KH&T X REFUSE X ESM X KF&R X EA X

## Introduction

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

## Site and Surroundings

2. The application site comprises a parcel of land located on the north side of the access road into Homewood School. The site is located within the school grounds and comprises managed grassland and shrubs with a group of trees (some of which are protected by a TPO) located along the western boundary of the site. There is a pond located to the west behind the group of trees. There is a further TPO tree located in the eastern corner of the site. The site is located within the built confines of Tenterden to the west of the A28. To the north of the site is the fire station, to the south the school multi-surface playing pitches with the school grounds further to the south and southwest. Residential properties in Henley Fields are located to the northwest.

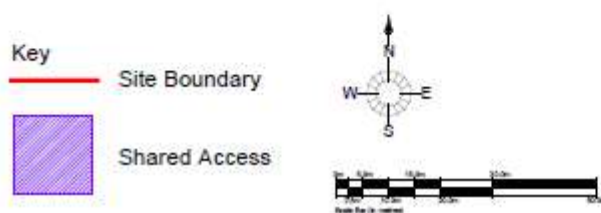
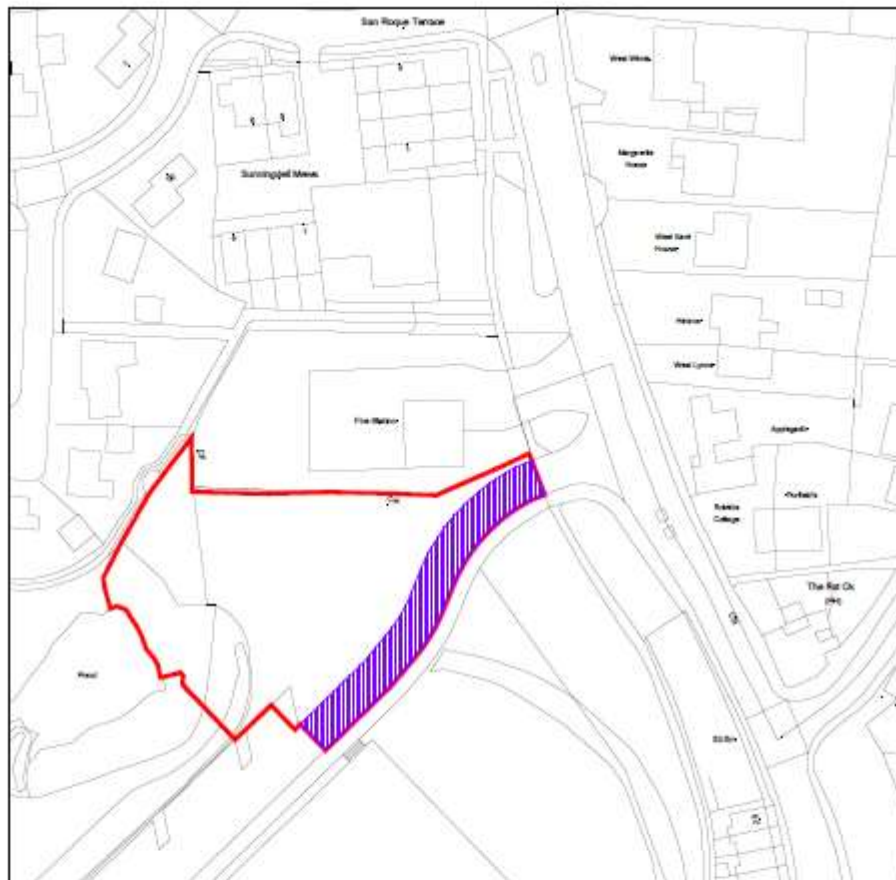


Figure 1 - Site location Plan

## Proposal

3. Erection of apartment block containing 7 dwellings with associated parking and amenities.
4. The apartment block would be located towards the western boundary with the front of the building fronting northeast onto a parking and turning area. Additional parking is proposed along the southern boundary adjacent the

access road. 13 parking spaces are proposed including three visitor spaces. A dedicated refuse store and separate cycle storage are located in the parking area adjacent to the northern boundary.

5. The existing school gates would be relocated to the southeast corner of the site and the first stretch of access road would be shared by the school and proposed development.
6. Of the seven apartments there are three x two beds and four x one beds proposed. The ground floor apartments have dedicated private outdoor spaces and a communal garden is proposed in the northwest corner of the site.
7. New landscaping / tree planting is proposed at the front of the site (eastern corner), along the southern boundary and within the site itself.
8. **Amendments:** The scheme has been amended during the course of the application following negotiations between the Council and applicant. These changes comprise the following:
  - A flat above garages (FOG) has been omitted as this element of the proposal was considered to be a poor standard of design. The proposal has been reduced by one unit as a consequence.
  - The flat mix has changed from 2 bed units to a mix of 3 x two beds and 4 x one beds.
  - The on-site parking has been increased to comply with policy TRA3a and to include visitor parking.

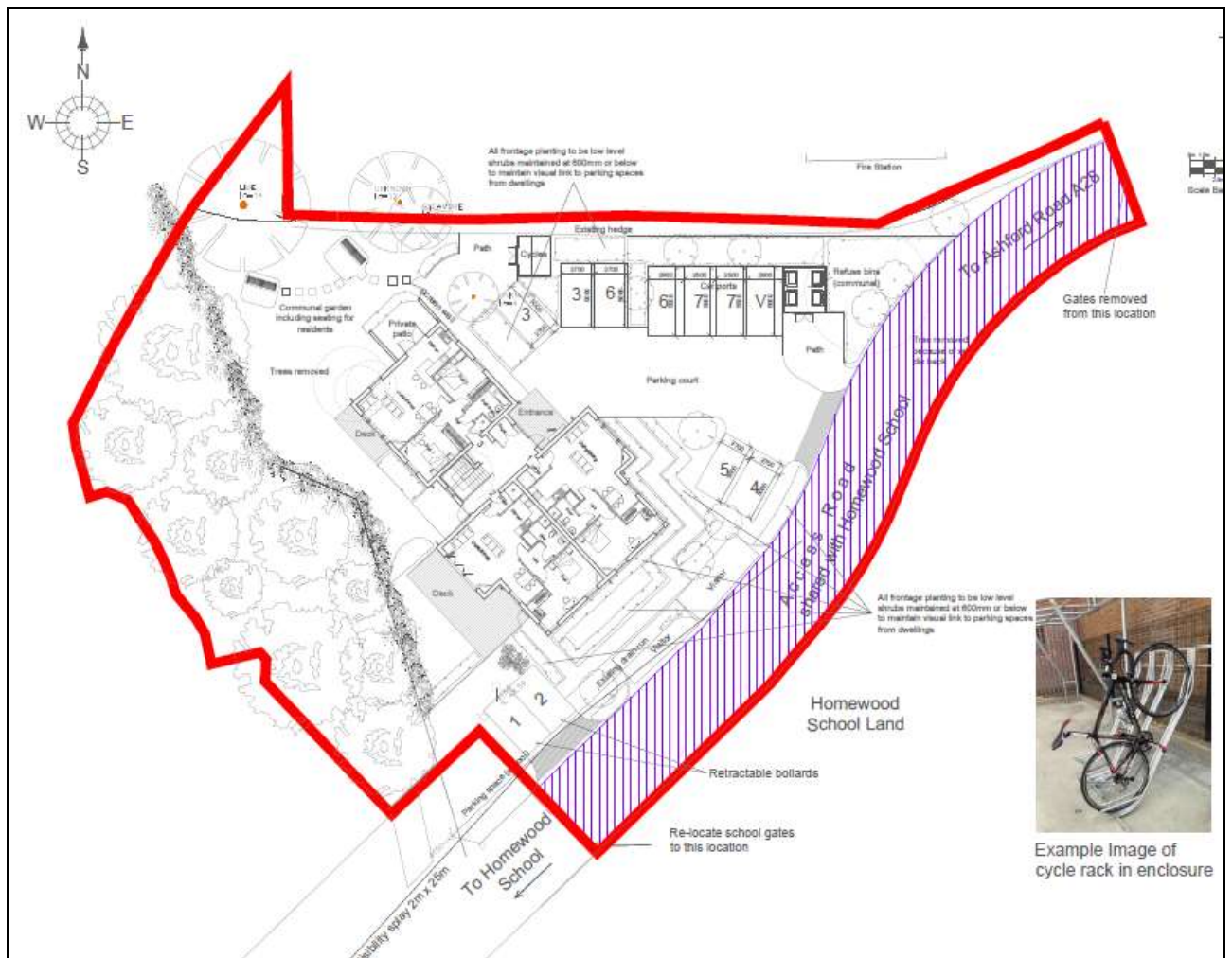


Figure 2: - Proposed block plan



Figure 3:- Proposed front elevation

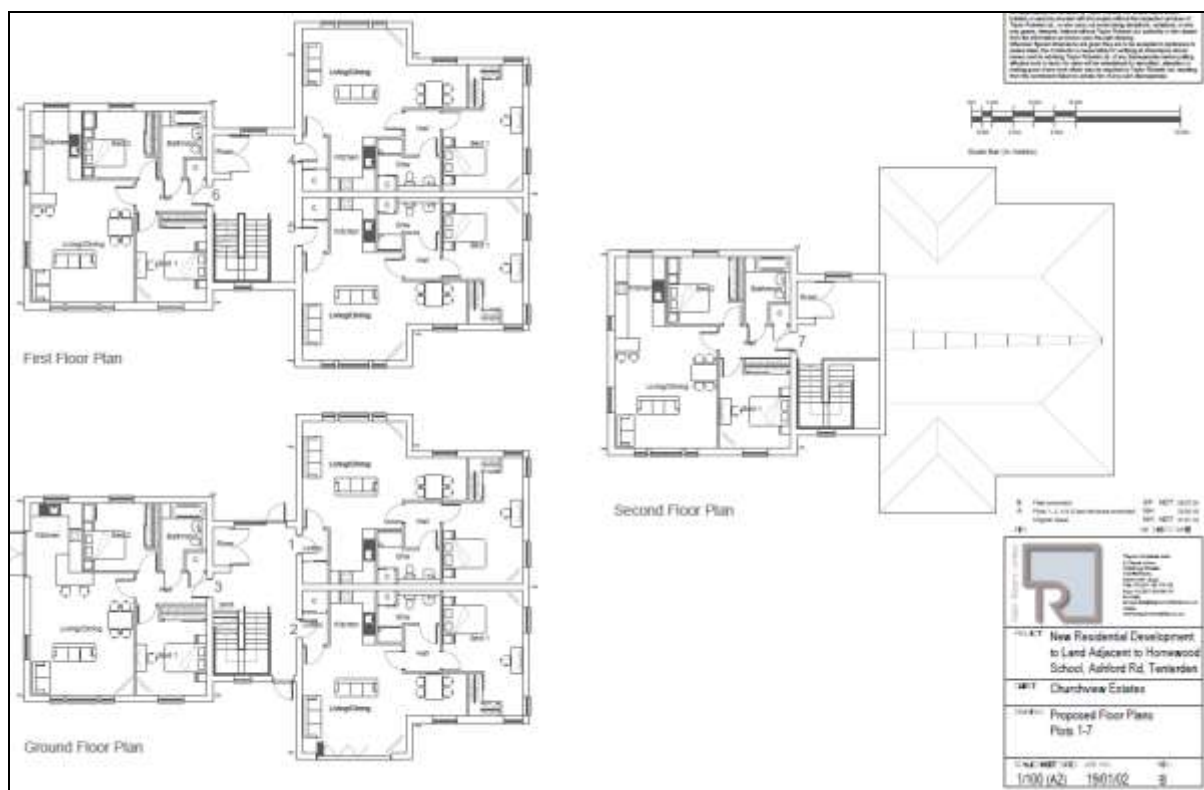


Figure 4:- Proposed Floor Plans

## Planning History

02/01996/AS	Construction of eight one bedroom flats for keyworker accommodation in a two storey building	PERMITTED	23/02/2004
04/01949/AS	Application to vary condition 9 of planning permission no. 02/1996/AS for the construction of 8 one-bedroom flats for key worker accommodation in a two-storey building.	PERMITTED	29/03/2005

## Adjacent site

17/01770/AS	Refurbishment of an external reggraded sports pitch into a new 3G surfaced Artificial Turf Pitch (ATP) with new fencing, new floodlighting, and a storage container	PERMITTED	08/06/2018
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## Consultations

**Ward Member:** Is a Member of the Planning Committee and has requested that the application be determined by the planning committee.

**Town Council:** Objects to this application for the following reasons:-

- Overdevelopment; overlooking/loss of privacy for neighbouring properties; damage to trees with TPO's; parking and highway congestion.

**ESM:** No objections. Recommend electric car charging and contamination conditions.

**ABC Refuse:** Confirm refuse vehicles could safely access / egress the site.

**KH&T:** No objections following amended flat type (two beds replaced by one beds) and additional on-site parking provision.

**KCC Ecology:** No objections. Recommend conditions for ecological mitigation and enhancements. Additional surveys confirm there are no badger sets on the site.

**KF&R:** Means of access is acceptable.

**EA:** Have assessed this application as having a low environmental risk.

**Neighbours:** 17 consulted; 11 objections and one general comment have been received. These are summarised as:

- Peak school times will affect access to the proposed development.
- Parking and congestion increase.
- Japanese Knot Weed is on the site.
- Proximity of pond to the site and ecology impact.
- Loss of privacy to the houses in Henley Fields located to the rear of the site.
- Increased risk of vandalism.
- Trees / shrubs already cleared from site.
- Impact on TPO trees.
- Overdevelopment of the site.
- Development is too intrusive and big and too close to neighbouring houses.
- Loss of green space.
- Site is not identified in the Local Plan 2030.
- Under provision of on-site parking.
- Unsustainable development.
- Impact on underground springs.
- Impact from floodlights on nearby school pitches.
- No foul sewer details



## Planning Policy

9. 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), the Rolvenden Neighbourhood Plan 2019 and the Kent Minerals and Waste Local Plan (2016).
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  - HOU3a - Residential windfall development in settlements
  - HOU12 - Residential space standards internal
  - HOU14 – Accessibility standards
  - HOU15 - Private external open space
  - TRA3a - Parking Standards for Residential Development
  - TRA6 – Provision for Cycling
  - TRA7 - The Road Network and Development
  - ENV1 – Biodiversity
  - ENV4 – Light Pollution & Promoting Dark Skies
  - ENV6 – Flood Risk (Minor Ground Water Vulnerability Zone)
  - ENV9 - Sustainable Drainage
12. The following are also material considerations to the determination of this application.

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

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2019

13. 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:-
14. 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.
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16. Paragraph 117 state Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
17. 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.
18. 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.
19. 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.

National Planning Policy Guidance (NPPG)

20. Technical housing standards – nationally described space standards

## **Assessment**

The main issues for consideration are:

- Principle
- Visual amenity/Design & Layout
- Residential amenity
- Parking & Highway safety
- Ecology and trees
- Other matters

## **Principle**

21. The site comprises a vacant parcel of managed grassland located within the urban area of Tenterden. The site is located within the school grounds and is surplus to the requirements of the school and is not classed as school sports pitch or playing fields. The site is located in a sustainable location within the built confines of Tenterden where the principle of additional housing is considered acceptable in accordance with policy HOU3a of the Local Plan 2030 and the aims and objectives of the National Planning Policy Framework which supports the redevelopment of underutilised sites for housing growth. It is also noted that a block of eight flats has been granted permission on this site previously, albeit some time ago (2004) and for key workers located in borough. The principle of a flatted development has therefore been agreed previously on this site.
22. The proposal would be in accordance with the principle of policy HOU3a which supports appropriately scaled new housing development in sustainable locations within the existing settlements, including Tenterden, subject to a number of criteria being met as set out below:
- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
  - b) It would not create a significant adverse impact on the amenity of existing residents;
  - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
  - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
  - e) It 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;
  - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
  - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,

h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.

23. In light of the above the proposal complies with criteria c); f); & h). The remaining parts of policy HOU3a are assessed below.

### **Visual Amenity / Design & layout**

24. The surrounding area is characterised by a variety of built development including different uses, built forms, scales and plot patterns. There is linear residential development along the A28, the fire station to the north of the site with a parade of shops further to the north with new backland residential development behind the shops.
25. Given the set back from the A28 and varied building forms and plot patterns within the immediate setting the proposal would not appear incongruous or prominent within this site. Indeed the building pattern would follow a similar pattern to the new housing development accessed off Chalk Avenue located behind the parade of shops fronting onto the A28. In addition, the principle elevation has been positioned to contribute positively to the entrance off the Ashford Road and ensure an active frontage is viewed along the shared access road into the site.
26. Part of the development would be three-storey in height and it is noted that the prevailing building height in the immediate area is two-storey, with some examples of living accommodation in the roof space. However, given the set back from the road, location behind the fire station, and tree screening along the A28 it is considered that a three-storey development would not appear overly prominent and would constitute the optimal use of this site for housing development. The three-storey element would also be viewed in the foreground of the larger school buildings located behind the site.
27. In terms of the design, the building has drawn reference from the mill buildings within the local and wider area. The building is designed to reflect the weather-boarded and tall aspects of mill buildings and the low shallow pitched roof form stems from this. Furthermore, the shallow pitched roof form would reflect similar roof forms seen throughout Tenterden, both old and new. The design is considered to reflect local character and has sought to draw on aspects of local vernacular to ensure the development fits in with its surroundings. Materials comprise white painted timber weatherboarding, white fenestration, red stock facing bricks and natural roof slates which are considered to be good quality materials and would reflect the local vernacular. A materials condition would ensure the materials are of a high standard.
28. Overall, the development would constitute a high standard of design with low-level pitched roofs and complementary materials and a design to reflect the local vernacular. The palette of materials, backland setting and proposed landscaping would ensure the development sits comfortably within the

streetscape and would not appear overly prominent, cramped or dominant. The proposal would comply with HOU3a criteria a).

### **Residential Amenity**

29. The building has been designed, sited and orientated to avoid an unacceptable loss of amenity to the nearest neighbouring residential properties located to the rear of the site in Henley Fields. The building has been orientated so the rear elevation faces away from the residential properties located at the rear of the site to avoid overlooking towards the residential properties / gardens. Further, the northern flank wall of the development would be located more than 18m from the boundary of the application site and established tree and boundary planting along the north / western boundary would screen the development from the neighbouring rear gardens. Given the separation distances involved, orientation of the building and boundary screening, it is considered that the proposal would not appear overbearing or dominant from the neighbouring rear gardens. Similarly given the above the proposal would not result in an unacceptable loss of privacy / overlooking towards the rear gardens of the properties fronting Henley Fields. Notwithstanding this, it would be appropriate to include a condition that the windows on the north elevation are obscure glazed to overcome the perception of overlooking towards the residential rear gardens. The windows on the north elevation are all secondary kitchen and living room windows so obscure glazing would not jeopardise the outlook / light of the future occupants of the development.
30. The orientation of the building has been formed by the relationship to the adjacent school grounds to mitigate direct overlooking into school playing grounds and the particular siting of living rooms/kitchens has been designed to limit the extent of rooms that face the school grounds. In addition, the use of the school's artificial pitch located to the south of the site is controlled by planning conditions which stipulate that the pitch and lights cannot be used before 8am and after 9pm on weekdays and before 9am and after 7pm on the weekend. The time limits prevent the use of the pitch during unsociable hours and would ensure the amenity of the future occupiers would be safeguarded. In terms of the impact from the fire station the proposed building would be set away from the shared boundary and the infrequent use of the fire station would not result in any unacceptable loss of amenity to the future occupiers of the proposed development.
31. The parking court at the front of the site is set to allow for visual overlooking of the spaces, rather than a backland 'dead' space of parking behind the building and the parking area would be softened by landscaping at the front of the site and adjacent the parking area
32. The proposed development would provide private patio / outdoor spaces for the ground floor units and a communal garden area in the northwest part of the site. The level of amenity space is considered to be in accordance with policy HOU15.

33. The proposed internal living accommodation would comply with the National Technical Standards, which are also set out under policy HOU12.
34. The proposal would not unacceptably harm the amenity of existing residents and would provide acceptable level of amenity for future residents. The proposal complies with criteria b) & g) of HOU3a.

### **Parking and Highway Safety**

35. The development would utilise the established access from the A28. The continued use of this access onto the main road is considered acceptable for the level of development proposed.
36. The two bed flats would be allocated two parking spaces, the one bed units would have one space each and there would be a further three visitor parking spaces. The parking court would allow on-site turning and a tracking plan has been submitted which demonstrates that refuse vehicles could access the site. The parking provision and turning facilities would be in accordance with policy TRA3a for this suburban location.
37. The development would also encourage the use of sustainable modes of transport through the provision of cycle storage to comply with policy TRA6 for cycle parking.
38. The existing school gates would be relocated from the front of the site adjacent to A28 to the southwest corner of the site. The first section of the existing access would become a shared access for the proposed housing development and school. Given that policy compliant parking and turning facilities can be provided within the site and there is a dedicated pedestrian footpath into the school there would be no unacceptable conflict or highways / pedestrian safety objections regarding the shared access. This has been confirmed by KH&T who have raised no objection.
39. Seven additional dwellings would not result in a significant increase in traffic and the traffic generated could be accommodated on the local and wider road network without harm to highway safety, therefore complying with criterion e) of policy HOU3a.
40. In regard to paragraph 109 of the NPPF, which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, I am satisfied that there is no conflict with the NPPF in this regard.

### **Ecology and trees**

41. The site comprises a managed area of grass with a group of TPO trees and scrubland to the west / northwest of the development area. A pond and

wooded area is located to the west of the site. There is a further TPO tree located in the eastern corner of the site.

42. The application is supported by an ecology survey and a badger survey following reports from local residents that there were badger setts on the site. The surveys confirm that badgers utilise the site but no evidence of setts were found. The badger report sets out mitigation measures to protect badgers during development works which can be secured by condition.
43. The ecology report also indicates that Japanese Knotweed is present on the site therefore details will need to be submitted to the council by condition to ensure this is removed in the correct manner or retained in situ in a safe manner.
44. The pond to the rear of the site contains a large number of carp and wildfowl and the pond is therefore not considered to be a good habitat for Great Crested Newts, as confirmed by the supporting ecology report / survey and KCC Ecology.
45. The development site itself comprises managed grassland and therefore offers limited ecology potential and the development has been sited to avoid unacceptable impact on the group of trees to the west of the site. There would be some minimal incursion into the root protection area (RPA) of one tree but an appropriate construction method as set out in the arboricultural report would avoid unacceptable damage to tree roots. The TPO tree located in the eastern corner of the site would be removed to facilitate the development, however, this tree is in poor condition and has a limited life span and can therefore be removed subject to mitigation tree planting, which can be secured by condition.
46. The tree to be removed does not provide suitable habitat for bat roots and an appropriate lighting condition would ensure migrating bats using the small wooded area to the west of site would be safeguarded.
47. KCC Ecology has reviewed the ecology surveys and has raised no ecology objections subject to conditions to secure ecological mitigation measures and enhancements as set out in the ecology report. Consequently the proposal complies with criterion d) of HOU3a.

#### **Other matters**

48. It is proposed to deal with surface water drainage via the soakaway which is acceptable in principle. Further details can be sought via condition. No details of foul sewerage have been indicated and further information can be submitted by condition. It is likely, subject to Southern Water's consent that the development would connect to the existing foul water sewerage network.

## **Human Rights Issues**



49. 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**

50. 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**

51. In terms of location, the proposal would constitute sustainable residential development in accordance with policy HOU3a of the Local Plan 2030.
52. The vacant site is surplus to the requirements of the school and no objections are raised regarding the principle of development on this site. It is also noted that a block of eight flats has been granted permission on this site previously, albeit some time ago and for key workers located in borough. The principle of a flatted development has therefore been agreed previously on this site.
53. Given the location and redundant nature of the site the loss of the open aspect within the site would not result in unacceptable harm to the visual amenity of the immediate or wider surrounding area.
54. The design, siting, scale and palette of materials would complement the surrounding area and proposal would not appear overly prominent due to the location of the site and set back from the A28.
55. No residential amenity, highways safety, tree, ecology or drainage objections area raised. The proposal is therefore policy compliant, results in no unacceptable harm and as such (and in accordance with the NPPF), it is recommended that planning permission be granted.

## **Recommendation**

### **Permit**

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

**(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager 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. Standard time condition
2. Materials

### **Highways/Parking**

3. Parking spaces / turning areas
4. Construction Management Plan
5. Electric car charging

### **Landscaping**

6. Walls/Fencing
7. Landscaping scheme
8. Trees/protection measures

### **Drainage**

9. SUDs scheme
10. Foul sewerage

### **Ecology**

11. Ecological enhancements and mitigation

### **Other**

12. Obscure glazing northwest elevation upper floor windows
13. Contamination
14. Development in accordance with the approved plans
15. Development available for inspection

## **Note to Applicant**

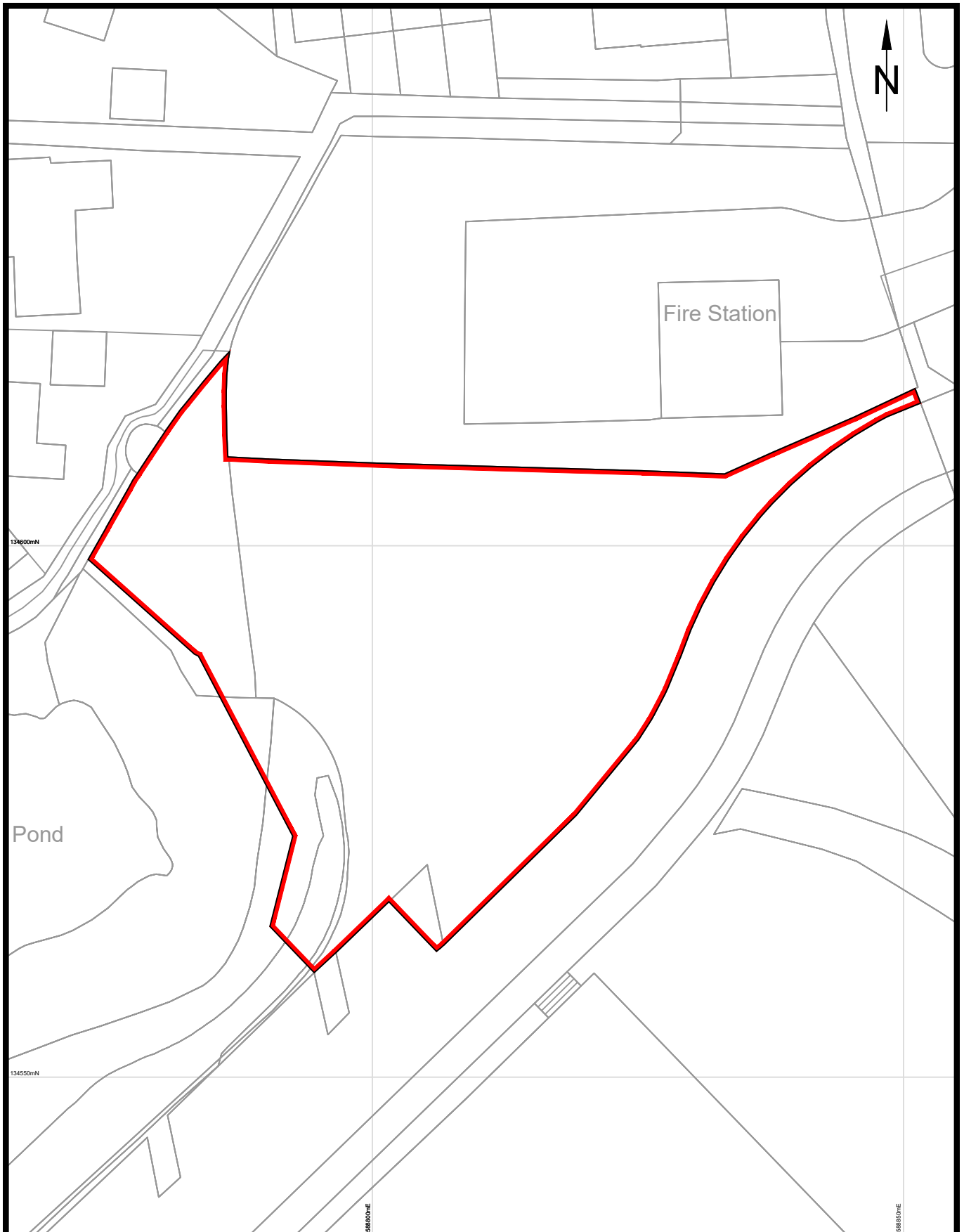
1. Working with the Applicant


## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00715/AS)

**Contact Officer:** Andrew Jolly

**Email:** [andrew.jolly@ashford.gov.uk](mailto:andrew.jolly@ashford.gov.uk)



<p><b>JOB :</b> LAND AT ENTRANCE TO HOMWOOD SCHOOL, ASHFORD ROAD TENTERDEN, KENT, TN30 6LT</p> <p><b>CLIENT :</b> CHURCHVIEW LTD</p> <p><b>TITLE :</b> BOUNDARY LOCATION PLAN</p>	<p><b>SCALE :</b> 1:500</p> <p><b>DWG. No. :</b> 1.</p> <p><b>REV. NO. :</b></p> <p><b>DATE :</b> APRIL 2019</p> <p><b>DRAWN BY :</b> A.Nicholson</p> <p><b>PLOT DATE :</b> 17/10/2019</p> <p><b>CADFILE :</b> HOLMWOOD OCTOBER 2019.dwg</p> <p><b>ORIGINAL SHEET SIZE:</b> A4</p>	<p>ANSURVEYS Ltd 3 Sleigh Road, Sturry, Kent, CT2 0HR Tel. 01227 710316 email. alan@ansurveys.co.uk WWW.ansurveys.co.uk</p>  <p><i>Reproduced from Ordnance Survey digital map data © Crown copyright March 2019. All rights reserved. Licence number 0100031873</i></p>
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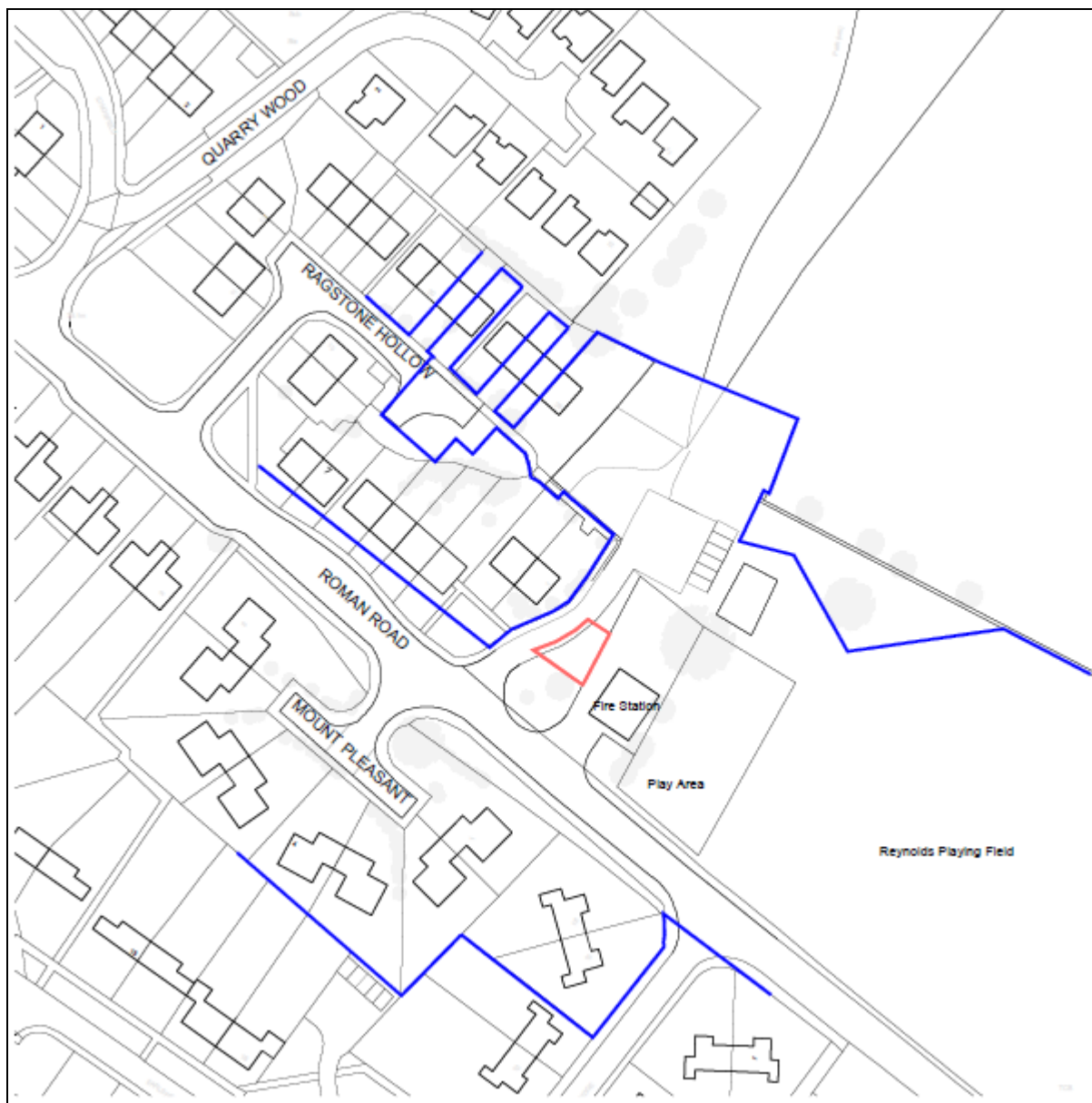
<b>Application Number</b>	19/01351/AS	
<b>Location</b>	Land rear of 1, Ragstone Hollow, Aldington, Kent	
<b>Grid Reference</b>	06232 / 36753	
<b>Parish Council</b>	Aldington	
<b>Ward</b>	Saxon Shore Ware	
<b>Application Description</b>	Formation of new permanent car parking bay (retrospective)	
<b>Applicant</b>	Ashford Borough Council	
<b>Agent</b>	RDA Architects	
<b>Site Area</b>	120 sqm	
(a) 1/1+	(b) Parish Council - S	(c) -

## Introduction

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

## Site and Surroundings

2. The application site comprises a single parking bay located adjacent to the vehicle entrance to a small development of four houses known as Ragstone Hollow. The four houses are owned by Ashford Council and are rented as local needs housing.



**Figure 1 - Site location Plan**

## **Proposal**

3. Formation of a new permanent car parking bay (retrospective).
4. The parking space is located adjacent to the vehicle entrance to a small housing development owned by Ashford Council.
5. The parking space is not allocated and can be used by visitors and local residents.

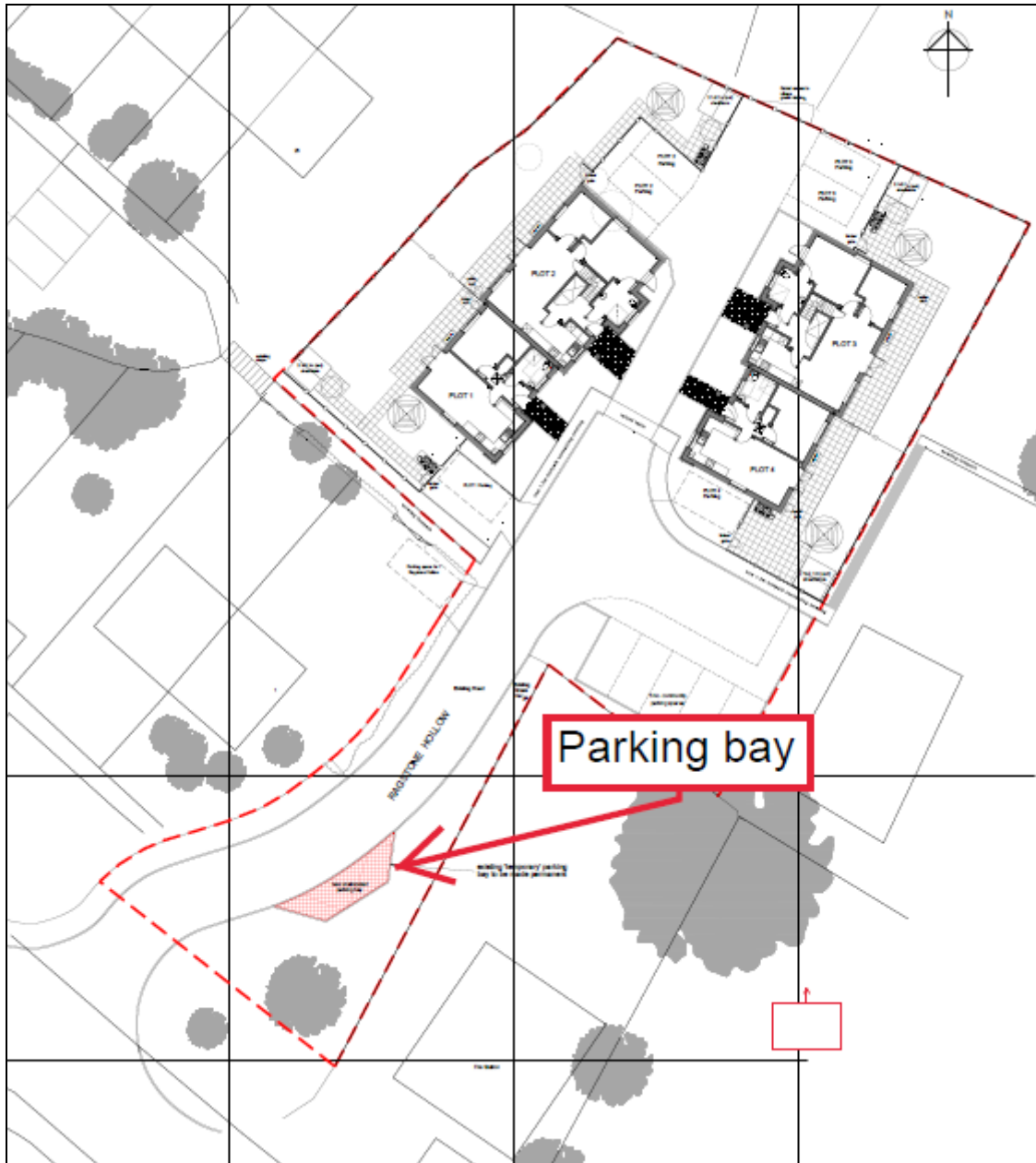


Figure 2: - Proposed block plan

## Planning History

DC	FA	16/01828/AS	Demolition of existing garages and erection of 4 new bungalows and associated external works including 11 additional community spaces.	PERM	21/12/2017
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## Consultations

**Parish Council:** Supports

**Neighbours:** One general comment received regarding a fence owned by ABC which is not a material consideration in respect of the consideration of this application.

## Planning Policy

6. 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), Rolvenden Neighbourhood Plan 2019 and the Kent Minerals and Waste Local Plan (2016).
7. 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).
8. The relevant policies from the Development Plan relating to this application are as follows:-  
  
SP2 – Strategic Approach to Housing Delivery  
  
SP6 - Promoting High Quality Design  
  
ENV3a – Landscape Character and Design  
  
TRA3a - Parking Standards for Residential Development
9. The following are also material considerations to the determination of this application.

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

Residential Parking and Design SPD 2010

## Government Advice

### National Planning Policy Framework (NPPF) 2019

10. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework



(NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

11. Paragraph 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.

## **Assessment**

12. The main issues for consideration are:

- Visual Amenity
- Parking & Highway safety

### **Visual Amenity**

13. The site comprises a single parking bay located parallel to the vehicle access into a small cul-de-sac housing development.
14. The small area of hard standing / parking bay does not result in any unacceptable visual impact on the surrounding area and would be viewed in the context of the access road.

### **Parking and Highway Safety**

15. The parking space is a sufficient size to accommodate a private car in accordance with the Council's parking guidance. The parallel parking arrangement and turning area within the housing development would allow vehicles to enter and leave the site safely in forward gear.
16. The parking space would meet a need for additional off-street parking in the village and there are no highways safety objections.

## **Human Rights Issues**

17. 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**

18. 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**

19. The parking bay is visually acceptable and would provide additional off-road parking in a village location.
20. No residential amenity or highways safety objections are raised.
21. In light of the above I recommend planning permission is granted.

## **Recommendation**

### **Permit**

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

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

### **Conditions**

1. Development in accordance with the approved plans
2. Development available for inspection

### **Note to Applicant**

1. Working with the Applicant

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this

application may be found on the [View applications on line](#) pages under planning application reference 19/01351/AS)

**Contact Officer:** Andrew Jolly

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## Planning Committee

Wednesday the 19<sup>th</sup> February 2020 at 7.00pm

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### Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

3. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 22<sup>nd</sup> January 2020,
  4. Changes to Delegations and Authorisations Granted by this Committee
  5. Requests for Deferral/Withdrawal
  6. Schedule of Applications
- (a) **19/00709/AS – Land at junction of Romney Marsh Road and north of, Norman Road, Ashford - Development of 212 flatted units, in six blocks, new vehicular and pedestrian access, internal estate road, footpaths and car parking, earthworks, creation of a new section of active floodplain and floodplain compensation for the development, sustainable drainage systems, open space and hard and soft landscaping.**

#### Errata

Elevations with paragraph 21 – the redline shows the height of the blocks prior to their amendment

Pages 46 & 55 – replace the reference to '234' units with '212' units

#### KCC Flood and Water Management

(a) Confirm no objection subject to planning conditions.

(b) Comment that it would be beneficial to maximise infiltration and that it is satisfied that a solution is available and can be accommodated within the design.

#### Further representations in support

2 letters of support received: the Ashford Railway Club & John Wallis Academy the main points of which are as follows;-

(a) The scheme would reduce flood risk for local people in Riversdale Road and Torrington Road.

(b) The scheme would provide new homes and more options and homes are crucial.

(c) The land is unused and there is a lack of green space in the area. Opening up the land and the river to create a park would benefit local people, especially children.

(d) Ashford is changing and for local businesses and community facilities to survive it is important that there are people living in the town who will use the facilities.

(e) The applicant has been active in the community and is recognised as a principled company that gives back to the local area.

(f) The developer has established a good relationship with the John Wallis Academy through career workshops and funding improvements to the school. The school strongly support the development at East Stour Park. The proposal would provide an opportunity for young people to purchase first homes and also affordable homes for local people.

(g) The scheme would provide job opportunities within the construction stage of the development, which would have a positive impact on the local economy supporting local trades and businesses within the town.

(h) The John Wallis Academy is in discussions with Quinn Estates over an apprenticeship scheme, and this project may provide the first opportunity for this to be realised.

(i) With the proximity to the newly extended Designer Outlet and other local businesses/services, it is important that developments such as this come forward, to help support the local economy.

#### Further representations in objection

4 further letters of objection received (one of which was copied by the objector to Committee Members). An objection has also been forwarded by Member Services and is attached at the end of this report as **Annex 1**). The main points raised are as follows:-

1. Building on the flood plain would put the existing community at risk.
2. The site is vital in terms of surface water run-off and controlled flooding and building on this land would force flood water to other areas and raise the flood risk at Torrington Road, Whitfield Road and Riversdale Road.
3. The development would increase traffic congestion.
4. The scope of the applicant's sequential test is unduly restrictive.
5. Given the size of development the area for consideration should not be restricted to the town centre.

6. No evidence is provided for the need for flats and the viability area for the provision of affordable housing should not limit the area of search.
7. The site fails the sequential test. Other benefits are not relevant to the test.
8. Other sites are available with a lower risk of flooding.
9. The fact that the developer states that the development would be complete in 2 years should be given no weight.
10. A Grampian condition is required for off-site flood mitigation.

#### Representation from the applicant

The applicant has provided a response from Q & A Planning to the objection letter copied to Committee Members and the wide ranging points therein concerning the application of the sequential test. A copy is attached at the end of this report as **Annexe 2**. In summary, the following points are made;-

- A) The applicant considers the application has been subject to an appropriate, pragmatic Sequential Test in accordance with the requirements of the NPPF and NPPG.
- B) It is considered entirely appropriate for the scoping of the sequential test to identify an area in which the sequential test will be applied for the development proposed, as explicitly stated in the NPPG and referenced in the appeal decision (para 44) that is referenced by the objector. The sequential test has therefore been carried out within an appropriate area.
- C) The Local Plan sets out a vision for the borough and the town of Ashford, with a focus on higher density development in the town centre wards of Ashford. The plan identifies a need for at least 1,000 homes to be built by 2030 that are not allocated in the plan nor have planning permission (windfall sites). Ashford forms the most appropriate location for windfall development, given its focus of employment, services and infrastructure and the ability to deliver regeneration in the town centre wards. The consideration of flatted development in these wards is therefore appropriate for the sequential test.
- D) The local plan allocations have been subject to detailed scrutiny and provide for wide ranging densities that reflect the nature of each site. East Stour Park was not put forward for consideration in the local plan, however, if it had been, Officers would have considered whether a density of 79 dph would be acceptable for the site. The NPPF and NPPG seek to ensure that the sequential test is undertaken in a pragmatic way to identify sites of a size that could accommodate the type of development proposed and the sequential test has been undertaken on this basis.

E) Consideration of other sites in flood zone 3a is not required by the sequential test, however in this instance, the FRA and detailed technical notes that have been endorsed by the Environment Agency demonstrate that the existing site is currently defended to a 1:75 level by the bund adjacent to the river (photo below), a higher level of protection than the surrounding properties in Riversdale and Torrington Road and, because of this, the site is not currently providing flood storage capacity, unlike other land nearby also in the Green Corridor.



F) The proposals seek to provide a higher degree of flood protection to the 212 flats proposed to 1:100 + climate change, whilst also providing betterment to nearby properties by providing flood storage on site by relocating the bund.

G) Regarding the other sites mentioned by the objector, these are largely considered in the existing sequential test papers and addendum report. A response to the Homeplus site has been provided to the Council by the applicant following the publication of the Committee report. This demonstrates that the Homeplus site is not suitable nor available for the development proposed (as required by the NPPF), being a significantly smaller site that is proposed for high density (over 200 dph) mixed-use development that includes commercial uses.



- (b) **19/00189/AS – Land west of Stonebridge House, Stonebridge, Brook - Outline planning application for the erection of three dwellings with all matters reserved.**

None

- (c) **19/00766/AS – Northdown House, 4 Station Road, Ashford, Kent, TN23 1PT - Change of use of B1 office to 24no. 1 and 2 bed residential units to include first and second floor extensions and roof extension above existing second floor together with works to include external treatments and fenestration alterations, car parking, basement and surface cycle parking, surface water storage tank and bin storage**

None

- (d) **18/01763/AS – Land between Stanley House and Long Meadow, Pluckley Road, Smarden, Kent - Erection of two detached 2 storey dwellings and creation of new vehicular access together with associated infrastructure.**

Correction to a typo in the planning committee report at the neighbour comments section.

- 15 neighbour objections were received at the time of writing the committee report, not 5.

Four further objections (one additional neighbour) have been received from local residents as summarised below:

- Development is out of keeping with area.
- Junction onto Pluckley Road is dangerous.
- Impact on wildlife.
- Increased in traffic.
- The proposed entrance is opposite the location children wait for a school bus.

The above points have been addressed in the committee report and consultee comments.

- (e) **19/00715/AS – Land at Homewood School adjoining Fire Station, Ashford Road, Tenterden, Kent - Erection of apartment block containing 7 dwellings with associated parking and amenities.**

Two additional conditions:

Prior to the commencement of development above damp proof course level a scheme of mitigation to protect future residents from potential noise pollution from the artificial sports pitch shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

**Reason:** To safeguard the amenity of future occupants.

Prior to the commencement of development an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

**Reason:** To ensure the method of construction safeguards the trees to the north of the development.

The adjoining Ward member Cllr Knowles is unable to attend but has circulated comments to the Planning Committee and these are set out below:

*“Dear fellow Councillors/ Members of the Planning Committee for The meeting tonight*

*I apologise I will not be able to attend this evenings meeting due to work commitments,*

*I am not normally a member of the planning Committee but represent a Ward Adjacent to this planning application (Tenterden South)*

*I would like to Highlight an aspect of Planning application--- 19/00715/AS - Land at Homewood School adjoining Fire Station, Ashford Road, Tenterden, Kent*

*Those that were at the last planning meeting will remember that this application was deferred due to several questions being asked about Land ownership and Traffic management policies of Homewood School*

*The School has submitted a written response to the questions set and set out its management plan*

*The developers agent has stated that the density of the development is 36 DPHA which is over the normally accepted level for rural, village and Countryside settings and is nearer to the higher 40+ DPHA that is acceptable for Urban areas,*

*This site is not in an urban area it is a considerable distance from the Town Centre of Tenterden and I believe it can be described as semi-rural at best, setting a dangerous precedent for raising what can be interpreted as the acceptable level on the fringe of Tenterden bearing in mind other planning applications that are coming through for major development that is not in the Local plan.*

*I know that the Officers have actively reminded us that we need Windfall sites but I do not feel that this should be at the expense of creating dangerous precedents*

*I therefore ask you if you would be minded to ask the applicant to re-design the site to bring it down below the 30DPHA level that I feel would be suitable for this site*

*I do not feel that this is an area that was not covered by the deferral as one of the main reasons that I raised when I was a substitute at the last planning meeting was about the density of the site due to Land ownership issues which needed to be clarified, these have been clarified now by the Developers agent and they have clarified the density as over 30 DPHA*

*I thank you very much for your time to read this Letter*

*And I ask Planning / Member Services to add this to urgent updates for the Committee papers this evening*

*Kind Regards*

*Cllr Callum Knowles*

One additional neighbour objection has been received which doesn't raise any new issues to those set out in the reports

**(f) 19/01351/AS – Land rear of 1, Ragstone Hollow, Aldington, Kent - Formation of new permanent car parking bay (retrospective)**

**None**

**Annex 1 - 19/00709/AS – objection**

**Annex 2 – 19/00709/AS – Q&A Planning submission**

# ANNEX 1.

## Why the East Stour Park Development (19/00709/AS) should be rejected

I have read through the development's documentation on the Ashford Borough Council website. I believe the development is fundamentally flawed.

**Below are the reasons why I oppose this development:**

1. **No additional infrastructure:** This places further pressure on existing doctor's surgeries, schools and roads in South Ashford. I understand Ashford has been earmarked as a 'growth town', but with an increase in dwellings must be coupled with an increase in public services. The current residents of South Ashford shouldn't have to wait weeks for a doctor's appointment, worry about primary school places, face congestion when driving to the supermarket. All these issues caused by new housing developments without proper infrastructure.
2. **Entirely 1 or 2 bedroom leasehold flats:** This is not the family housing that South Ashford needs. These apartments appear to be targeted at London commuters. However I struggle to find any market research that suggests they will sell around 120 1 bed apartments. I'm concerned many of these will remain unsold, or will be bought by property investors and rented.
3. **Parking:** There will only be 254 parking spaces for 212 flats, virtually 1 a flat. All the developments parking spaces are on the ground floor, as there's no flats on the ground floor due to the high flood risk. I believe its likely residents won't risk their cars being flooded, and will park in neighbouring areas instead. Residents on the neighbouring estate in roads such as Riversdale, Torrington and Whitfield already have major parking issues. I'm concerned this development will make these issues worse.
4. **Only 9% flats are affordable housing:** This does little to help hard working Ashford families get on the property ladder, who may end up renting these flats from property investors instead.
5. **Seven storey high blocks of flats:** – These imposing buildings will negatively impact on the residents at Riverside Close, reducing their natural light and quality of life. The developers 'daylight, sunlight and overshadowing' report accepts that the residents of the even numbers 24-66 Riversdale Road will be negatively affected. However because the light is still more than 0.8 of it's original value (impact that's less than 20%) it is compliant with planning regulations. The document admits these findings were made without attempting to access any of the properties affected. I am concerned about the accuracy of this document.
6. **Building on Floodplains:** The developers 'Flood Risk Assessment' document states the development is on 'Flood Zone 3' land that has a 'high probability' of flooding due to the River Stour. There are no flats on the ground floor to reduce flooding risk, however the ground floor parking and access roads to the site are still at risk of flooding
7. **Environmental Impact:** Page 5 of the developers 'Arboricultural impact assessment' states that three category B trees will be removed, 1 sycamore and 2 white willow. Page 28 of the developers 'Air Quality assessment' states that there will be a small reduction in air quality as a result of the development.
8. **Drainage Issues:** There are also concerns regarding drainage at the new site. Page 17 of the developers 'Drainage Strategy Report' shows a letter from South East water dated 29<sup>th</sup> January 2019, in this letter it states there is 'inadequate capacity within the foul sewerage network to accommodate a foul flow for the above development at manhole reference: TR01413601'.

9. **Contamination Risks:** The developers 'Land Contamination Assessment' reveals concerns about the sites geology, as it was previously used as a builder's yard and railways works. The conclusions on Page 15 state that due to the works an aquifer (body of rock) presents a medium risk of leaching pollutants onto the groundwater table. Additionally 'Future end users' (residents of the new flats) have a moderate to low risk of inhalation in confined spaces where the infilled ground and the marsh land has the potential to generate ground gas.

**There's been considerable criticism from professional stakeholders regarding the development.**

All the info below is from documentation on the applications webpage:

**Kent County Council Highways** – Stated parking was inadequate and likely to lead to vehicles being parked on 'Torrington road, Riversdale Road and Providence Street'. Stated the traffic would lead to 'severe' capacity issues at several junctions around Victoria Road, Beaver Road, Station Road and Beaver Road.

**Ashford Borough Council Economic Development Officer** – Stated there would be no commercial benefit to the area after the site was built. Stated the increased traffic could have negative consequences for Beaver Industrial estate and shopping units off Norman Road.

**Environmental Services** – States that the number of bins and size of indoor refuse storage were 'woefully under capacity'.

**Kent County Council Flood and Water Management** – A number of concerns as Groundwater levels are 'very close to the surface'.

**Environment Agency** – Stated plans should be rejected due to an 'absence of an acceptable flood risk assessment'. Concerns that it is 'Unclear' how people will be kept safe from the flood hazards.

Despite all this criticism over a range of issues all the developers wish to do is to re-propose the same development with a few 'tweaks':

1. Reduce the development by 22 flats from 234 to 212, and add 10 more parking spaces.
2. Make 20 flats affordable housing.
3. Increase refuse bins by just 20%, disputing the opinion of the Environmental services.
4. Increasing the infiltration basins, but still not addressing all flooding issues outlined by KCC Flood and Water Management and the Environment agency.

**Conclusion**

These minor tweaks have paid lip service to the issues, without adequately addressing them. This development is clearly fundamentally flawed. We cannot continue to pass developments that do just enough to 'tick all the boxes', to the detriment of the quality of life of Ashford's current residents. This has to stop. We need development that is in the interests of the citizens of Ashford, not in the interests of property developers profits.

# ANNEX 2.



## East Stour Park, Norman Road, Ashford (19/00709/AS) Response to correspondence from Mr Ransley

1. Q+A Planning Ltd produced a detailed Flood Risk Sequential and Exception Test in May 2019 on behalf of Quinn Estates Ltd which accompanied application 19/00709/AS, together with an Addendum dated December 2019. We write in reference to the letter of Mr Ransley that has recently been added to the application online case file, as well as circulated to Members of the Planning Committee in which it is claimed that that the criteria by which the Sequential Test has been applied is unduly restrictive.
2. The detailed Sequential and Exception Test Report, as well as the Addendum relating to site S6 (Newtown Works) following the submission of the application for the mixed use redevelopment of the Newtown Works site for residential, film studios, office space and a hotel and that this report, together with the FRA and subsequent Technical Notes forms the basis for the application of the Sequential Test and then Exception Test by the Borough Council, as set out in the Officers Report.
3. Since the correspondence has been circulated by Mr Ransley to Members, we consider that it is important to respond to ensure there is a fair assessment of the application against national policy set out in the NPPF and NPPG. Therefore, we set our response to the detailed points made by Mr Ransley in his letter, as numbered below
  1. ***'Given the quantum of development proposed it is not appropriate to restrict the search area to the town centre. No compelling evidence has been provided of either a specific localised need nor evidence that this development is necessary to sustain the host settlement. Demand for dwellings, particularly at this scale, is a strategic issue within the borough and therefore the appropriate area of search is the district as a whole (as indicate by the Council's SFRA – Strategic Flood Risk Assessment)'***
4. Section 4 of the Flood Risk Sequential and Exception Test provides a detailed explanation of the scope of the Sequential Test, which was agreed with Senior Officers during pre-application discussions. Such an approach is entirely in accordance with the NPPF and NPPG to scope the area of search for a Sequential Test, as set out in the NPPG:

*'For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed . For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.'*

and

**East Stour Park, Norman Road, Ashford (19/00709/AS)  
Response to correspondence from Mr Ransley**

*'Within the area you've agreed with your local planning authority, look for sites that could be suitable for your development.*

*First, check your adopted or draft local plan for sites that have already been allocated for development and could be **suitable for the development you're proposing.***

*Also look at sites that haven't been allocated in the local plan, but that have been granted planning permission for a development that's the **same or similar to the development you're proposing.***

5. On the basis of government advice set out in the NPPF and NPPG and the medium to high density and the type, form and flatted nature of the development proposed it was agreed by Ashford BC Officers that the scope of the sequential test should be limited to the town centre wards of Victoria, Beaver, Aylseford Green, South Willesborough, Norman and Stanhope where the Local Plan seeks to locate the higher density form of development – those wards identified in policy HOU1 of the local plan that are differentiated from other area by not requiring affordable housing for flatted development, so as to aid the regeneration of the town and these areas and support the role and functioning of the town centre.

6. It would be entirely inappropriate to apply the sequential test on a borough wide basis, as the Local Plan does not seek to deliver the type of development proposed in the application outside of the town centre area of Ashford, as set out within the vision for the Local Plan (P8)

*'The town of Ashford will continue to be the main focus for development with the regeneration of the town centre and areas where there are existing environmental and social issues and the creation of attractive and vibrant new communities on the periphery of the town. A regenerated Ashford Town Centre will expand significantly its leisure, cultural, educational and residential offer.'*

7. Whilst the vision makes clear more limited growth is proposed for Tenterden and the rural service centres of Charing, Wye and Hamstreet and other villages.

**2. 'The type of development here is dwellings and the applicant has provided no evidence of support for a specific need for flats.'**

8. The NPPF and NPPG make clear that the sequential test should relate to development of the same or similar nature. The Local Plan identifies that within the town centre area there is expected a growth in demand for flats, whilst the Housing Target of the plan recognises a need for the delivery of a minimum of 1,000 further 'windfall' homes on unallocated sites before 2030 beyond those sites already allocated within the local plan, or sites with planning permission.

9. It is therefore appropriate for the delivery of windfall development to be primarily focussed within Ashford, as the most sustainable urban settlement in the Borough with wide ranging services and infrastructure, rather than within rural service centres or smaller settlements that may struggle to cope with the demand on services and infrastructure from larger scale development.

## East Stour Park, Norman Road, Ashford (19/00709/AS) Response to correspondence from Mr Ransley

3. ***'There is no support in policy, or known examples of decisions, to support the idea that the viability area for the provision of affordable housing should in anyway limit the area of search.'***
  
10. The NPPG explicitly states that the sequential test can be defined by local plan policies, such as those relating to affordable housing or regeneration. This is endorsed in Paragraph 44 of the Inspector's report APP/N2535/W/17/3175670 attached by Mr Ransley (which is otherwise irrelevant to the application), which states that:  
  
*'The area to apply the sequential test across will be defined by local circumstances relating to the catchment area for the type of development proposed.'*
  
4. ***'The search unduly restricts the size range of potential sites. There is no reason why this number of dwellings could not be hosted within a much larger site. For example, it is known that parcels will be sold off by the promoter at Court Lodge.'***
  
5. ***'Sites are removed from the search largely because the indicative allocation is for less than the scheme proposed. The applicant's site would fail this test as it does not have an allocation and if it did the Borough Council would not presume to allocate 212 dwellings to a 2.67 hectare site with severe flood constraints without detailed plans. It is similarly unlikely to allocate a density of 79.4 dwellings per hectare to the other sites at the local plan stage, without detailed work. It is a self serving argument to artificially restricts the available set of alternatives.'***
  
11. It is appropriate and entirely in accordance with the NPPF and NPPG for the sequential test consideration of allocated sites to be based on the allocations within the Local Plan. Allocated sites within the Local Plan have been subject to detailed consideration and evidence base testing, including consideration of density, deliverability and viability. The assumptions over density and numbers have been subject to independent examination by the Planning Inspectorate on behalf of the Secretary of State.
  
12. For example, policy S7 (Klondyke works) seeks to allocate 90 residential units on a site of less than 1Ha therefore development of just under 90dph whilst site S6 (Newtown Works) seeks to deliver a minimum of 450 homes at a density of 60 dph on a site that contains significant Grade II listed heritage assets. The allocations in rural service centres and suburban locations are at a far lower density. It is therefore entirely reasonable to assume that the site allocations in the local plan are based on a sound understanding of appropriate density and numbers of development.
  
13. Further, it is reasonable to assume that if the East Stour Park site had been proposed and put forward as a site for consideration in the SHELAA and Local Plan as an allocation that Officers would have considered a density of 79.4dph acceptable, in accordance with the conclusion reached in the Officers Report regarding the development proposed and its high



## **East Stour Park, Norman Road, Ashford (19/00709/AS) Response to correspondence from Mr Ransley**

quality design and suitability, based on the information that would have been required to support an allocation.

14. The NPPF and NPPG seek to ensure that the sequential test allows for a pragmatic assessment of availability for the development proposed. Neither the NPPF nor NPPG suggest that the Sequential Test should allow for the disaggregation of allocated sites, such as Court Lodge which is a single allocation. The NPPG and NPPF make clear that the sequential test should be undertaken to identify sites that could accommodate the type and size of development proposed and therefore the suggestion that potential parcels within a larger single site allocation should be considered is incorrect.

***6. Even were the above satisfied the search failed to consider if there were other sites available within flood zone 3 which were of lower hazard / depth and were therefore sequentially preferable. (e.g. the discounting of site VC24 as it is also FZ3a)***

15. Neither the NPPF or NPPG advise that the sequential test requires a consideration of sites within the same flood zone, in this case 3a as the entire purpose of the sequential test is to consider availability of land for the development proposed within areas of lower risk (FZ2 and FZ1)
16. In this instance the FRA and Technical Notes demonstrate that the existing site is defended to a 1:75 level, a higher level of protection than the nearby properties in Riversdale and Torrington Road (see attached photograph below showing bund) and because of this the site does not provide flood capacity storage, as does the majority of the surrounding land nearby which is undefended and located in Flood Zone 3b (functional flood plain)
17. The proposals seek to provide a higher degree of protection to over 1:100 including an allowance for Climate Change and has been demonstrated to be safe as required by the Environment Agency. Crucially it also provide betterment to nearby properties also located in flood zone 3a by increasing flood storage on site, due to the relocation of the bund.

***7. 'Were the Committee minded to accept the criteria proposed by the applicant then the site would still have failed to meet the sequential test. There are multiple sites, some of which are given below, remaining at lower risk of flooding which are available for the purposes of the sequential test.***

- ***Tannery Lane***

18. This site has been considered in detail in the 'Flood Risk Sequential and Exception Test Report'.

- ***Beaver Road, an application has been submitted under reference 19/01597/AS for 214 apartments and 9 townhouses'***

## **East Stour Park, Norman Road, Ashford (19/00709/AS) Response to correspondence from Mr Ransley**

19. The NPPG makes clear that for the sequential test you must look for sites that could be suitable for your development and that the search should focus on sites that are allocated, are in the process of being allocated or have been granted planning permission for a development that is similar or the same to the development you are proposing.
20. As we have previously set out in our original Sequential Test and Addendum, the application of the sequential test needs to relate to what is being proposed at East Stour Park and, in particular, it needs to be the same or similar. The guidance is emphatic that it needs to relate to what 'you are' proposing (i.e. the applicant). Therefore, in this case, the proposals for East Stour Park are for 212 medium density new build residential units in separate blocks, within a landscape setting. This is logically the starting point for any sequential search and, the nature of the development is fundamental to its characteristics. With regards to the Homeplus site specifically, we note the following:
- The Homeplus site was not identified as part of the scoping exercise in September 2018 as its development potential was not in the public domain; it is not an allocated sites and does not have planning permission and was not identified by the Council as a windfall opportunity.
  - At the time of the original Sequential Test in May 2019, information about the site's development potential was still not in the public domain (to our knowledge, public announcements were only made in May 2019 and after the application documentation was finalised).
  - Whilst we note that the site has previously been mentioned by third parties commenting on the East Stour Park application, an application for the Homeplus site was only submitted in November 2019 and remains un-determined.
  - The developers of the Homeplus site have not put forward representations to the East Stour Park application suggesting that it is a sequential alternative.
  - Therefore, at the time of writing, there is no certainty that the proposals coming forward on the Homeplus site will be granted permission or come forward in the manner envisaged, whilst the site is not allocated and does not have planning permission.
21. However, in terms of the proposals themselves, we consider that they would not be a reasonable available alternative on the basis that they are not 'similar' to the development as proposed at East Stour Park, as explained below:
- The Homeplus site is 0.97 hectares, compared with 2.67 hectares at East Stour Park – meaning the densities proposed are also significantly higher, 248 dph at the Homeplus site compared to 79dph at East Stour Park and the development will not provide the extensive retained landscaping as promoted at East Stour Park. The design and form of the development is entirely different, the two schemes are not comparable in this

## **East Stour Park, Norman Road, Ashford (19/00709/AS) Response to correspondence from Mr Ransley**

regard. To emphasise this, if the densities of East Stour Park were proposed at the Homeplus site the proposal would deliver in the region of 76 properties.

- The total dwelling numbers are higher than proposed (223 at Homeplus compared with 212 at East Stour Park) and the mix is different. East Stour Park is solely 1 and 2 bedroom flats with 10% affordable, whilst Homeplus has nine town houses, together with 24 three bed units and is 100% market housing. It is also delivered as part of a single building, rather than a development of 6 pavilions, forming a landmark tall building rather than a medium density flatted development within a wider landscape.
- The Homeplus site is a truly mixed use proposal, with 1,312 sqm of commercial floorspace on the ground floor and a roof top restaurant where as the proposals for ESP are residential only. The proposals are therefore not directly comparable in terms of uses, density and form.

22. Overall, it is a fundamentally different sort of scheme that it not yet allocated, nor does it have planning permission. It forms a high density tower development on a sub 1Ha plot compared to a medium density, landscape led flatted development within a parkland setting of 2.67Ha and therefore is not a reasonable available alternative site to the East Stour Park proposals.

- ***Gasworks Lane, the site is indicated to have a capacity of 150 dwellings at 3-4 storeys and is a Local Plan allocation. If the applicant pursued an application here, and was similarly ambitious with the height, there is no reason that this brownfield site cannot accommodate a similar scale of development.***

23. This site has been considered in detail in the 'East Stour Park, Norman Road Flood Risk Sequential and Exception Test' report

- ***New Town Works, this site is available and could deliver the dwellings. It is not the role of the planning authority to facilitate a specific business model, in this case new build flats rather than conversion. The objective of the planning authority is to deliver the strategic need for dwellings required and the screening out of this site based on business model was unduly restrictive.***

24. This site has been considered in detail in the 'East Stour Park, Norman Road Flood Risk Sequential and Exception Test' report and subsequent Addendum following the submission of a planning application for a mixed use development to include the retention and conversion of Listed buildings on the site, a film studio and associated office complex and hotel and serviced apartments.

- ***Mace Lane, the Inspectors of the Local Plan were told of pre application discussions on residential development for the former printworks at Mace Lane***

**East Stour Park, Norman Road, Ashford (19/00709/AS)  
Response to correspondence from Mr Ransley**

*Industrial Estate by Mr Cole. That site is adjacent to the park, less than half the distance from the town centre and is entirely FZ1.'*

25. This site does not have planning permission, it is not allocated and was not suggested as a windfall site. As such it does not form part of the sequential test.

**Conclusion**

26. Given the above assessment it is considered the application has been subject to an appropriate, pragmatic application of the Sequential Test in accordance with the requirements of the NPPF and NPPG and as set out in the Officers Report.
27. In respect of the comments raised by Mr Ransley under the title 'Other Flood Risk' – these matters relate to the Officers Report and should therefore be addressed by Officers, if it is appropriate to do so.

**February 2020**