



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 13th July, 2022 at 7.00 pm.

The Members of the Planning Committee are:-

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

Cllrs. Bell (ex-officio), Chilton, Forest, Harman, Howard, Iliffe, Meaden, Mulholland, Ovenden, Shorter, Sparks, L Suddards and Walder

If any member of the public, Councillor or organisation wishes to submit any written, pictorial or diagrammatic material to the Planning Committee relating to any item on this Agenda, this must be concise and must be received by the Contact Officer specified at the end of the relevant report, and also copied to Planning.help@ashford.gov.uk, before 3.00 pm on the second working day before the Meeting so that it can be included or summarised in the Update Report at the Meeting, in the interests of transparency and fairness. Otherwise, the material cannot be made available to the Committee. Material should be submitted as above at the earliest opportunity and you should check that it has been received.

IMPORTANT INFORMATION FOR THE PUBLIC ABOUT THIS MEETING

This is a public meeting and the Council encourages everyone to take advantage of the opportunity to watch and listen to the proceedings at the Meeting via a weblink, which will be publicised on the Council's website at www.ashford.gov.uk about 24 hours before the Meeting.

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. **Public Participation** 3 - 4

See Agenda Item 3 for details.

4. **Officers' Deferral/Withdrawal of Reports**

5. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 15th June 2022

6. **Schedule of Applications**

(a) **20/00947/AS - 1 to 11 New Rents, Ashford, TN23 1LE** 5 - 50

Full planning permission for a 92-bedroom hotel with associated servicing, car parking and bar/restaurant (for public access) together with the provision of 10 apartments within a four-storey building following the demolition of existing buildings.

(b) **21/01250/AS - Oakleigh House, Watercress Lane, Ashford, Kent** 51 - 108

The demolition of Oakleigh House Sheltered Housing and the residential block on the corner of Beaver Lane and Watercress Lane to provide 54 apartments for Independent Living for Older People and 13 apartments for Adults with Learning Disabilities, with the associated communal facilities, landscaping and parking.

(c) **21/01406/AS - Land between Tyle House Farm and Mount Pleasant, Stocks Road, Wittersham** 109 - 164

Erection of 28 no. dwellings and 2 self-build plots with associated parking, access and landscaping

(d) **21/02216/AS - The Old Flour Mills, East Hill, Ashford, Kent** 165 - 280

Redevelopment comprising the conversion of the existing Flour Mill, demolition of existing structures, and the erection of four ancillary blocks to provide a total of no. 53 apartments (Use Class C3), ancillary residential facilities (including residents' gym and 'super lounge'), 1 x office (Use Class E(g)(i)), retained access from East Hill, parking, and associated landscaping and infrastructure.

(e) **22/00540/AS - The Stour Centre, Tannery Lane, Ashford, TN23 1PL** 281 - 288

New acoustic enclosure to existing air source heat pump

Note for each Application:

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

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

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.

5 July 2022

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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 Dispensation has been granted in advance, to speak and/or vote).

- (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 Dispensation has been granted in advance, to participate in discussion and/or vote). 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 or good governance reasons, 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 (similar to that arising when a Member has made his/her views known in advance of the meeting), 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
- (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 in doubt about any matters that they may need to declare, Members should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer, the Deputy

Monitoring Officer, or other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

Summary of the Scheme of Public Participation for Planning Committee Meetings

1. **Written notice of a wish to speak at the meeting** (by means of either procedure below) **must be given, either to membersservices@ashford.gov.uk or on the Council's website at <https://secure.ashford.gov.uk/committeesystem/haveyoursay.aspx>, by 15:00 hours on the second working day before the meeting.**

Hence, for example, for meetings of the Planning Committee on Wednesdays:-

- (i) If there is no Bank Holiday on the Monday preceding the meeting, written notice must be given by 15:00 hours on the Monday.
 - (ii) If there is a Bank Holiday on the Monday preceding the meeting, written notice must be given by 15:00 hours on the preceding Friday.
 - (iii) If the meeting immediately follows the Easter Weekend, written notice must be given by 15:00 hours on Maundy Thursday.
2. **Registering to speak at the meeting confers the right to either make a speech in person or submit a speech to be read on your behalf by a Council Officer, as follows:**
 - (i) on a first-come, first-served basis, **one speech in support of, and one speech against**, an item for decision, or
 - (ii) as a duly-authorized representative of the Parish Council¹ or Community Forum affected by an item for decision.
 3. **Those who have registered to speak and wish a Council Officer to read their speech on their behalf must submit a copy of the speech to membersservices@ashford.gov.uk by 10.00 hours on the day of the meeting. The speech must be no longer than 400 words, and must be in English and in a 12-point non-italic sans-serif font (e.g. Arial); any text above 400 words will not be read out. No speech should contain personal data about individuals, other than the speaker's name and (if relevant) postal address.**

Late or incorrectly-presented copies of speeches cannot be accepted, but any registered speakers who do not submit their speeches as above may speak in person at the meeting as set out below

4. At the meeting:-
 - (i) Speakers who are **present in person** may speak to the meeting for a **maximum of 3 minutes** when called to do so. No speech should contain personal data about individuals, other than the speaker's name and (if relevant) postal address. Please note there is no ability to present any material such as photographs or diagrams at the meeting.

¹ The term "Parish Council" includes Town Councils and Community Councils.

- (ii) If speakers are **not present in person**, but had previously submitted speeches as above, their submitted speeches will be read to the meeting by a competent Officer for and on behalf of the speakers, at the normal times and in the normal order (subject to the Chairman's normal discretion).

IMPORTANT:

An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements.

If any defamation, insult, personal or confidential information, etc. is contained in any speech received from any speaker, and/or is read to the meeting by an Officer, each speaker accepts by submitting the speech to be fully responsible for all consequences

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 13 July 2022

Application Number	20/00947/AS	
Location	1 to 11 New Rents, Ashford, TN23 1LE	
Parish Council	NA	
Ward	Victoria (Central Ashford)	
Application Description	Full planning permission for a 92-bedroom hotel with associated servicing, car parking and bar/restaurant (for public access) together with the provision of 10 apartments within a four-storey building following the demolition of existing buildings.	
Applicant	SPPF Ltd.	
Agent	DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, ME14 3EN	
Site Area	0.18ha	
(a) 77/8 - 2 'R', 5 'S', 1 'X'	(b) NA	(c) KCCH&T 'X', KCC Archaeology 'X', KCC EDEV 'X', EH 'X', EA 'X', POL 'X', KCC LLFA 'X', HE 'X', SW 'X'

Introduction

1. This application is reported to the Planning Committee because in accordance with the Council's scheme of delegation, 6 Members have requested it to be determined by the Planning Committee.

Site and Surroundings

2. The application site is approximately 0.18ha in size and located on the southern side of New Rents at the junction with Drum Lane to the western side of Ashford town centre. The site is shown marked in red in **Figure 1** below.



Figure 1: Site location plan

3. The site comprises a series of two-storey brick buildings with retail units at ground floor and ancillary or self-contained office space above. The retail units include the former Argos/Home Plus store at 1 New Rents (with open parking and loading to the rear). The rest of the site (3, 5 and 7 New Rents) is occupied by the British Heart Foundation, BETFRED, PDSA and Décor Studio.
4. The site is located within Ashford Town Centre. New Rents frontage forms part of the Primary Frontage within the Primary Shopping Area and is surrounded by predominantly retail and commercial uses on New Rents and within the County Square Shopping Centre to the south. **Figure 2** below shows the site as seen from New Rents.



Figure 2: Existing site viewed from New Rents

5. The nearest residential properties comprise flats located at 17 Drum Lane opposite the site.
6. The site lies within the western limb of the Town Centre Conservation Area and within the setting of a number of listed buildings (**Figure 3**). It is in Flood Zone 1 – the area at the lowest risk of flooding.

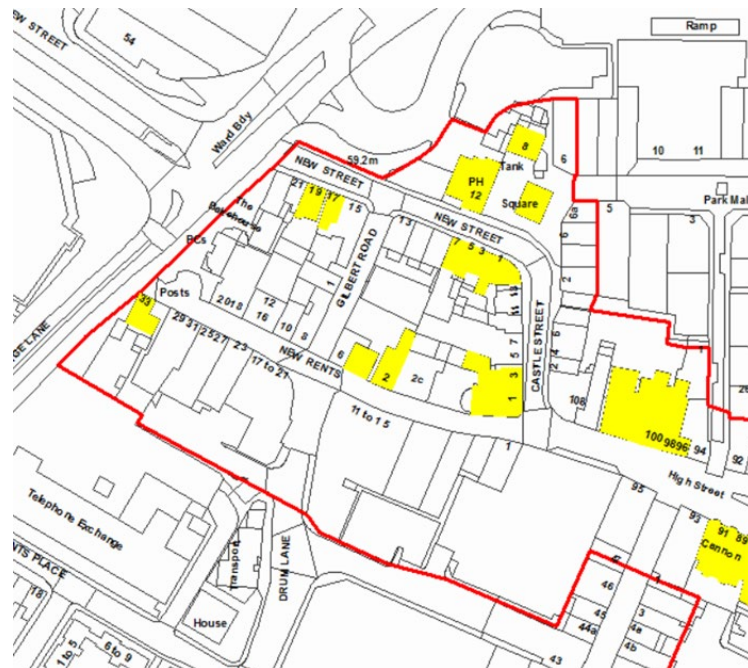


Figure 3: Site in context of Conservation Area boundary (red) and listed buildings (yellow)

Proposal

7. The application seeks full planning permission for the demolition of the existing buildings and the erection of a four-storey 92-bedroom hotel with associated servicing, car parking and bar/restaurant (for public access) together with the provision of 10 apartments.

Planning History

8. There is no relevant planning history relating to the application.

Consultations

9. The application has been subject to two-rounds of formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to 77 occupiers of buildings in the vicinity of the application site. The statutory consultation period expired on 29.03.2022.

Kent County Council Highways and Transportation – no objection subject to appropriate conditions to secure pre and post construction highway conditions surveys, provision of a construction logistics plan including wheel washing, electric vehicle charging points, provision and retention of car and cycle parking, potential tree planting within the highway and replacement of existing street lighting units attached to the building. (*Officer note: relevant conditions recommended at end of report*).

Kent County Council Archaeology Advisor – no objection subject to appropriate condition to secure a programme of archaeological work. (*Officer note: relevant conditions recommended at end of report*).

Kent County Council Economic Development – no objection subject to securing appropriate mitigation in relation to primary and secondary education provision, community learning, libraries, youth, social care and waste infrastructure for the 10 dwellings and a condition to secure fixed telecommunication infrastructure and High-Speed Fibre Optic connections. (*Officer note: see paragraphs 105-106 below, Table 1 and the conditions recommended at end of report*).

Kent County Council Flood and Water Management – no objection subject to conditions to secure a detailed sustainable surface water drainage scheme and subsequent Verification Report. (*Officer note: relevant conditions recommended at end of report*).

ABC Environmental Protection – no objections subject to appropriate conditions to secure investigation, remediation and verification of contaminated land, reporting of unexpected contamination, a Code of Construction Practice, details of Electric Car Charging, extraction/treatment of fumes/odours, noise and vibration of plant and sound mitigation. (*Officer note: relevant conditions recommended at end of report*).

ABC Environmental Services – subject to appropriate locking mechanisms refuse/recycling collection arrangements acceptable. (*Officer note: relevant conditions recommended at end of report*).

Kent Police – no overall objection however recommend applicant consults Designing out Crime Officers (DOCO) to address Crime Prevention through Environmental Design (CPTED) and incorporate Secured by Design (SBD) as appropriate. (*Officer note: relevant informative note recommended at end of report*).

Environment Agency – no objection subject to conditions to secure a preliminary risk assessment, site investigation scheme verification plan and verification report and a condition pertaining to unexpected contamination and piling. (*Officer note: relevant conditions recommended at end of report*).

Historic England – no comments.

Southern Water – note that the development lies over public sewers and request conditions to secure details of any public sewer diversions that may be required and details of proposed means of foul sewerage and surface water disposal. (*Officer note: relevant conditions recommended at end of report*).

Ashford Access Group – query lift arrangements, accessible car parking, wheelchair accessibility and advocate range of bed options within accessible rooms. (*Officer note: all floors would be accessible by lift. There would be two accessible car parking spaces and 4 accessible rooms*).

Neighbours – 77 neighbours consulted, 5 letters of support, 1 comment and 2 objections received as summarised below:

Support:

- Welcome investment into the town centre;
- Exciting opportunity to inject life, vitality and footfall into this end of the town centre;
- Existing business and community will benefit from having more people staying in the town centre;
- Existing building is ugly;
- Current tenants could relocate into other empty units in the town centre.

Comments:

- Need something else to bring life into the town, for example a movie theatre;
- More bars doesn't help with anti-social behaviour;
- Query possibility of providing controlled access bollards to New Rents on Drum Lane to enhance pedestrian safety and disrupt anti-social behaviour;
- Further attention to public safety required, including in terms of lighting and CCTV.

Objections:

- No requirement for another hotel or sub-standard flats within town centre.

Planning Policy

10. The Development Plan for Ashford Borough 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), the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021), the Egerton Neighbourhood Plan

(2022), the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

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

Vision for Ashford Borough

SP1 Strategic objectives

SP2 The strategic approach to housing development

SP5 Ashford Town Centre

SP6 Promoting high quality design HOU1 Affordable Housing

HOU12 Residential space standard internal.

HOU14 Accessibility standards

HOU15 Private External Open Space

HOU18 Providing a range and mix of dwelling types and sizes

EMP6 Fibre to the Premises

TRA3a Parking standards for residential development.

TRA6 Provision for cycling.

TRA7 The road network and development.

TRA8 Travel plans, assessment and statements

ENV1 Biodiversity

ENV6 Flood Risk

ENV7 Water efficiency

ENV8 Water quality, supply and treatment.

ENV9 Sustainable drainage

ENV11 Sustainable Design and Construction

ENV12 Air Quality

ENV13 Conservation and enhancement of heritage assets

ENV14 Conservation areas

ENV15 Archaeology

COM1 Meeting community needs

COM2 Recreation, Sport, Play and Open Spaces

COM 3 & 4 Allotments and Cemeteries

IMP1 Infrastructure provision

IMP4 Governance of public community space and facilities

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Residential Space and Layout SPD 2011 (now external space only)
Sustainable Design and Construction SPD 2012
Public Green Spaces and Water Environment SPD 2012
Ashford Town Centre Conservation Area Appraisal and Management Plan
2016
Heritage Strategy 2017

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) Revised 2021
Planning Practice Guidance (PPG)
Technical Housing Standards – nationally described standards

Assessment

13. The key areas for consideration are as follows:
- (a) The principle of a creating a hotel and residential units at the site and impact on the vitality and viability of the town centre
 - (b) Housing mix, approach to affordable housing, quality of accommodation
 - (c) Quality of the proposed design
 - (d) Heritage impacts
 - (e) Amenity impacts
 - (f) Highway impacts, car parking, EVC, cycle provision and refuse strategy
 - (g) Landscaping, ecology and biodiversity, surface water and drainage and contamination
 - (h) Climate change and sustainability
 - (i) Housing Land Supply
 - (j) Habitats Regulations
 - (k) Planning Obligations
- (a) The principle of a creating a hotel and residential units at the site and impact on the vitality and viability of the town centre**
14. 'The Vision' for the Borough in the ALP 2030 is one that identifies Ashford as the main focus for development with a significantly expanded leisure, cultural, educational and residential officer in a regenerated Ashford Town Centre. 'The Vision' is proposed to be delivered by the strategic objectives that are set

out in Policy SP1 of the ALP 2030. Development proposals are required to be focussed at accessible and sustainable locations (such as Ashford Town Centre) and to make the best use of suitable brownfield opportunities.

15. The application site is brownfield and located within the designated Ashford Town Centre. The Council's vision for the town centre is set out in Policy SP5 (Ashford Town Centre). Policy SP5 states that a range of principal uses in the town centre, including retail, offices, leisure, residential and hotel will be supported in principle where they promote high quality design appropriate to their location. Policy EMP11 (Tourism) also states that proposals for new hotel development will be permitted in locations that are accessible by a choice of modes of transport and will be particularly encouraged in the Ashford and Tenterden urban areas. A hotel use is consistent with the definition of 'Main town centre uses' in Annex 2 of the NPPF. Similarly, the NPPF states that local planning authorities should support proposals to use retail land for homes in areas of high housing demand, provided this would not undermine key economic sites or sectors or the vitality and viability of town centres.
16. Whilst the principle of a 92 room hotel and 10 residential units in this accessible and sustainable location is supported by national and local planning policy, the proposals would result in the net loss of existing retail floor space and it is therefore necessary to consider their impact on the vitality and viability of the town centre.
17. The ALP recognises that town centres are changing and will no longer be solely supported by traditional retail development, having to expand their offer to wider uses in order to maintain their vitality and viability. This is true of Ashford town centre and the ALP acknowledges that its future success cannot rely solely on its function as a shopping destination but that it should be a place that residents and visitors want to visit, whether for shopping, business, leisure or entertainment. These findings are also consistent with the broad aims and objectives of the Ashford Town Centre Reset initiative, which is designed to reset the town centre in light of the decline in retail which has been accelerated by the coronavirus pandemic. Although the application site lies just outside the principle areas of focus it shares similar challenges to these areas, particularly in relation to the declining role of larger footprint retail stores.
18. The part of the site fronting New Rents is located within the primary shopping area. The proposal is for the demolition of 1780sqm of former Class A1 retail floor space within a section of Primary Frontage and its replacement with a hotel (Class C1) and single 135.3sqm self-contained retail unit. The remainder of the ground floor would incorporate ancillary hotel uses, including reception

and office (107.5sqm) and a bar/restaurant (399.4sqm) and spa facility (99.4sqm). The applicant's intention is that the bar/restaurant and spa facility would be open to hotel residents and the wider public.

19. Policy EMP7 (Primary and Secondary Shopping Frontage in Ashford Town Centre) is relevant and requires proposals to maintain or enhance the vitality and viability of the town centre, taking into account a range of factors in determining whether proposals for non-A1 retail development would achieve this.
20. Specifically, Policy EMP7 states that Use Classes A2, A3, A4 and A5 will be permitted subject to the proposal maintaining or enhancing the centre's vitality and viability, taking into account the following factors, where relevant:
 - a) *The impact the proposal will have on long term and persistent vacancy and the continued suitability and viability of the unit for A1 retail use;*
 - b) *The ability of the proposal to attract vibrancy, activity and pedestrian footfall to the town centre during the daytime;*
 - c) *Whether the proposal is compatible with a retail area in that it includes an active shopfront and is immediately accessible by the public from the front;*
 - d) *The accumulation of non-A1 uses in parts of the frontage, which would significantly erode the retail function of the frontage; and*
 - e) *The loss of a large or anchor A1 retail unit.'*
21. For the purposes of Policy EMP7 the hotel uses and its ancillary bar/restaurant and spa facility would not comprise retail uses however the policy criteria are nevertheless considered to be relevant as part of an assessment as to whether the proposals maintain or enhance the centre's vitality and viability.
22. In response to criterion (a), the proposals would have a positive impact on the town centre through the redevelopment of several long term vacant retail units with compatible town centre uses that would enhance vitality and viability. The hotel (and ancillary ground floor uses) would attract visitors to the town centre, thereby attracting vibrancy and increasing activity and pedestrian footfall during the day time in accordance with criterion (b) but also the evening and night time. As existing the site generates little footfall.
23. As shown in **Figure 4** below, the proposed bar/restaurant and spa facility would be compatible with the wider retail area by providing active frontages through extensive glazing and being directly accessible from both New Rents and Drum Lane elevations as sought by criterion (c).



Figure 4: Proposed corner of building at New Rents/Drum Lane junction

24. The proposals include the provision of a retail unit and other uses compatible with the town centre location. By reason of the site's location at the edge of the Primary Frontage it would not in my view result in an accumulation of non-A1 uses along the frontage or erode its retail function as required by criterion (d). In response to criterion (e) the redevelopment would result in the loss of vacant retail units, including the former Argos/Home Plus; however this would not be classed as an anchor unit. The ALP confirms that the Council will take into account whether a particular unit has been vacant and the benefits of bringing that unit back into use. In this case, the former Argos/Home Plus is vacant to the detriment of this part of the town centre.
25. Whilst the proposals would result in the net loss of retail floor space within the primary shopping area, I am satisfied that the mix of hotel, retail and residential uses would at the very least maintain, but likely enhance the vitality and viability of the town centre. A recommendation to grant planning permission would be consistent with paragraph 86 of the NPPF which requires planning decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.
26. Both the Vision and Policy SP1 reference the importance of conserving and enhancing Ashford Town Centre's heritage reflecting the various different character areas and settings that combines to create that heritage and

contribute to locally distinct places. These issues are explored below.

27. Policy SP6 specifically promotes high quality design and place-making, Policy ENV13 sets out the approach to conservation areas and other ALP Policies deal with specific issues in respect of liveability which are all dealt with further below. Subject to the development being considered acceptable against those policies then the principle of the development would be acceptable assessed against 'The Vision' and Policy SP1.

(b) Housing mix, approach to affordable housing, quality of accommodation

28. Policy HOU18 of the ALP 2030 requires development proposals of 10 or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs. The proposed housing mix for the 10 dwellings would be weighted towards 1-bed units (70%) followed by 2-bed units (30%). Whilst all of the dwellings would comprise flats, they would include a range of sizes appropriate to the mixed use nature of the development in this town centre location in compliance with the broad objectives of Policy HOU18. As a town centre flatted development, adopted Policy HOU1 of the ALP does not require the provision of affordable housing and none is proposed.

29. All dwellings would comply with the residential space standards in accordance with the Council's Residential Space and Layout SPD and provide private external open space in the form of balconies or terraces in accordance with Policies HOU12 and HOU15. A number of dwellings would be dual aspect and have been sited to benefit from good levels of daylight, outlook and privacy. The dwellings would benefit from a main entrance to the rear of the building and provide a good standard of living accommodation for future occupiers.

30. Given the nature of the proposed uses I concur with the Council's Environmental Protection teams' request for conditions relating to details of any extraction equipment, for the control of noise and vibration of any plant and for any necessary sound mitigation for the proposed dwellings.

(c) Quality of the proposed design

31. The Government attaches great importance to the design of the built environment, with national policy placing great emphasis on the importance of good design as a key aspect of sustainable development. The requirements outlined in paragraph 130 of the NPPF include the need to add to the overall quality of the area and establish or maintain a strong sense of place. Whilst appropriate innovation and change, such as increased density, is not to be prevented or discouraged, developments must be sympathetic to local character, including the surrounding built environment.

32. Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is considered to be a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
33. The NPPF calls for significant weight to be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit within the overall form and layout of their surroundings.
34. The National Design Guide (2019) further supports the principles of the NPPF and seeks to illustrate 'how well-designed places that are beautiful, enduring and successful can be achieved in practice'. This sets out ten characteristics of well-designed places.
35. The Council places great weight on quality place making and Policy SP6 (Promoting High Quality Design) of the ALP is relevant and aligns with this national guidance. The policy sets out a number of design criteria to which new development is expected to positively respond.
36. The proposals have been subject to pre-application advice and have been presented to the Ashford Design Review Panel. The report is included at Appendix 1. The following assessment considers the design quality of the scheme in relation to its layout and access, height, form, scale and massing and design and materials.

- **Layout and access**

37. The proposed development would be located on the site of existing buildings and the layout has been carefully considered to respond to the site's specific constraints and opportunities. Whilst the footprint of the building would be larger than existing, the layout would optimise the potential of the site and make provision for a landscaped courtyard towards the centre of the plan and an off-street parking area to be accessed from the retained vehicular access to the rear.
38. The development proposes a mix of uses at ground floor. In terms of layout, a self-contained retail unit is proposed at the eastern end of the site with other ancillary hotel uses (including a reception/office and bar/restaurant) proposed in a primary frontage location on New Rents. The side and rear of the site is highly visible in views north along Drum Lane and as existing is dominated by hard landscaping and sterile, poorly maintained surface-level parking and

service areas which detract from the quality of the built environment. The proposals include provision for greening in this location as discussed in the landscaping section of the report below.

39. As shown in **Figure 5** below the building would be served by multiple entrances on the north, west and southern elevations to further assist in activating the frontage and providing surveillance. This is particularly the case on Drum Lane where the new residential entrance would be located. I am satisfied that the layout and detailed vehicular and pedestrian access arrangements would represent a significant improvement over the existing building.



Figure 5: Ground floor plan and access strategy

- **Height, form, scale and massing**

40. The supporting text to Policy SP6 of the ALP requires all development proposals to reflect their local context, and where the built environment is of decent quality, new proposals should be sensitive in terms of scale, height, layout and massing to surrounding buildings.
41. The existing buildings date from the 1980s. Whilst they are of little architectural merit, at two storeys with simple roof form and strong vertical emphasis (reflecting typical historic plot widths), they integrate into the established urban form.
42. In terms of height and massing the proposed building ensures that the eaves on New Rents are no higher than the ridge of the buildings opposite and that the view of St Mary's Church is maintained. As shown in **Figure 6** below, this has resulted in a building that masses up towards the rear where it is less

constrained and an unusual 'broken up' roof form which sits atop a flat roof.



Figure 6: Building height and massing

43. In response to Design Review Panel feedback and pre-application advice with Officers, the form and scale of the building has been further refined. In particular the upper and lower parts of the building have been connected by extending the sloping roof out to the corner of New Rents. This distinctive gable feature successfully integrates the roof form into the building and appropriately addresses the prominent street corner between New Rents and Drum Lane. The roof level terraces would be set-back to retain and avoiding disrupting the view of St Mary's Church as shown in **Figure 7** below.



Figure 7: View of St Mary's Church tower retained

44. In summary, I am satisfied that the height, form, scale and massing of the development is appropriate for this town centre site. As a large building it successfully integrates into the historic fabric and represents a sensitive and complementary response to the surrounding townscape.

- **Design and materials**

45. In terms of detailed design, **Figure 8** shows how the elevations have been amended to improve the verticality of the building through the incorporation of more bays and columns between ground and parapet level. This articulation positively references the established scale and rhythm of buildings on New Rents. At upper levels the regular size and repetition of window form is good and also reflects the proportions of windows in the historic buildings nearby.



Figure 8: New Rents elevation

46. The Design Review Panel identified a number of key details required to be secured, including relating to overhanging soffits, guttering, herringbone brick, eaves, signage, window reveals and balustrades. These and details of all other external architectural features including 1:20 horizontal and vertical cross sections of each façade, rooftop details relating to plant and materials and details relating to rainwater goods and vents etc. can be required prior to commencement of ground works. I am satisfied that this will ensure the external appearance and fine detailing of the building will be of an appropriately high quality.
47. In terms of materials, the main facing material would be red brick under a slate roof and this is appropriate in the context of the surrounding historic buildings. It is also proposed to utilise a metal finish to highlight key specific features, including shopfronts and dormers, which would add richness to the

elevations. The Design Review Panel advocate the use of a soft red brick, with flush pointed, buff coloured lime mortar. I recommend that precise details, including samples of external materials be sought prior to commencement of development.

48. In summary, I consider that the building would be of high quality design and materials. It would be visually distinctive and read as a contemporary interpretation of the historic architectural context. It would contribute to a richness of architecture in this gateway location and reflect local character in accordance with Policy SP6 of the ALP.

(d) Heritage impacts

- Setting of the Ashford Town Centre Conservation Area and surrounding listed buildings

49. The application site lies within the Ashford Town Centre Conservation Area and there are also several Grade II listed buildings on the opposite side of New Rents in close proximity to the site. 2, 4A and 33 New Rents are examples of late 18th to early 19th century architecture included for their group value.
50. Paragraph 193 of the NPPF states that 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.
51. Paragraph 194 of the NPPF sets out that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 196 of the NPPF 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.
52. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duties of Local Planning Authorities in regards to the protection of listed buildings and conservation areas. Section 66 states "In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting

or any features of special architectural or historic interest which it possesses.” Section 72 states “In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

53. The site is within the ‘New Rents area’ in the Ashford Town Centre Conservation Appraisal. The Appraisal notes that a number of streets, including New Rents, are directly fronted by buildings of 2/3 storey height with steeply pitched roofs, sometimes with dormer windows or chimneys. Narrow commercial frontages are reminiscent of narrow medieval frontages. The predominant building materials within this character area are white painted render or bricks, red/ orange brick and plain tiled or slate roofs. The shops and other commercial uses provide active frontages on the ground floor which forms an important part of the character of this part of the Conservation Area.
54. The Appraisal also notes the important glimpse of St Mary’s Church tower in views eastwards along New Rents which acts as a marker of the historic town centre and assists with orientation from this street. The blank facades and flat roofs of the existing building in views from New Rents south along Drum Road is identified as having an adverse impact on the setting of the conservation area.
55. The application is supported by a comprehensive Heritage, Townscape and Visual Impact Assessment and I am satisfied that the significance of the heritage assets have been considered and reflected in the proposals. The application site does not contribute to the significance or special interest of the conservation area. As shown in **Figure 9** below the development would retain a strong sense of enclosure to New Rents and introduce a sense of enclosure to Drum Road. The development has been designed to sensitively respond to the character of the existing historic built form, including its medieval plot widths. In addition the richness of design and use of high quality materials would complement the predominant building materials. The replacement of existing blank facades with active frontages and the replacement of flat roofs with steeply pitched roofs and dormers would enhance the setting of the conservation area in this location.



Figure 9: Proposed view of New Rents

56. My view is that there would be no harm to the character, appearance or special interest of designated heritage assets. In fact the Heritage, Townscape and Visual Impact Assessment concludes that the proposed new building would yield heritage benefits, including upgrading the existing building to a modern and contemporary aesthetic with an attractive design, sympathetic to the surrounding architectural context and urban grain. It would also open up the Drum Lane elevation and become a more inviting and active portion of the streetscape.
57. In summary, the proposed redevelopment of this site, where regeneration and change is expected and consistent with the Council's expected area of focus through the adopted Town Centre Reset, would conserve and enhance the character and appearance of the Town Centre Conservation Area and the setting of nearby listed buildings. The proposals are therefore consistent with Policies ENV13 and EN14 of the ALP, the NPPF and the statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

- **Archaeology**

58. The application site lies towards the western end of the historic core of Ashford town, considered to be a medieval market town and is designated as an Area of Archaeological Potential. Although the site has been redeveloped, there is potential for Post Medieval or earlier remains to survive and in view of this archaeological potential the County Archaeological Advisor recommends that a condition to secure archaeological field evaluation, investigation and recording be imposed. I am satisfied that this is reasonable and necessary and in accordance with the requirements of Policy ENV15 (Archaeology) of the ALP.

(e) **Amenity impacts**

59. Whilst the application site is located in a predominantly commercial area, there is a residential property located to the west of the application site on the opposite side of Drum Lane. 17 Drum Lane comprises 8 self-contained flats and the potential adverse impacts from the proposals on the amenities of the occupiers of this building, including in terms of daylight and sunlight, overshadowing and loss of outlook or privacy requires further assessment.

- **Daylight and Sunlight**

60. The application is supported by a Daylight and Sunlight Assessment undertaken in accordance with the BRE document "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, Second Edition" (2011). In terms of daylight, the relevant daylight test is the Vertical Sky Component (VSC). The BRE document states that if the VSC is greater than 27%, then enough skylight should still be reaching the window of the existing building. If the VSC with the new development in place, is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the amount of skylight.
61. The assessment identifies 4 windows at ground and first floor level of 17 Drum Lane that would be left with between 18.17% - 24.31% VSC or between 0.60 and 0.68 of their former values. Whilst these represent failures of the VSC test it is important to note that the BRE document and numerical values given are purely advisory and that some flexibility may be appropriate.
62. In this case, it is relevant that the rooms within 17 Drum Lane are very large, multi-use rooms currently facing a low-level single storey building. The rooms are very deep and as existing receive unusually high levels of daylight and sunlight for an urban location. Whilst some rooms would experience below recommended losses of daylight the daylight distribution analysis

demonstrates that good levels would be retained to those parts of the rooms designed to be naturally lit.

63. With the exception of one window to the ground floor which would receive marginally less annual sunlight (24% as opposed to 25%), all windows would meet the BRE guidelines for annual and winter sunlight. Furthermore, no objection to the proposed development has been received from the occupiers of these properties. Overall I am satisfied that the impact on the neighbouring building would not be unacceptable or justify a refusal of planning permission.

- **Privacy and Outlook**

64. 17 Drum Lane would be located across the road and approximately 11-15m from the side elevation of the development and the windows within it. I am satisfied that in the town centre context of the site, this separation distance and relationship is acceptable and that any impacts on privacy and outlook would not be unacceptable.

65. In summary I am satisfied that the proposals would safeguard and promote a high standard of amenity for existing and future users of development in accordance with paragraph 130 of the NPPF.

(f) Highway impacts, car parking, EVC, cycle provision and refuse strategy

66. The vehicular access to the proposed site will remain the same as existing, via Drum Lane and the service yard, giving access to the undercroft car parking to the rear of the hotel.
67. The application is supported by a comprehensive Transport Statement (TS). The TS includes an assessment of the potential traffic generation from the development which, in recognition of the daily vehicle movements generated by the site's extant commercial use and off-site parking arrangements (discussed below), is considered to be acceptable. I concur with the Highways Authority view that the operation of the development would have no adverse impacts on highway safety or traffic generation within the town centre.
68. I note the Council Environmental Protection teams' request for submission of a Code of Construction Practice which would include details relating to management of construction related traffic and parking. In recognition of the scale of the development and the potential impacts on local highway and pedestrian safety I consider this is reasonable.
69. The Highways Authority also note the existence of street lights on the existing building. Their replacement and details of a temporary solution for the period

of construction can also be secured by condition.

- **Car parking**

70. Policy TRA3 (a) of the ALP sets out the required parking standards for new residential development within town centre, suburban and rural locations but also permits flexibility, for example where there is a good level of accessibility to shops and services and a good level of non-car access. As shown in **Figure 10** below, the onsite car parking would provide for 13 spaces, one of which would be allocated to each dwelling within the development. There would also be three accessible parking spaces for hotel visitors. The parking provision would be in accordance with the requirements of Policy TRA3 (a) which seeks the delivery of 'a minimum parking standard of 1 space per residential unit on average'.



Figure 10: Ground floor plan (car parking layout)

71. Whilst there is no designated on-site visitor parking (beyond the three accessible spaces), Policy TRA3 (a) states that this should be provided primarily off-plot in short-stay car parks where available or on-plot where layout permits. The site is located in the town centre where a number of short stay car parking options exist, including County Square Shopping Centre, Edinburgh Road and Ashford Park Mall all within a 5-minute walk.
72. Policy TRA3 (b) of the ALP sets out the parking standards for non-residential development and states 1 parking space per bedroom is required. With the

exception of 3 disabled spaces for use by the hotel, there would be no onsite parking provision for hotel guests who will be required to park in one of the town centre car parks.

73. In considering the acceptability of this approach, Policy TRA3 (b) states that in specified exceptional circumstances, proposals may depart from the set standards. Such circumstances include:

- a) *In order to take account of specific local circumstances that may require a lower level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems; and*
- b) *Where the proposed use can reasonably rely on the availability of public off-street car parking spaces that are nearby.*

74. In this case the site is located in a central town centre location that has very good access to a variety of public transport services, cycle routes and pedestrianised areas. The applicant has also confirmed that there would be a lease arrangement with the nearby NCP car park at County Square for use by hotel visitors. The Highways Authority note that the nearby highway network is protected by parking restrictions and permit parking so there can be no overspill of parking from the development and consider that exceptional circumstances apply.

75. Subject to conditions requiring details of Electric Vehicle Charging infrastructure (to be provided at a minimum of 10% active charging and 100% passive) and the provision and permanent retention of the vehicle parking prior to the first use or occupation of the development I concur with the Highways Authority that the car parking arrangements for both the residential and hotel uses are acceptable and in accordance with relevant planning policy.

- **Cycle parking**

76. Policy TRA6 of the ALP requires cycle parking to be provided at a minimum of 1 space per unit. Provision is shown for at least 10 cycles for future residents and 10 cycles for hotel users in a combination of double-stacked racks and Sheffield stands. Whilst these would be covered and easily accessible to the building cores they are not shown as having an overtly secure design/layout and it is therefore appropriate in my view that further details pertaining to the security of the cycle stores (which may include their enclosure with visually permeable cage-style walls/doors) and the wider development be secured via condition. This would also address Kent Police's request for details of comprehensive access control and security measures across the site.

77. Subject to the condition referred to above and an additional condition to require the provision and permanent retention of the facilities prior to first use or occupation, the Highways Authority are satisfied with the proposals and I am satisfied that the cycle parking provision is acceptable and in accordance with relevant planning policy.

- **Refuse strategy and servicing**

78. The proposals make adequate provision for refuse storage and collection for all parts of the development in accordance with the Council's Residential Layouts and Wheeled Bins guidance. The storage areas are separated by use and easily accessible from the building cores and from Drum Lane where it would be collected. Tracking plans of refuse vehicle movements have been submitted to demonstrate that the layout of the development works. Subject to details of the locking mechanism both the Highways Authority and Council's Street Scene and Open Spaces Officer is satisfied with the arrangements.

79. I recommend that fine details of the refuse stores, including relating to the locking mechanism and to ensure good practice in relation to general waste, food waste and recycling, including details of internal signage and any other related proposals to achieve such practice and help avoid cross-contamination are secured by an appropriate condition.

(g) Landscaping, ecology and biodiversity, surface water and drainage and contamination

- **Landscaping**

80. The existing site has no soft landscaping and the proposals therefore offer scope for on and offsite greening. On-site it is proposed incorporate soft landscaping, including a feature tree in the central courtyard which would be visible through the building from New Rents. I consider this would create a welcome visual interaction between the public realm of Elwick Road and the private yet communal realm of the development. It is also proposed to plant a signature tree adjacent to the main hotel entrance and to install planters adjacent to the Drum Lane elevation (all within the site boundary). The proposals also incorporate green roofs and provide opportunity for further planting on the roof level terraces and balconies.

81. Off-site it is proposed to reconfigure the existing parking bays directly adjacent to the site on Drum Lane to plant at least one street tree and/or to create street planters. This buffer planting would create a soft green edge to the development and significantly enhance the public realm. These works would require a s278 Highways Agreement. Whilst this is shown indicatively

on the submitted plans, there are a variety of ways that this could be delivered taking into account the location of services and street lighting. I therefore recommend that final details, including tree and soft planting schedules be secured by condition to ensure that the soft landscaping is suitable for this urban location and offers maximum visual interest and biodiversity benefits.

82. In summary, soft landscaping would be fully integrated into the layout and design of the development and result in significant enhancements compared with the existing situation. In my view this element of the proposals will make a significant visual contribution to the character of this part of the town centre in accordance with relevant planning policy and guidance.

- **Ecology and biodiversity**

83. The site is not subject to any national or local nature conservation designations and as existing has little or no ecological value. It therefore offers scope for ecological and biodiversity enhancement through the introduction of the onsite landscaping referred to above in accordance with Policy ENV1 and ENV4 of the ALP.

- **Surface water and drainage**

84. Policy ENV9 of the ALP and the adopted Sustainable Drainage SPD state that all development should include appropriate SuDs for the disposal of water in order to avoid any increase in flood risk or adverse impact on water quality. The application is supported by a Drainage Statement. The site lies within flood zone 1 with a very low risk of flooding and the details confirm that the proposed development would reduce runoff and be served by adequate drainage (utilising existing surface water connections to the public sewers). Southern Water have identified public sewers under the site and has requested conditions relating to their potential diversion. Subject to this and conditions to secure further details relating to the drainage strategy neither the Local Lead Flood Authority nor the Environment Agency has any objection to the proposed strategy.
85. In summary, the hierarchy of surface water disposal has been adhered to, resulting in proposed connections to the public sewers in the vicinity of the development. Green roofs shall be incorporated into the proposed drainage infrastructure, which would reduce runoff and provide biodiversity benefits in accordance with the requirements of national and local planning policy and the Council's Sustainable Drainage SPD.

- **Contamination**

86. Both the Environment Agency and the Council's Environmental Protection

team note there is potential for contamination that may pose a risk to the environment and public. I consider it reasonable to apply appropriate conditions to ensure that contamination is subject to full assessment and remediation and verification where required and that any unexpected contamination found on site is reported. I also recommend conditions relating to piling and to prevent infiltration of surface water into the ground to safeguard groundwater quality.

(h) Sustainability and climate change

87. The Council's adopted planning policy position is to rely on the Building Regulations to reduce energy emissions and the proposed development would comply with the energy hierarchy of 'be lean, be clean, be green'. In terms of passive design, the buildings layout, orientation and façade has been designed to maximise natural daylight and sunlight into the majority of rooms. The overhanging facades and recessed angled windows create a scheme that moderates the building from overheating in summer. The central courtyard creates cooling and cross ventilation into the buildings lower floors. The single tree will create further solar shading in summer. In addition, high performance thermal insulation would be carefully balanced against thermal mass for stability and comfort and new high-performance double glazing with low U value and G Values controlling glare, thermal comfort and noise would be used. The design also maximises upper flat roof locations on 3rd and 4th floors for PV solar panel arrays.
88. Additional energy conservation measures to reduce energy consumption have been identified, including use of energy efficient luminaires and controls, white goods rated 'A+, A or B' for energy use and highly energy efficient LED Lighting throughout with presence sensors in circulation and back of house areas. In accordance with Policy ENV7 of the ALP I recommend that a condition be imposed to ensure water efficiency through the provision of low flow sanitary fittings.
89. The energy strategy would be based on highly efficient air source heat pumps used for building-wide domestic hot water system to be located within a louvered enclosure behind the eastern pitched roof space. Each hotel bedroom and dwelling would also feature natural and mechanical ventilation with heat recovery.
90. In summary, I am satisfied that the proposed development has been designed to address and mitigate the risks of climate change, including through the implementation of a low carbon energy strategy and the construction of a building designed to minimise energy consumption. In this regard the proposals are consistent with national and local planning policy and guidance.

(i) Housing Land Supply

91. The Council's 5 year housing land supply for the Borough is material to the consideration of this application. The Council's latest Housing Land supply position 'Five Year Housing Land Supply Update July 2021' was published in November 2021 and covered the period from 2021 to 2026. This identified that the deliverable housing land supply was equivalent to 4.54 years.
92. However, an Inspector recently published an appeal decision, (reference APP/E2205/W/21/3284479 - Land between Woodchurch Road and Appledore Road, Tenterden, Kent, TN30 7AY) which challenges the Council's assumptions. The appeal decision referred to as the 'Wates' appeal is dated 30 March 2022^[2]. The appeal decision suggests that the Council is only able to demonstrate a 5-year housing land supply position of 3.5 years.
93. It is the Council's view that there are a number of issues associated with this appeal. These issues primarily relate to the assumptions made by the Inspector about the delivery of sites located in areas of the Borough that fall within the Stour Catchment (where Natural England's Nutrient Neutrality Advice^[3] applies). The Council also note that the Inspector does not appear to have taken into account a recent letter from the Chief Planning Officer (dated 16 March 2022) which clearly elevates the nutrient issue and recognises that in affected areas "*there may be implications for the Housing Delivery Test and 5 Year Housing Land Supply*". This letter was written before the Wates Inspector made his decision.
94. Unless a legal challenge to the 'Wates' appeal decision is successful in the Courts then it is accepted that the figure of 4.54 is not the starting point in relation to the application of the 'tilted balance' that is engaged through paragraph 11(d) of the NPPF. Paragraph 11(d) of the NPPF states:

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

^[2] Appeal decision reference APP/E2205/W/21/3284479
<https://planning.ashford.gov.uk/Planning/IDOX/default.aspx?docid=2065991>

^[3] Natural England Nutrient Neutrality Advice <https://www.ashford.gov.uk/media/0jabvost/ne-march-2022-letter-water-quality-and-nutrient-neutrality-advice.pdf>

- (ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

95. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. Although the identified impact on Stodmarsh (considered further below) would normally mean that part (i) above applies, the Head of Planning and Development will, once a mitigation strategy is identified, be able to adopt an Appropriate Assessment that concludes that there will be no adverse effect on the integrity of the protected site and as such the first exemption to paragraph 11(d) would not apply in this instance.
96. On the second exemption, I do not consider that the adverse impacts could be demonstrated that would reach the required bar so as to dictate a refusal of planning permission in the current circumstances where the Council cannot demonstrate a 5 year housing land supply and so my conclusion is that this would also not apply. The tilted balance is therefore engaged and the implications of this are considered in the conclusion below.

(j) Habitats Regulations

97. Since the application was submitted, the Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
98. The importance of this advice is that the application site falls within the Stour catchment area and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations 2017 (as amended) would need to be undertaken and suitable mitigation identified to achieve ‘nutrient neutrality’ as explained in NE’s advice, in order for the Council to lawfully grant planning permission.
99. Under the Council’s Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE’s views.
100. As matters stand, it is very likely that an off-site package of mitigation measures will be required in order for the development proposal to achieve ‘nutrient neutral’ status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to

conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.

101. However, work commissioned by the Council has commenced on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
102. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions and obligations), I recommend that the application is not determined until the adoption by the Head of Planning and Development (having consulted NE) of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) pursuant to a S106 legal agreement and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place.

(k) Planning Obligations

103. 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
104. In accordance with the requirements of Policy IMP1 I recommend that the planning obligations set out in Table 1 below be secured in the event that planning permission is resolved to be granted. For the reasons I have set out 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.
105. KCC have made a number of requests for S106 money, however the Council are currently reviewing these requests to make sure they are aligned with Regulations and that the evidence is available to justify the amounts. Until that has been determined, the Council continue to rely on the pre 2020 requests from KCC as those are judged to be robust and based on evidence that was in the public domain.

106. In ABC Officers view, the KCC request for contributions towards waste management are not fully justified and would fail to meet the relevant tests in the CIL Regulations. As such, this is not reflected in Table 1 below.
107. Recommendation (A) further below deals with the necessity for the applicant to enter into a s106 agreement and includes delegation to officers to deal with any necessary deletions, amendments and additions that might be required. Recommendation (B) further below provides for delegation to officers to deal with any additional s106 obligations that might be necessary to mitigate against impacts of development on the integrity of Stodmarsh SAC, SPA and Ramsar site.

Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Applies to sites of 10 dwellings or more				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
	<p><u>Community Learning</u></p> <p>Project: Towards additional resources and equipment at Ashford AEC for the additional learners from development.</p>	£16.42 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><u>Libraries</u></p>			<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030</p>

	<p>Contribution towards additional resources, services and book stock for Ashford library for the new borrowers generated by this development.</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>Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
	<p><u>Adult Social Care</u> Project: Extra Care accommodation in Ashford.</p>	<p>£47.06 per dwelling.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related 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>Fairly and reasonably related in scale and kind 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><u>Primary Schools</u></p> <p>Project: Towards new 2FE Conningbrook Primary School and site acquisition cost.</p>	<p>£1700 (education) plus £590.98 (land) per applicable flat (x3)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as 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>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Secondary Schools</u></p> <p>Project: Towards Norton Knatchbull expansion.</p>	<p>£1135 per applicable flat (x3)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1, 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>

			50% of the dwellings	<p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind 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><u>Youth Services</u></p> <p>Project: Towards additional resources for the Youth service in Ashford.</p>	£27.91 per flat	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the</p>

				number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
Applies to all				
	<p><u>Monitoring Fee</u></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring and reporting compliance with the agreement or undertaking</p>	£1000 one-off payment	First payment upon commencement of development	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

108. 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

109. In accordance with paragraph 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

110. The introduction of a mixed use hotel and residential development in this accessible and sustainable town centre location is consistent with national and local planning policy. Whilst it would result in the net loss of retail space and primary retail frontage, I am satisfied that the proposed uses would be compatible with the town centre and serve to maintain and enhance its vitality and viability including by attracting visitors and increasing footfall. I note there are a number of letters of support on this basis.
111. The proposal would deliver a high quality and locally distinctive building on an accessible brownfield site. In terms of access, layout, scale and design the proposals would be well integrated with its surroundings. The sensitive redevelopment would, in my opinion, represent an improvement to visual amenity and conserve and enhance the setting of the Ashford Town Centre Conservation Area and surrounding listed buildings.
112. Externally, subject to conditions relating to off-site provision, the proposals incorporate acceptable car and cycle parking in accordance with adopted Policies in the ALP. The development would incorporate highly efficient low carbon technologies and has been designed to minimise energy consumption. In terms of amenity impacts, a small number of windows in the nearby residential building, 17 Drum Lane, would experience a loss of daylight contrary to the guidance in the BRE guidelines; however I have concluded that the magnitude of harm would not be unacceptable. The proposals would also provide for enhancements to landscaping and biodiversity, including through street tree planting.
113. The proposals would also deliver high quality dwellings that would provide a good standard of accommodation for future occupiers and I afford this significant weight. I have not identified any demonstrable harm and in the

context of the tilted balance this must mean that planning permission should be granted in accordance with the recommendations below.

114. Currently, insufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh SAC, SPA and Ramsar Site under the Habitats Regulations. Therefore, the Recommendation (B) below to approve is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to secure any necessary additional obligation(s) and/or planning conditions to that end. Mitigation will be via an off-site solution.
115. As discussed within the main body of the report, I recommend that a number of conditions will be necessary. My Recommendation (C) further below deals with delegation to add/amend/remove planning conditions as appropriate.

Recommendation

- A. Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 above in terms agreeable to the Development Management Manager or the Strategic Development and Delivery Manager in consultation with the Solicitor to the Council, with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit; and,**
- B. Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,**
- C. Resolve to Permit subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement/provisions effective 01/10/2018.**

Conditions:

1. Standard time implementation condition
2. Development carried out in accordance with approved plans
3. Details and samples of external materials
4. Fine details (at scale 1:20 or 1:5 as appropriate)
5. No vents or flues other than in accordance with details to be approved
6. Details of archaeological field evaluation, investigation and recording works
7. Investigation, remediation and verification of contaminated land
8. Reporting of unexpected contamination
9. Details of piling and prevention of infiltration of surface water into the ground
10. Details of extraction equipment (for extraction/treatment of fumes/odours)
11. Details of noise/vibration of plant
12. Sound mitigation (new dwellings)
13. Provision and retention of vehicle parking onsite and off-site
14. Details and provision of EVC
15. Details and provision of secure cycle parking
16. Construction Management Plan to include details of routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management / signage etc.
17. Pre and post highway conditions surveys
18. Details of temporary and permanent replacement street lighting
19. Details of street tree planting (Drum Lane)
20. Details and provision of refuse storage
21. Details of foul sewerage disposal
22. Details and provision of SuDS scheme including verification
23. Details of any necessary diversions of public sewers
24. Water use not to exceed 110 litres per person per day
25. Details of renewable energy strategy, including solar PV
26. Details of hard and soft landscaping
27. Details and provision of external lighting strategy
28. Details and provision of biodiversity enhancement measures
29. Details of provision of Fibre to the Premises
30. Site Inspection

Notes

1. Recommend early engagement with Crime Prevention Design Advisor
2. Working with the Applicant

Working with the Applicant

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

- offering a pre-application advice service,
- working with the applicant to present proposals to Design Review

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

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council website (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 20/00947/AS)

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Appendix 1 – Design Review Panel report (February 2020)

The design review meeting

Reference number	1386/100220
Date	10 th February 2020
Meeting location	International House, Dover Place, Ashford, TN23 1HU
Panel members attending	Richard Portchmouth (Chair), Architecture, Urban Design Robert Sakula, Architecture Jade Huang, Architecture (co-opted)
Panel manager	Sogand Babol, Design South East
Presenting team	Guy Hollaway, Guy Hollaway Architects Tim Goode, Guy Hollaway Architects Musab Desai, Guy Hollaway Architects
Other attendees	Katy Magnall, Ashford Borough Council Councillor Paul Clokie, Ashford Borough Council Chris Hawkins, DHA Planning Edward Wollaston, Heritage Collective Dr. Mittal, Applicant Sanchay Tekle, Applicant
Site visit	A full site visit was conducted by the panel prior to the review.
Scope of the review	As an independent design review panel, the scope of this review was not restricted.
Panel interests	Robert Sakula notified DSE that his practice worked for Ashford Borough Council on the early stages of the Vicarage Lane/Mecca Bingo site in 2018. This was not deemed to constitute a conflict of interest.
Confidentiality	This report is confidential as the scheme is not yet the subject of a detailed planning application. Full details of our confidentiality policy can be found at the end of this report.

The proposal

Site location	New Rents, Ashford
Site details	The site is located on the western portion of Ashford's New Rents high street, on the corner of Drum Lane to the west and adjacent to a now vacant former Marks and Spencer building to the east. There is an existing two-storey building on the site, with partly vacant commercial units on the ground floor.
Proposal	This is a proposal for a 92-bed hotel, 10 apartments highly likely to function as serviced apartments, a small commercial space and a car park for 17 vehicles. A 70% 1-bed, 30% 2-bed mix is proposed. We trust that the client has researched the viability of the model in this location.
Planning stage	Pre-application stage. Full application intended imminently.
Local planning authority	Ashford Borough Council.
Planning context	The site is within a conservation area and there are three listed buildings in close proximity to the site – 2 and 4A New Rents, examples of late 18 th to early 19 th century architecture - included for their group value - and 33 New Rents. Policy SP5 in the Local Plan supports development of this site in principle. The Ashford Town Centre Conservation Area Appraisal and Management Plan were adopted in September 2016. There is a protected view of St Mary's Church looking south-east along New Rents from Somerset Road.
Planning authority perspective	<p>The local authority supports the development in principle. The adopted Local Plan identifies the need for primary shopping frontage on both New Rents and Drum Lane. Retail independent of the hotel is desirable.</p> <p>The advice of the panel is sought on the scale of the proposal, integration with the historic fabric, key views, roof forms and architectural articulation along New Rents.</p>
Previous reviews	The scheme was previously reviewed by the panel on 22 nd August 2019. The panel had a number of concerns about the proposal and its character, which was considered incongruous with the distinctive heritage and context.

Summary

Overall, this scheme is a significant improvement upon the previous proposal. The scale, mass and building form is now more coherent with the context. The focus should now be on refining and coordinating the scheme for the needs of the site and uses through consultation, engagement and collaboration with relevant consultants, authorities and members.

Key recommendations

1. Minor alterations to the massing are required to finesse the proposal, for example through the introduction of a courtyard at ground level and the expression of the recessed roof gables as they come to ground.
2. The architectural elevations are the key area for development. The articulation of bays that reflect the historic fabric, in addition to more brick and smaller, opening windows will be useful for developing the character and future flexibility of the scheme.
3. Appropriate locations, sizes and spatial requirements of the servicing, energy and sustainability provisions of the site should be clarified and integrated into the proposal.
4. The overall success of this scheme depends on material and detail quality. The approach is appropriate, however, a clear rationale needs to be developed. Important details for progression are outlined below.

Detailed comments and recommendations

1. Responding to the context

- 1.1. This proposal is a significant improvement upon the previous iteration. The study of local architectural precedents has resulted in a more appropriate scale and response to the context. The proposal is now more embedded in the context and reflective of local characteristics.
- 1.2. We are comfortable with the approach to scale, massing and height.
- 1.3. The previous critique of the view to St. Mary's Church has been addressed. The mass no longer competes with the church spire. Care should now be taken to avoid any increase of the parapet height during detail design stages. The curved corner form on the junction of New Rents and Drum Lane is strong, however, further exploration of this prominent corner is advised. The projection of the gable-end on Drum Lane is less convincing. A flush gable could ensure continuity of the scheme around this corner. Options for the position of this gable should be explored.
- 1.4. The extent of the sloping roof on Drum Lane is not fully harmonious with the architecture of the conservation area. Dormers instead of flush, Velux-style windows could be useful in establishing a successful articulation of the external appearance, while increasing generosity of the interior spaces. In addition, there is potential in using detail and decoration on the roof, which would establish a consistent approach with the brick facades.

2. Architecture & elevations

- 2.1. We support the position and line of the recessed gables facing onto New Rents however, the gables could relate better to the rest of the massing at lower levels. The team should explore how a coherent composition can be developed, for example in how the gables come to ground through the detail of the elevation.
- 2.2. The need for flexibility of the ground-floor for conversion into alternative uses in the future life of the building is a concern of both the panel and the Council. The ground floor elevation is currently a homogenous, large space with a continuous glazed opening. We strongly encourage the team to consider the articulation of bays in the façade, in addition to more brick and opening windows that allow cross-ventilation at ground level. The historic grain patterns should be studied to inform this setting out. Smaller bays would better respond in character to the context and enable ease of conversion at a later date.

- 2.3. To progress the architectural proposal, the team should now focus on accurately describing the immediate context. A process of analysis and clear communication of the context through careful drawing should inform the architectural proposal. The elevations in particular should be responsive to this analysis.
- 2.4. The team is advised to consult building control officers and fire engineers at the earliest possible time to ensure the sharing of cores and circulatory space between private residential homes and hotel use is compliant with current regulatory standards. Compliance with means of escape should be clarified. Security across the two uses is a concern and requires a clearly described strategy in design and management.

3. Layout & access

- 3.1. We recognise the reduction in the number of homes proposed on the basis of our earlier advice. There are residual issues with the internal layout, although we are confident these can be resolved through iterative design.
- 3.2. We see significant potential in lowering the first-floor podium to provide a courtyard-garden at ground-level. This would help alleviate issues with the deep plan and likely need for mechanical servicing of spaces at this level, as well as enabling opportunities for long and short views into a landscaped space, better orientation and flexibility for the future. It will require negotiation with the Council and elected members to reduce the amount of parking, but our view is that this in a town centre location, a discreet amount of space dedicated for essential vehicles is sufficient.
- 3.3. The team should explore opportunities to introduce more windows and natural light into the corridors.
- 3.4. The positioning of a new residential entrance on the south of Drum Lane is a positive move. The lobby could be more generous in size, while the prominence and spatial quality of the stairs could be improved to encourage their use. A visual connection to a courtyard is one way this could be achieved.
- 3.5. The north-eastern core and stair could be flipped to ensure the overrun is coordinated with the gable form and does not protrude from the roof.

4. Landscape & public realm

- 4.1. The new residential entrance on the south is welcome, as it encourages a review of the public realm in this area and along Drum Lane. Opportunities for greening at ground level should be explored, which will require collaboration with the local

authority and Kent County Council highways. The ownership boundaries should be checked to inform these discussions.

- 4.2. Although we note our earlier advice, the proposal for a singular north-facing green wall is not yet convincing. The team should explore the nature and character of the courtyard space as a whole. The introduction of a signature tree could be more appropriate. Otherwise, the consistent use of green walls on all elevations of the courtyard (with attention paid to the specification of tree species dependent on the orientation), could be more coherent.
- 4.3. Green walls on the south-facing elevation could be used to enliven the street and mitigate inactive frontages.

5. Energy & sustainability

- 5.1. We support the integration of greywater recycling and renewable energy sources. Photovoltaics have been carefully positioned for discretion and efficiency. Understanding the spatial requirements and servicing needs of these provisions and coordinating these into the design should now be a priority.
- 5.2. Similarly, the serviced spaces of the hotel and spa will have mechanical, electrical and plant needs that are not yet reflecting accurately in the proposal. An M&E engineer should be consulted at the earliest possible time. Spaces should be sized, distributed and located according to needs. Rooftop plant, extracts, and other servicing equipment should be shown on plans, sections, elevations, and visualisations.
- 5.3. At planning application stage proposals should produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods.

6. Materials & detail

- 6.1. The need for a rationalised, thoughtful and coordinated package of details cannot be underemphasised for this prominent site. We support the team's approach to resolving these upfront as far as possible. The key details that should be provided are outlined below;
- 6.2. Overhanging soffits: Metal is not considered an appropriate solution for this detail. Brick, well detailed render or concrete should be explored for its contribution to overall quality.

- 6.3. Guttering: An overall strategy is required, as well as internal and external details.
- 6.4. Herringbone: Currently used on structural columns, the use of herringbone brick is interpreted as contrary. If this architectural conceit is the intent, this could be a consistent theme to be expanded upon across the scheme.
- 6.5. Sloping-curved roof (south of Drum Lane): The detail of the eaves is important to retain water run-off while providing a satisfactory appearance from the south.
- 6.6. Signage: The needs of the operator should be established. Discreet signage behind glass is preferred for its visual appearance and flexibility for change.
- 6.7. Window reveals: It will be important that the deep brick reveals referred to by the applicant and evident in the visualisations are retained throughout the design development. A great deal of the character of the proposal will be lost if these are reduced or omitted.
- 6.8. Balustrading: We recommend investigating alternatives to glass balustrading for this location within the conservation area. Metal railings are preferred.
- 6.9. Interface between double-hipped gable on New Rents, roof and parapet below: How these prominent elements of the building relate visually and structurally to the lower façade of the High Street to create a coherent composition is a critical detail.
- 6.10. In our view, the details should contribute to the architecture's status as a contemporary interpretation of the historic architectural context. The palette of materials should be clarified, with particular attention paid to a consistent use of metal across the scheme.
- 6.11. The use of transoms and mullions to better articulate glazing proportions on the elevations should be explored.
- 6.12. We support the use of red brick. However, the specific qualities of the brick should be agreed in advance. A technical, clean brick would diminish the character of the proposal. A soft red brick, with flush-pointed, buff coloured lime mortar is preferred.
- 6.13. We support the use of slate roofing tiles.
- 6.14. Paragraph 130 of the National Planning Policy Framework (2018) states: *'Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*

- 6.15. At planning application stage, the quality of the detailing should be demonstrated through large scale drawings at 1:20 and 1:5 of key elements of the building/landscape and should be accompanied by actual material samples which should be secured by condition as part of any planning approval.
-

Confidentiality

If the scheme was not the subject of a planning application when it came to the panel, this report is offered in confidence to those who attended the review meeting. There is no objection to the report being shared within the recipients' organisations. Design South East reserves the right to make the contents of this report known should the views contained in this report be made public in whole or in part (either accurately or inaccurately). Unless previously agreed, pre-application reports will be made publicly available if the scheme becomes the subject of a planning application or public inquiry. Design South East also reserves the right to make this report available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please inform us.

If the scheme is the subject of a planning application the report will be made publicly available and we expect the local authority to include it in the case documents.

Role of design review

This is the report of a design review panel, forum or workshop. Design review is endorsed by the National Planning Policy Framework and the opinions and recommendations of properly conducted, independent design review panels should be given weight in planning decisions including appeals. The panel does not take planning decisions. Its role is advisory. The panel's advice is only one of a number of considerations that local planning authorities have to take into account in making their decisions.

The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.

Application Number	21/01250/AS	
Location	Oakleigh House, Watercress Lane, Ashford, Kent	
Parish Council	-	
Ward	Beaver (Ashford)	
Application Description	The demolition of Oakleigh House Sheltered Housing and the residential block on the corner of Beaver Lane and Watercress Lane to provide 54 apartments for Independent Living for Older People and 13 apartments for Adults with Learning Disabilities, with the associated communal facilities, landscaping and parking.	
Applicant	Ashford Borough Council	
Agent	PRP, Ferry Works, Summer Road, Thames Ditton, KT7 0QJ	
Site Area	0.81ha	
(a) 95/22 'R', 1 'X'	(b) -	(c) KCCH&T 'X', KCC PROW 'X', KCC EDEV 'X', EH 'X', POL 'X', KFRS 'X', KCC LLFA 'X', SW 'X'. NE '-', CACF '-'

Introduction

1. This application is reported to the Planning Committee because the Council is the applicant and under the Council's scheme of delegation it falls to be determined by the Planning Committee.

Site and Surroundings

2. The application site is located in the Beaver Green area of South Ashford and comprises two parcels of irregularly shaped land located to the east and west of Watercress Lane as shown in **Figure 1** below. The larger parcel is bound by Beaver Lane to the west and Cross Stile and Watercress Lane to south and east. There are a number of existing buildings on this parcel, comprising a two-storey former sheltered housing block known as Oakleigh House to the north and a three-storey former general needs housing block known as the Star block to the south. The existing buildings are owned and managed by Ashford Borough Council; they are currently vacant and the site is enclosed by security hoardings. The remainder of this parcel comprises maintained green space.

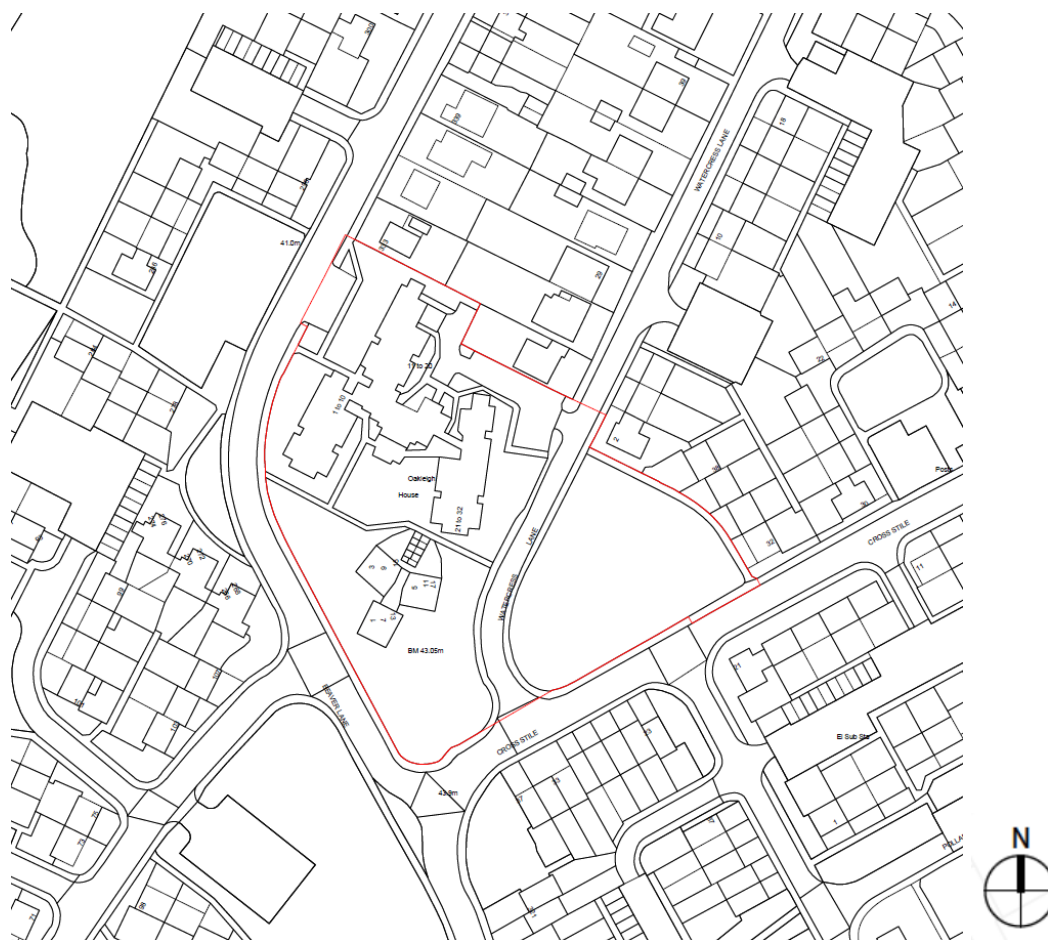


Figure 1: Site location plan

3. The smaller parcel of land is located to the east of Watercress Lane and comprises an undeveloped maintained green space.
4. Existing vehicular access to Oakleigh House and off-street parking is provided via Watercress Lane, which is a no-through road. There is a public footpath running through the centre of the western parcel of land and around the boundary of the eastern parcel where it provides direct pedestrian access to the dwellings facing the site.
5. The area is suburban in character with buildings in the immediate vicinity predominantly 1960 - 1980s single, 2 and 3-storey dwellings organised in terraces and courts. There are a number of planned and incidental open green spaces of varying sizes which are a strong feature of the area. The majority of buildings are set back from the road with brick and tile hung facades and pitched roofs.
6. There are no conservation areas or listed buildings within proximity. Much of the undeveloped parts of the site comprise open space in the form of maintained grass. There are several unprotected trees located around the

boundaries of the site. The site is located in Flood Zone 1, an area of low flood risk.

Proposal

7. Planning permission is sought for the demolition of Oakleigh House and the Star block and the erection of buildings to provide independent accommodation for older people and buildings to provide accommodation for adults with learning disabilities on the adjacent site. As shown in **Figure 2** below, the existing road layouts would be retained.



Figure 2: Proposed layout

8. The independent accommodation for older people would comprise 51 flats with communal facilities, including community room, a covered terrace with views into the courtyard, a hair and therapy suite, a meeting room, mobility scooter parking, office and foyer all within three-storey buildings and 3 single-storey terraced 'mews' cottages adjacent to the north boundary.
9. The accommodation for adults with learning disabilities would comprise 13 flats within two-storey buildings. Both developments would be arranged around open courtyards with the principal entrances located near to the junction of Watercross Lane, Beaver Lane and Cross Stile.

10. As illustrated in **Figure 3** below, the design of the buildings would include gable features, with large windows and inset balconies. The materials would include buff/beige coloured multi-brick with areas of textured brick and clay roof tiles.



Figure 3: Elevation bay study

11. The main vehicular, cycle and pedestrian access to the site would be via Watercress Lane. An additional one-way link road is proposed between Watercress Lane and Beaver Lane to provide access to the proposed mews cottages and off-street parking. Additional off-street parking, including for surrounding dwellings is proposed to be accessed from Watercress Lane, Beaver Lane and Cross Stile as shown in **Figure 4** below. The development would incorporate areas of private amenity space and communal landscaping, including to the boundaries.



Figure 4: Detailed site layout, including parking provision

Planning History

12. There is no relevant planning history relating to this application site.

Consultations

13. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to 95 occupiers of buildings in the vicinity of the application site. The statutory consultation period ended on 06.03.2022.

Ward Members: No representations received.

ABC Building Control: confirm that it will be necessary for a Demolition Notice under section 80 of the Building Act to be submitted for the demolition of the existing properties.

ABC Cultural Services: no objection subject to investment in surrounding public open spaces to compensate for the loss of public open space as a consequence of this development. Landscape improvements to be subject to public engagement and consultation.

ABC Environmental Protection: no objections subject to conditions to secure site investigation relating to land and/or ground water contamination and informatives relating to construction hours, burning of waste and dust emissions. (*Officer comment: relevant conditions secured at the end of the report*).

ABC Environmental Services: no objection to refuse storage provision.

Kent County Council Highways and Transportation: no objection subject to conditions to secure a Construction Management Plan, measures to prevent discharge of water to the highway, provision and retention of vehicle and cycle parking and electric vehicle charging. (*Officer comment: relevant conditions secured at the end of the report*).

Kent County Council Public Rights of Way: no objection subject to a condition that no development should take place over the PROW until the confirmation of its diversion or extinguishment. (*Officer comment: relevant conditions secured at the end of the report*).

Kent County Council Flood and Water Management: no objection subject to conditions to secure a detailed sustainable surface water drainage scheme for the site and a Verification report. (*Officer comment: relevant conditions secured at the end of the report*).

Kent Fire and Rescue Service: no objection.

Kent Police: recommend use of Secured By Design. (*Officer comment: relevant informative/note secured at the end of the report*).

NHS: no objection subject to securing contributions towards health care infrastructure. (*Officer comment: relevant infrastructure contributions secured in Table 1*).

Southern Water: note that the development lies over public sewers and exact position must be determined before layout is finalised. SW can facilitate foul sewerage disposal to service the proposed development but recommend condition to secure details of the proposed means of foul sewerage and surface water disposal. (*Officer comment: relevant conditions secured at the end of the report*).

Natural England: no response.

Ashford Access Group: no comment.

Central Ashford Community Forum: no response.

Neighbours – 22 objections and 1 general comment received from local residents as summarised below:

Objections:

- Loss of accessible communal green space
- Impact on sense of community and wellbeing
- Loss of safe supervised play space and space for community celebrations
- Impact on early development and health
- Impact on community safety
- Unsuitable location for accommodation for people with learning disabilities
- Other brownfield sites should be explored
- Pollution and construction impacts on health (including dust)
- Construction impacts on parking
- Loss of views and outlook
- Loss of light
- Out of keeping with local area
- Impact on emergency vehicle access
- Additional traffic impacts on busy road
- Traffic calming measures required
- Impact on property value (*Officer comment: this is not a material planning consideration*)

Comments:

- Query whether adequate parking provision
- Query whether buildings contain asbestos

Planning Policy

14. The Development Plan for Ashford Borough 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), the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022), the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

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

Vision for Ashford Borough

SP1 Strategic objectives

SP2 The strategic approach to housing development

SP6 Promoting high quality design

HOU1 Affordable Housing

HOU12 Residential space standard internal

HOU14 Accessibility standards

HOU15 Private External Open Space

HOU18 Providing a range and mix of dwelling types and sizes
EMP6 Fibre to the Premises
TRA3a Parking standards for residential development
TRA6 Provision for cycling
TRA7 The road network and development
TRA8 Travel Plans, Assessment and Statements
ENV1 Biodiversity
ENV4 Light Pollution and Promoting Dark Skies
ENV6 Flood Risk
ENV7 Water efficiency
ENV8 Water quality, supply and treatment
ENV9 Sustainable drainage
ENV11 Sustainable Design and Construction
ENV12 Air Quality
ENV15 Archaeology
COM1 Meeting community needs
COM2 Recreation, Sport, Play and Open Spaces
COM 3 & 4 Allotments and Cemeteries
IMP1 Infrastructure provision
IMP4 Governance of public community space and facilities

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009
Residential Parking and Design Guidance SPD 2010
Sustainable Drainage SPD 2010
Residential Space and Layout SPD 2011 (now external space only)
Sustainable Design and Construction SPD 2012
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) Revised 2021
Planning Practice Guidance (PPG)
Technical Housing Standards – nationally described standards

Assessment

17. The key areas for consideration are as follows:
- (a) Principle of development
 - (b) Whether the loss of open space and off-site mitigation is acceptable
 - (c) Design quality and visual impact on the locality
 - (d) Housing mix and standard of accommodation proposed
 - (e) Amenity impacts
 - (f) Highway impacts, car and cycle parking and EVC
 - (g) Landscaping, ecology and biodiversity, surface water and drainage and contamination
 - (h) Housing Land Supply
 - (i) Sustainability and climate change
 - (j) Habitats Regulations
 - (k) Planning Obligations
- (a) Principle of development**
18. Policy SP1 of the ALP 2030 identifies a number of strategic objectives, first of which is to focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities. From a housing perspective, planning applications are expected to provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including the provision of specialist housing for older and disabled people.
19. The site is not allocated for development in the ALP 2030. However, Policy HOU3a allows residential windfall development within existing settlements providing it can be satisfactorily integrated. The application site falls within the settlement of Ashford. Policy HOU3a is subject to certain compatibility and impact assessment provisos including relating to character, density, amenity, highways, infrastructure, safe pedestrian access and use displacement. The assessment sections below address the requirements of this Policy alongside other topic-based specific Policies of the ALP 2030.
20. Policy SP1 also deals with other matters and makes reference to the importance of sense of place, including spaces around and between buildings and how that creates and contributes character alongside supporting uses through appropriate physical infrastructure. Although green spaces are not directly mentioned, Policy SP1 is concerned with the delivery of 'The Vision' as it is set out in the ALP 2030 and 'The Vision' identifies the importance of green spaces to serve expanding populations with references to their protection and expansion. Policy SP6 specifically promotes high quality design and place-making.

21. At face value, any loss of green spaces would be contrary to 'The Vision' as it would not protect the existing baseline provision but policy COM2 allows for the loss of existing open space in circumstances where it can be demonstrated that the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. It would therefore be reasonable to allow, as a principle, for occasional loss arising from development proposals which are otherwise consistent with the ALP 2030. This is a key issue to this particular proposal and I assess it further below.

22. Subject to the development being considered acceptable against the above policies then the principle of development on this site would be acceptable assessed against 'The Vision' and Policy SP1.

(b) Whether the loss of open space and off-site mitigation is acceptable

23. Policy COM2 (Recreation, Sport, Play and Open Spaces) of the ALP states that existing open space, sports and recreational buildings and land should not be redeveloped or used for other purposes, unless any of the following circumstances apply: *an assessment has been undertaken which clearly shows the provision is surplus to requirements, or any loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or the development is for an alternative sport and recreational provision, the needs for which clearly outweigh the loss.* This is consistent with paragraph 99 of the NPPF.

24. For the purposes of Policy COM2, an audit and assessment of all existing open space across the borough was undertaken and published in 2017 in the Council's Open Spaces Strategy (OSS). Part of the application site is identified in the OSS as 'South Ashford Housing' and the OSS is therefore relevant to the assessment of this application.

25. For the purpose of the OSS, open space is defined as '*public open space which provides generally unlimited free public access, genuinely useable open space for people, and accessibility over the great majority of the open space*'. Open space collectively refers to parks, amenity space, children's play areas, outdoor sports facilities such as sports grounds, natural and semi-natural greenspace, allotments and cemeteries.

26. As shown in **Figure 5** below, part of the application site is identified as 'Amenity Space' in the OSS. Amenity space is described in the OSS as '*most commonly (but not exclusively) in residential areas including informal recreation spaces, green space in and around housing, village greens. This may also include areas for water recreation, and playing fields where outdoor sport is not the primary use e.g. there are no marked out pitches and goals.*' Their primary purpose is to provide '*Opportunities for informal activities close to home or work, and enhancement of the appearance of residential or other*

areas’.



Figure 5: Extract showing extent of ‘Amenity Space’ identified in the Open Spaces Strategy

27. The OSS identifies the application site as being of ‘Satisfactory’ design value and ‘Good’ condition. A number of objections refer to the value and benefit of this piece of open space to the local community. The contribution of the site to the local character of the area is considered under the design and townscape assessment below.
28. In terms of accessibility, the OSS confirms that informal open space should be distributed across the urban area, to achieve safe and convenient access within a minimum of 400m of all properties (these distances are defined by use of the public highway or footpath network as opposed to straight ‘as the crow flies’ distances). For this reason the OSS confirms it is vital to evaluate open space quantity for every proposed development, given its location to allow for appropriate open space provision at both a local and strategic level.
29. The application is supported by an Open Space Assessment which assesses the development against policy COM2. This includes an assessment of alternative public open space within a 400m radius of the site (extract shown below in **Figure 6**) which demonstrates there is a total of 3.29ha of open space within a 400m radius. This exceeds the minimum standard of open space required by the resident population in this area calculated in accordance with the requirements of the OSS and the Public Green Space and Water Environment SPD as 3.24ha.
30. The Council’s Cultural Services team has reviewed the submission and whilst they disagree with the applicant’s assessment that the application site is surplus to requirements (and specifically which existing open spaces should be included in the calculations) they have not objected and have requested,

as compensation and mitigation for the loss of public open space on the site, enhancements to surrounding public open spaces.

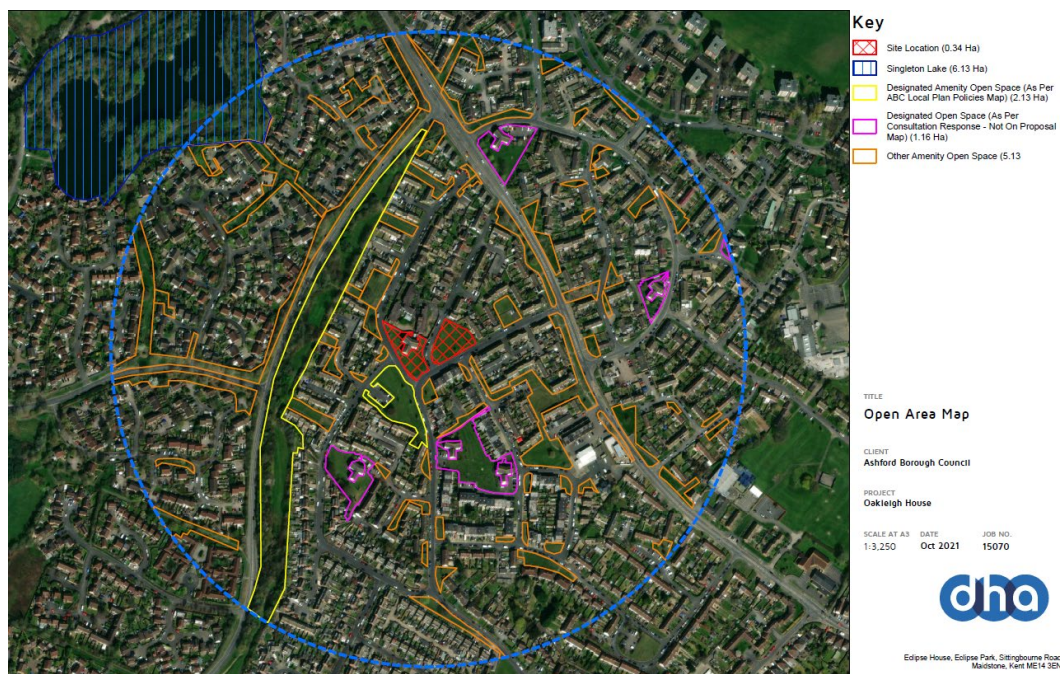


Figure 6: Extract from applicant's Open Space Assessment

31. Whilst it is clear from the representations received to this application from local residents that the site is a valued open space to the local community, the applicant's Open Space Assessment demonstrates that the development of the site would not result in a deficiency of open space in this area, nor result in the need for residents to travel further than 400m to access informal open space.
32. I therefore consider that with reference to the ALP and OSS, the 0.34ha of open space within the application site can be considered to be surplus to open space requirements due to the amount of other areas of open space within a 400m radius and therefore its loss would be in accordance with the first criterion of Policy COM2.
33. Further to the above, I consider it relevant with respect to the second criterion of COM2 that although no equivalent quantity of replacement public open space is being offered to compensate for the loss, it is proposed to enhance the quality of other public open spaces in the vicinity. The application is supported by a Landscape Statement which demonstrates how undeveloped parts of the application site and nearby open spaces could be enhanced through the introduction of green amenity areas with incidental play areas, community meadows and new tree planting. These enhancements could be secured by condition and are considered further below.

34. Although the proposals would not therefore result in equivalent or better provision in terms of quantity (my emphasis) they would result in a better provision in terms of quality in a suitable location.
35. The Cultural Services team has also calculated the necessary combined capital and maintenance costs arising from the uplift in dwellings and population in accordance with the Public Green Spaces and Water SPD. Subject to securing the relevant contribution alongside the delivery of the off-site enhancements illustratively shown in the Landscape Statement following public consultation they do not raise objection to the proposals.
36. In summary, the proposals would result in the loss of existing public open space that is valued by the local community, and in particular the residents living directly adjacent to it. However, it has been demonstrated that the local community would retain access to a sufficient quantity of alternative open space in the area in accordance with the Council's adopted OSS and Open Spaces SPD. The development would also secure enhancements to nearby public open spaces for the benefit of existing and future residents in the vicinity of the site. On balance, I am satisfied that the proposals comply with the requirements of Policy COM2 of the ALP.

(c) Design quality and its visual impact on the locality

37. The Government attaches great importance to the design of the built environment, with national policy placing great emphasis on the importance of good design as a key aspect of sustainable development. The requirements outlined in paragraph 130 of the NPPF include the need to add to the overall quality of the area and establish or maintain a strong sense of place. While appropriate innovation and change, such as increased density, is not to be prevented or discouraged, developments must be sympathetic to local character, including the surrounding built environment.
38. Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is considered to be a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
39. The NPPF calls for significant weight to be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit within the overall form and layout of their surroundings.
40. The National Design Guide (2019) further supports the principles of the NPPF and seeks to illustrate 'how well-designed places that are beautiful, enduring and successful can be achieved in practice'. This sets out ten characteristics

of well-designed places.

41. The Council places great weight on quality place making and Policy SP6 (Promoting High Quality Design) of the ALP is relevant and aligns with this national guidance. The policy sets out a number of design criteria to which new development is expected to positively respond.
42. The applicant has engaged with key stakeholders, including Officers and the community via an interactive design process. The proposals have also been subject to Design Review (see report in **Annex 1**). The following assessment considers the design quality of the scheme in relation to its layout and access, height, form, scale and massing and design and materials.

- **Layout and access**

43. As noted above, the unbuilt parts of the application site and the various parcels of open space surrounding it contribute to the character and visual amenity of the area. Whilst the layout of the accommodation for adults with learning disabilities has been designed to retain an element of landscaped open space adjacent to 32-38 Cross Stile, the introduction of buildings in this location would result in the loss of public land that contributes positively to the local character of the area, contrary to criterion (c) of Policy HOU3a of the ALP. However, as set out below I consider that the harm from such loss would be offset by the high quality of the proposed buildings and enhanced quality of the public and semi-public open spaces within and beyond the development. This is considered in more detail below.
44. More broadly the proposed layout retains the existing road arrangement and has been carefully considered to respond to the site's specific constraints and opportunities. Specifically, the proposed buildings have been designed to retain a view south along Watercress Lane towards the open space to the south of the application site and to an existing mature oak tree. The layout has also been designed to align and integrate with the established building lines of existing buildings on Watercress Lane, Beaver Lane and Cross Stile. The buildings would be set back from the roads with well-defined private and public spaces and landscaped frontages.
45. As noted by the Design Review Panel, long repetitive facades are not typical of the character of this area and the layout of buildings has therefore been broken up and staggered on Beaver Lane to create a variety of internal and external spaces for recreation and social interaction. In this respect, both accommodation blocks have been designed around landscaped courtyards which also maximise sunlight and daylight into the site interior. Internally, the communal areas of both buildings would be located either side of and fronting Watercress Lane and would be connected via a raised table crossing feature to slow traffic and allow for safe access and movement between the buildings and adjacent open spaces.

46. The main vehicular, cycle and pedestrian access to the site would be via Watercress Lane as shown in **Figure 7** below. An additional one-way shared surface link road is proposed between Watercress Lane and Beaver Lane to provide access to the proposed mews cottages and off-street parking. Vehicular access would be retained from Watercress Lane. Pedestrian access would be provided to the main entrances and in some cases private front doors from various points on the adjacent highways. Subject to a Stopping Up Order (to be addressed by condition), the existing public right of way would be stopped up. The layout of the development allows for good pedestrian connectivity and ease of movement as required by Policy SP6 of the ALP.

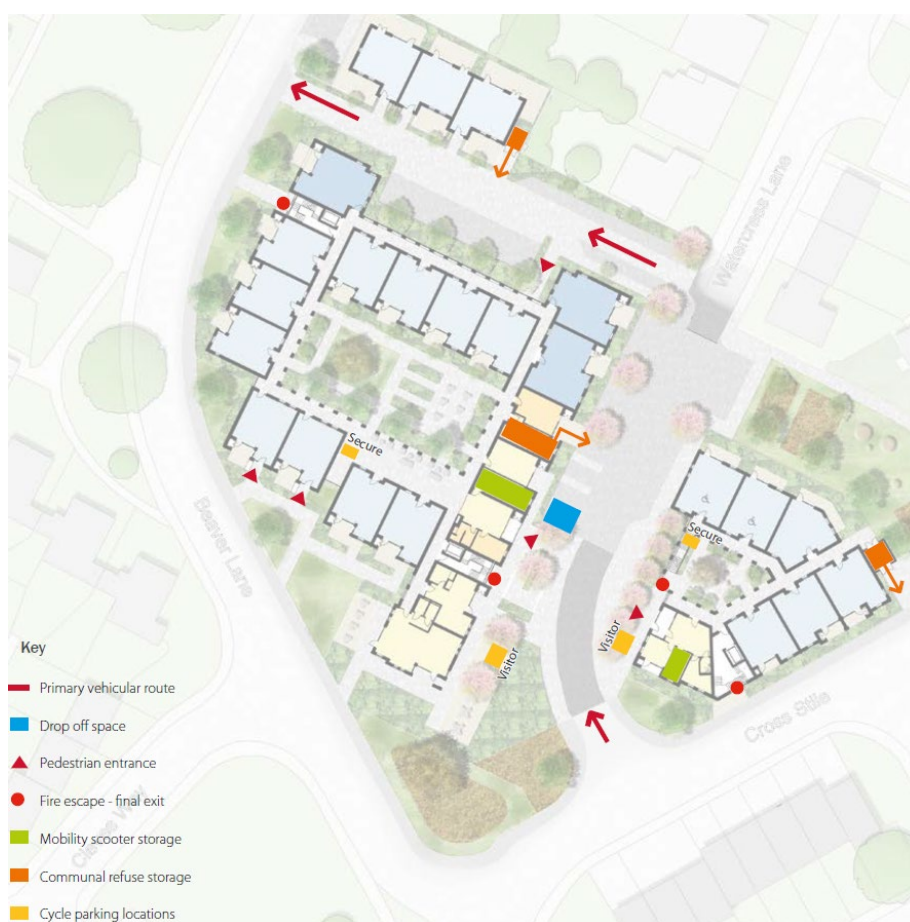


Figure 7: Site access strategy

47. Overall I am satisfied that the layout responds well to the site's different edge conditions and would be compatible with the character of the surrounding area in accordance with criterion (a) of Policy HOU3a of the ALP. I am also satisfied that the detailed vehicular, pedestrian and cyclist access arrangements would be acceptable.

- **Height, form, scale and massing**

48. The supporting text to Policy SP6 of the ALP requires all development proposals to reflect their local context and where the built environment is of decent quality, new proposals should be sensitive in terms of scale, height, layout and massing to surrounding buildings.
49. As shown in the massing diagram in **Figure 8** below, the largest of the buildings would be 3-storeys in height adjacent to Watercress Lane and Beaver Lane and would match the height and scale of the existing Star building. The building height would be reduced to two-storeys adjacent to the link road and the bungalow at 25 Watercress Lane.



Figure 8: Massing diagram

50. As shown in **Figure 9** below, the 3 mews cottages would be single storey and comparable in height and form to the adjacent bungalow. The height of the mews cottages would also reflect the proximity of this part of the development to 333 Beaver Lane.



Figure 9: Mews cottages

51. In recognition of the different edge conditions and specifically the relationship with the terrace of two-storey houses at 32-38 Cross Stile, the accommodation for adults with learning disabilities dwellings would be limited to 2-storeys in height. Whilst there are a variety of flat and pitch roof buildings on the existing site and in the immediate vicinity, the proposed development would all feature traditional pitch roofs. I consider this to be an appropriate response that would unite the whole development through a coherent and common form.
52. The scale and massing of the buildings has been varied to respond to the immediate context, with more prominent parts of the site celebrated through the use of architectural features including gables and bays. The longer blocks, including those fronting Watercress Lane and Cross Stile, have also been articulated with a series of gables and bays to give greater vertical emphasis to these longer facades. As noted by the Design Review Panel the use of repetition is a positive element of the proposal.
53. In summary, I consider that the height, form, scale and massing of the development would be appropriate for this suburban site and is compatible with the surrounding area in accordance with criterion (a) of Policy HOU3a of the ALP. In my view, it would be an acceptable and complementary response to the surrounding townscape.

- **Design and materials**

54. In terms of detailed design, the buildings exhibit strong architectural expression and include a welcome balance of shadow and depth through a rich combination of projecting and recessed elements such as balconies. Key viewpoints have also been identified, including from the main road junction as shown in the visualisation in **Figure 10** below, to which the buildings have been designed to respond. The design incorporates quality detailing, including textured facades which would result in visually rich and distinctive modern buildings. To ensure a high quality finish I concur with the Design Review Panel recommendation that large scale drawings (at 1:20 and 1:5 scale) of key elements of the building should be secured by planning condition.



Figure 10: Visualisation from junction of Beaver Lane, Watercross Lane and Cross Stile

55. In terms of materials, the elevations would comprise a high quality buff/beige coloured multi-brick with areas of textured brick. The communal areas would be demarcated by a red brick plinth to give a clear definition of the different functions of the building. There are also opportunities to introduce accents of colour on the front doors, benches and balconies to add visual interest and emphasise the proposed architectural quality of the development. It is proposed to use plain clay roof tiles to assimilate the development into its surroundings. I concur with the Design Review Panel recommendation that samples of materials should be secured by condition.
56. In summary, I consider that the buildings would be of high quality design. The buildings and associated landscape strategy would enhance the townscape in this prominent location whilst also being sympathetic to the local context and character of the surroundings in accordance with Policies SP6 and HOU3a of the ALP.
- (d) Housing mix and standard of accommodation proposed**
57. Policy HOU18 of the ALP 2030 requires development proposals of 10 or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs. The application is supported by a Statement of Need which identifies approximately 40 young people between the ages of 18-25 with less complex learning disability needs who are in residential care homes but who would like to be accommodated in the community. This is in addition to the young people who will be ready to leave the parental home or who are in foster care, residential education or children's care homes.

58. The proposed accommodation for adults with learning disabilities would all comprise flats and be similarly weighted towards 1-bed units (92%), followed by a single 2-bed 3 person unit (8%). This range of accommodation types and sizes is considered appropriate to the mix of dwelling types and sizes in the local area.
59. Notwithstanding that Policy HOU18 exempts development proposals for standalone older persons housing from the requirement to deliver a range and mix of dwelling types and sizes, the proposed sheltered accommodation would include a range of accommodation types and sizes, including 1-bed flats (41 units/76%), 2-bed 3 person flats (10 units/19%) and single-storey 1-bed 'cottages' (3 units/5%). I am satisfied that the proposals would comply with the broad objectives of Policy HOU18.
60. All dwellings would comply with the Nationally Described Space Standards in accordance with the Council's Residential Space and Layout SPD and provide private external open space in the form of projecting or recessed balconies or at ground floor private gardens in accordance with Policies HOU12 and HOU15. In response to concerns raised by the Design Review Panel, all of the units would be dual aspect and a number would be triple aspect and have been orientated to benefit from cross ventilation, good levels of daylight, sunlight, outlook and privacy. The development makes provision for 6 M4(3) wheelchair accessible units (3 in each block), with the remainder all exceeding M4(2) requirements.
61. The development would benefit from a mix of communal and private entrances and communal living spaces and provide a good standard of living accommodation for future occupiers. The submitted Statement of Need confirms that the application site has been identified as suitable for both older people and adults with learning disabilities to capitalise on the opportunities to create an intergenerational community. The statement also refers to links between this site and recently completed accommodation for older people and for adults with learning disabilities at Farrow Court. The proposals make adequate provision for refuse storage and collection in accordance with the Council's Residential Layouts and Wheeled Bins guidance.
62. As a flatted development within Ashford town, adopted Policy HOU1 of the ALP does not require the provision of affordable housing and therefore none is proposed. Notwithstanding this, the proposed development would be retained by the Council and the units let at affordable rents.
- (e) Amenity impacts**
63. Policy HOU3a permits residential development and infilling of a scale that can be satisfactorily integrated into an existing settlement provided a number of requirements can be met, including (b) where it would not create a significant adverse impact on the amenity of existing residents.

64. The application site is located in an established residential area of Ashford and there are a number of dwellings located on Beaver Lane, Watercress Lane and Cross Stile with potential sensitivity to the redevelopment of the site.
65. The accommodation for adults with learning disabilities involves the erection of buildings on parts of the site where none currently exist. It is therefore necessary to consider whether the development would result in any significant adverse impacts on the amenities of existing residents of surrounding buildings. These include the residents of the 4 terraced dwellings (32-38 Cross Stile) and the end of terrace dwelling at 2 Watercress Lane immediately west of the site and shown in **Figure 11** below.



Figure 11: View of 2 Watercress Lane and 32-38 Cross Stile

66. The development would significantly change the outlook from the front of the 5 dwellings from one of a long open aspect over the open space, to one of a significantly smaller area of open space enclosed by the two-storey buildings of the proposal. The retained open space would be publically accessible and include four parking bays at each end and enhanced landscaping throughout. Whilst the proposed building has been set back to ensure a minimum of 21m building to building relationship, and a minimum of 18m from their front garden boundaries, the outlook from these dwellings would be impacted and reduced.
67. In considering whether this impact on outlook would be unreasonable I am mindful that this side of the proposed building would be well articulated, both in terms of its cranked layout and in terms of its varied materials palette and fenestration to ensure that it would not appear overbearing or visually oppressive. It would be set back an acceptable distance and be separated by a high quality landscaped space that would include 7 new trees.
68. The southernmost part of the accommodation for adults with learning disabilities would be located adjacent to Cross Stile directly opposite the 3-storey dwellings at 23-31 Cross Stile. Whilst the development would also

change the outlook from these dwellings from that of open space to two-storey buildings their layout would replicate a traditional street pattern and by reason of their lower scale and quality design would not. In my opinion, be visually oppressive or overbearing. By reason of the distances of separation and orientation, I am satisfied that there would be no harmful impacts to any surrounding dwellings in terms of loss of privacy or light.

69. The accommodation for older adults would be located on a site with existing buildings. Although the replacement buildings would be higher, by reason of the layout of the site and separation distances with dwellings opposite, the only dwellings with potential to be adversely impacted are 333 Beaver Lane and 25 Watercress Lane directly to the north of the site. Both of these dwellings and their gardens share side boundaries with the application site.
70. 333 Beaver Lane is a two storey detached dwelling with rear garden. As existing the footprint of the two-storey Oakleigh House extends along the length of the garden boundary. Although the single storey mews cottages would occupy a larger footprint and extend further along the boundary than the existing building in this location, it would be lower in height such that the proposals would not result in any additional harm to the amenities of this dwelling or garden space. Similarly, the proposals would result in buildings coming closer to the boundary with the rear gardens of 25 and 27 Watercress Lane; however the single storey nature of the development would prevent any unacceptable harm to amenity, including in terms of loss of light or overshadowing, outlook or privacy.
71. The proposed development would step down to 2-storeys at the closest point to the single storey bungalow at 25 Watercress Lane and also be separated by the shared surface access road. There is an existing access and hardstanding in this location and I am satisfied that the proposals would not result in unreasonable levels of additional noise or disturbance. I also note that it is proposed to create a 2.4m high boundary treatment along the shared side boundaries with these properties which will further mitigate any impacts. I recommend that further details be secured by condition.
72. A number of representations received relate to the construction related impacts on amenity. Whilst these would be temporary in nature, the scale of the development within a residential area warrants controls, including in relation to hours of construction and noise and dust emissions. I recommend these be secured as part of a Construction Management Plan via an appropriate condition. Other potential impacts, including those arising from the demolition of the existing buildings, would be controlled under separate legislation, including the Building and Environmental Protection Acts.
73. Overall I am satisfied that the proposals would safeguard and a good standard of amenity for existing and future users of development in accordance with paragraph 130 of the NPPF and the requirements of Policy

HOU3a of the ALP.

(f) Highway impacts, car and cycle parking, EVC and refuse strategy

74. The planning application is supported by a Transport Statement (TS) in accordance with the requirements of Policy TRA8 of the ALP. The TS concludes that the site is in a sustainable location with good access to public transport serving a range of facilities and services in the local area.
75. The main vehicular, cycle and pedestrian access to the site would be via Watercress Lane. An additional shared surface link road is proposed between Watercress Lane and Beaver Lane to provide access to the proposed mews cottages and off-street parking. The accesses would benefit from the required visibility splays.
76. The proposed layout includes provision of a raised table crossing feature to connect the two sites and allows for safe access across the development. This would also act as a traffic calming measure. Subject to securing these highway works via a Section 278 Highways Agreement the development would not prejudice highway safety.
77. The proposed development would result in a modest uplift of residential units on the site and the Highway Authority is satisfied that it would not create additional traffic generation that would result in unacceptable impacts on the local highway network, including in terms of highway capacity. The development would not impact on existing access arrangements, including for emergency vehicles. In recognition of the scale of the development, I consider it reasonable to require the submission of a Construction Management Plan, to include details of lorry routing and contractor parking. The proposal is therefore acceptable in highway terms and consistent with criterion (e) of Policy HOU3a.

- Car parking

78. Policy TRA3 (a) of the ALP sets out the required parking standards for new development within town centre, suburban and rural locations but also permits flexibility, for example where there is a good level of accessibility to shops and services and a good level of non-car access. The proposed development would comprise a Sui Generis use where policy TRA3 requires parking provision to be proportionate to its activity and be agreed with the Highway Authority.
79. The proposals make provision for 37 on-site car parking spaces (including 2 disabled spaces) which would be distributed across the development both within a small parking courtyard and adjacent to the street to support the overall street design and provide a parking for each building. 4 spaces accessed from Cross Stile would be allocated to existing neighbouring

dwellings. I recommend the provision of these spaces be secured by condition.

80. The quantum of parking has been informed by the parking provision in similar developments, including at East Stour Court (parking ratio of 0.6:1) and Farrow Court (parking ratio 0.5:1). The proposed parking ratio of 0.5:1 is comparable to other developments and has been agreed by the Highway Authority. In my view, and acknowledging the provision of secure mobility scooter parking and charging facilities, it would be acceptable taking account of the typically low levels of car ownership by occupiers of specialist accommodation such as this.

- **Electric vehicle charging (EVC)**

81. Whilst the TS confirms that infrastructure to enable the future installation of EVC will be provided, no details of the layout and specification of either active or passive provisions have been provided. As recommended by the Highway Authority, EVC should be provided at minimum 10% active and 10% passive. I recommend that further details be secured by condition to help stimulate the take-up of EV's by residents through good on-site infrastructure provision.

- **Cycle parking**

82. Policy TRA6 of the ALP requires cycle parking to be provided for Sui Generis uses such as this on a case by case basis. Provision is shown for 8 Sheffield stands to provide parking for 16 cycles. These would be easily accessible to the main building entrances of both blocks, appropriately integrated into the landscaping strategy and sited to benefit from passive surveillance. Subject to a condition to require provision of the cycle parking facilities shown I concur with the Highway Authority that the proposals are acceptable in this regard.

- **Refuse strategy**

83. Sufficient communal refuse and recycling storage has been incorporated into the ground floors of both developments. The storage areas are easily accessible from the building cores and capable of being serviced from the adjacent highways without compromising safety. The Council's Street Scene and Open Spaces Officer is satisfied with the arrangements.
84. I recommend that provision of the facilities be secured by a condition requiring the agreement of final details (to ensure good practice in relation to general waste, food waste and recycling, including details of internal signage and any other related proposals to achieve such practice and help avoid cross-contamination).

(f) **Landscaping**

85. The planning application is supported by a Landscape Statement which includes a Landscape Masterplan relating to both the application site and 3 nearby open spaces of Council owned land as shown in **Figure 12**. As noted by the DRP, the Landscape Masterplan shows how the landscaping proposals for the application site could be integrated into a wider landscaping strategy to benefit the wider area.



Figure 12: Landscape Masterplan subject area

86. The vision for adjacent open spaces (outlined in red in **Figure 12** above) is to create areas of bio-diverse planting, including tree planting and wildflower meadows with seating and incidental play elements to follow a natural and ecological theme with wooden logs, boulders and timber play equipment and a trail with play relating to nature with timber snails, insects and dragonflies. The vision also includes potential for a swale with bridging points and ecological enhancement measures for example bird boxes, bug boxes and log piles. There is also scope to include wayfinding and information panels. An indicative image of one of the spaces is shown in **Figure 13** below.



Figure 13: Indicative image of off-site open space enhancements

87. The elements of the Masterplan that relate to land outside of the defined application boundary are not subject to assessment as part of this application. However the land is also Council owned and the precise details of those aspects of the Landscape masterplan can be the subject of a pre-commencement worded planning condition that deals with public consultation on the proposals and their refinement arising from that public involvement, submission of a final scheme for approval, submission of long term management and maintenance arrangements and a clear delivery timetable.
88. Within the defined red-line application site the Landscaping Strategy identifies a number of opportunities, including to provide an enhanced public realm with increased pedestrian connections and permeability across the site. As shown in the extract from the Landscape Concept Plan in **Figure 14** below it is proposed to use high quality hard and soft landscaping (including extensive tree and shrub planting) to create a number of distinct landscape character areas across the site, including to the boundaries, mews, Watercress Lane, communal courtyards and community green space.



Figure 14: Extract from Landscape Concept Plan

89. The site wide planting strategy would incorporate a mix of trees, blooming shrubs, perennials, grasses, hedging and bulbs. The planting would serve to soften the boundaries and provide biodiversity benefits. Whilst it is necessary to remove a number of trees to facilitate the development, significantly more would be planted. The tree planting strategy shown in **Figure 15** below includes the creation of avenues of tree planting along Beaver Lane, Watercress Lane and Cross Stile. It is also proposed to plant 3 oak trees at the prominent junction at the southern end of the site.



Figure 15: Tree planting strategy

90. The residents' communal courtyard gardens have been well designed and make provision for tables and sitting spaces to encourage interaction and foster community. They also include planting beds and growing areas, an area of lawn and feature trees. The community green space would include amenity grass, informal play space and ecological meadow areas.
91. I recommend further details of the hard and soft landscaping to include materials specification, planting schedules, species and densities and a management strategy be secured by condition.
92. In summary, the proposals would result in significant enhancements to hard and soft landscaping across the application site compared with the existing situation of little to no landscape planting. The proposals would make a significant contribution to the quality of the development and create an area of high quality public realm. Revisions to the tree planting strategy have been secured in response to comments from the Council's Tree Officer to ensure that the soft landscaping is fully integrated into the layout and design and offers maximum visual interest and biodiversity benefits in accordance with relevant planning policy and guidance.

- **Ecology and biodiversity**

93. The site is not subject to any national or local nature conservation designations. Undeveloped parts of the site comprise amenity grassland of low ecological value. There are no suitable habitats for any protected species. Notwithstanding this, the site offers much scope for ecological and biodiversity enhancement in accordance with the requirements of Policy ENV6 of the ALP.

Enhancement opportunities may include the incorporation of planting of appropriate native herbaceous and shrub species to provide nesting and foraging opportunities and the installation of bird boxes. I recommend further details be secured by condition.

94. An indicative lighting strategy has been submitted. Being mindful of the site's suburban location and the existence of overspill light from existing street lighting I am satisfied that the principle of external lighting in this location is acceptable. I recommend that details of the external lighting strategy are secured by condition to ensure that it adequately balances safeguards safety, amenity and the need to avoid light pollution as per the requirements of Policy ENV4 (Light Pollution and Promoting Dark Skies) of the ALP.
95. In summary, I am satisfied that the development proposals would enhance the ecology and biodiversity value of the site in accordance with Policy ENV1 and ENV4 of the ALP.

- **Surface water and drainage**

96. Policy ENV9 of the ALP and the adopted Sustainable Drainage SPD state that all development should include appropriate SuDs for the disposal of water in order to avoid any increase in flood risk or adverse impact on water quality.
97. The application is supported by a Drainage Statement confirming that the proposed development would incorporate a sustainable drainage system which would discharge surface water at a restricted rate of 4l/s and 2l/s via three separate restricted discharges. Surface and foul water collected from the existing buildings and hardstanding areas are currently discharged in an unrestricted manner. Surface water storage would be provided for all storm return periods up to and including the 1:100 rainfall event with an allowance for climate change. Foul drainage for the western site would be discharged to the public foul sewer beneath Beaver Lane. Development for the eastern part of the site would discharge by gravity to the existing public foul water sewer located beneath Cross Stile to the south of the site.
98. The site lies within flood zone 1 with a very low risk of flooding. Neither the Local Lead Flood Authority or Southern Water raise objection to the details submitted, subject to conditions to secure further details of the foul and surface water strategy.
99. Southern Water note that there are public sewers within the vicinity of the site and that their exact location should be identified. I recommend that this information, including details of any necessary diversions can be secured by condition.
100. In summary, the hierarchy of surface water disposal has been adhered to, resulting in proposed connections to the public sewers in the vicinity of the

development. Surface Water flows are to be attenuated on site and discharged at a restricted rate. Permeable paving shall also be incorporated into the proposed drainage infrastructure, which would improve water quality and provide biodiversity benefits in accordance with the requirements of national and local planning policy and the Council's Sustainable Drainage SPD.

- **Contamination**

101. The planning application is supported by Phase 1 and Phase 2 investigations which have identified potential soil and groundwater contamination on the site. The Council's Environmental Protection Officer notes the prior uses of the site and the potential for contamination that may pose a risk to the environment and public. I concur with their recommendation to impose conditions to ensure that the potential for contamination is subject to further assessment and appropriate remediation where required.

(g) Sustainability and climate change

102. The planning application is supported by a Sustainable Design and Construction Statement. The proposed energy strategy is based on zero fossil fuel use through the installation of Ground Source Heat Pumps (GSHP) comprising 20-25 boreholes located around the footprint of the building which would be connected to heat pumps within individual flats capable of providing heat via underfloor heating as well as hot water. It is also proposed to install photovoltaic (PV) solar panels to generate renewable energy on site. In the absence of any further scheme information at present, including whether PVs would be mounted or integrated, I recommended fine details of the PV scheme be secured by condition.
103. In addition, the design of the buildings incorporate careful façade engineering and passive architectural measures (including external shading) optimising heat loss, preventing overheating due to solar gain and minimising air leakage through high standards of air-tightness within each unit.
104. More widely, the development would respond to the challenge of climate change through the incorporation of SuDS, high energy efficiency equipment and low flow water fittings. I recommend a condition to restrict water consumption to no more than 110 litres per person per day in accordance with the requirements of Policy ENV7 of the ALP. The proposal also provides for electric vehicle charging. This would be in accordance with the requirements of Policy ENV12 of the ALP which requires all major development proposals to promote a shift to the use of sustainable low emissions transport.
105. In summary, I am satisfied that the proposed development has been designed to address and mitigate the risks of climate change, including through the implementation of a low carbon energy strategy and the construction of a

building designed to minimise energy consumption. In this regard the proposals are consistent with national and local planning policy and guidance.

(h) Housing Land Supply

106. The Council's 5 year housing land supply for the Borough is material to the consideration of this application. The Council's latest Housing Land supply position 'Five Year Housing Land Supply Update July 2021' was published in November 2021 and covered the period from 2021 to 2026. This identified that the deliverable housing land supply was equivalent to 4.54 years.
107. However, an Inspector recently published an appeal decision, (reference APP/E2205/W/21/3284479 - Land between Woodchurch Road and Appledore Road, Tenterden, Kent, TN30 7AY) which challenges the Council's assumptions. The appeal decision referred to as the 'Wates' appeal is dated 30 March 2022^[2]. The appeal decision suggests that the Council is only able to demonstrate a 5-year housing land supply position of 3.5 years.
108. The Council's view is that there are a number of issues associated with this appeal. These issues primarily relate to the assumptions made by the Inspector about the delivery of sites located in areas of the Borough that fall within the Stour Catchment (where Natural England's Nutrient Neutrality Advice^[3] applies). The Council also note that the Inspector does not appear to have taken into account a recent letter from the Chief Planning Officer (dated 16 March 2022) which clearly elevates the nutrient issue and recognises that in affected areas "*there may be implications for the Housing Delivery Test and 5 Year Housing Land Supply*". This letter was written before the Wates Inspector made his decision.
109. Unless a legal challenge to the 'Wates' appeal decision is successful in the Courts then it is accepted that the figure of 4.54 years is not the starting point in relation to the application of paragraph 11(d) of the NPPF (which is referred to as the 'tilted balance'). This requires the decision-maker to grant planning permission for new housing development unless:-
- i) *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.'*

^[2] Appeal decision reference APP/E2205/W/21/3284479
<https://planning.ashford.gov.uk/Planning/IDOX/default.aspx?docid=2065991>

^[3] Natural England Nutrient Neutrality Advice <https://www.ashford.gov.uk/media/0jabvost/ne-march-2022-letter-water-quality-and-nutrient-neutrality-advice.pdf>

110. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. Although the identified impact on Stodmarsh (considered further below) would normally mean that part (i) above applies, the Head of Planning and Development will, once a mitigation strategy is identified, be able to adopt an Appropriate Assessment that concludes that there will be no adverse effect on the integrity of the protected site and as such the first exemption to paragraph 11(d) would no longer apply.
111. On the second exemption, I do not consider that adverse impacts could be demonstrated that would reach the required bar so as to dictate a refusal of planning permission in the current circumstances where the Council cannot demonstrate a 5 year housing land supply and so my conclusion is that this exemption would also not apply. The tilted balance is therefore engaged and the implications of this are considered in the conclusion below.

(h) Habitats Regulations

112. Since the application was submitted, the Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
113. The importance of this advice is that the application site falls within the Stour catchment area and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations 2017 (as amended) would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to lawfully grant planning permission. This is consistent with the KCC Ecological Advice Services request.
114. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.
115. The planning application is supported by a Nutrient Neutrality Assessment which confirms that mitigation will be required in order for the development to achieve 'nutrient neutral' status. Whilst the application refers to potential mitigation in the form of a proposed 0.55ha off-site wetland located adjacent to the East Stour River near to the Stour Centre, it has not been demonstrated that such a wetland would comply with Natural England guidance. The wetland is not subject to assessment as part of this planning application and in the absence of this mitigation strategy (or any other) having been identified

and demonstrated to be deliverable, it is not possible to conclude at this moment in time that the scheme would be nutrient neutral.

116. However, work commissioned by the Council has commenced on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
117. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms, I recommend that a resolution to grant planning permission should also be subject to the adoption by the Head of Planning and Development (having consulted NE) of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) pursuant to a planning agreement and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place. This is included as part of my Recommendation (B) detailed further below.

(i) Planning Obligations

118. 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
119. In accordance with the requirements of policy IMP1, I recommend that the planning obligations set out in Table 1 below be secured in the event that planning permission is resolved to be granted. For the reasons I have set out the obligations 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.
120. KCC have made a number of requests for S106 money, however the Council is currently reviewing these requests to make sure they are aligned with the Regulations and that clear evidence is available to justify the amounts. Until this has been resolved, the Council will continue to rely on the pre 2020 requests from KCC as those are judged to be robust and based on evidence that was in the public domain.
121. Recommendation (A) further below deals with the necessity for the applicant

to enter into an s106 agreement and includes delegation to officers to deal with any necessary deletions, amendments and additions that might be required. Recommendation (B) further below provides for delegation to officers to deal with any additional s106 obligations that might be necessary to mitigate against impacts of development on the integrity of Stodmarsh SAC, SPA and Ramsar site.

Table 1 - Heads of Terms for Section 106 Agreement/Undertaking

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (£)	Trigger (s) Points	
Ashford Borough Council Planning Obligations				
1.	<p><u>Specialist Affordable Housing</u></p> <p>The flats shall only be occupied by people aged 50 years or older or adults with learning disabilities and (where relevant) any spouses/partners/children/carers, and the flats shall remain affordable in perpetuity. The flats shall be let at rents that are affordable. The flats shall be constructed to such standards and other particulars as the Council specifies. The flats for older people and onsite manager provision shall be managed by Ashford Borough Council. The flats for adults with learning disabilities and onsite manager</p>	None	None	<p>Necessary as there is a clear and demonstrable need for the provision of such accommodation to address a current under provision and the level of both parking provision and contributions secured towards infrastructure requirements is based on such a use and not general demand housing.</p> <p>Directly related as the scheme proposes redevelopment of existing affordable housing provision for new sheltered housing and new development specifically designed for adults with learning disabilities.</p> <p>Fairly and reasonably related in scale and kind as there is no intention for persons under the age of 50 and not in</p>

	<p>provision shall be managed by Kent County Council or other body approved by Kent County Council which has a nomination agreement with the Council.</p> <p><i>Units to be let at no more than 80% market rent and in accordance with the nomination agreement.</i></p>			<p>need of affordable accommodation or with learning disabilities to live in the units, and no provision has been made for contributions towards education and other infrastructure in view of this age restriction.</p>
2.	<p><u>Accessible and Adaptable Dwellings</u></p> <p>In accordance with Policy HOU14:</p> <p>All homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>Wheelchair accessible housing [totalling 6 number of dwellings] built in compliance with building regulations M4(3b) standards shall be provided within the</p>	<p>100% M4(2) across the whole site.</p> <p>M4(3b): 6 number of dwellings.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>	<p>Necessary as providing a mix and type of housing required to meet identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as the accessible/adaptable housing would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

	scheme.			
3.	<p><u>Art and Creative Industries</u></p> <p>Project detail: Contribution towards the provision of public art or the delivery/enhancement of a facility.</p> <p><i>The Local Plan identifies the following facilities as strategic art spaces: Revelation at St Mary's, Rehearsal and Production Centre, Making and exhibiting workspaces, Arts use in community hubs.</i></p>	<p>£6690.45</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary in order to achieve an acceptable level and quality of provision pursuant to Local Plan Policies SP1, IMP1, COM1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p>Directly related as would improve the quality of facilities available to the development and would be available to occupiers.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
4.	<p><u>Indoor Sports Provision</u></p> <p>Project detail (off site):</p> <p><i>Schemes in the Ashford Urban Area:</i></p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards</p>	<p>Off site: £10848</p> <p>(capital only – contributions are derived from the latest</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as additional indoor sports facilities 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, IMP1, COM1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use indoor sports provision and the buildings</p>

	quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.	Sport England Calculator). Indexation: BCIS General Building Cost index 2019		provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities
5.	<u>Informal Natural Green Space*</u> *public open space excluding amenity open space land and children and young people's play space. Project detail: Contribution towards public open spaces within the vicinity of the site.	Capital contribution £8580.54 Plus Commuted maintenance sum £6425.52 Indexation: BCIS General Building Cost index 2012	Upon occupation of 75% of the dwellings.	Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1 , IMP1 and COM2 Public Green Spaces and Water Environment SPD and guidance in the NPPF. Directly related as occupiers will use informal/natural green space and the facilities to be provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the

				maintenance period is limited to 10 years.
6.	<p><u>Outdoor Sports Provision</u></p> <p>Project detail: Schemes in the Ashford Urban Area:</p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>Capital contribution £8697</p> <p>Plus</p> <p>Pitch maintenance 10 yrs £5170</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary: as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 and guidance in the NPPF.</p> <p>Directly related: as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fair and reasonably related in scale and kind: considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
7.	<p><u>Strategic Parks</u></p> <p>Project detail: Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within the</p>	<p>Capital contribution £2886.54</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1 and COM2, Public Green Spaces</p>

	'Hubs' identified in the Local Plan 2030.	Plus Commuted maintenance £929.23 Indexation: BCIS General Building Cost index 2012		and Water Environment SPD and guidance in the NPPF. Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
8.	<u>Voluntary Sector</u> Project detail: TBC	£1720.06 Indexation: BCIS General Building Cost index 2019	Upon occupation of 75% of the dwellings.	Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, IMP1 and COM1 KCC document 'Creating Quality places' and guidance in the NPPF. Directly related as occupiers will use the voluntary sector and the additional services to be funded will be available to them. Fairly and reasonably related in scale and kind considering the extent of the

				development.
Kent County Council Planning Obligations				
9.	<p><u>Adult Social Care</u></p> <p>Project detail: Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough.</p>	<p>£1600.04</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related 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>Fairly and reasonably related in scale and kind 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>
10.	<p><u>Community Learning</u></p> <p>Project detail: Towards additional</p>	<p>£558.28</p>	<p>Half the contribution upon</p>	<p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC's</p>

	resources and equipment at Ashford AEC for the additional learners from development.	Indexation: BCIS General Building Cost Index from Oct 2016	occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
11.	<p><u>Libraries</u></p> <p>Project detail: Towards additional book stock, services, and resources for Ashford library for the new borrowers generated by this development.</p>	<p>£1632.68</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale</p>

				and kind considering the extent of the development and because amount calculated based on the number of dwellings.
Other Obligations				
12.	<u>Health Care (NHS)</u> Project detail: Towards refurbishment, reconfiguration and/or extension of Hollington Surgery within Ashford Stour PCN and/or towards a new general practice premises development.	£20088 Indexation: Indexation applied from the date of the resolution to grant permission.	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.	Necessary to increase capacity to meet the demand that would be generated by the development pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 and guidance in the NPPF. Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.
Monitoring				
	<u>Monitoring Fee</u> Contribution towards the	£1000 one-off payment.	Payment upon commencement	Necessary in order to ensure the planning obligations are complied with. Directly related as only costs arising in connection with the monitoring of the

	Council's costs of monitoring compliance with the agreement or undertaking	Indexation: Indexation applied from the date of the resolution to grant permission.	of development	development and these planning obligations are covered. Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.
<p><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.</p> <p>PLEASE NOTE:</p> <ul style="list-style-type: none"> • If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported back to Planning Committee and subsequently refused. • Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change 				

Human Rights Issues

122. 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

123. 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

124. The proposed accommodation for older people would comprise a sustainable redevelopment that includes brownfield land. I have identified that the accommodation for adults with learning disabilities would result in the loss of open space. It is clear from the representations received that the open space is highly valued by the local community. The applicant’s case is the community has access to a sufficient quantity of other open spaces in accordance with the requirements of the relevant Council policies and guidance and no objection is raised by Cultural Services with a request being made for financial investment to improve the quality of nearby parcels of Council owned land for the benefit of the community. I have also identified the proposal would result in some limited harm to the amenities of a small number of adjoining residents.
125. Whilst the proposal would result in some harm, this has to be weighed against the benefits of the development, including the social benefits in meeting a need for specialist housing, the aforementioned improvements to nearby open spaces and the related enhancements to ecology and biodiversity.
126. I am satisfied that the development would deliver a range of dwelling types and sizes that would provide a choice of high quality specialist housing and external amenity space for future occupiers. The accommodation for adults with learning disabilities will support residents to live independently and provide much needed accommodation for people who would otherwise remain in residential care. I afford this significant weight.
127. More broadly, I am satisfied that the proposals comprise a high quality well designed development. In terms of access, layout, scale and design the proposals would be well integrated with its surroundings. Externally, the

proposals incorporate acceptable car and cycle parking in accordance with adopted Policies in the ALP. The development would incorporate highly efficient low carbon technologies and has been designed to minimise energy consumption.

128. None of the adverse impacts I have identified, in particular the loss of the open space and the impact on residential amenity, would significantly and demonstrably outweigh the benefits of the development when considered against the policies in the NPPF taken as a whole. In the context of the tilted balance, I therefore conclude that planning permission should be granted in accordance with the Recommendations below.
129. Currently, insufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh SAC, SPA and Ramsar Site under the Habitats Regulations. Therefore, the Recommendation (B) below to approve is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to secure any necessary additional obligation(s) and/or planning conditions to that end. Mitigation will be via an off-site solution. Upon adoption of an Appropriate Assessment I consider the proposed development to be acceptable and in accordance with the Development Plan.
130. As discussed within the main body of the report I recommend that a number of conditions will be necessary. My Recommendation (C) further below deals with delegation to add/amend/remove planning conditions as appropriate.

Recommendation

- A. Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 above in terms agreeable to the Development Management Manager or the Strategic Development and Delivery Manager in consultation with the Director of Law and Governance, with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit; and,**
- B. Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development**

Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,

- C. PERMIT, subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.**

Conditions:

1. Standard time implementation condition
2. Development carried out in accordance with approved plans
3. Details and samples of external materials
4. Fine details (at scale 1:50 or 1:20 as appropriate)
5. No vents or flues other than in accordance with details to be approved
6. Investigation, remediation and verification of contaminated land/groundwater
7. Reporting of unexpected contamination
8. Provision of vehicle parking
9. Details of signage relating to allocated parking to existing dwellings
10. Details and provision of EVC
11. Details and provision of secure cycle parking
12. Construction Management Plan to include details of routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management / signage, control of dust etc.
13. Before and after construction of the development, highway condition survey for surrounding footway and verges
14. Provision of measures to prevent the discharge of surface water onto the highway
15. Details and provision of new roads, footpaths and raised table
16. Securing of necessary Stopping-Up Order for diversion of PROW
17. Provision of refuse storage
18. Details of any necessary public sewer diversions
19. Details of foul and surface water sewerage disposal
20. Details and provision of SuDS scheme including verification
21. Details of renewable energy strategy, including solar PV
22. Water use not to exceed 110 litres per person per day
23. Details and provision of on-site hard and soft landscaping, including allotment/growing beds

24. Details of hard and soft landscaping enhancements for adjacent open spaces, including details of public engagement and consultation and a timetable for delivery
25. Landscape Management Plan
26. Details and provision of external lighting strategy
27. Details and provision of biodiversity enhancement measures
28. Details of provision of Fibre to the Premises
29. Site Inspection

Notes

- Expect applicant to liaise with Kent Police to further review how Secured By Design principles can be included in fine detail etc.
- Environmental Protection notes relating to construction hours/burning of waste/control of dust
- KCC PROW notes relating to works in the vicinity of a PROW

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 21/01250/AS)

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Annex 1 – Design Review Panel Report (August 2020)

The proposal

Site location	Oakleigh House, Watercress Lane, Ashford, Kent TN23 5EL
Site details	<p>The site for this proposal is in the Beaver Green area of South Ashford, with Beaver Lane running along its western boundary. The western portion of the site currently contains the former sheltered housing scheme known as Oakleigh House and a block of flats to the south, known locally as the Star Block. Oakleigh House is currently vacant and the Star Block is due to be vacated imminently. It is believed that the buildings were constructed between 1960-1975 and both buildings are currently managed by Ashford Borough Council (ABC). There is a public right of way running between these two buildings that connects the linear green space on Knoll Lane with Cross Stile to the east. The site is split into two parts by Watercress Lane which has no through vehicular access. Although not publicly designated open space, the eastern portion of the site is currently undeveloped and is overlooked by houses along the northern boundary. The properties in the immediate vicinity of the site are typified by 1960 - 1980s 2 and 3-storey houses organised in terraces and courts, with brick and tile-hung facades and pitched roofs. The setting is characterised by green verges, open public green spaces, irregular street tree planting and off-street parking courts. A defining feature of the site is that it sits at the confluence of five roads, which creates an 'island' site with unusual geometries and varying alignments of buildings and street frontages.</p>
Proposal	<p>This is a proposal to demolish Oakleigh House and the Star Block and to re-provide independent housing for older people (in 51 apartments and 3 cottages) and accommodation for adults with learning disabilities (in 15 apartments) across two sites. The proposal includes shared communal and community spaces, landscaped gardens and enhanced landscaping for adjacent public open spaces.</p>
Planning stage	<p>Formal pre-application discussions were held in April 2020 and the Full Planning Application target submission is end of September 2020.</p>
Local planning authority	Ashford Borough Council

The design review meeting

Reference number	1449/200820
Date	20 th August 2020
Meeting location	Online via Zoom
Panel members attending	Richard Portchmouth (Chair), Architecture, Urban Design Chris Bearman, Architecture, Housing Richard Hawkes, Architecture Peter Neal, Ecology, Landscape Architecture Emily Walsh, Urban Design, Transport Planning
Panel manager	Helen Goodwin, Design South East
Presenting team	Mary Hutchison, PRP Development Jenny Buterchi, PRP Development Adrian Judd, PRP Development Carolina Caneva, PRP Development
Other attendees	Giles Holloway, Ashford Borough Council Mark Chaplin, Ashford Borough Council Sharon Williams, Ashford Borough Council Councillor Paul Clokie, Ashford Borough Council Councillor Mick Burgess, Ashford Borough Council Councillor Lyn Studdard, Ashford Borough Council Bob Shrubb, South Ashford Community Forum Jade Huang, Design South East
Site visit	This review was carried out during the Covid-19 outbreak in 2020. Independent site study including desktop research prepared by Design South East and a digital walk-around (in a similar fashion to that which would have been conducted on-site) was carried out prior to the review.
Scope of the review	As an independent design review panel, the scope of this review was not restricted.
Panel interests	Panel members did not indicate any conflict of interest.
Confidentiality	This report is confidential as the scheme is not yet the subject of a detailed planning application. Full details of our confidentiality policy can be found at the end of this report.

Planning context	<p>The existing buildings which are to be demolished are currently owned and managed by Ashford Borough Council. Whilst the open space on Cross Stile to the east which forms part of the application site is not formally designated as public open space, there is a presumption in favour of protecting open space in the Local Plan. The existing open space provision fails on quality and the loss of the open space on Cross Stile means there will be a deficit of open space locally. There are no designated play areas within 400m of the site. Ashford Borough Council have identified opportunities for the mitigation of the loss of open space through investment in the green spaces around the site. An informal pre-application meeting was held with ABC in January 2020 and a formal pre-app meeting was held with the designated planning officer in April 2020. A resident consultation event was held in January 2020 and a current public consultation has been extended to the end of August 2020.</p>
Planning authority perspective	<p>The principle of development in the heart of the existing community is supported, however the loss of open space is a concern. The authority sought the panel's view on the quality of the design of this proposal as a mitigating factor in relation to the loss of open green space and highlighted the need to balance this loss with ABC's need for provision of elderly and social care in the borough.</p>
Previous reviews	<p>This scheme has not previously been reviewed by the panel.</p>

Summary

We support Ashford Borough Council's ambition to provide high quality accommodation for the elderly and those with learning difficulties and commend the council for bringing this scheme to design review to support the development of the best quality outcome.

However, the proposed built form and layout are not responsive to the characterful, irregular arrangement of buildings and spaces that typifies this neighbourhood. The built form lacks the simplicity to join in comfortably with the language of this residential estate and the opportunity for interstitial spaces to enhance the streetscape has been lost. Through further analysis of the context to inform a wider site strategy and through further iterative development of the layout, form and mass of the buildings, we consider that there is an opportunity to revise this proposal in a way that will create a more contextual response of a higher quality that better mitigates the loss of open green space.

Key recommendations

1. Investigate the history of the masterplan for this estate to understand the distinctive social and environmental character that comes from the irregular arrangement of buildings and open spaces.
2. Carry out an analysis of the network of open green spaces of which the eastern part of the application site forms a part, to explain the quantum and consequence of the loss of open space.
3. Situate the proposal in a wider context with a site strategy that demonstrates how this development will contribute positively to the wider neighbourhood through enhancements to the quality of green space provision and better connectivity with surrounding amenities and with the network of green spaces.
4. Provide further evidence of the optioneering and of the iterative design process and evaluation that has led to this arrangement of buildings, streets and spaces across these two sites.
5. Revisit the form and layout to look for opportunities to introduce interstitial spaces and more irregular street frontages that will allow interesting vistas and places for informal social encounters.
6. Explore options for simpler geometries that will result in a less complex roof form, particularly where building volumes join, in order to respond better to the simplicity of form and the rectangularity of the buildings in this neighbourhood.
7. Revisit the layout of the interior and exterior spaces, particularly the single aspect apartments, courtyard-facing apartments, communal spaces and the internal

courtyard, to ensure that there is adequate daylight, sunlight and ventilation to make these spaces function well for users.

8. Provide more detail on the landscape design and planting strategy to demonstrate compensation for the loss of green space through rich planting that provides biodiversity and ecology net gain as well as enjoyable social spaces that function well for users.
9. Ensure that the energy strategy described aligns with the architecture. This energy strategy should be embedded in the design process.

Detailed comments and recommendations

1. Site context and history
 - 1.1. More work is needed to understand the history of the current masterplan of this neighbourhood to inform the form and layout of this proposal. We would encourage further exploration of the history of the estate, including the realignment of the road layout over time, to understand the displaced arrangement of buildings which creates irregular street edges as a strong site condition.
 - 1.2. It is important to demonstrate an understanding of the arrangement of incidental open green spaces which, regardless of their 'ad hoc' appearance, are a strong feature of the neighbourhood. This will inform the debate over the loss of open green space.
 - 1.3. More in depth site analysis should be informing the language of any proposal inserted into this unique, if 'quirky', neighbourhood. Some analysis was lacking in the information presented and might have ensured a more coherent and contextual response that demonstrates how the scheme has been influenced by and will be a positive influence on this residential neighbourhood.
2. Site strategy
 - 2.1. The recent COVID pandemic has heightened an awareness of the provision and value of local open spaces and of their potential to contribute to quality of life and to individual and community health and well-being. This highlights the impact this proposal could have on the local community in terms of the loss of public open space and therefore the need for a very high-quality proposal to compensate for this loss.
 - 2.2. The proposal has potential to deliver an enhanced green infrastructure. With the loss in *quantity* of open space comes the opportunity to enhance the *quality* of open space provision across this neighbourhood. A wider site strategy should demonstrate how the development offers not only net social gain from its provision of social care, but also real ecological and biodiversity net gain for the wider neighbourhood.
 - 2.3. A site strategy should situate this proposal in the context of the wider green infrastructure network of which the eastern side of the site forms a part. This strategy would show the connectivity for pedestrians with the linear green space along Knoll Lane and with Singleton Lake beyond, both of which form important 'green lungs' for the neighbourhood of Beaver Green and which are important areas for recreation and dog-walking.

- 2.4. This site strategy should include a tree planting strategy that extends beyond the application site to link this proposal into the wider neighbourhood in order that the development offers environmental services and benefits to existing as well as new residents of this neighbourhood.
 - 2.5. We would encourage further exploration and presentation of alternative layouts for this scheme. Demonstration of the optioneering is important and will be a necessary component of the DAS to clarify the thought process that has led to this proposal. In particular, the possibility of reconfiguring the road layout, potentially realigning Watercress Lane to the north-east, would allow both sites to come together as one. Whilst we understand the cost implications where the relocation of underground services is required, a reconfiguration might not only rationalise the labyrinth of roads that converge at this site but could also improve the entrance zone which is split by Watercress Lane in this proposal.
 - 2.6. The language of the plan needs to draw inspiration from what lies beyond the red line boundary of the application site. The defining feature of this area is its 'quirkiness' - the irregular alignment of buildings frontages to streets, the unusual geometries of the two sites, the slack spaces between buildings, the labyrinth of roads that converge around a node of complex junctions. We are concerned that this proposal tries to organise the site in a way that feels out of character with this quirkiness, and we recommend exploring some further massing studies of alternative layouts. Allowing the plan to slip and slide in a more relaxed way would better respond to the defining character of this neighbourhood and might give opportunities for social spaces outside front doors. The social dynamics of the edges of the building as well as of the internal spaces should be guiding the layout of the plan.
3. Access and movement
 - 3.1. The diversion of the historic public right of way works well in terms of alignment, however opportunities could be explored to further animate this route to the east of Watercress Lane by providing a more active frontage with the proposed 'supported' housing. We would like to understand how this route extends beyond the application site and connects with Knoll Lane to the west and to the amenities at Brookfield to the east.
 - 3.2. The experience for pedestrians of the mews road which runs along the north of the main block beside the mews houses should receive further attention. Opportunities to create a convivial piece of public realm that prioritises the safety and comfort of vulnerable older people and pedestrians, rather than vehicular access, should be explored here.

- 3.3. There are opportunities to increase ease of movement for pedestrians, for example by tightening the radii on street corners which would slow traffic and make it easier for pedestrians to cross the many roads that converge at this node.
- 3.4. The site is well located in terms of public transport, but we would like to see a transport audit that shows current parking provision as well as walking and cycling access to the site to demonstrate how people living here can access education, health and leisure facilities. A travel plan should be provided that will clarify how sustainable transport will be supported.
4. Landscape and public realm
 - 4.1. This development offers an opportunity to consider the public realm more broadly and to improve the 'bleak' character of the surrounding streets and open spaces. By enhancing the experience of the neighbourhood, for example through tree planting, this would better integrate the development into the neighbourhood.
 - 4.2. Public realm improvements should demonstrate how both the loss of open green space and the increase in density and architectural form that will come with this proposal will be offset by the enhanced quality of the public and semi-public open spaces within and beyond the development. More detail on the landscape design is needed to demonstrate what this development will contribute to the wider neighbourhood in terms of biodiversity and ecological net gain.
 - 4.3. Whilst we understand that there has been some public consultation, we consider that providing some high level proposals for the design and use of the surrounding green spaces, particularly for the open space to the south of the site, would help secure community buy-in and support for this scheme by demonstrating enhanced quality of open space to compensate for its loss.
5. Built form, scale and mass
 - 5.1. A figure-ground analysis of the provision of open space in relation to built form across the neighbourhood, including of the existing Oakleigh House and Star Building, would be a useful drawing to contextualise the approach taken in this proposal. This would highlight the anomaly of the perimeter block approach, which creates aligned street frontages and extended elevations that are not typical of this neighbourhood.
 - 5.2. We consider that the spaces within and around the existing Oakleigh House building are potentially more interesting and varied than those provided within this development in terms of encouraging a variety of social and recreational uses. How the spaces within and around the building will be used by residents and neighbours is an important consideration that should inform the arrangement of the blocks.

- 5.3. Currently there are two competing design concepts, with contrasting building typologies on either side of the entrance zone on Watercress Lane - one a courtyard block and the other a point block. If the proposal is to draw these two sites together, the composition of forms must feel like a coherent ensemble of irreducible parts that, through their cohesiveness, compensates for the loss of open space. We are not convinced that the language of the whole yet has sufficient coherence.
- 5.4. Long, repetitive façades are not typical of the character of this neighbourhood and we question whether a more staggered arrangement of blocks might have been a more appropriate response. This could have created some interesting interstitial spaces that would have provided opportunities for informal gathering at street level. That said, the repetition in the elevation facing Beaver Lane is one of the more enjoyable and expressive elements of the proposal, but here the steeply pitched roofs provide a rhythm that is missing in the linear elevations facing Watercress Lane and the mews houses.
- 5.5. The view south down Watercress Lane towards the open green space to the south of the application site and to the signature oak tree - a view which is celebrated in the site analysis - is compromised by the protruding mass of the southern corner of the independent living block.
- 5.6. The acute angle of the building at this corner is aggressive and out of character with this neighbourhood. This southern corner of the site is prominent when looking north from Cleves Way and Beaver Lane and looking west from Cross Stile, where the existing Star Block provides a focal point. The current iteration of this corner is perhaps one the proposal's least successful features, resulting from an attempt to maximise development on this site.
- 5.7. The complex geometries and roof form of the perimeter block are awkward and feel unresolved. This is particularly so where the building turns corners. A more simple, rectilinear set of forms would be a more contextual response, potentially opening up vistas between blocks and down Watercress Lane to the open space beyond.
- 5.8. Slicing through the elevation at the southern corner creates a stretched gable end facing the entrance court, which does not feel an appropriate expression for this prominent corner. This undermines the elegant form of the repetitive steep pitches facing Beaver Lane. Together with the flat roofed, single storey corner element, this creates an awkward arrangement of forms. The opportunity to create a stronger more focal element in this important location should be explored.
- 5.9. In the sheltered housing block, there is potential for a more elegant and expressive end of the building where it faces Crownfield Road, whilst the stretched gable end facing Cross Stile would benefit from further refinement.

5.10. Location of mechanical, electrical, power plant equipment needs to be shown on the drawings – in particular any that might affect the roof scape.

6. Layout

6.1. We have concerns about the number of single aspect dwellings to the north-west, north and north-east of the blocks which will receive no direct sunlight.

6.2. We also have concerns about the single aspect communal spaces where cross-ventilation will not be possible, especially in winter. The layout of all interior spaces needs to be considered in tandem with the energy strategy for this development.

6.3. The internal courtyard of the independent living block is likely to be predominantly in shade throughout most of the year, given the three-storey height of the surrounding blocks. This is contrary to the impression portrayed in the visualisations. Daylight and shading studies are necessary to show the reality of the situation and to ensure that this important communal area will be well used by residents and will offer high quality outdoor amenity space. This courtyard space requires further attention to understand its communal function.

7. Materials and detailing

7.1. We did not discuss the materials and detailing of this proposal to any great extent, although we consider that the variation in the brickwork on the Beaver Lane elevation detracts from the enjoyment of the repetition in this façade.

7.2. Paragraph 130 of the National Planning Policy Framework (2018) states: *'Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*

7.3. In order to be consistent with this national policy, the applicant team and local authority should note Design South East's general guidance on material quality and detail. At planning application stage, the quality of the detailing should be demonstrated through large scale drawings at 1:20 and 1:5 of key elements of the building/landscape and should be accompanied by actual material samples which should be secured by condition as part of any planning approval.

8. Energy strategy

8.1. Currently the energy strategy described is not aligned with the architectural resolution and needs greater clarification and analysis to ensure that the building will reduce energy demand wherever possible.

- 8.2. The embodied energy footprint of this scheme needs to be calculated taking into consideration the requirement to demolish the existing buildings as well as the superstructure and finishes of the proposed replacement.
- 8.3. Our guidance is that at the planning application stage the proposal must produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods.

Confidentiality

If the scheme was not the subject of a planning application when it came to the panel, this report is offered in confidence to those who attended the review meeting. There is no objection to the report being shared within the recipients' organisations. Design South East reserves the right to make the contents of this report known should the views contained in this report be made public in whole or in part (either accurately or inaccurately). Unless previously agreed, pre-application reports will be made publicly available if the scheme becomes the subject of a planning application or public inquiry. Design South East also reserves the right to make this report available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please inform us.

If the scheme is the subject of a planning application the report will be made publicly available and we expect the local authority to include it in the case documents.

Role of design review

This is the report of a design review panel, forum or workshop. Design review is endorsed by the National Planning Policy Framework and the opinions and recommendations of properly conducted, independent design review panels should be given weight in planning decisions including appeals. The panel does not take planning decisions. Its role is advisory. The panel's advice is only one of a number of considerations that local planning authorities have to take into account in making their decisions.

The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.

Application Number	21/01406/AS
Location	Land between Tyle House Farm and Mount Pleasant, Stocks Road, Wittersham
Grid Reference	90236/27409
Parish Council	Wittersham
Ward	Isle of Oxney
Application Description	Erection of 28 no. dwellings and 2 self-build plots with associated parking, access and landscaping
Applicant	DHA Planning
Agent	DHA Planning
Site Area	2.52ha

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member for Isle of Oxney, Councillor Michael Burgess in the light of the Officer recommendation to refuse planning permission.

Site and Surroundings

2. The site (2.52ha excluding the drainage works area) is part of an extensive field (9.7ha), currently in use for arable farming, on the eastern edge of the village of Wittersham. The residential properties lie to the west of the site, whilst to the east is the remainder of the field, with a small group of three residential properties beyond. To the north is the open countryside whilst to the north-west, the site abuts the Jubilee Field and Forge Meads, residential estates within the village. To the south, and opposite the site across Stocks Road, is Hillview Garage and a number of residential properties.
3. The site lies within the designated High Weald Area of Outstanding Natural Beauty (AONB) and adjoins the boundary of the Wittersham Conservation Area (CA) to the west. The southern and western boundaries of the site are characterised by mature planting and hedgerows, including along the boundary with Stocks Road, with three trees subject of a Tree Preservation Order (TPO) in the south western corner adjacent to an existing pond. It is understood that there are two ponds on the site, one infilled and forming a shallow depression in the south-eastern part of the site, the other is a larger standing water feature

located in the south-western corner adjacent to the rear boundary of Tyle House and Tyle Oast. Public Right Of Way (PROW) AT91A runs north along the western boundary of part of the site from Stocks Road towards Jubilee Field and Forge Meads.

4. The site currently comprises overgrown/unmanaged grassland. The site's southern boundary with Stocks Road comprises a continuous mature hedge. It is an important visual feature in the area which positively contributes to the character and appearance of the AONB.

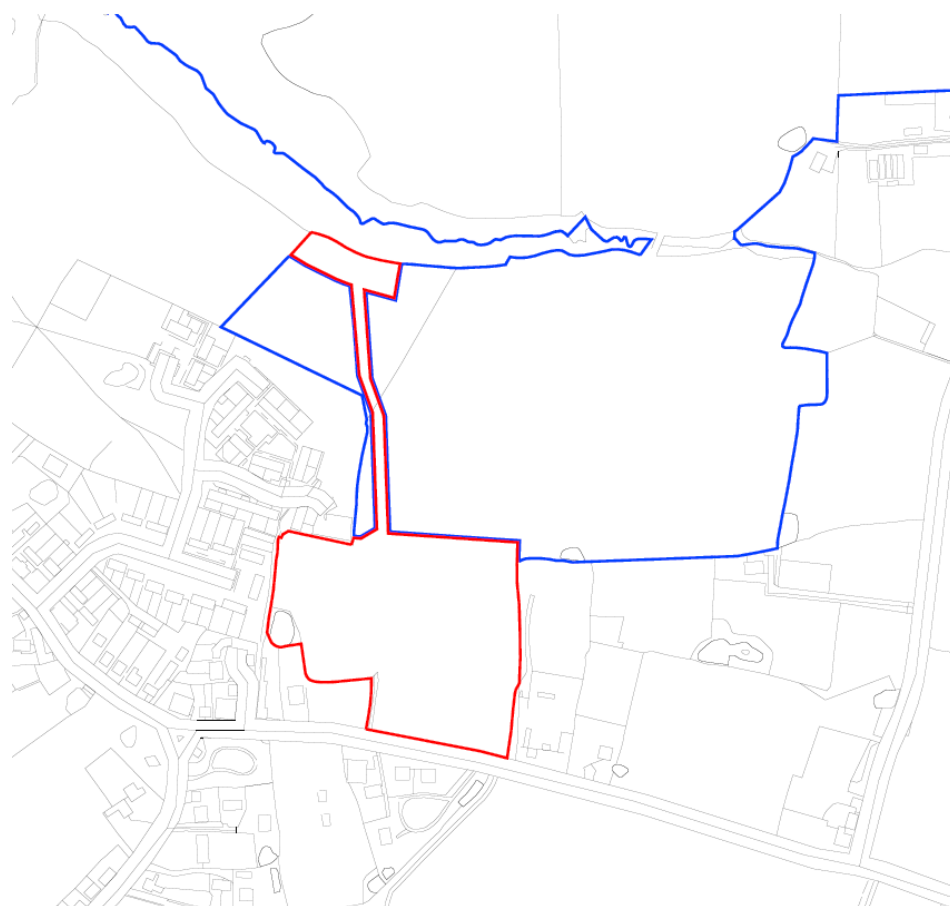


Figure 1: Site Location Plan



Figure 2: Aerial View

Background and Proposal

5. The proposal seeks permission for the erection of 28 dwellings and two self-build plots with associated access, landscaping and parking. The mix of housing for this proposal includes 3 x 1 bedroom dwellings, 11 x 2-bedroom dwellings, 5 x 3-bedroom dwellings and 9 x 4-bedroom dwellings and two self-build plots. The proposals include 40% affordable housing and 60% private market housing which equates to 12 affordable units and 18 private units (including 2 self-build plots). Of the 12 affordable housing units, 7 houses would go towards meeting the local need identified within Withersham and the remaining 5 houses would go towards meeting the Borough-wide need with preference given to individuals with a local connection. The submitted Financial Viability Assessment (FVA) concludes that 18 market homes are required to make the scheme viable.
6. The proposed development would result in the creation of a new access off Stocks Road. It also includes the creation of a new footpath connection off Stocks Road. The site layout incorporates a central spine road that runs from north to south with subsidiary branching leading to the proposed mini clusters of dwellings across the site. The self-build plots are sited along the front to the east of the site entrance. The market dwellings are arranged on either side of the road with the southwestern corner of the site reserved for affordable

housing. The site plan includes amenity copse areas and a green corridor to the eastern side of the central spine road.

- The majority of the proposed dwellings would be generally two storeys in height and would incorporate a consistent palette of materials including brick, cementitious cladding, plain tiled roofs, UPVC fenestration (for affordable housing) and black powder-coated metal fenestration (for market housing). The Design and Access Statement includes design guidelines for the self-build plots which make it apparent that the intention would be to have two storey dwellings of 3/4/5 bedrooms with garages or carports. The application proposes 59 resident car parking spaces (of which 10 are tandem parking spaces) and 7 visitor parking spaces would be provided within the site.

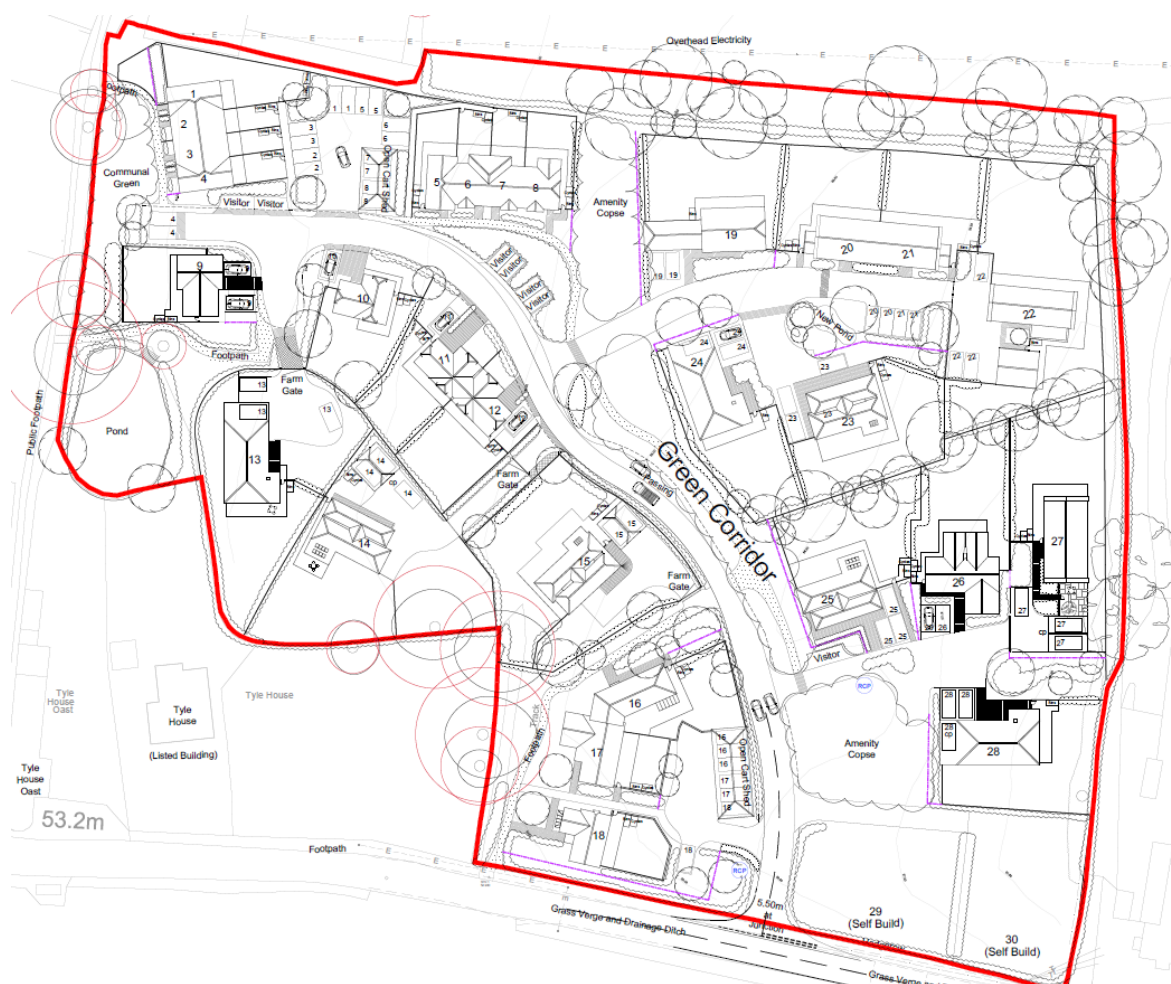


Figure 3: Proposed site layout

Planning History

- The following planning history is relevant to the application site.

9. TPO No.18 1986 covers two oak trees and one birch on the south eastern boundary of the site to the rear of Tyle Oast and Tyle House adjacent to a pond and the PROW which runs along the eastern boundary of the site north from Stocks Road to Jubilee Fields

10. 15/00005/EIA/AS: Screening opinion for Development of 27 houses including 10 affordable houses with access, landscaping and open space

This application is related to the application site. The Local Planning Authority (LPA) concluded that it was not EIA development. This site along with the eastern portion of the field ring-fenced as phase two of these proposals has been shortlisted as a possible residential land allocation through the Strategic Housing Land Availability Assessment (SHLAA) process for the emerging Local Plan.

11. 15/00459/AS - Outline planning application for the development of 27 houses including 10 affordable houses and proposed vehicular access onto Stocks Road, associated landscaping and open space with some matters reserved. Refused and dismissed at appeal.

12. 21/00115/AS - The construction of 28 no. dwellings and 2 self-build plots with associated parking, access, landscaping and open space on land to the north of Stocks Road – Withdrawn.

13. 21/00001/EIA/AS - Screening opinion for the residential development of 30 dwellings and associated access, landscaping and open space.

This application is related to the application site. The LPA concluded that it was not EIA development.

Consultations

14. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to the occupiers of 180 properties in the vicinity of the application site.

High Weald AONB Unit

In summary, the High Weald AONB Unit objects to this proposal on the following grounds:

- The proposal constitutes major development under NPPF 177 and no evidence has been submitted to demonstrate that the local housing needs

- cannot be met in another way, such as through smaller scale developments around the village;
- Without prejudice to this in principle objection, the proposed design fails to take account of the details of the High Weald Housing Design Guide, as set out in this letter;
 - For the above reasons the development would not conserve and enhance the natural beauty of the High Weald AONB and would therefore be contrary to Policy HOU5 and NPPF 176 and 177.

Woodland Trust

The Trust notes that the Site Location Plan shows that the site boundary for this development extends adjacent to Church Wood, an area of ancient woodland designated on the Ancient Woodland Inventory. Whilst there is limited reference to the proposed use of this area in the application documents, we have determined that an attenuation basin is to be located adjacent to Church Wood.

Based on the map provided within the Flood Risk Assessment, it does not appear that a buffer zone is to be afforded to Church Wood. We advise that a buffer zone of at least 15m should be afforded as per Natural England's Standing Advice and that the Trust would like to lodge **a holding objection** unless a suitable buffer zone is provided.

Environment Agency

No objection.

ABC Housing Services

Under Local Plan policy, the site lies within the rural area as identified and defined in Policy HOU1 in the borough council's Local Plan. Therefore, the policy compliant position means there will be an expectation of 40% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).

The application suggests that 30 homes are coming forward on the site (including two self-build plots). Therefore, the policy compliant position would see 12 units coming forward as affordable housing on the site – as identified in the applicant's application form.

We would require 3 units for affordable rent and 9 units for affordable home ownership, 6 units of which must be for shared ownership and 3 units for either shared ownership, or an affordable home ownership product, to be agreed with the development partnership manager within the authority.

We would expect the properties to meet the Nationally Described Space Standards. In the case of any 1-bed homes we would expect to see 2 bed spaces provided, in the case of any 2-bed homes we would expect four bed spaces to be provided and in the case of 3-bed homes we would expect five bed spaces to be provided. We note that this is largely the case with the proposed accommodation schedule, and this meets with our approval.

We note that plots 1-12 have been earmarked for affordable housing. These units are 3 x 1-bed bungalows, 6 x 2-bed houses and 3 x 3-bed houses. The Local Needs Survey for Wittersham states that there is a need for 3 affordable rented properties in Wittersham – these being 2 x 1-bed and 1 x 2-bed homes. Our current waiting list though indicates that there are five people expressing a need for a 1-bed home, each stating a local connection, aged over 50. So we would be happy to take the three 1-bed bungalows as affordable rent properties and leave the other properties for shared ownership/affordable home ownership.

This works as we are currently concerned about the feedback from RPs on shared ownership flatted units, so we hope that only houses will be provided for shared ownership, and being a rural area we agree that the units will be small-to-medium sized, so as to stay within reach of potential buyers.

We would, though, ordinarily expect the units to be spread throughout the site rather than positioned in just a cluster. This is integral to creating a mixed and balanced community and would ask that this is looked at again, rather than the units all being to one side of the masterplan. Most importantly, we would also expect the affordable housing properties to be visually integrated into the site and not discernible from the open market dwellings – this is essential and referenced in the new Social Housing White Paper.

In line with Policy HOU14 of the local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable. The onus is on the applicant to indicate the specific plots that will be provided within this standard.

The council's position regarding DPA waivers has been adopted at Cabinet in October 2019. This sits within the council's affordable housing delivery plan. The Head of Housing's proposed policy position in a designated protected area is to mirror the position outside of a designated protected area and allow unrestricted staircasing to one hundred percent (100%) equity value of a dwelling, save for affordable housing proposals in a rural exception site (coming forward under HOU2 of the Ashford Local Plan to 2030).

Reconsultation response received on 01 April 2022

This is not in our view a local needs site. In our view this would be a local connection site, whereby on new build sites in rural locations, that are not exception sites, we will offer 100% of the properties to those applicants with a local connection on first let. Subsequent lets will be as per the usual lettings policy criteria as detailed above.

KCC Highways

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 construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- 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.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Each dwelling to have an electric vehicle charging point provided. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.
- Highway improvements of new footway link and relocated 30mph gateway as shown on drawing 13452-H-02 to be implemented prior to first occupation.

KCC Archaeology

Views not received.

KCC Drainage

Response received on 17 August 2021: Kent County Council as Lead Local Flood Authority understand from the Planning Statement (July 2021) that the

previous application under consultation reference number 21/00115/AS was withdrawn and a fresh application has been submitted.

From the suite of information provided, it is clear that the layout/ design of the site has not been changed and the Flood Risk Assessment produced by DHA Planning for the previous application is still valid for this planning submission. As there is no change in the layout and FRA report, our comments made in respect to the previous planning submission are still current. For ease, our previous comments are copied below:

It is understood that the 375 mm outflow pipe from the development and basin are presented as being within a thin strip of red line boundary. It is not ascertained at this stage whether these features are within the ownership of the applicant or have a future access/ maintenance arrangement in place. This is essential to ensure a drainage outfall can be secured.

It is noted that the outfall from the basin has a proposed connection into a 225 Southern Water sewer that discharges to the watercourse. Permission for this connection should be established with Southern Water. Alternatively, a separate outfall to the ditch could be designed should connection to the sewer not be possible.

The LLFA would require 'for construction' drainage layout drawings, annotated with pipe numbers, manhole cover and invert levels and key drainage features (such as attenuation devices, flow controls, soakaway locations etc.).

The LLFA have been contacted by residents in regards to the on site pond at the south western corner of the site. It has been highlighted to us that there may be a connection from the pond that contributes to the drainage network along Stocks Road. The LLFA would seek that the pond is investigated for outfalls and its off site contributions. Whilst no additional contributions/flows are proposed into the pond, there are known drainage issues within Wittersham and should a connection be identified, there may be opportunities to improve upon the existing situation.

The Drainage Layout drawing within the report shows the access road onto Stocks Road crossing over an existing roadside ditch. This may require future works to the watercourse to facilitate the crossing. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Further details of the consenting can be found at: <https://www.kent.gov.uk/environment-waste-and-planning/flooding-and-drainage/sustainable-drainage-systems/owning-and-maintaining-a-watercourse>

The LLFA would be satisfied to receive the additional information up front covering points 1-4 prior to determination. Should the documents not be provided, we would advise that a pre-commencement detailed design condition is attached to this application.

Reconsultation response received on 22 March 2022

Kent County Council as Lead Local Flood Authority understand from the Cover Letter by DHA Planning (October 2021) that amendments to the layout of the site have been made and the Flood Risk Assessment report has been updated to suit these changes.

The LLFA have subsequently reviewed the updated FRA and have no further observations/ comments to make. In view of this, we would refer back to our previous consultation response sent on the 17th of August 2021.

KCC Ecology

We have reviewed the ecological information submitted in respect of this application and we advise that additional information is sought prior to determination of the planning application.

- Further surveys along with the necessary mitigation measures for great crested newts;
- Further surveys along with the necessary mitigation measures for reptiles;
- Further surveys along with any necessary mitigation measures for dormice;
- Further surveys along with any necessary mitigation measures for bats;

Any further necessary surveys, and mitigation measures, will need to be submitted prior to determination of the planning application. This is in accordance with paragraph 99 of the ODPM 06/2005 which states: *"it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise.*

Reconsultation response received on 28 March 2022

No objection subject to conditions.

NHS Clinical care Commissioning Group

NHS Kent and Medway Group (CCG) has delegated co-commissioning responsibility for general practice services in East Kent and is the body that reviews planning applications to assess the direct impact on general practice. I refer to the above full planning application which concerns the proposed residential development comprising up to 30 dwellings.

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will

require mitigation through the payment of an appropriate financial contribution. In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

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

Total chargeable units = 30

Total contributions requested = £27,540

Project: towards refurbishment/reconfiguration and/or extension of Ivy Court Surgery within Ashford Rural PCN and/or towards new general practice premises in the area.

KCC Developer Contributions

	Per Dwelling (x30)	Total	Project
Community learning	£16.42	£492.60	towards additional resources and classes for additional learners from development at Tenterden AEC
Youth	£65.50	£1,965.00	Towards additional resources for Youth services in Ashford Borough
Libraries	£55.45	£1,663.50	Towards additional resources and bookstock for the mobile library service attending Wittersham for the new borrowers generated by this development
Social Care	£146.88	£4,406.40	Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough
			All Homes built to Wheelchair Accessible & Adaptable standard in accordance with Building Regs Part M 4 (2)
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.</p>		
Highways	<i>Kent Highway Services will respond separately</i>		

KCC PROW

I reiterate the request made in my response to the previous application for this site: As the proposal does not directly affect the public path I raise no objections to it. However, given the proximity and the proposed link to the public path which will increase use I request a sum of £5000 be secured by Section 106 agreement to improve and widen a length of footpath AT91A alongside the development.

Natural England

No objection.

The proposed development represents major development in the AONB, and in its current form lacks evidence to demonstrate that the scheme meets the criteria in policy HOU5. Until such time that clarity is provided with regard to the type of affordable housing proposed, together with evidence to substantiate that the local needs housing cannot be delivered by any alternative mechanism, there do not appear to be any exceptional circumstances/planning benefits arising that would outweigh the objection in principle.

ABC Landscape Officer

The proposed landscape buffer that could support good-sized trees would need to be 15m in width, it is shown as just 5-8m. Therefore, the development would not be HOU5 compliant.

ABC Environmental Health

We would like to request the application of the following informative as part of any consent granted:

The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not, in general, occur outside of these times, on Sundays or Bank/Public Holidays.

In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

Finally, the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

We note that the development includes residential dwellings. To promote the move towards sustainable transport options and to take account of cumulative impacts of development on air quality we would request the application of a condition to provide electric vehicle charging facilities on driveways etc;

ABC Heritage/Conservation

I consider that the proposed development would result in harm to the setting of Wittersham Conservation Area, to the non-designated heritage Assets and to a lesser degree the Listed buildings. I also conclude that that harm is less than substantial, but that in the case of the impact on the Conservation Area, it is nonetheless unacceptable and that the public benefit in creating more housing would not outweigh the harm. Therefore the proposal would fail the NPPF test, would be contrary to Policy and consequently I recommend refusal.

ABC Culture and the Environment - S106 Open Space Contributions

S106 SUMMARY: CULTURE CONTRIBUTIONS:				
PUBLIC OPEN SPACE:	Off-site capital provision:		Commutated maintenance sum	
	£/dwelling	Total	£/dwelling	Total
Informal/natural	434.00	13,020.00	325.00	9,750.00
Play	649.00	19,470.00	663.00	19,890.00
Allotments	258.00	7,740.00	66.00	1,980.00
Strategic Parks	146.00	4,380.00	47.00	1,410.00
Cemeteries	284.00	8,520.00	176.00	5,280.00
SPORT PROVISION:	Off site			
Outdoor Sport	Capital contribution		Pitch maintenance 10 yrs	
	£/dwelling	Total	£/dwelling	Total
Changing room		15,240.00		
Pitches		10,862.00		
Totals outdoor sport	870.07	26,102.00	517.67	15,530.00
Indoor sport	Capital contribution			
	£/dwelling	Total		
Artificial pitches		2,200.00		
Sports halls		13,471.00		
Total indoor sport	522.37	15,671.00		
CULTURAL PROVISION:	£/dwelling	Total		
Arts Sector	338.40	10,152.00	Off site	
Voluntary Sector	87.00	2,610.00	Off site	

Informal/natural: Parish provision; investment within the parish; Parish Council to advise on project.

Play: Parish provision; investment within the parish; Parish Council to advise on project.

Allotments: Parish provision; investment within the parish; Parish Council to advise on project.

Strategic Parks: When funding is available the investment will be towards a Strategic Park site as identified in the Local Plan 2030, COM2. To be either a contribution towards provision of Conningbrook Lakes Country Park, to include fees, infrastructure works and management and maintenance of CLCP. Or, contribution towards provision of Discovery Park, to include fees, infrastructure works (including land purchase) and management and maintenance of Discovery Park.

Cemeteries: Parish provision; investment within the parish; Parish Council to advise on project.

Sport: Either parish provision; investment within the parish; Parish Council to advise on project. Or, capital contribution to go towards indoor sport buildings at Ashford, to be targeted toward quantitative or qualitative improvements at the 'hubs' identified in the Local Plan 2030, and as per the Playing Pitch Strategy 2017-30. Contribution towards outdoor sports pitch provision at Ashford, to be targeted toward quantitative or qualitative improvements at the

'hubs' identified in the Local Plan 2030, and as per the Playing Pitch Strategy 2017-30.. Calculations derived from the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030.

Arts sector: Parish provision; investment within the parish; Parish Council to advise on project.

Voluntary sector: Parish provision; investment within the parish; Parish Council to advise on project.

Requirement for Cultural Improvements

- A contribution is required for off-site contribution towards the arts sector: £10,152.00. Parish provision: Parish council to advise on any project. A contribution is required for off-site contribution towards the voluntary sector: £2,610.00. Parish provision: Parish council to advise on any project.
- The above comments on the level of S106 contributions should not be taken to indicate that Cultural Services will approve the scheme.

Note that all the sums detailed will require indexation:

- Open space typologies from 2012
- Voluntary sector from 2018
- Public Art from 2016
- Indoor and Outdoor Sport from September 2021

Wittersham Parish Council - Supports this application

Background

This re-submitted application (previously listed as 21/00115/AS and withdrawn by the applicant when it ran out of time) was considered by the Parish Council ("the council") at its meeting on 9th September 2021 and the proposals were supported once again.

Owing to the council's risk assessment ruling out inviting members of the public to a meeting at the village hall in present circumstances, a Zoom meeting on 7th September accommodated residents who wanted to comment, after which the formal meeting of the council on 9th September was held outdoors. The latter included a further public session, speaking restricted to those who had not attended on 7th. In total approximately 25 residents attended the two meetings.

Considerations

Councillors considered a number of points raised by residents at the two meetings plus those submitted to the council in writing and/or on the ABC portal, before giving their individual reasoning after which a formal decision was reached by vote. Since the scheme now re-applied for was the same as that considered at great length in February, councillors desisted from repeating every point made previously, yet the two meetings ran to over three hours.

Need: A housing survey conducted by ACRK for the council in 2019 using the ABC template indicated an anticipated need (28% response rate for the proportion who completed the survey) for 7 affordable houses and 7 market houses, the latter largely for older households contemplating downsizing.

Councillors recognised the value of the range of property sizes in the application in both affordable and market sectors, the significant number of bungalows and the inclusion of self-build plots, bringing forward a great degree of flexibility for the future.

The council had previously been reassured that all affordable housing would be conditioned to be made available first for proven local needs, followed by a cascade, and the same condition would be re-applied at the time of every future vacancy, in perpetuity.

AONB: Wittersham lies in its entirety in the AONB which has often been argued by residents to preclude building in any significant numbers. While the council recognises the strong presumptions in national and planning authority policy in favour of the protection of AONB land, it is also clear that this protection is not absolute: cf. the inclusion of site S.61 in the draft ABC Local Plan (although it was later excised by the Inspector, owing largely to its importance to amenity in the centre of the village, a point that does not arise in this application as it relates to farmland lying on the edge of the village.)

The council also noted in this regard other recent significant housing developments within the AONB locally, such as at Rolvenden.

Market Housing: The council considered the mix in the proposals of 12x affordable properties and 18x market properties (including 2x self-build). It heard views from residents in favour of affordable properties, but not for the market housing which those local residents in attendance generally rejected any need for.

Councillors had seen the latest Viability Study demanded by ABC and its conclusion that the site already fell below standard viability criteria once the ABC-prescribed mix of 40% must be financed.

The council would object to any move to reduce the proportion of affordable housing or to upscale the market housing numbers and sizes in consequence of this reported conclusion. The council continues to support the proposed market housing provision to support the recent housing needs survey and to ensure an active, thriving and economically viable parish.

Speeding traffic: Residents have long expressed concern about the speed of traffic along Stocks Road which the council acknowledges and it notes the proposal by the applicants to extend the 30 mph zone eastwards by 120 m. The council would prefer the 30 mph zone to extend further east, to beyond the 'T' junction at Acton Lane, since visibility at the 'T' is impaired and accidents there are well known (a councillor lives on that corner).

The opportunity this would provide to find a more effective location for the parish SID (speed indicator device) than the somewhat ineffectual location currently meeting KCC requirements would be very advantageous, and would also support a prospective SpeedWatch campaign on that stretch.

Foul and Surface Water: The sewage system within Wittersham suffers from regular problems in several well known areas, which are deeply unacceptable to residents and long overdue for resolution by the drainage authority, Southern Water (SW).

If consented, the developers of this scheme will be free to connect to the mains system through an agreement with SW. Even though some amelioration through use of a pumped holding tank is understood to be planned, the proposals still cannot but add further load on the collection network, and exacerbate any unpleasant results that would arise from the blockages that occur from time to time.

The council looks to ABC to apply pressure on SW to make the necessary improvements to pinch points and similar in the Wittersham network as a matter of normal public policy and public health, especially if the scheme is to be consented, and the council wants to see that as part of its support. One councillor's vote for objection to the application was specifically made in response to ongoing problems in Wittersham's foul drainage network.

Surface water is also a problem in Wittersham because of the low-permeability of the base layer of clay and these proposals include piping surface water drainage from roofs and hard surfaces via an attenuation pond to the stream lying to the north. So far so good. The council would ask that the planning authority's technical experts, if consent is to be given, ensure that this degree of amelioration of the total expected rainfall on the overall site would be sufficient to avoid flooding of the open areas without further steps being needed to channel the run off (apart from the ponds included within the plans), or if not, to ensure a suitable solution is added to the plans.

The present surface water run-off onto the B2082, including from a neighbouring site, is unacceptable and will need resolution, either within these plans (if consented) as part of proposals for the footpath to the village, or otherwise.

Footway: Discussions have taken place with the developer in respect of the proposed footway on the north side of B2082, and it is hoped these might continue with a view to seeing if a better solution is available.

Residents have raised whether the proposed footpath is actually deliverable, but in that case an alternative might be available within the council's control, which would require further discussion, perhaps dealt with as a reserved matter.

Illumination of streets and footpaths: In noting that footpaths and roadways will be largely separated, that Wittersham lies within a genuine Dark Skies area, and night time illumination can have a marked effect on wildlife, it was asked that careful consideration be given to any illumination included in the scheme. In view of the layout, reliance on low-level lighting of paths and minimal lighting of roadways might be a suitable solution.

Loss of Agricultural land: The council has heard from residents on a number of occasions their concern over the potential loss of “High Grade” agricultural land were this site to be built on. It was noted previously that an online map from Natural England reports all land within the hilltop area of the parish, i.e. all of Wittersham village, falls within Grade 3 (out of 5 grades), described as Moderate to Good, which matches the heavy clay and poor drainage. The council has therefore ignored that point.

S.106 considerations: The developer has made clear his willingness to discuss suitable contributions with the council and certain ideas have been floated informally, but no firm conclusions have yet been reached.

Having now reached the point of renewed support by the council for the proposals, such discussions must be renewed alongside those with ABC. The last financial calculations from ABC for possible s.106 contributions from this scheme were cumulative with a second scheme, since refused by ABC, and will therefore need to be recalculated by ABC before progress can be made.

Proposed Conditions etc: The council asks that the planning authority ensures the following points are included within a consent for the scheme, if granted, either within the final plans or by means of conditions, to:

- ensure that a legally sound provision is made to require the affordable housing to be assessed first on a local needs basis on first occupation and at every subsequent re-letting in perpetuity.
- provide for the future maintenance of all internal roads, paths and landscaping of the common areas without recourse to the council;
- ensure that any lighting scheme for roads and paths meets Dark Skies standards;
- ensure that steps are sufficient in the agreed foul water drainage plan to avoid future occasions of foul water flooding into village streets from the public drainage system whenever excess volumes arise;
- ensure that arrangements for surface water drainage within the site are sufficient to cover expected peak rainfall without flooding the open areas, and that surface water presently flowing from the site onto B2082, and thence within and alongside the area shown in current plans for the new footpath, are suitably accommodated without water continuing to run down the public roadway;
- ensure that an extension of the 30 mph zone to the east by at least a minimum 120 m is agreed by KCC and put into effect, together with signs, sharks teeth and peripheral ‘gates’ before construction begins;
- provide that the usual terms of the Considerate Constructors Scheme or an equivalent and limits on working hours apply, including the need to prevent

carrying mud/clay etc onto the B2082 (which slopes downwards from the site access into the village centre).

- ensure that financial contributions to the parish under s.106 arrangements are carried forward into final conditions if the scheme is consented.

Summary: Councillors considered the detailed plans put forward with the application, the answers they heard previously from the developers, the many points made by residents during an earlier 90-minute public meeting and a further hour plus of public session during the council meeting, and concluded that the proposals should be supported.

Weald of Kent Protection Society

1. This is a very opportunistic application that tries to use ABC's Policy HOU2 for a purpose it was not intended for, and even then appears to miscalculate the local needs requirement of the village to gain its end, and pushes the envelope on numbers of market housing. In any event, HOU2 was intended to be used by responsible entities such as housing associations, not a development-middleman such as the actual applicant here, UK Land Investors, who if they get planning permission will take their cut and sell it on to developers who will also make a big profit.
2. This is AONB, outside the village confines, extending well into open countryside and along the road. It would lead to a loss of valuable green space, and to ribbon development, damaging the village. The land is also classified as Grade 2 agricultural land and should not be lost.
3. Such a development is also not sustainable as Wittersham is relatively isolated and on difficult roads to travel to work, especially in Winter. The bus service is only once every 2 hours during the day, hopeless to prevent almost every resident using their cars. And of course only a very small portion of the population can fit on a bus.
4. It is worth emphasising that the last section of HOU5b, 'and/or has access to sustainable methods of transport to access a range of services', was added to the draft Local Plan 2030 after the consultation and is a disaster. It has allowed developers to open the floodgates to unsustainable developments on village edges using the argument that there is a bus service. But everyone uses their cars as the bus services are so inadequate, so it actually defeats the aims of much of the Local Plan. It should be removed at the next revision of the Plan. This is one of the most speculative, profiteering and unsavoury applications we have come across, a perfect example of the unacceptable face of capitalism at the expense of both sustainability and the countryside.

Public representations

15. The council received fifty-seven responses objecting to the application. The comments are summarised below:

Objection

- Dismiss this application because the reasons for dismissal in the past and past objections are likely to remain similar.
- It does not take account of the fact that the attenuation basin is directly adjacent to ancient woodland and the receiving watercourse is in fact a gill stream located in the ancient woodland.
- There are no exceptional circumstances for such a major development in an AONB.
- The site is on 'pure' unspoilt and untouched agricultural land, outside the village red line development boundary. There is no way that it can be considered to 'enhance or at least preserve' the character or appearance of the conservation area. It would also create a precedent for further 'ribbon' development along Stocks Road.
- The site layout does not promote good design sufficiently.
- Infrastructure/sustainability - The local drainage/sewage system is already at capacity with regular overflows onto the roads in both The Street and Swan Street – the developers have offered any solution in their submission.
- Traffic - The access is directly onto a busy main road where traffic is often speeding despite the 30 mph limit.
- Affordable housing need (identified as seven properties based upon a 2019 survey) - Four such houses built recently by Ashford BC only found two local purchasers, so this demand is not supported empirically.
- Too many homes for the water, electricity and sewage
- Insufficient infrastructure
- School too small
- Transport links are far from good
- Drainage problems in the village
- Wildlife on this site will suffer
- Traffic problems and flooding issues
- This development is in an AONB and will be detrimental to the look of our village.
- The wildlife and insects will suffer.
- The 4 local housing needs houses already built in Wittersham were only taken up by two residents the rest came from outside.
- It will seriously destroy our village.
- The infrastructure just will not cope.
- The local water treatment site is already barely able to cope with amount of waste the village produces already, as was highlighted by the fat blockage last year. The river Rother being a discharge point for treated water and drains/ sewage being overwhelmed by heavy rain. This amount of further houses would only make things worse.
- As far as I can see on the plans, none of the houses have additions to help combat climate change. Why have the houses not got solar panels or ground source heat pumps build in, for instance. Climate change action needs to happen now with all new builds.
- There is no local need for this amount of housing in the village. Wittersham is a picturesque small Kent village. There is no need to turn it into a housing estate, covering productive agricultural land and green space, especially in an area of natural beauty. The massive house building in Ashford, Tenterden,

Headcorn, in recent years, should have easily been enough new housing for the direct area.

- dangerous road, blind exit, sewage can't cope with the amount of housing already here, watermains already inefficient, already no parking available in village, cars, vans, all parked overnight, on grass frontage and pavements, school oversubscribed.
- The artist's drawings of houses, as attractive as the design appears, gives no indication of the fact that the village is on an island, accessed via narrow, winding, badly maintained roads which cross two rivers. I might add that, in my observation, in winter this field is waterlogged and overflows into adjacent properties.
- The number of houses in this planning application vastly outnumbers the actual housing needs of the local community and is in a rural area with no gas main, inadequate sewerage systems, poor phone and internet connection.
- The number of houses already built locally has heavily impacted doctors surgeries and schools and has caused traffic congestion on badly maintained, narrow roads inadequate for such large volume usage.
- The development of this site is without any doubt detrimental to the Area of Outstanding Natural Beauty and to the intrinsic nature and character of the village of Wittersham.
- Adversely affect the intrinsic character and beauty of this area of countryside and would fail to conserve the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty contrary to paragraph 115 of the NPPF.
- would neither preserve nor enhance the character and setting of the designated Wittersham Conservation Area.
- There is no local need for this quantity of housing - and no infrastructure to support it. The school is oversubscribed due to the success of its teaching staff, the drainage is already inadequate and there is a lacking bus service. We have put these points forward so many times before.
- Any assessments made on the traffic levels through the village in the last twelve months would be inaccurate due to the Covid 19 lockdowns.
- Car use and car dependency hasn't. 28/30 households house a large number of people and pets who need goods and services which cannot be obtained within walking distance. Nearest towns remain distant at 9km and 12km. Now there is no public house (erroneously claimed to exist in the D&A 2.5.1 it closed in 2018) and no Post Office, no pharmacy, no cafe, bakery or even Farm Shop. Yet the site's developers promise only 'modest vehicular trip generation' on 'lightly trafficked and low-speed local road network conducive to on road cycling' (Design & Access statement 2.3.4).
- Work/life balances have. Covid has affected the way people work from home, use their leisure and seek to socialise outdoors. That suggests that gardens will be desirable but the design of these plots, fitted into the tight weave of a 'sylvan' landscape, do not offer new homeowners ample gardens for leisure or horticulture.
- Buildings, outbuildings, roads and footways are to be constructed in one go, with new landscaping that won't immediately clothe the site or give shelter. They may form a 'close' or 'estate' of new build but never knit into the village itself,

being isolated on the outer edge, outside the limits of built development, without aspect or frontages to the main road.

- In the light of UK wide initiatives for car-use reduction, parking provision appears excessive for 60 residents' cars, without electric charging points for the shared parking lots which are further away from smaller households. Rural transport policy ideals these days include the provision of charging points and this is nowhere more needed than in areas at a distance from amenities such as shops, GP practice, transport hubs and places of work.
- Design, layout and suitability of homes for rural village life - There are no purpose built live-work premises, a wasted opportunity. There might also have been sheltered housing provision - another wasted opportunity to deliver to this village what it really needs in terms of long term planning.
- Limited considerations (or untested assumptions) of highway safety for pedestrians and disabled access: the proposed additional footpath on the north side of Stocks Road intended to reach bus stop/s, memorial gardens and park, school and shop (all on opposite side) runs along the verge between a field drain with regular prodigious run-off and a deep camber in the B2082. Because of the hedges and ditch it cannot be designed broad enough to accommodate a wheelchair or double buggy and is likely to continue to be avoided by anyone on foot because it is frequently awash. The dimensions are given as 1.8 m wide but this is not feasible: the actual verge (assuming all hedges cut back) is 1.4m wide reducing to 1.2m wide.
- Contrary to an assumption about street lighting in Design & Access statement 2.3.1. the only existing street lamp on this walking/cycling route is at the bus stop on the South side of Stocks Road. It would not instil confidence after dark.
- Secure by Design principles do not seem to have been applied
- The design incorporates open ended two footpaths to the west, one via a pond fed by the ditch which serves the site in question (to be managed by whom?), both to the Public Right of Way. While these links offer new pedestrian, cycling and dog walking routes to the village they equally present outsiders with access to the new housing and parking areas, not necessarily for social reasons.
- No mention of street lighting for the footpaths
- Inevitably alter the natural character of the site and its ecology.
- The land in question is high grade arable and the NPPF clearly states that "where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality".
- There are 12 affordable units proposed, which is welcome, (although it should be noted that of the recent development of 4 new affordable houses only two were taken up by local people). The majority of the proposed open market dwellings are larger which does not address local need for low cost housing to buy.
- The location of all the affordable units in the North West corner of the site, adjacent to the existing Jubilee Fields estate is unfortunate. In a development of this size they could be spread, and be more effectively tenure blind.
- Affordable units 1-4 in the North West corner of the site have been arranged facing away from the other dwellings onto what is referred to as a 'Communal Green' on the drawings. This is heavily overshadowed by existing trees and

faces the hedge to the existing public footpath. It is unlikely to make a pleasant landscape for communal use.

- A relatively low density scheme with significant tree planting and landscape could make a pleasant living environment and the landscape layout is promising.
- The increased traffic implications for Stocks Road are a concern and there are serious safety implications in the scheme as drawn.
- Stocks Road is fast in this stretch, despite speed limits, and it is not wide. Improved and effective traffic calming/speed limiting will be essential and the relocation of the speed gateway as described in the Transport Statement will not be sufficient.
- The Transport Assessment also refers to a proposed 1.8m wide footpath from outside Tyle House running past the existing Orchard and stopping at the southern corner of the site at the footpath entrance (drawing 13452-H-02). There is no existing footpath along this stretch at present, and there is insufficient width to build a 1.8m wide footpath without encroaching on the properties it passes.
- Lack of proper footpath access could be a serious safety hazard given the rise in footfall the development will create.
- Positioning of self build plots in the two prominent front sites, could significantly impact the aspect of the whole scheme to the village.
- Overlooking
- Detrimental to the open rural character of the site and would fail to preserve or conserve the openness and natural beauty of the Area of Outstanding Natural Beauty.
- The proposed development lies in an unsustainable location
- The Bus service 293 is a school service to and from Homewood school only. The Route collects children from the surrounding villages.
- Bus service 312 is the only service available to the general public between 7am to 6pm, 2 hourly service, but no service on Sunday. Unfortunately, the timetable is very limited.
- There is not a post office in the village, although a post office service is provided once a week in the village hall for a period of about 2 hours (that's 2 hours per week). Given Covid this service has not operated in 18 months, it is unlikely to reopen in the near future.
- The village hall has been closed due to Covid for at least 15 months.
- There is not a public house in operation in the village. The former Swan Inn is vacant, an empty building. It has been closed for 2 years or more, and is unlikely to reopen despite the attempts of the village.
- The Highway Safety included in the report is inaccurate. In the past 5 years there has been numerous road accidents in an around the Isle of Oxney:
 - (1) Poplar Road, close to village shop, in 2016, 1 casualty
 - (2) Stocks Road 2018, two vehicles involved 1 casualty
 - (3) 2018 young lady and her mini-cooper car ended up in the sewer located below Small Hythe, car had to be towed out of the sewer.
 - (4) 2019 Blue Van, also ended up in the same sewer on a different occasion, gentlemen was lucky not to drown. Vehicle towed out.

- (5) 2019 over turned vehicle on the Small Hythe Road near junction to Dumbourne, 1 casualty. There has been at least two further accidents at this location one in 2017 and one in 2018.
- (6) Small Hythe Road 2019, near Chappell Down, 2 casualties involved
- (7) The Street 2019, two vehicles involved, two casualties
- (8) Stocks Road 2019, one vehicle involved, 1 casualty
- (9) Wittersham Road/Poplar Road 2019 one vehicle left the road went through roadside hedge, 1 casualty
- The proposed development states that it allows for the land to the north of Stocks Road to be a green space and left clear. Then again in the same application it states that there will be self-build plots in that location.
- Concern about road safety and the inevitable disruption that a building site such as this involves. (plots 22, 27, 28 and 30) potentially blocking views, cutting out light and creating noise.
- Unacceptable impact on ancient woodland
- The sewage and drainage infrastructure in Wittersham is old, inadequate and in urgent need of modernisation. In recent years, for example, there have been sewage overflows in The Street and Swan Street.
- Other infrastructure and amenities in Wittersham are also materially deficient for a village of its current size: only one small shop, no pub, traffic problems (especially around the village primary school on The Street), poor broadband, a minimal public bus service, no medical care facilities, etc.
- The Planning Statement is trying to imply there is local support for the proposal. It is stated 85% of respondents who answered the question, "would you support a small development of affordable housing if there was a proven need for people with a genuine local connection to the parish" said that they would. However I have never been approached for a questionnaire and neither have local people I know. I question the validity of the survey they conducted.
- Loss of agricultural land

Planning Policy

16. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
17. 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).
18. The Local Plan policies relevant to this application are as follows:

SP1 Strategic Objectives

SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
SP7	Separation of Settlements
HOU1	Affordable Housing
HOU2	Local Needs / Specialist Housing
HOU5	Residential Windfall Development in the Countryside
HOU6	Self and Custom-Built Development
HOU12	Residential Space Standards Internal
HOU14	Accessibility Standards
HOU15	Private External Open Space
TRA3a	Parking Standards for Residential Development
TRA7	The Road Network and Development
ENV1	Biodiversity
ENV3b	Landscape Character and Design in the AONB's
ENV4	Light Pollution and Promoting Dark Skies
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV14	Conservation Areas
ENV15	Archaeology

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

Supplementary Planning Guidance/Documents

Fibre to the Premises SPD, 2020

Dark Skies SPD, 2014

Residential Space and Layout SPD, 2011

Sustainable Drainage SPD, 2010

Residential Parking and Design Guidance SPD, 2010

Landscape Character SPD, 2010

Informal Design Guidance

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

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

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

High Weald AONB Management Plan 2019-2024

Government Advice

National Planning Policy Framework (NPPF) 2021

National Design Guide 2021

National Planning Practice Guidance

Technical Housing Standards – nationally described standards

Planning (Listed Buildings and Conservation Areas) Act 1990

Article 6(3) of the Habitats Directive; Habitats Regulations 2017

Assessment

20. The key areas for consideration in the assessment of this application are as
- Principle of Development

- Impact on the High Weald AONB
- Impact on the Setting of the Conservation Area and Listed Buildings
- Site Layout and Building Design
- Trees
- Ancient Woodland
- Ecology
- Residential Amenity
- Highway Safety and Parking
- Drainage

Principle of development

21. The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise. It is considered that the policies which are most important for determining the application are SP1, SP6, HOU1, HOU2, HOU5, ENV3b, ENV13 and ENV14.
22. At the present time the Council is unable to demonstrate a 5-year housing land supply, although it should be noted the Council has not 'failed' the Housing Delivery Test for the purposes of Paragraph 11 of the NPPF (i.e. the delivery of housing has not been substantially below the housing requirement over the previous three years).
23. In the absence of a deliverable housing supply, Paragraph 11 d) of the NPPF, states that the development plan policies most important for determining the appeal are out of date. However, the '*tilted balance*' in favour of the grant of planning permission at paragraph 11 d), is conditional on satisfying criterion (i) of whether there are policies in the NPPF that protect areas of particular importance which provide a clear reason for refusing the development proposed. *Footnote 7* lists the policies in the NPPF that protect areas or assets of particular importance and these include AONB's and irreplaceable habitats (in this case, Ancient Woodland). As identified in the assessment below, there would be significant harm to the character and appearance of the AONB and therefore the proposal conflicts with paragraphs 174, 176 & 177 of the NPPF which seeks to limit the extent of development in these nationally sensitive landscapes. Additionally, the proposal has the potential to harmfully impact

irreplaceable Ancient Woodland habitat and as such would be contrary to paragraph 180(c) of the NPPF. As a result, the *'tilted balance'* would not be triggered in this case.

24. The application is for a major development in the AONB. Regard must be had to whether proposed development amounts to exceptional circumstances to justify major development in the AONB. The application site is farmland located adjacent to but outside of the settlement boundary of the village of Wittersham. Approximately an inverted 'L' in shape, it is largely flat. The vegetation along the site boundaries provide some screening effect, some of which are protected by Tree Preservation Orders. The proposal also includes creation of an attenuation basin directly adjacent the Ancient Woodland to the north (Church Wood). Therefore, paragraph 180 of the NPPF is also relevant in this instance.
25. In respect of the AONB, paragraph 176 of the NPPF states that *"great weight should be given to conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues"*. Since the proposal is for a 'major' development in the AONB, this triggers paragraph 177 of the NPPF. It states:
- When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
 - a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
26. Policy HOU2 - Local Needs / Subsidised Specialist Housing states that planning permission will be granted for proposals for local needs / subsidised specialist housing within or adjoining rural settlements identified under policy HOU3a as 'exceptions' to policies restraining housing development provided that all the following criteria are met:
- The local need or requirement for specialist housing is clearly evidenced;
 - The development is well designed, would not result in a significant adverse impact on the character of the area or the surrounding landscape and is appropriate to the scale and character of the village; and,

- There would be no significant impact on the amenities of any neighbouring residential occupiers.

It is expected that all local needs/ specialist housing schemes will be delivered without the need for any cross market subsidy. Where this is not the case a proposal will need to be supported by robust and transparent viability evidence that will be independently verified by the Council.

27. Policy HOU1 – Affordable Housing states that the Council will require the provision of affordable housing on all schemes promoting 10 dwellings or more (and on sites of 0.5 hectares or more), with provision being not less than the area specific requirements set out in the following table. All proposals are expected to meet their full affordable housing provision on-site.

Area*	Affordable/Social Rented requirements (% of total dwellings)	Affordable Home Ownership Products (% of total dwellings)	Total affordable housing requirements (% of total dwellings)
Ashford Town (Zone A)	0%	20% (including a minimum of 10% shared ownership)	20%
Ashford Hinterlands (Zone B)	10%	20% (including a minimum of 10% shared ownership)	30%
Rest of Borough (Zone C)	10%	30% (including a minimum of 20% shared ownership)	40%

28. The application proposes 40% affordable housing of which 7 houses would go towards meeting the local need identified within Withersham and the remaining 5 houses would go towards meeting the Borough-wide need with preference given to individuals with a local connection. The submitted Financial Viability Assessment (FVA) concludes that 18 market homes are required to make the scheme viable. The applicant’s FVA has been assessed by Bespoke Property Consultants (instructed by the Council) that agree with the findings within the applicant’s FVA i.e. it is agreed that a maximum of 40% affordable housing could be provided on the site.
29. There are several references to the previous appeal decision (15/00459/AS) for 27 dwellings made within the planning statement. It would therefore be useful

to briefly discuss the outcome of the previous appeal decision for completeness. Under the previously refused application, 10 housing units were provided to meet the local needs in Wittersham whilst there was a total need for 17 units in the village identified at the time. The Planning Inspectorate noted that the market houses significantly outnumbered the affordable housing provision and did not consider this to be an exceptional circumstance to justify the principle of a major development in the AONB. It is noted that concerns were also raised regarding the lack of evidence i.e. financial viability assessment and the mechanism to secure the local needs housing so that it does not fall into the wider catchment area. At paragraph 12 of the appeal decision, it is stated,

“I agree with the main parties that the provision of dwellings alone, notwithstanding the Council’s five years housing position, would not amount to the exceptional circumstances to justify the proposed development in the AONB. However while I heard comments to the contrary, I agree with the main parties that addressing local housing need in the village, particularly where it could be demonstrated that the scheme would have significant local benefits, would amount to an example of an exceptional circumstance, consistent with DPD policy TRS4.”

30. It is necessary to understand that the local needs housing scheme is generally expected to deliver 100% affordable housing on site (in accordance with the wording of the Policy HOU2) and where financially unviable a small percentage of market housing could be supported on the basis of the findings of the FVA. It should be noted that the current application is not significantly different from the previously refused and dismissed scheme with the only exception being that the previously refused application provided 10 local housing needs units whilst the current application provides 7 local housing needs units. Also, the financial viability assessment has been carried out in this instance which concludes that 18 market homes would be needed to provide 12 affordable housing units. Whilst 40% affordable housing provision would be made, this does not comply with either policy HOU2 of the local plan (for exception sites) or HOU1 (which requires the affordable housing to meet the borough wide need).
31. Whilst it is agreed that the Planning Inspector suggested that addressing local housing need in the village could qualify as an exceptional circumstance, it is understood that this was suggested taking into account the number of local housing needs units that were required at the time of the appeal. The following statement was made by the Inspector, “...*particularly where it could be demonstrated that the scheme would have ‘significant local benefits’...*” [*my emphasis*]. The exercise of planning judgment and the weighing of the various issues are matters for the decision-maker: *Seddon Properties Ltd v Secretary of State for the Environment* (1981) 42 P & CR 26. Therefore, whether the

proposed development would provide 'significant local benefits' would be a matter of judgement arrived at further to the assessment of the relevant facts of the case.

32. The application establishes that there is a maximum local need for 7 affordable units and as such 5 further units have been allocated for the Borough wide need. Given the significant landscape sensitivities of the site within the AONB (which is afforded the highest status of protection in the NPPF), the relevant planning consideration is whether a scheme of 30 dwellings (which would give rise to significant landscape impacts (further expanded within the report) which cannot be sufficiently mitigated is necessary and appropriate to provide 7 local needs housing units. Also, the level of market housing provision versus affordable housing provision is disproportionate not just in terms of the number of units but also in terms of the area that these units cover. For instance, 8 AH units together occupy about the same amount of land as the two market housing units 13 and 14.
33. In conclusion, it is not considered that the proposal would provide 'significant local benefits' as had been suggested by the previous Planning Inspector in his decision. Further to the above, it is noted that no case has been presented which explores the cost of, and scope for, developing outside the designated AONB, or meeting the need for it in some other way as required by the Framework (at paragraph 177b).
34. Policy HOU5 states that where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty. Policy ENV3b seeks to conserve and enhance the natural beauty of the Kent Downs and High Weald AONBs. In summary, it is considered the proposed development would introduce a major housing development in the AONB and would not conserve and enhance its natural beauty. Detailed assessment has been carried out in respect of the impact of the development on the character and appearance of the countryside under 'Character and Appearance' section.

Impact on the High Weald AONB

35. The site lies outside of settlement confines and within the AONB. Therefore, Policy ENV3b is relevant in this instance. The policy requires the Council to have regard to the purpose of conserving and enhancing the natural beauty of the AONBs. Proposals within AONBs will only be permitted where:
 - The location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape.
 - The development would enhance the special qualities, distinctive character and tranquillity of the AONB.

- The development has regard to the relevant AONB management plan and any associated guidance.
 - The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the AONB.
36. Regard must also be had to the paragraph 176 of the NPPF states that *“great weight should be given to conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”*. Regard should also be had for the High Weald AONB Management Plan, which provides advice on how to protect and enhance the AONB. Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act) states that *“in exercising or performing any functions in relation to, or so as to affect, land in areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty”*.
37. The High Weald AONB Management Plan promotes a landscape led approach to new development. It highlights that the special characteristics and qualities of the AONB include the quality of the built heritage and settlement patterns. In order to conserve and enhance the natural and scenic beauty of the Kent Downs, the scale, extent and design of new development, is critical.
38. The site is located within the High Weald AONB. The area is strongly rural in character. The site is located on the eastern edge of the village, at a point that marks an important transition from the well-defined built up area of the village to the open countryside beyond. The application site abuts a narrow single track lane to the north with no footpaths or streetlights whilst to the east is a public footpath that runs between the fields to the south, east, and west. The site has access to the fields to the north and it is understood that the larger field (to the north) and the application site are owned by the applicant. The site and adjoining neighbours lie within a predominantly open landscape comprising arable farmland, punctuated by similar small pockets of development focussed on farmsteads, often screened by trees and hedges and large pockets of ancient woodlands.
39. The site contributes to the character of the AONB through its open landscape when viewed from the south and north. The established scrub, hedgerows and interspersed trees on the western and southern boundary create a strong streetscape character along Stocks Road and the footpath linking Stocks Road and Forge Meads. There are several blocks of ‘Ancient and Semi Natural Woodland’ surrounding the site with the nearest to the north west of the subject site, with several smaller blocks located to the south east of the site. There is a block of Ancient replanted woodland to the south of the site.
40. The surrounding area constitutes very limited development and does not have any strong defining character. The topography of the site itself is relatively flat

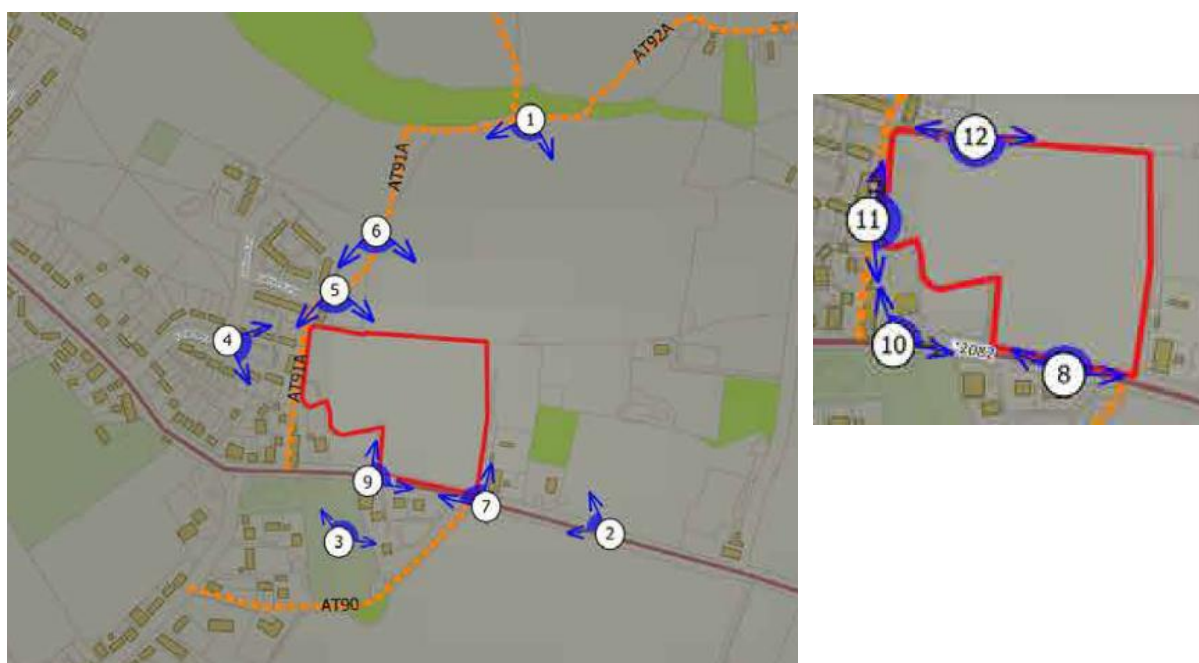
whilst there is a valley located to the south of the site. Equally, to the north, the land falls and is gently undulating to the east.

41. In affording open views across to the woodlands of Comb Woods, Rushgreen Wood and Stemp's Wood Local Wildlife Site which are located 220m to the north of the development at its closest point, the site makes a significant contribution to the rural setting of the village. Such visual linkages to the surrounding countryside of the High Weald AONB are considered to contribute significantly to the character of this part of the village.
42. The site adjoins the Conservation Area (CA) to the west and the historic grouping of the former farmhouse Tyle House and the associated oasthouse. The leafy and open space nature of this corner of the CA is further enhanced by the other historic and listed buildings in the vicinity of the War Memorial, which in itself is a Grade II listed monument.
43. The 'High Weald Area of Outstanding Natural Beauty Management Plan (published by the High Weald Joint Advisory Committee, 2019-2024) describes the area as:

"At first glance the High Weald appears to be a densely wooded landscape but closer examination reveals a detailed agricultural tapestry of fields, small woodlands and farmsteads. Wildflower meadows are now rare but the medieval pattern of small fields with sinuous edges surrounded by thick hedges and shaws (often surviving remnants of ancient woodland) remain."

"Woodland is extensive covering nearly a third of the area in an intricate network of small wooded shaws, pits and gills; farm woods and larger wooded estates. Most of the woodland is ancient, managed in the past as coppice and swept with bluebells and wood anemones in the spring but of the mature oaks for which the Weald was once famous, few remain. The drier sandy soils favour pine and birch within a patchwork of lowland heath."
44. The primary aim of the Management Plan is to 'conserve and enhance'. It further states, *"In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment."*
45. The application has been accompanied by a Landscape Visual Impact Assessment. The Zone of Theoretical Visibility (ZTV) shown on Figure 4.1 of the LVIA encompasses a 2km zone. However, the viewpoints only comprise short range viewpoints as shown in the figure below. The assessment includes a matrix which identifies the sensitivity to change, the magnitude of change and later summary of the significance of impacts (over the course of 10 years)

having regard for potential mitigation. No detailed assessment of the visual impacts from the viewpoints has been included within the LVIA i.e. it does not explain the reasoning for the conclusions drawn for each viewpoint. Therefore, it is felt necessary to carry out the detailed assessment with a view to fully assess the impacts arising as a result of the proposed development. Of the 12 viewpoints identified, the most relevant ones are considered to be viewpoints 1, 2, 5, 6, 7 and 8.



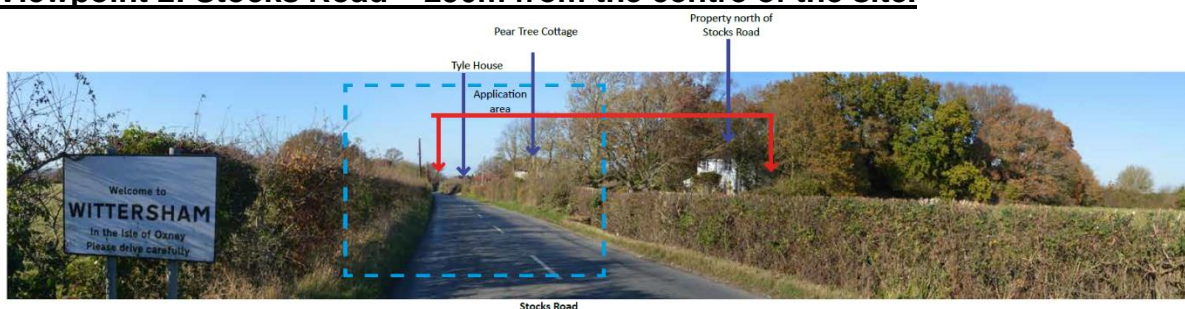
Viewpoint 1: From the PROW AT91A to the north of the site – 300m from the centre of the site



46. The land levels gently slope from east to west. This viewpoint largely comprises the arable farmland with mature trees to the west. The extent of the application site is as shown above in the photo. It is noted that the partial rooftops of Tyle House and Tyle House Oast are visible from this viewpoint whilst the Jubilee Field development appears quite prominent in views. There are no significant

detractors in this viewpoint. It is noted that the matrix identifies the sensitivity to change, magnitude of effect as moderate and states that the site not visible from this viewpoint. It should be noted that Tyle House and Tyle House Oast are sited towards the southwest of the site and abut Stocks Road. Therefore, whilst only the rooftops are visible, they are substantial distance away from this viewpoint. The proposed dwellings would be sited close to the boundary of the site with limited landscape buffer. They would appear prominent in views, would permanently alter the landscape and would detract from the relatively unspoilt landscape setting. The significance of impacts taking into account the landscape mitigation proposed (native tree/shrub buffer 5-8m in part and with no buffer to the site in part along the same boundary (north)) has been concluded as moderate in Year 1 (without any potential screening), Low to moderate in Year 5 and Low in Year 10. In contrast to the conclusion drawn within the LVIA, given the scale of the proposed development and the proximity of the dwellings to the site boundary, it is considered that the significance of impacts would be much greater than envisaged i.e. high in Year 1 and moderate by Year 10.

Viewpoint 2: Stocks Road – 250m from the centre of the site.



47. This viewpoint comprises hedging and mature trees on either side of the road representing a strong rural character. Glimpse views of Tyle House, Pear Tree Cottage and property north of Stocks are achievable from this viewpoint. There are no significant detractors in this viewpoint. It is noted that the matrix identifies the sensitivity to change, magnitude of effect as Low to Moderate. It should be noted that the proposed dwellings would be sited close to the site boundary unlike the Tyle House which is sited significant distance away from the edge of the road with substantial mature tree screening. Taking into account the siting and scale of the dwellings, creation of a vehicular access off Stocks and limited screening along the front boundary, the sensitivity of the receptor and the magnitude of effects are considered to be moderate to high. The significance of impacts at the end of 10 years (with proposed mitigation) is considered to be moderate.

Viewpoint 5: Jubilee Field – 125m from the centre of the site



48. This viewpoint encompasses the existing vegetation along the northern site boundary, the tarmac hardstanding and property south of Jubilee Field with a boarded fence. The boarded fence, the tarmac and the existing dwelling are detractors in this view. It is noted that the matrix identifies the sensitivity to change, and magnitude of effect as Moderate. Taking into account the existing detractors, the conclusions reached in respect of this viewpoint are considered acceptable.

Viewpoint 6: PROW AT91A: 175m from the centre of the site



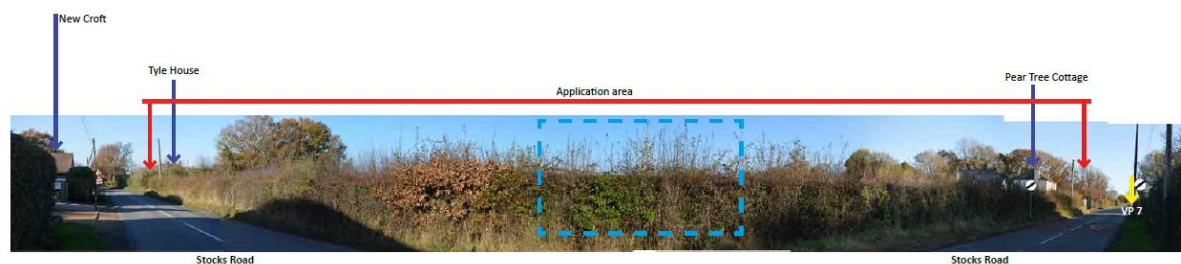
49. This viewpoint comprises split wider view. On the right hand side is the Jubilee field development whilst on the left is the open farmland and a clear view of the application site with views of Millerslea and New Croft also being visible which lie to the south of the Stocks Road. There are no significant detractors in this viewpoint. It is noted that the matrix identifies the sensitivity to change as moderate to high, and magnitude of effect as moderate. It should be noted that the proposed dwellings would be sited close to the site boundary and would be highly prominent in these views particularly by virtue of limited landscaping buffer achievable along the northern boundary of the site. This would permanently alter the landscape and provides limited scope for mitigation. Therefore, the sensitivity of the receptor and magnitude of effect is considered to be moderate to high. The significance of impacts taking into account the landscape mitigation proposed (native tree/shrub buffer 5-8m) has been concluded as high in Year 1 (without any potential screening), moderate to high in Year 5 and moderate in Year 10. The conclusions drawn in respect of significance of impacts are considered acceptable.

Viewpoint 7: Stock Road – 150m from the centre of the site



50. This view is dominated by the hedging on either side of Stocks Road (including the hedge bordering the application site), glimpse views of the rooftop of Tyle House and boarded fence bordering Pear Tree Cottage. There are no significant detractors in this view except the existing boarded fence. It is noted that the matrix identifies the sensitivity of receptor as moderate to high, and magnitude of effect as moderate. The proposed development would be most prominent in these views. Taking into account the siting and scale of the dwellings, distance of the receptor from the site, creation of vehicular access off Stocks and limited screening along the front and side boundaries, the sensitivity of the receptor and the magnitude of effects are considered to be high. The significance of impacts at the end of 10 years (with proposed mitigation) is considered to be high. Particular regard has been had to the level of landscaping proposed and the fact that the proposed dwellings visible in these views would be two storey substantial dwellinghouses and as such the development would be highly prominent in the streetscape.

Viewpoint 8: Stocks Road – 100m from the centre of the site

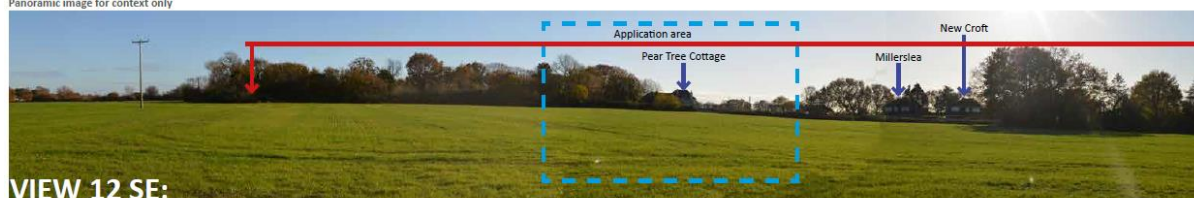


51. This view is dominated by hedging along the front boundary of the site with views of New Croft to the left and Pear Tree Cottage to the right and view of the rooftop of the Tyle House. There are no significant detractors in these views. It is noted that the matrix identifies the sensitivity of receptor as moderate, and magnitude of effect as moderate to high. The proposed development would be highly prominent in these views being right in front of the proposed development's access. Taking into account the siting and scale of the dwellings, proximity of the receptor from the site (clear visibility of the development from this point), vehicular access off Stocks Road, substantial hardstanding within the development that would be visible in these views, limited screening along the front boundary, the sensitivity of the receptor and the magnitude of effects are considered to be high. The significance of impacts noted within the LVIA at the end of 10 years (with proposed mitigation) is low. However, having regard

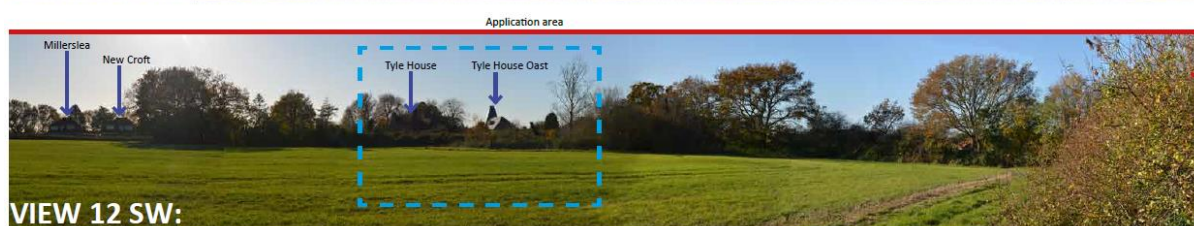
for the above reasons and given the permanent change in the landscape resulting from the introduction of domestication within an undisturbed rural setting, it is considered that the significance of the impacts at the end of 10 year (with proposed mitigation) in these views would be moderate to high.

Viewpoint 12: A well trodden footpath – along the site boundary

Panoramic image for context only



VIEW 12 SE:



VIEW 12 SW:

52. This viewpoint comprises the application site itself (open farmland) with views of Pear Tree Cottage, Millerslea, New Croft to the southeast and Tyle House and Tyle House Oast to the southwest. There are no significant detractors in this viewpoint. It is noted that the matrix identifies the sensitivity to change as high, and magnitude of effect as high. It should be noted that the proposed dwellings would be sited close to the site boundary and would be highly prominent in these views – i.e. by virtue of the proximity of the receptor from the development and limited landscaping buffer achievable along the northern boundary of the site. The development would permanently alter the landscape and provides limited scope for mitigation. Therefore, the conclusions reached within the LVIA in respect of sensitivity of the receptor and magnitude of effect identified as ‘high’ are agreed. The significance of impacts taking into account the landscape mitigation proposed (native tree/shrub buffer 5-8m) has been concluded as high in Year 1 (without any potential screening), moderate to high in Year 5 and moderate in Year 10. The conclusions drawn in respect of significance of impacts are considered acceptable. Notwithstanding the potential mitigation and the softening effect after the landscaping has reached maturity, the visual impacts from this viewpoint would be unacceptable.
53. In conclusion, the LVIA assessment in respect of the viewpoints identified above evidence that the harm caused to the wider landscape assessed together with the proposed mitigation, would result in moderate to high adverse impacts. The AONB Unit have raised an objection regarding the impact on the wider landscape and the AONB. It is stated that “The LVIA submitted in January 2022 emphasises the retention and reinforcement of boundary vegetation but does not account for the landscape character impact of the loss of an open field to development. Fields are a key landscape component of the High Weald AONB and once the site has been developed it will no longer be a field and this component will be lost. This loss needs to be reflected in the overall assessment of impact on landscape character. The whole of the AONB is

designated for its outstanding natural beauty, not just those elements visible from public viewpoints.” This was also raised by the Planning Inspector in the previous appeal for (15/00459/AS). At paragraph 17 of the decision, it is stated,

“Accordingly, criticism has been drawn that the appellant has failed to understand or address the wider landscape outcomes on the AONB, preferring instead to focus on the localised implications. I agree with those concerns, and the appellant has not sufficiently explained either in written or oral evidence as to why it has afforded little consideration AONB Management Plan or what alternative assessment was used instead. Mindful of the weight I must apply to the conserving such landscapes, I find the appellant’s approach to understanding the landscape is unsound.”

54. By virtue of the site’s location and topography of the wider area, the application site lies in a prominent location such that the proposed development, due to scale, massing and density would be highly visible in wider views from Stocks Road and the wider AONB to the north. Views of the development would also be achievable from Acton Road to the east. It would introduce domestication in this undisturbed, verdant landscape and intensify the hard built development along the edge of this part of countryside thereby resulting in significant exacerbation of the visual harm caused. It would fail to respect or respond to its setting and fail to integrate into the natural and built environment or reinforce local distinctiveness. Therefore, the proposed development would be contrary to policy ENV3b of Ashford Local Plan 2030. It would also be contrary to paragraphs 174, 176 & 177 of the NPPF which require the planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and afford great weight towards conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty.

Layout and Design

55. Local Plan policy SP6 seeks to ensure that new development is of high quality design and development should adhere to the set of design criteria listed in the policy. New development should also show how it responds positively to local design guidance, such as village design statements.
56. The site layout comprises a central spine road with dwellings arranged on either side of the road and also contains some mini cul-de-sac type clusters within the development with shared driveways. The majority of the buildings within the development would be two storeys in height with a few single storey dwellings. The design of the units is a mix of traditional housing with brickwork, weatherboarding and plastic windows and slight variation which incorporates some modernistic features such as deep overhangs and large glazed facades. A new footpath connection is proposed to the southwestern end of the site. A new vehicular access would be formed off Stocks Road. It is noted that the

majority of the hedge along the front boundary is proposed to be retained. The proposal comprises two self-build plots along the front boundary to the southeast of the access and plot no.18 to the southwest of the access. The site plan includes some areas of landscaping along the eastern side of the central road with a small area annotated as 'communal green' towards the northwestern corner of the site. There is very limited landscaping proposed along the eastern boundary of the site. The on-site informal green spaces proposed are of limited sizes which could qualify as visual relief areas however, by virtue of their limited area, they would fail to qualify as informal green areas appropriate for the community use as is required by policy COM2 of the local plan. Nevertheless, offsite open space contributions would be required in this instance. The site plan includes areas that would be managed by the management company however, the buffer to the north appears to have been specifically excluded.

57. It is noted that an abrupt change would occur at the north west corner of the site, and where the allocation of affordable houses would be. These properties would be constructed utilising the similar materials as the market housing except absence of some detailing including headers, use of slate tiles, Siberian larch, glazed balconies, powder-coated metal fenestration, use of oak frames, eaves detailing etc. Furthermore, they would be decidedly smaller plots than the remainder of the site, the frontage areas would be dominated by hardstanding and parking spaces with an exception of a semi-open car port for plots 7 & 8, with a notable absence of any provision of garage allocations. It is noteworthy that 8 AH units together occupy about the same amount of land as two market housing units 13 and 14. This part of the site would contrast unfavourably with the market dwellings. It would not promote a coherent and inclusive design; with the affordable element clearly identifiable and distinguishable. It is considered that this would not amount to good design and would be contrary to the policy SP6 of the local plan and paragraph 130 of the NPPF.

Impact on the Setting of the Conservation Area and Listed Buildings

58. Regard must be had for the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area...The desirability of preserving or enhancing the area should also, be a material consideration in the planning authority's handling of development proposals that are outside the Conservation Area, but which would affect its setting, or views into or out of the area.

59. Regard must be had for the Policy ENV13 of the local plan which supports proposals that preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. It further states, “Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal...”
60. Regard must also be had for the provisions of the NPPF, in particular the paragraphs (194 – 203) at Chapter 16: Conserving and Enhancing the Historic Environment. Notwithstanding the statutory duty, the NPPF paragraph 202 requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm. At Paragraph 199, NPPF states, ‘When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...’ At paragraph 203, it states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
61. In Historic England’s GPA 3, it says that ‘The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’ At paragraph 4, it states, ‘While setting can be mapped in the context of an individual application or proposal, it does not have a fixed boundary and cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset’. At paragraph 13, it states, “...if the development is capable of affecting the contribution of a heritage asset’s setting to its significance, it can be considered as falling within the asset’s setting”.
62. Planning Practice Guidance (Paragraph: 013 Reference ID: 18a-013-20190723) states, “The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced

by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. It further states that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting.

63. This application relates to a planning application for the construction of 28 no. dwellings and 2 self-build plots with associated parking, access, landscaping and open space on land to the north of Stocks Road. The application site has a boundary with the north east corner of Wittersham Conservation Area, which is a designated Heritage Asset. There are no Listed buildings which directly abut the application site, although to the south of the site, on the opposite side of Stocks Road, is Windmill House, which is a Grade II Listed building, but is outside the Conservation Area. There are also several Listed buildings within the Conservation Area boundary. Directly adjacent to the east boundary of the application site, fronting Stocks Road, are two historic dwellings, Mount Pleasant and Pear Tree Cottage, but which are not Listed. These buildings should be considered as non-Designated Heritage Assets. Adjacent to the west boundary of the application site, along Stocks Road and within the Conservation Area boundary is Tyle House Farm, which is also a non-Listed, historic building and which should be considered as a non-Designated Heritage Asset. A public footpath runs along the west boundary of the application site.
64. Wittersham Conservation Area is linear in layout, following The Street, with a concentration of Listed buildings at the southern end, adjacent to the Church and again at the northern end, at the junction with Stocks Road, with the Inn, smithy and (former) windmill. There have been a few modern infills along The Street, but essentially the linear form remains dominant. Although this is the historic core of Wittersham, the main village is now concentrated a little further west along Stocks Road, where there are a number of “modern” housing developments of different eras, some in cul-de-sacs, before a junction with Swan Street, to the south. The density and layouts of much of these developments have not reflected the rural settlement pattern of Wittersham and have introduced some elements of suburban character into the wider village. Swan Street has a number of Listed buildings along it, and more infill development.
65. Although there has been some modern developments to the west of the Conservation Area, as you approach the village and the Conservation Area from the east, the historic character has been better maintained. The site sits along the fringe of the existing settlement and to the east of Wittersham the development starts to become sparse and creates that transition into the countryside. The area is dominated open countryside, with large fields and hedgerows, interspersed with occasional, traditional rural buildings. The application site is one of these fields, directly abutting the Conservation Area and with a boundary along Stocks Road. Although this field is bounded by an

informal hedgerow, it would not prevent direct views into the site. In fact there is already a field gate at the west end: it is apparent that this is an open field and is part of the wider countryside. At this point on the approach to the village, there is no footpath or street lighting, which provides an informal transition between the wider countryside and the settlement. All these elements together constitute the semi-rural setting and makes a positive contribution to the setting of the Conservation Area.

66. The proposed development is for 28 houses, plus two self builds (so, 30 houses) with the associated hard standing, garaging and a new access road, off Stocks Road, which will necessitate removing a section of the hedgerow. The density and layout of the development, with a cul-de-sac arrangement, is overly suburban in character and does not reflect the settlement pattern of this part of the village, or the Conservation Area. The intended use of planting, both between the units and along the boundaries would not negate the impact of the development of the character of the area. The plans show the two plots closest to Stocks Road as being empty, intending them to be two self-build units, so their eventual design is not yet established. But this does mean that the apparent open nature of this part of the site is slightly disingenuous. The suburban character of the development will be visible from outside the site, both along the main road and along footpaths and will appear in contrast to the sparser, linear development within the village. The inevitable vision splays to the access, street lighting and footpath will contrast with the informal public realm in the village and would further erode this rural fringe character to the significant detriment of the setting of the Conservation Area.
67. The neighbouring Listed buildings are not directly adjacent to the site boundary. Mill House, to the south, is set behind several new buildings and the Ewe and Lamb PH, The Old Corner House and the War Memorial, to the west, are all set a distance from the boundary of the site, within the wider settlement. Although the new development will have a minimal impact on their direct setting, it will have some impact on their wider setting, through the impact on the Conservation Area.
68. There are also a number of non-Designated Heritage Assets within the vicinity of the site, some directly adjacent to the boundary. These, such as Tyle House, Tyle Oast and Mount Pleasant are probably C19 in date and are typical rural buildings, set within large plots, all fronting the road. At present their character reflects their history as typical, rural development on the fringes of the village. The infilling of the open field between them, will erode that character and some of their interest will be diminished, particularly since none of the development appears to acknowledge the surrounding settlement plan or its direct neighbours.
69. The submitted Heritage Statement states that, "For the purposes of local and national policy this assessment concludes that no harm would be caused to heritage significance and that the site is able to accommodate the change proposed without effects on the historic environment surrounding it." The Heritage does not consider the impacts arising as a result of the scale and

density of the development and as the conclusion reached regarding “no effect on the historic environment” is considered incorrect.

70. On the contrary, it is considered that the proposed development would cause harm to the setting of Wittersham Conservation Area, the non-designated heritage assets and to a lesser degree to the setting of the Listed buildings. It is concluded that the harm caused would be less than substantial harm. Paragraph 196 states, “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”. It should be noted that the Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC 2014* made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Parliament’s intention was that ‘decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise’. It is not considered that the public benefits arising as a result of the proposed development which includes 18 market homes and 12 affordable housing units (of which 7 would go towards meeting the local need). Overall whilst the housing provision would attract weight in the planning balance, it is not considered that this benefit would outweigh the significant impacts (which would permanently alter the setting of the heritage assets) on the heritage assets identified above.

Drainage and Flooding

71. The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. Policy ENV6 requires the proposals for new development to contribute to an overall flood risk reduction. Policy ENV9 requires all development to include appropriate sustainable drainage systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to mimic the drainage from the pre-developed site. The NPPF, paragraph 167, states that local planning authorities should ensure that flooding is not increased elsewhere whilst paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
72. The application has been accompanied by a drainage strategy. The proposal seeks to utilise Sustainable Urban Drainage (SuDS) techniques to deal with the surface water generated by the development. This will replicate the existing drainage regime by dealing with the surface water at source, to prevent increasing the risk of downstream flooding. The proposal incorporates impermeable areas which equal approximately 0.822 hectares. The access roads, roofs and areas of hardstanding would be drained via trapped gullies connected into a network of gravity surface water sewers that will discharge

into a proposed attenuation basin in the field to the north. From the attenuation basin, surface water would be discharged at a controlled rate equivalent to the greenfield rate of 8.6l/s via a Hydrobrake flow control. Discharge will be to the existing 225mm diameter sewer which drains into the existing watercourse to the north.

73. In respect of foul water drainage, it is proposed that the foul water from the development is collected in a system of gravity sewers discharging to the existing foul water drainage network.
74. KCC LLFA have been formally consulted. Following the initial consultation, further information was requested in respect of the clarification of the land ownership near the outflow pipe to ensure that future maintenance would be possible and detailed construction drawings. Subsequently, an amended flood risk assessment was received and KCC was reconsulted. KCC Flood Authority have confirmed that, subject to conditions requiring full details of the final surface water drainage scheme (and verification that the approved system has been installed), no objection is raised. In the event of grant of permission, appropriately worded conditions would be attached to secure the implementation of the proposed surface water drainage and foul water drainage strategies. In addition to this, an informative would be attached to the permission which advises the applicant to submit a formal application for connection to the public sewerage system is required in order to service this development. In conclusion, subject to appropriately worded conditions, the development is considered acceptable in terms of flood risk.

Impact on Highways

75. The site considered to lie in a rural location. Policy TRA3(a) requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It requires 1 bedroom house to provide 1 parking space, 2 and 3 bedroom houses will be expected to provide 2 spaces per unit; and 4 bedroom houses will be expected to provide 3 spaces per unit. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces. The parking requirement for the 28 dwellings (self build plots excluded) proposed (3x1 bedroom dwellings, 11x2-bedroom dwellings, 5 x 3-bedroom dwellings and 9 x 4-bedroom dwellings) equates to 59 spaces for occupiers and around 6 visitor spaces. The application proposes 59 resident car parking spaces (of which 10 are tandem parking spaces) and 7 visitor parking spaces would be provided within the site. Although tandem parking arrangement is less convenient to use, on balance, it is considered acceptable.
76. From the review of the Transport Statement (TS) submitted with the application, the proposal would generate 10 two way movements in the AM traffic peak, 3 arrivals and 7 departures. and 10 two way movements in the PM traffic peak, 7 arrivals and 4 departures (the latter showing as slight anomaly due to rounding

within the output database). Whilst the development would increase the number of vehicles using Stocks Road, it is not considered that this increase would cause a severe impact.

77. The internal site road has not been put forward for adoption by the applicant. It is understood that it is proposed to remain in private ownership. The access to the site would provide visibility in both directions and has been designed to allow safe access and egress, including for larger vehicles. The proposed access would cross an existing small drainage ditch within the highway verge. KCC Highways have advised that implications of this will need to be considered at the detailed design stage should planning permission be granted. The tracking plans and details of sight lines have been provided for the internal road to demonstrate that an 11.4m refuse vehicle, pantechicon and fire engine can access the site, turn safely and exit in a forward gear.
78. The proposal also includes the provision of a new footway from the site pedestrian entrance to the existing footway outside Tyle House on the northern side of Stocks Road. The relocation of the existing 30mph speed limit terminal some 100m further east was suggested within the road safety audit of the proposals. KCC Highways consider this appropriate as it would provide some clearance from the proposed new junction and would also encompass the properties Mount Pleasant and Stocksway within the 30mph limit. It is further advised that this will require the applicant to go through the 3rd party Traffic Regulation Order process prior to the extension of the speed limit. The proposed off-site highway improved are also considered acceptable.
79. The proposal includes a direct pedestrian link to Public Right of Way AT91A from the north west corner of the site. KCC PROW has put forward a request for contribution of £5000 to be secured to enable improvements to this public footpath. The request for contributions has been endorsed and supported by KCC Highways.
80. KCC Highways have advised that, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network. In addition to the conditions in relation to the access and parking, KCC have also requested that each dwelling with allocated parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). It is considered that appropriately worded conditions could be attached to the permission requiring the submission of details of electric charging points. In respect of off-site works, a condition is recommended to be attached requiring completion of highway improvements of new footway link and relocated 30mph gateway as shown on drawing 13452-H-02 to be implemented prior to first occupation.
81. In conclusion, it is not considered that the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network and would therefore accord with paragraphs 110 and 111 of the NPPF.

Impact on Trees

82. There are mature protected trees bordering the application site albeit they fall outside the application boundary. Having reviewed the submitted drawings, it is apparent that it is the intention to retain the existing mature trees. The application is accompanied by a tree survey which also includes an arboricultural method statement and a tree protection plan. The tree protection plan identifies the precise location of the trees, crowns and the root protection zones of the trees. A Construction Exclusion Zone (CEZ) has been marked and the protective fence positions have been shown to clearly demarcate the area from the construction zone, to ensure that there is no compaction of the soil or severance of tree roots. ABC Tree Officer has been formally consulted on the application and has not raised any concerns in this regard. In the event of grant of planning permission, appropriately worded conditions could be attached to the permission to secure the tree protection measures as detailed within the submitted tree survey. Notwithstanding the above, concerns have been raised in respect of the limited landscape buffer afforded along the northern boundary. The landscape buffer that could support good-sized trees is required to be a minimum 15m in width, however, the proposal incorporates a very limited buffer zone in part along the northern which measures approximately 5-8m. Therefore, the development would fail to comply with policy HOU5 of the local plan.

Impact on Ancient Woodland

83. The NPPF defines Ancient Woodland as an area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS). It has been identified as an irreplaceable habitat. The NPPF paragraph 80 advises that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
84. The proposal involves creation of the attenuation basin directly adjoining Church Wood, an area of ancient woodland designated on the Ancient Woodland Inventory. The submitted drawings do not demonstrate that an appropriate buffer of at least 15m would be provided, as recommended within Natural England's Standing Advice on 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions'. The Woodland Trust have raised an objection in respect of the proposal. In conclusion, in the absence of evidence to the contrary which ensures that an adequate buffer is provided and would be retained as such, the proposal has the potential to negatively impact upon the irreplaceable habitat and as such would be contrary to paragraph 180(c) of the NPPF.

Impact on Ecology

85. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Local Plan policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great crested newts could be expected. The application site is in a rural location. The site itself contains unmanaged grassland surrounded by dense mature trees/hedges and Ancient Woodland which could provide habitat for protected species. The application has been supported by a Phase 1 Habitat Survey.
86. The proposed development includes a flood attenuation basin to the northwest of the main application site and in close proximity to an area of ancient semi-natural broadleaved woodland (Church Wood). Therefore, by virtue of its proximity to ancient woodland, there is high likelihood of protected species being present on the site. The ecological surveys submitted in connection with the planning application did not include any surveys of the area proposed for the flood attenuation basin or therefore any assessment of the potential effects of the construction of the flood attenuation basin on the adjacent ancient woodland. Therefore, the potential impacts on the protected species cannot be ruled out.
87. The on-site pond P1 returned a positive result from e-DNA sampling in 2020 showing that the pond had been used for breeding by great crested newts (GCN). A subsequent population survey returned a negative result in 2021 although this was limited because no bottle trapping or hand netting could be undertaken. Other adjacent ponds also returned positive results for breeding GCN and there is therefore a local metapopulation. Using the Risk Calculator in the Natural England GCN Method Statement, produces a result of Red – Offence Highly Likely for the proposed construction works (please see below). Furthermore, the application site is located within an Amber Risk Zone for GCN in Kent. These zones contain main population centres, habitats and dispersal routes for GCN. Therefore, development with a significant land take in these zones would be expected to have a high impact on GCN. It should be noted however, that no GCN breeding ponds will be lost as a result of the proposed development and proposals have been outlined to enhance pond P1 on site and these enhancements should be secured through an appropriately worded condition.
88. KCC Ecology have advised that a protected species licence under Regulation 55 of the Conservation of Habitats and Species Regulations 2017(as amended) will be required by the applicants to enable the proposed development to proceed lawfully. The applicants have not submitted an Impact Assessment and Conservation Payment Certificate (IACPC) with the planning application and therefore has not registered to enter the proposed development into the Natural England District Level Licensing (DLL) scheme. Works will need to be undertaken in accordance with Great crested newt mitigation guidelines Version: August 2001, English Nature (now Natural England). In conclusion,

KCC Ecology consider the outline mitigation methods submitted in the Ecological Impact Assessment (EclA) unsatisfactory to prevent the killing or injury of GCN and to compensate for the loss of terrestrial habitat. However, as a licence will be required, development will need to be undertaken in accordance with the approved Method Statement that will form part of the licence.

89. A low population of both slow worm and common lizard has been recorded within the application site and methods have been outlined to mitigate for the effects of development on these reptile species. KCC Ecology have advised that the proposed methods of mitigation are unclear and lack any proposed information in respect of the reptile refuge area(s) within the site. It is recommended that the reptile population within the main application site (where the residential development is proposed) should be captured and translocated to a suitable reptile receptor site. The area to the north of the attenuation basin has been recommended. However, as it stands, it is unclear whether the attenuation basin would maintain an appropriate buffer and whether there is a scope for that area to be utilised as a receptor site. Notwithstanding this, a condition has been recommended by the KCC Ecology to be attached in the event of grant of permission.
90. One tree within the application site tree T1 has been identified as having moderate potential to support roosting bats. This tree is proposed to be retained within the development. Therefore, no further surveys or mitigation is required, but suitable measures will be required to protect the tree during construction in accordance with BS5837 (2012). The hedgerows and trees bounding the application site have potential for foraging and commuting bats and these are largely proposed to be retained and enhanced. Artificial lighting can cause disturbance to bats and therefore it is advised that a suitably worded condition is required to control the lighting design.
91. The submitted EclA relies upon dormouse surveys undertaken on the application site in 2014 and which confirmed the likely absence of this species. Therefore, no further surveys are required. However, it is recommended that a precautionary approach is taken for the clearance of habitat suitable for dormouse along the southern boundary of the site. A suitably worded condition is recommended to be attached to the permission.
92. Regarding breeding birds, recommendations have been made in relation to the timing of the removal of any of the boundary vegetation; this should be undertaken outside the bird breeding season, limiting this work to between 1st September and 1st March, or supervision would be required. Recommendations for enhancing the ecological value of the proposed site as required under the National Planning Policy Framework have been suggested.
93. In conclusion, a number of pre-commencement conditions have been recommended by KCC Ecology however, no comments have been made in respect of the potential negative impacts on the protected species within the area identified for the creation of an attenuation basin. Furthermore, whilst a

condition has been recommended for the receptor site, it remains unclear whether this could be achieved. It is considered reasonable and proportionate to ascertain the likely impacts prior to decision making. Therefore, in the absence of the evidence to the contrary to demonstrate that the proposed development would not cause significant harm to the wildlife habitats together with appropriate mitigation measures secured via a planning obligation and planning conditions, the proposed scheme is considered unacceptable. In conclusion, the proposed development would be contrary to national policy, most particularly paragraph 99 of Circular 06/2005 'Biodiversity and geological conservation – statutory obligations and their impact within the planning system' and paragraph 180a of the revised Framework.

Archaeology

94. The site has been identified as an area with significant archaeological potential. The application has been accompanied by an archaeological desk based assessment. It notes that the findspot of a post-medieval coin (MKE 56428) was recorded within the site. It is primarily of historic value relating to the post-medieval settlement at Wittersham. At the paragraph 5.13, the assessment acknowledges that there is also the potential for previously unknown archaeological remains (from Prehistoric, Roman, Saxon/Early, Medieval and Post-Medieval) to survive within the site. It further states that without intrusive investigations the significance of any such remains cannot be fully determined. Paragraph 194 of the NPPF states that, "...Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation." Consequently, in the event of grant of planning permission, it is recommended to attach a condition to secure implementation of a programme of archaeological work in this instance.

Developer Contributions

95. KCC have advised that the application would place additional demand on their facilities and services, for which there is currently insufficient capacity. Consequently, they have requested that the following contributions are secured in order to deliver increased capacity to meet the additional demand that the development would generate:
- Community Learning - £16.42/dwelling equates to £492.60 for 30 dwellings towards additional resources and classes for additional learners from development at Tenterden AEC.
 - Youth Service - £65.50/dwelling equates to £1965.00 for 30 dwellings towards Youth Service in Ashford Borough.
 - Libraries - £55.45/dwelling equates to £1663.50 for 30 dwellings towards additional resources and bookstock for the mobile library service attending Wittersham for the new borrowers of the development.

- Social Care - £146.88/dwelling equates to £4406.40 for 30 dwellings towards specialist care accommodation/assistive technology systems, adapting Community facilities, sensory facilities, and changing places within the Borough.
 - All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2).
96. It is considered that in principle the above contributions are CIL compliant subject to the amounts. In each case a specified project has been identified and is demonstrably necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. For completeness, any grant of permission would need to secure the following, either through conditions or obligations within a legal agreement (as appropriate):
- Provision of 40% affordable housing (including 7 units towards local needs and 5 units towards Borough-wide need); although no draft legal agreement has been submitted with the application which evidences how this would be achieved.
 - Contribution requested by KCC PROW - £5000 towards improving and widening a length of footpath AT91A alongside the development.
 - Provision of offsite open space contributions as detailed within the table S106 Cultural Contributions – Specific projects are yet to be finalised.
 - NHS Contributions - £27,540 towards refurbishment/reconfiguration and/or extension of Ivy Court Surgery within Ashford rural PCN or towards general practice premises in the area.
 - Developer Contributions as detailed above (for Community Learning, Youth Services, Libraries, Social Care, wheelchair accessible homes).
97. For the avoidance of doubt, it is necessary to clarify that the proposed development would not accord with policy HOU1 (40% affordable housing needed towards Borough wide need) or HOU2 (100% specialist housing). Furthermore, in the absence of any legal agreement to secure the necessary infrastructure contributions and the affordable housing, self/custom-build plots and accessible/adaptable dwellings required by the development plan, the proposal would be contrary to Policies HOU1, HOU6, HOU14, IMP1, COM1, COM2, COM3 and IMP2 of the Ashford Local Plan 2030 and paragraphs 64 and 65 of the NPPF. Therefore, the lack of contributions would constitute a reason for refusal.

Residential Amenity

98. The proposed dwellings would be well separated from their nearest neighbouring properties. The finished dwellings would lie in excess of 20m from the nearest properties namely Tyle House to the southwest and Mount Pleasant to the southeast. It is considered that, given the substantial separation distances and relationships between properties, no unacceptable loss of light, sense of enclosure or overlooking would occur. Therefore, no harm to the

residential amenity of the neighbouring occupiers is envisaged from the proposal. It would therefore comply with paragraph 130 of the NPPF.

Living conditions of the future occupants

99. Regard must also be had to whether the proposed development would provide high standard of amenity to the future occupants. The proposed units, together with individual rooms, would be of a good size, whilst all habitable rooms would be naturally lit. The dwellings would meet the Nationally Described Space Standards in accordance with Local Plan policy HOU12. Each dwelling would have adequate external amenity area or access to communal areas. As such, the living conditions of future occupiers would be acceptable. It would therefore comply with policy HOU15 of the local plan and paragraph 130 of the NPPF.

Human Rights Issues

100. 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).

Planning Balance and Conclusion

101. The application site lies outside of settlement confines and within the AONB, where planning policy controls new development. The proposal doesn't address any of the exceptions allowed for by any of the local planning policies and as such, it is considered to be unacceptable in principle. The proposed development would detract from the character of the AONB and would cause significant harm to the character and appearance of the immediate area including the setting of the nearby listed buildings, the Conservation Area and the wider landscape. The limited benefits associated with the proposal (i.e. provision of open market housing with an element of local needs housing constituting a total of 23%) are considered to be more than outweighed by the significant and demonstrable harm caused. Therefore, the proposal would be contrary to policy ENV3b, HOU1, HOU2, ENV13 and paragraphs 174, 176, 177, 180 and 197 of the NPPF. By virtue of the concentration of affordable housing in the corner of the site, it would fail to represent principles of good design. As such, it would be contrary to policy SP6 of the local plan and paragraph 130 of the NPPF. In the absence of a S106 obligation no provision is made to secure the affordable, self/custom-build and accessible/adaptable housing and other relevant infrastructure and open space contributions. Therefore, the lack of contributions would constitute a reason for refusal. No ecological survey of the area allocated for the attenuation basin has been carried out to demonstrate that the development would not cause harm to the protected species on site.

Finally, inadequate landscape buffer has been provided along the northern boundary of the site. Therefore, it would be contrary to policy HOU5 of the local plan. In addition to this, no details of the buffer adjoining the Ancient Woodland have been provided with the application. Therefore, it would be contrary to paragraph 180(c) of the NPPF. Having regard for the above, the application is recommended to be refused.

Recommendation

Refuse

Reasons for refusal are as follows:

1. The proposed development would introduce an overtly planned layout, at a density which would fail to relate to the density of the existing development at the edge of the countryside. The proposal would fail to create an inclusive and cohesive environment and would be at odds with the prevailing character of the area and would not represent principles of good design as described within the National Design Guide 2021. By virtue of the location of the site, topography, siting, density and scale of the proposed development, the proposal would be prominent and highly visible in wider views, introducing a hard-built development along the edge of the countryside that would detract from the character of the area. The proposal would significantly and demonstrably harm the character and appearance of the countryside and the wider landscape (AONB), contrary to policies HOU5 and ENV3b of the Ashford Local Plan (2030) and paragraphs 130, 174 and 176 of the National Planning Policy Framework (2021).
2. The proposal would lead to less than substantial harm to the significance of the designated Conservation Area (heritage assets), non-designated heritage assets and the settings of nearby listed buildings. The public benefits arising from the provision of housing, whilst attracting some weight in the balance, are not considered to significantly outweigh the demonstrable harm identified. Therefore, the proposal would be contrary to policies HOU5 and ENV13 of the Ashford Local Plan 2030 and paragraphs 197, 199, 202 and 203 of the National Planning Policy Framework.
3. The proposal fails to demonstrate that an appropriate landscape buffer of at least 15m would be provided along the northern boundary of the site. Therefore, the proposal would be contrary to policy HOU5 of the Ashford Local Plan 2030.
4. The proposal fails to demonstrate that an appropriate buffer of at least 15m would be afforded with the Ancient Woodland adjoining the area allocated for the attenuation basin. In the absence of evidence to the contrary which ensures that an adequate buffer is provided and would be retained as such, the proposal has the potential to negatively impact upon the irreplaceable habitat and as such would be contrary to paragraph 180(c) of the NPPF.

5. The proposed development would make inadequate provision for affordable housing (for Borough wide need) i.e. it would provide a single cluster of 5 affordable units towards Borough wide need which would equate to 16.6% contrary to the provisions of Policy HOU1 of the Ashford Local Plan 2030 whilst the proposal would not qualify as a specialist housing scheme as the proposed provision of local housing scheme would be limited to 23% of the total housing provision. As such it would also be contrary to Policy HOU2 of the Ashford Local Plan 2030. Furthermore, in the absence of any legal agreement to secure the necessary infrastructure contributions and affordable housing, self-build housing and accessible/adaptable housing, the proposal would be contrary to Policies HOU1, HOU6, HOU14, IMP1, COM1, COM2, COM3 and IMP2 of the Ashford Local Plan 2030 and paragraphs 64 and 65 of the NPPF.
6. The part of the application site allocated for the creation of attenuation basin, by virtue of its location, adjoining trees and unmanaged grassland (Ancient Woodland), is reasonably likely to provide habitat for protected species particularly reptiles. The application has failed to demonstrate that the protected species would not be adversely affected, or that appropriate mitigation could be secured, contrary to The Wildlife and Countryside Act 1981, as amended, paragraph 99 of Circular 06/2005 'Biodiversity and geological conservation - statutory obligations and their impacts within the planning system', and paragraph 180 of the NPPF.

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). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 21/01406/AS)

Contact Officer: Benazir Kachchhi
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Application Number	21/02216/AS	
Location	The Old Flour Mills, East Hill, Ashford, Kent	
Grid Reference	01536/42785	
Parish Council	-	
Ward	Victoria Ward	
Application Description	Redevelopment comprising the conversion of the existing Flour Mill, demolition of existing structures, and the erection of four ancillary blocks to provide a total of no. 53 apartments (Use Class C3), ancillary residential facilities (including residents' gym and 'super lounge'), 1 x office (Use Class E(g)(i)), retained access from East Hill, parking, and associated landscaping and infrastructure.	
Applicant	Oliver Davis Homes, C/O Agent	
Agent	Mr A Hume, Hume Planning Consultancy Ltd, Innovation House, Discovery Park, Innovation Way, Sandwich, CT13 9ND	
Site Area	0.56 hectares	
(a) 80/7R	(b) -	(c) EA- X, NE- X, ABC OSS- X, KCC ED- X, KFR- X, Police- X, CACF – X, KHS- X, KCC Arch- X, EHM- X, CCG- X, ABC Housing – X, SGN- X, KCC Suds- X, ABC Refuse- X

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; moreover, part of the site is in the Council's ownership.

Site and Surroundings

2. The site which is approximately 0.56ha in size is located in a prominent town centre location at the junction of East Hill to the west and Mace Lane to the

north. The site which is irregularly shaped is unique in that it sits at the confluence of the Great Stour and East Stour rivers. Vehicular Access is from East Hill with pedestrian and cycle access from a number of points around the site.



Figure 1: Site Location Plan

3. To the South East of the site beyond the eastern bank of the East Stour River lies the Mill Court Residential development which also contains a small local centre that includes the Sydenham House Medical Centre, Payden's Chemist and a Tesco Metro store.
4. The site comprises of three distinct parts which can be described as follows:

Part A - the disused Pledges Flour Mill. The Mill which is not a listed building fronts onto East Hill and was first constructed in 1901 by H.S Pledge and Sons Ltd as a Flour Mill. The Flour Mill was closed in 1972 and later in 1974, the building was significantly fire damaged. The building was repaired and extended and became a nightclub, most recently the Liquid & Envy Nightclub which closed in 2014. The Mill has remained empty since 2014 and has fallen into disrepair and subject to planning

Part B – The Flour Mills (East Hill) Car Park. A 79 space pay and display surface car park. Part of the car park is owned by Ashford Borough Council although it is understood that the applicant is seeking to purchase the land.

Part C – The Island. The island is a result of the site being divided by the East Stour River identified on the site location plan (Figure 1 above) as a triangular shaped piece of land. The island which is a relatively small part of the site is accessed via a pedestrian bridge from the Mill (although not currently publically accessible) and is currently undeveloped and overgrown with vegetation.

5. Part of the site, largely, Part A - the existing building, is located within the Ashford Town Centre Conservation Area as identified in Figure 2 below.

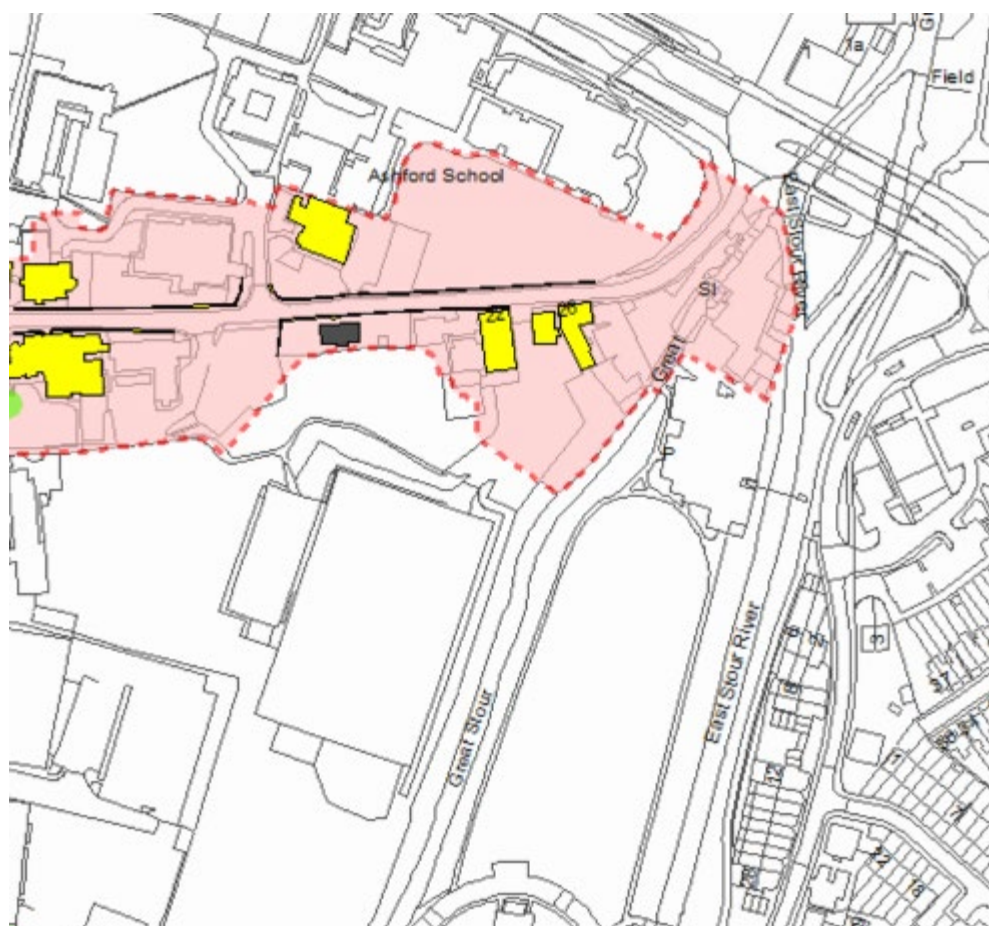


Figure 2: Extent of the Ashford Town Centre Conservation Area

6. Whilst the mill itself is of historic interest having been built in 1901, it is not a listed building. Figure 2 above identifies (in yellow) the nearest listed buildings to the site, the closest of which is the Star Inn (a public house) to the west of the application site. Along the steep slope of East Hill are also a number of Georgian Villas close to the road and high brick walls that are also listed and now form part of the extensive ~~Page 167~~ pool premises.

7. The site is classed as a Town Centre location as defined by the Ashford Local Plan 2030 policies map and is within easy reach of central services and facilities.
8. The site is located fully within Floodzone 2 (1:100 - medium probability of flooding). The site also almost in its entirety falls within Floodzone 3 of the East Stour River. Flood Zone 3 is split into 2 separate zones; 3(a) and 3(b) ((a) being defended floodplain and (b) being undefended floodplain). 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).

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. Figure 3 below shows the extent of Floodzone 3(a) and 3 (b).

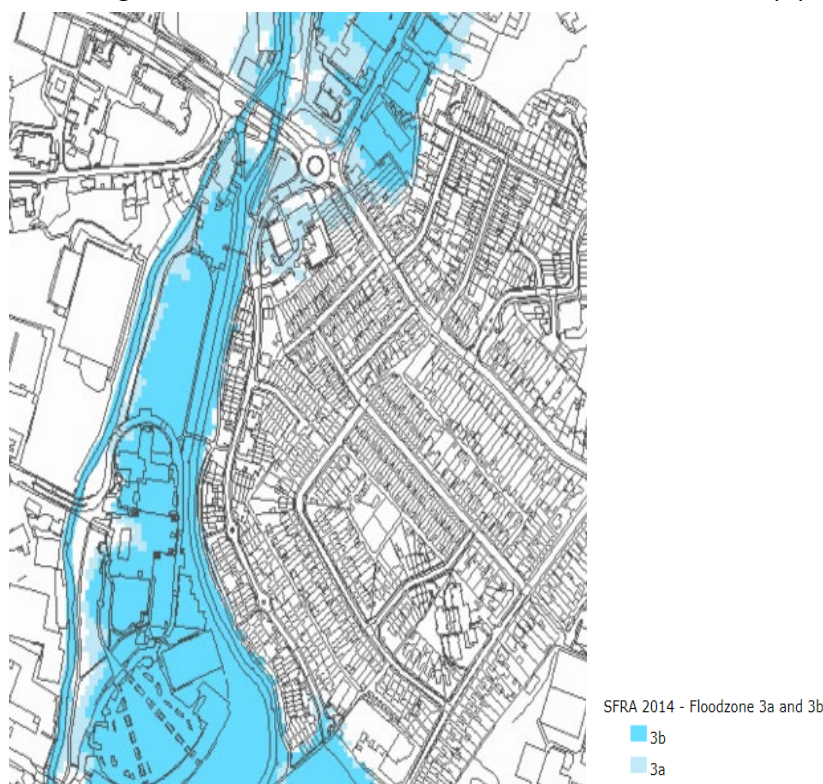


Figure 3: Extent of Floodzone 3 (a) and 3 (b)

12. The site is located within the Ashford Green Corridor as shown in Figure 4 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.
13. 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 A1 of the Green Corridor. This particular part of the Green Corridor is at the centre of the whole network and is an important movement network where footpaths and cycle paths link.

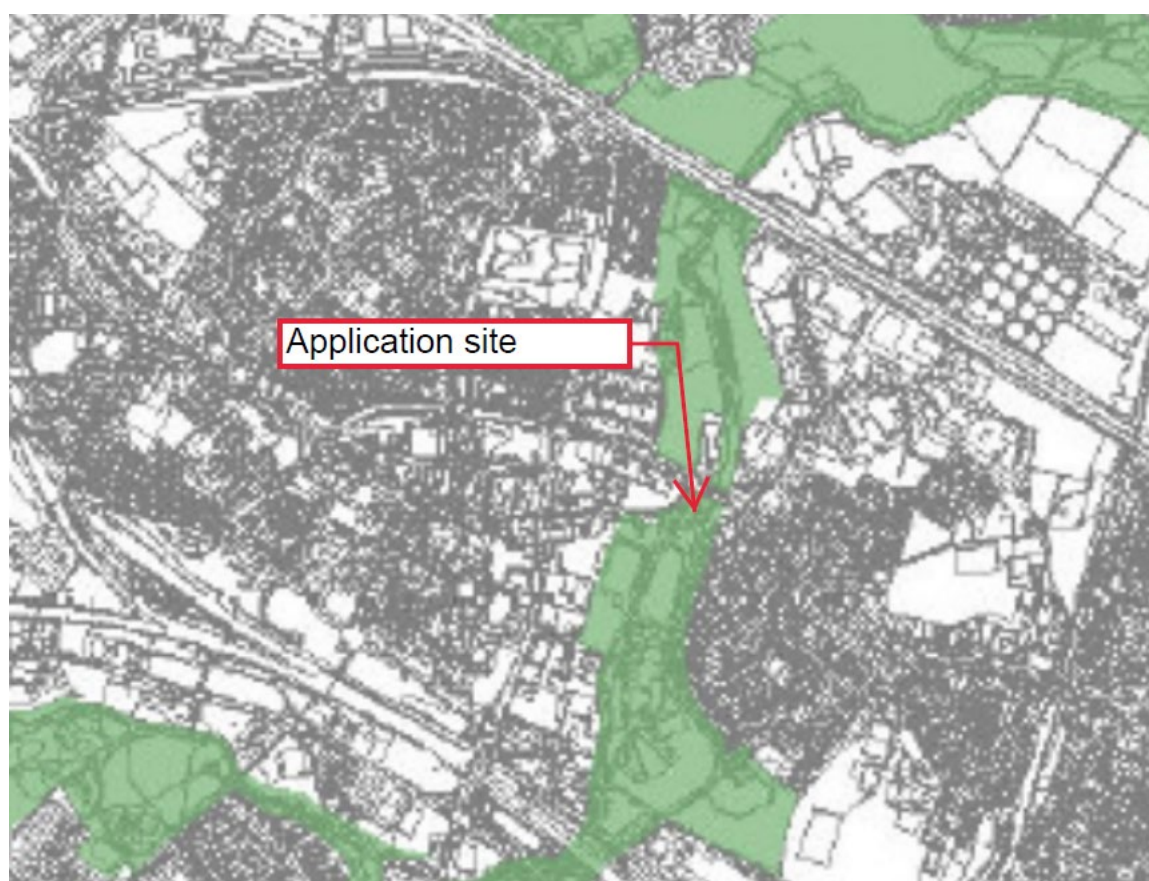


Figure 4: Extent of the Green Corridor

14. Part of the site is designated as a Nature Reserve and designated Local Wildlife site (Great Stour Ashford to Fordwich LWS). The extent of these designated areas is limited to the river itself and its banks and excludes the mill building and hardstanding within the site.

Proposal

15. Full planning permission is sought for the redevelopment of this site comprising the following:
- Conversion of the existing Pledges Flour Mill to residential use,
 - Demolition of existing structures, and the erection of four additional blocks to provide a total of no. 53 apartments (Use Class C3),
 - Ancillary residential facilities - including residents' gym and 'super lounge',
 - 1 x office (Use Class E(g)(i)),
 - Retained access from East Hill,
 - Parking,
 - Associated landscaping and infrastructure.
16. The proposed site layout is detailed below in Figures 5 and 6.

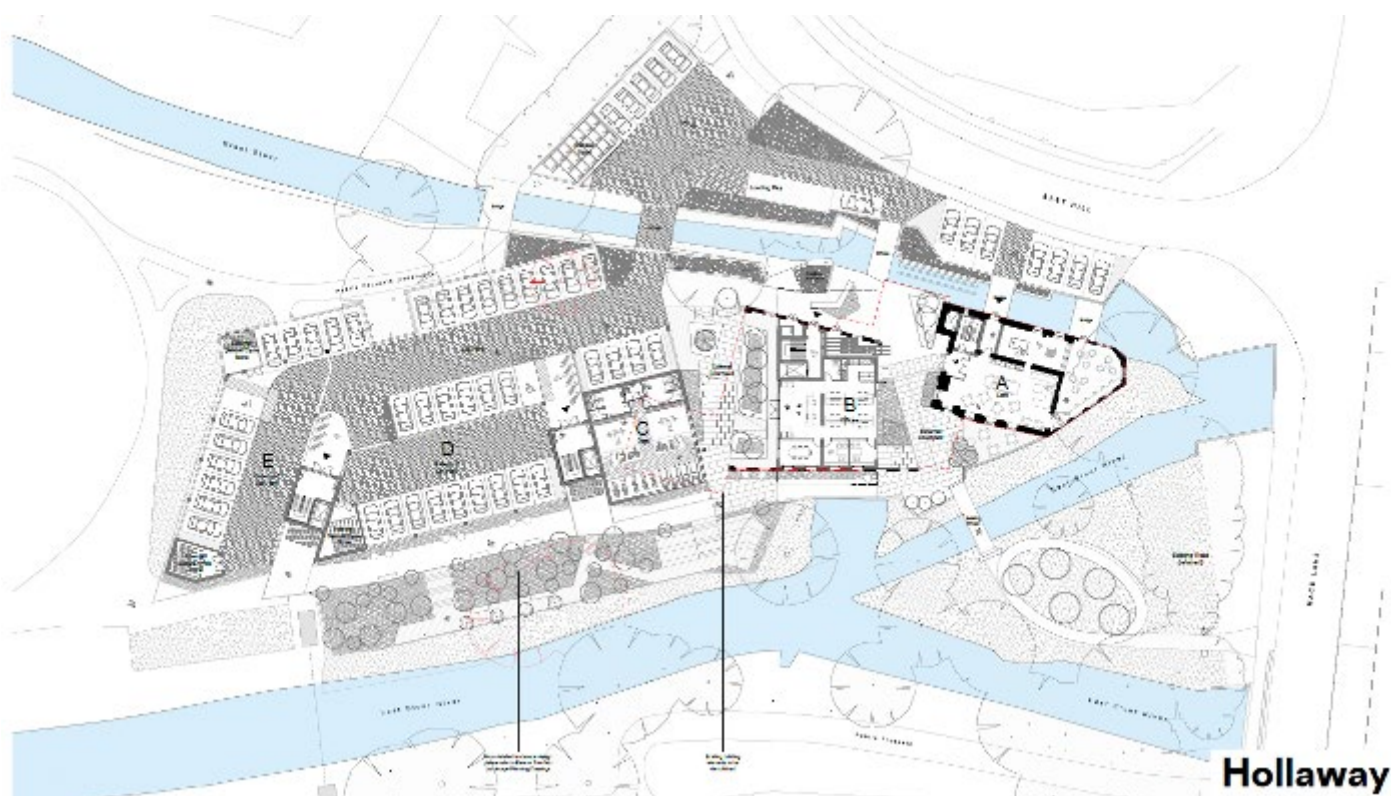


Figure 5: Proposed site layout

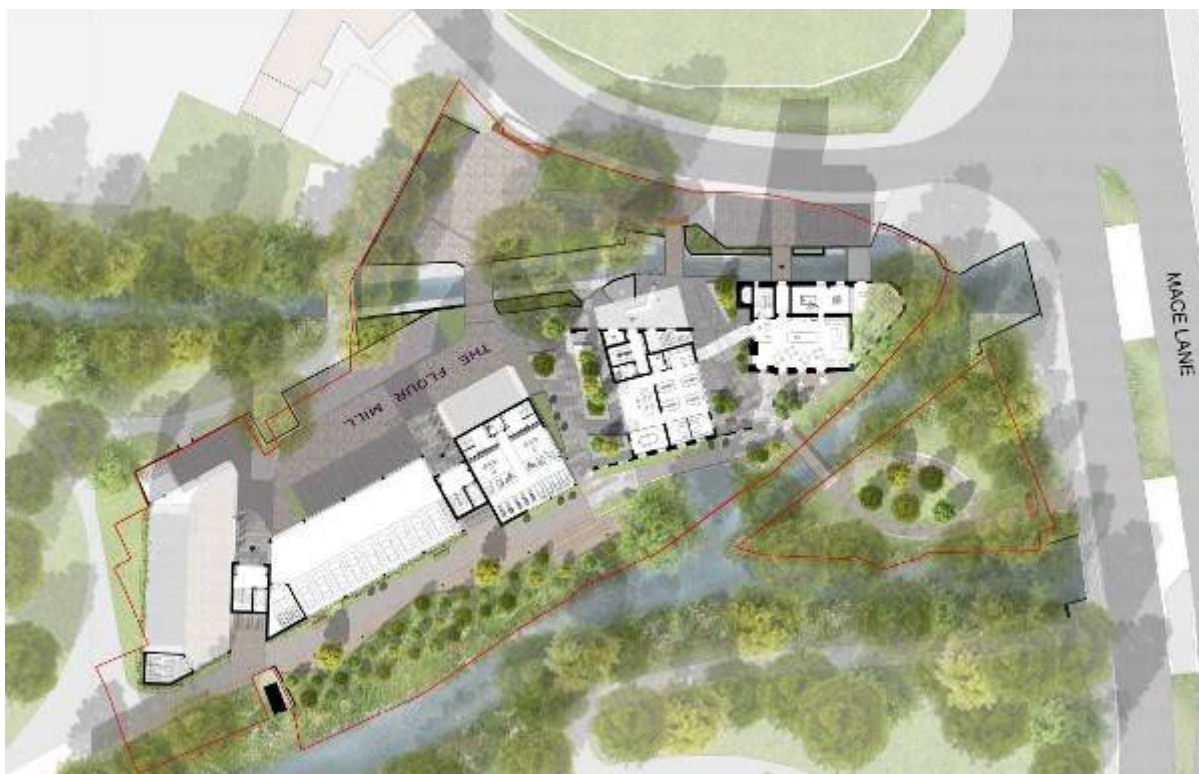


Figure 6: Illustrative Masterplan

17. The schedule of residential accommodation is proposed to provide the following mix:
 - 17 x 1 Bedroom apartments
 - 15 x 2 bedroom apartments
 - 4 x 1 bedroom duplex apartments
 - 14 x 2 bedroom duplex apartments
 - 3 x studio apartments
18. Figure 7 below, provides some of the CGI images of the proposal produced by the applicant.



Figure 7: CGI images of the proposed development

19. All residential apartments would be located above ground floor level with ground floor uses comprising the residents 'super lounge' and gym and office space which would be utilised by the applicant Oliver Davis Homes (who would also retain management responsibility for the apartments).
20. Block A would incorporate the existing original mill building which is proposed to be retained and converted. Some of the later additions are proposed to be demolished and a small lightweight extension is proposed to the single storey element fronting Mace Lane which would be finished with a green roof. The mill is 5 storeys in height plus an attic level, with a 7-storey tower (built 1901), a two-storey warehouse with a metal barrel-vaulted roof (a 1981 replacement, renewed 2003, as the original roof was destroyed during the 1974 fire) and a 1981 extension which is 4 storeys. Externally, the principal building materials are red brick.
21. Most of the proposed demolition would be focussed on post 1974 additions including the unsympathetic 4 storey extension. Much of the former warehouse is also proposed to be demolished although its east and west walls, would be retained and incorporated into the design of block B.
22. Blocks B-E are proposed to reduce in height from north to south across the site with Block B proposed as 5.5 storeys and Blocks C, D and E proposed as 4.5 storeys to ensure that the Flour Mill would remain the tallest and most prominent building within the development.
23. Vehicular access into the site is currently from East Hill via an access road, which is located approximately 68m to the south of East Hill's priority junction with A292 Mace Lane. The existing access arrangement in the form of an all-movements simple priority junction with East Hill is proposed to remain.
24. It is proposed that the pedestrian access would be located approximately 10m to the north of the vehicular access road via a separate pedestrian only access point directly from East Hill.
25. Figure 8 below details both vehicular and pedestrian movement routes through the site, with orange depicting pedestrian routes and purple showing vehicular access.



Figure 8: Movement plan

26. A total of 54 car parking spaces are proposed of which two would be disabled bays. 3 spaces would be allocated for visitors with 7 spaces retained adjacent to the East Hill frontage of the site to be used by the staff of Ashford School. 4 parking spaces would be allocated to the office use resulting in 43 parking bays to be provided to serve residents of the site. The applicant also proposes a car share scheme. A dedicated servicing and delivery bay is proposed at the front of the site along with a refuse store.
27. 90 cycle spaces would be provided within secure stores at ground floor level.
28. In relation to the public realm and the approach to landscaping, the applicant proposes 5 different character areas, influenced by the landscape, building character and associated uses and activities. Figure 9 below shows the locations of the different character areas and their relationship to one another.



Figure 9: Proposed landscape character areas

29. The different character that would define each area are proposed as follows:

Riverside Square

The riverside square character area (Figure 10) would form one of the main public spaces within the development and would be located between the old and new in terms of the surrounding architecture. The applicant's vision is to provide a calm sensitive landscape treatment focused on elevating the architectural features which would surround this space. It would also be a primary pedestrian gateway with large format granite paving laid to the axial arrangement of the architecture in different tones chosen to compliment the industrial heritage of the site. Formal raised planters are proposed with a selection of multi stem tree planting. Atmospheric lighting is proposed to compliment evening use and strengthen the feeling of safety.

A small terraced area would overlook the river to the eastern corner of the site providing a flexible outside amenity space that would spill out and interact with the internal social spaces provided at ground floor.

A feature tree pit is proposed and additional tree planting intended to give the feeling of trees emerging from the deck below. Bespoke pebble seating is proposed and the area could also accommodate tables and chairs when required. In terms of materials

the applicant proposes to use composite timber decking to tie in with and compliment the riverside walk area.



Figure 10: Riverside square character area

The Garden Courtyard

The garden courtyard character area (Figure 11) is proposed to be a public space and the green centre of the development. It would be a place for residents and workers to relax with seating (including bespoke pebble seats), planters and trees providing shade. Granite paving broken up by directional stone slabs, surrounding etched concrete planters are intended to offset the existing warm brickwork and compliment the greenery of the planting. The courtyard is proposed to be flood resilient.



Figure 11: The garden courtyard character area

The River Walk

The river walk character area (Figure 12) seeks to become an extension of Civic Park and aims to improve accessibility for cycling and walking along the East Stour River from east to west. A new footpath and timber decked area is proposed with viewing access of the river from a terrace feature. Informative signage is proposed.

Aquatic vegetation is proposed along the river edge with species selection designed to encourage habitat diversity. Existing planting is also proposed to be retained and enhanced.

The water's edge is proposed to be regraded to mitigate potential erosion and improve flood storage capacity at the site.



Figure 12: The river walk character area

The Island

The Island character area (Figure 13) by its very nature is proposed to be the ecological hub of the development. Whilst a pedestrian route is proposed the overall approach seeks to maximise ecological benefit within the Green Corridor with less formal planting. A timber walkway is proposed to act as a transitional space between the public realm and the site.



Figure 13: The island character area

Entryway and Carpark

The entryway and carpark character area (Figure 14) provides the northern public space and would have the Great Stour River running east to west centrally through it. The applicant proposes a shared surface to entrance lobbies from car parking

areas utilising permeable paving. Parking bays would be demarcated through the use of a different colour paviour.

A series of entrance features are proposed along the East Hill approach, aimed at providing a new visual gateway into the development from that direction.

The entrance to the lobbies are proposed to be paved with the large granite slabs to resemble the riverside square and garden courtyard character areas.



Figure 14: Entryway and carpark character area

30. In terms of sustainability the applicant proposes the following measures to be incorporated into the development:
- Passive solar shading.
 - Water package heat pump (for heating and hot water).
 - High thermal performance of roof, walls and glazing.
 - PV arrays to the east, south and west orientated pitched roofs.
 - PIR controlled LED lighting to car park and other external areas.
 - Dual aspect apartments.
 - Provision of electric vehicle charging points (50% active and 50% passive).
 - The provision of permeable surfaces and flood compensation measures.
 - Ecological enhancements.
31. A more detailed summary of the sustainability strategy is attached as Annex 1 to this report.
32. In terms of design the proposals seek to restore the now derelict mill building (Block A) and remove some of the less sympathetic later additions added after the fire in the 1970's. A contemporary approach has been adopted for the additional blocks (Blocks B-E) which has been informed by the visual cues related to the surrounding area and specifically that of the mill building.
33. Additional massing would be located within the area that is currently a surfaced car park and would gradually reduce in height with the mill remaining the tallest and most prominent building. Block B which would be closest to the mill seeks to reference the earlier development of the site which was physically connected to the mill.
34. The design approach to façade treatments and materiality is intended to reflect and complement the existing by retaining the existing mill building as well as two walls in block B of the existing building. Materials such as red stock brick, dark metal cladding, recessed brick details and soldier course banding are proposed to be used to emphasise the industrial heritage of the site. Most of the apartments would benefit from private balconies and some of the units would benefit from a dual aspect.

35. The key design approaches for each block are detailed below:

Block A:

The mill building would be restored with later additions removed. Replacement roof materials are proposed to match the existing and fenestration is also proposed to be replaced visually on a like for like basis. A new contemporary lightweight extension is proposed with a sedum/wildflower roof above.

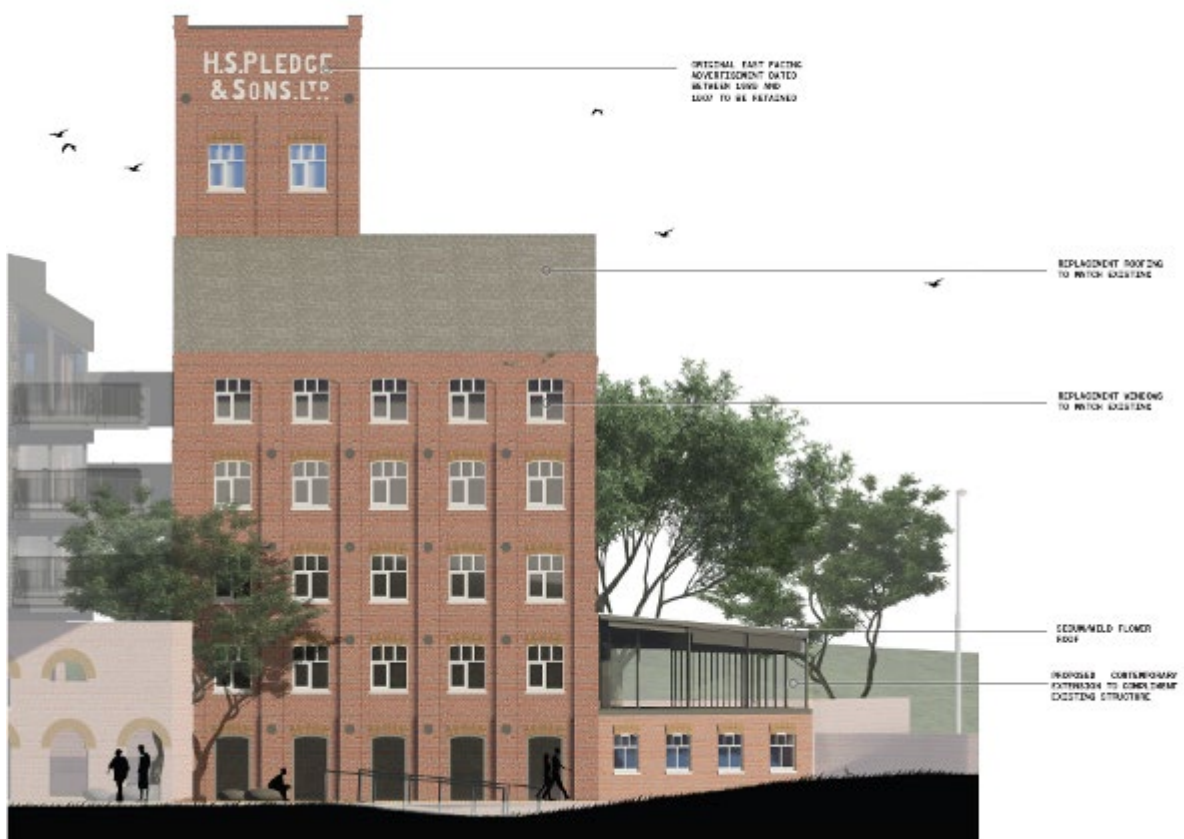


Figure 15: Block A proposed facade treatment

Block B:

The façade treatment of Block B seeks to explain the transition between the existing historical mill and the new development. The applicant proposes a contrasting dark metal cladding above the existing red multi-stock brick of the retained walls. Projecting balconies and cantilevers are proposed to create a visual interest and depth to the façade. Perforated metal panels are also proposed. The linked walkways to Block A is a design feature that references the former links between the flour mill and Provender mill (destroyed in the 1974 fire), a nod to the site's history.



Figure 16: Block B proposed facade treatment

Block C:

Block C is proposed to have a brick façade intended to represent a contemporary reinterpretation of the materiality of the mill building. Recessed brick detailing is proposed next to windows to add visual interest. Metal dormer detailing and metal panels are proposed to provide consistency with the rest of the scheme. Projecting balconies are also proposed.



Figure 17: Block C proposed facade treatment

Block D:

Block D is proposed to feature a brickwork framing element that would be offset by metal clad panelling and grey guarding to steel balconies. A hit and miss brick pattern is proposed as a feature at ground floor level so that light would be able to permeate the undercroft parking. Perforated metal cladding would also be utilised at ground floor. These features would additionally act as flood mitigation measures.



Figure 18: Block D proposed facade treatment

Block E:

Block E would be the southernmost block closest to Civic Park. The design approach would see the block clad with metal panels with red brick behind. Recessed balconies, perforated metal panels, and cantilevers are proposed to create visual interest and depth to the facade.



Figure 19: Block E proposed facade treatment
 Page 186

36. A lighting plan has been submitted setting out a lighting strategy that aims to efficiently and safely light routes and the public realm as well as minimising light pollution. Lamp columns are proposed mainly along vehicular routes. Low bollard lighting that would dim at night when no movement is detected and directional light columns are proposed along the sensitive river edge. Up-lighting to compliment the planting and under seat strip lighting is also proposed as shown in Figure 20 below.



Figure 20: Lighting strategy

Design Review

37. The proposal was subject to pre application advice and both the layout and design has been refined in response to this. The scheme (originally proposing 70 apartments) was also subject to two Design Reviews in April and September 2021 by Design South East. The reports of these reviews is appended as Annex 2 of this report.
38. The September panel concluded that the design response had been much improved from the original proposals and felt that the design team had responded well to the panel's previous comments. The report stated that high-quality historical analysis has informed the design approach in a positive way

whilst noting that developing a clear landscape masterplan and better defining the approach to the site's open spaces was the next key step for the proposal, along with exploration of the options for the building materials. The panel concluded that if these steps are informed by a similarly robust level of analysis, there is the potential for the scheme to be an exceptional response to an exceptional site.

39. The design panel's key recommendations were as follows:
1. Make sure the riverside walk is usable for pedestrians, cyclists as well as being a space to linger in.
 2. Improve the approach to the site from the car park in the west, giving it an attractive feeling of arrival.
 3. Make the frontages as active as possible, particularly along the key pedestrian and cycle routes through the site.
 4. Define the courtyard spaces, ensuring they work for their intended functions.
 5. Ensure the material choices fit in with both the retained and new buildings.
40. The application has been amended since it was originally submitted to take account of consultation responses. As a result the scheme has been amended to improve flood mitigation and landscaping and to expand opportunities for biodiversity.
41. 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 site is located in a sustainable location within the town centre.

DA.2 The existing mill, which has previously had diverse occupation from its original usage as a mill to more recent usage as a nightclub, owes itself to the sympathetic conversion into commercial and residential accommodation.

DA.3 The site falls within the Ashford Town Centre Conservation Area. Two Grade II listed buildings fall within the vicinity of the site – the 'Star Inn' and 'Northside' – with the Grade II* listed 'Bridge House' to the south west of the site.

DA.4 The site is located within the Ashford Green Corridor and is in part a designated wildlife site.

DA5. The site's north-eastern extent is currently designated as open space, although it is overgrown and is not publicly accessible. This part of the site does not perform any recreational function. In the context of the site's central location and the level of recognised housing need, the opportunity to maximise efficient use of the land warrants a critical review of the site against its current designations.

DA.6 The site is, in near totality, included within designated Flood Zone 3. Part of the site fronting East Hill is included within Environment Agency Flood Zone 2.

DA.7 History of the site:

1086 A succession of mills have been on this same site since at least as far back as the Domesday Book in 1086.

1768 When first known map depiction of Mill

1804 When Mill was sold at auction

1890 Pledge took ownership of the Mill

1901 Pledge built a flour mill and warehouse on site behind old mill buildings

1972 Closes as a working mill

1974 Catastrophic fire devastates part of the building

1980's Transformed into Ashford's first nightclub

1990 The club closes.

1990 Kingfisher Leisure take on the premises and reopen a pub and club

2001 After a decade of use the club closes

2002 Luminar Leisure purchase the club and launches Liquid nightclub in 2002

2007 The club was renovated and re-branded as Liquid and Envy

2014 Ashford School bought the freehold to the building but Liquid and Envy continued to operate from the site

2014 Liquid and Envy cease trading in September

DA.8 The scheme was put before the Design Review Panel in May 2021 and September 2021. The panel summarised that: "The response is much improved and there has been a positive response to the panel's previous comments. High-quality historical analysis has informed the approach in a positive way. Developing a clear landscape masterplan and better defining the approach to the site's open spaces is the next key step for this proposal, along with exploration of the options for the building materials."

DA.9 Public consultation was undertaken in the following forms:

- Carrying out a letter drop to neighbours
- Setting up a web-page (available from 29th October 2021 - 10th November 2021) providing documents such as a public consultation planning summary and the DRP presentation document.

DA.10 Transport and access – Key access principles are as follows:

Enhanced pedestrian access to the site and links to the town centre • New footpath and cycle path running adjacent to River Stour • Proposed courtyards provide east/west pedestrian connections across the site • Reinstated & re-landscaped “island site” open to the public.

DA.11 Key Design Principles are as follows:

• Apartment blocks reduce in height from north to south. • Setting duplex units into the roof reduces height and massing of blocks • Flour Mill tower remains the tallest structure on site expressing a clear hierarchy of old and new • Courtyards separate the perceived mass and create pedestrian routes at ground level from East Hill to East Stour.

DA.12 Room types comply with Ashford Borough Council’s ‘Residential Space and Layout SPD’.

DA.13 Sustainability strategy includes:

- High thermal performance
- Passive solar shading
- Water package heat pump – generates 55 degree C heating and hot water
- PV arrays to east, south and west orientations
- PIR controlled LED lighting to car parking areas and external area elevations
- Communal ‘Superlounge’ – work and rest area for all residents
- Resident’s gym
- Restoration of the Flour Mill
- Town centre location
- Opening up the river for the benefit of people, urban wildlife and ecology
- Permeable surfaces
- Tiered riverbank seating
- Ecological enhancements
- Private balconies
- Vertical greening
- Cycleway and footpath
- Public Realm
- EV charging points
- Undercroft parking
- Secure cycle storage
- Flood compensation
- Car share scheme

DA.14 Materiality key design principles - The proposed external materiality reflects and compliments the existing Flour Mill building. This is achieved by retaining the existing mill building as well as 2 walls in block B of the existing building. Materials such as red stock brick, dark metal cladding, recessed brick details and soldier course banding are used to emphasise the industrial heritage of the site.

Planning Statement

PS.1 The location of the site and the proposed residential led redevelopment would satisfy the main spatial objectives of both local and national planning policy which seek to focus new residential development to areas that enjoy a good degree of connectivity to local shops, services, and amenities, including public transport connections.

PS.2 The existing Flour Mill building (which has been vacant for some time) would be the centrepiece of the proposed development. The site's location in a prominent location at a key approach to the centre of Ashford which is underutilised provides the opportunity through the quality of the architecture to create a built form that will have a positive visual effect on the character of the area, with new development complementary to the main Flour Mill building.

PS.3 Located within a context of an existing Town Centre site with cycle and pedestrian connections to nearby facilities and international rail, it is accepted that the site enjoys a sustainable location. The spatial pattern of development is such that the proposed conversion of the existing mill building - alongside the erection of four additional ancillary residential blocks - constitutes an appropriate type and scale of development in this location, which makes efficient use of an existing brownfield resource to assist in the delivery of much needed residential development in the Borough. It would furthermore deliver a quality landscaped provision of open space, including the opening up of the site for public uses - including a revitalised open space on the 'island' site. The proposed development represents a sustainable form of development in full accordance with the development plan and relevant national planning policies.

PS.4 The wider sustainability benefits to the community which would result from the proposed development are numerous and include:

- the provision of new housing that would be delivered, here comprising of 53 residential dwellings in a managed flatted scheme within a highly sustainable location within Ashford Town Centre, atop the settlement hierarchy for the Borough;
- the development of a highly sustainable site with very good access to facilities and services, given the site's location within the designated Town Centre for Ashford;
- the high quality redevelopment of an existing non-designated heritage asset within a designated conservation area;
- the creation of new open space for public use within a designated Green Corridor, improving and enhancing a currently inaccessible and

overgrown area of this corridor;

- contributions to the protection and enhancement of the natural environment through:
 - enhancement of the existing green infrastructure and linkages on site, provide valuable wildlife habitats and corridors;
 - through detailed flood risk and drainage assessment and mitigation, offer opportunities to improve natural drainage system
- a range of economic benefits through local construction jobs that would be created during the construction phase of the development;
- job creation through the provision of an on-site office to be occupied by Oliver Davis Homes as its headquarters;
- that future residents would contribute to the economic prosperity of the area through additional expenditure in local shops and services; and
- any contributions to be secured by legal agreement for wider community infrastructure

PS.5 Overall there would be no 'significant and demonstrable' adverse impacts which would outweigh the benefits of the development. The proposal is shown to accord with the requirements of both the Sequential and Exceptions Test, and to accord with the objectives of relevant planning policies of the Development Plan for the Borough.

PS.6 The proposal represents a deliverable, sustainable and suitable development in accordance with Paragraph 11 of the NPPF, and in this regard planning permission should be granted.

Transport Statement

TS.1 From a study of the existing transport conditions, it is considered that the site benefits from convenient access to regular bus and rail services, which provide access to local employment centres, as well as sustainable commuting trips into other locations in Kent, in addition to central London via Ashford International Railway Station. Local bus stops and Ashford International Railway Station are accessible by walking and cycling modes, thus providing potential future users of the proposed residential units with sustainable alternatives to private car use. The development is also situated

close to Ashford town centre and a range of everyday facilities within walking and cycling distance.

TS.2 The proposed development would make appropriate provision for a total of 90 cycle parking spaces, which would be in excess of ABC's adopted parking standards, with residential cycle parking located in a secure store within the development. Cycle parking for the office use would be located adjacent to the office frontage.

TS.3 The proposals would provide a total of 54 car parking spaces, 43 of these car parking spaces would be available for the proposed residential use.

TS.4 Vehicular access would continue to take place from East Hill. A traffic calming measure has been proposed adjacent to the site to slow down oncoming vehicles approaching the site from East Hill. (Note: following consultation with KHS and a stage 1 safety audit being completed the traffic calming measures have been deleted from the scheme).

TS.5 The TS provides an analysis of multi-modal trips expected to be generated by the proposed development. It has been estimated that the development would result in an increase in daily multi-modal trips, however, a significant proportion of trips would be made by sustainable modes including walking, cycling and public transport.

TS.6 It is considered that the proposals would result in a minimal impact on the local highway network. Any additional trips from the proposed development would not be anticipated to result in a detrimental transport impact and would be suitably accommodated within the existing highway and transport networks.

TS.7 It is considered that the proposals could be accommodated without detriment to the operation of the local highway and transport infrastructure networks. As such, the development proposal would not result in a 'severe' impact and is considered acceptable in accordance with national and local policy.

Transport Statement Addendum

TSA.1 A review of the collision data indicates that the collisions could not be attributed to any visibility issues on the public highway, which is supported by only three serious collisions occurring and no fatalities within the observed five-year period. It is noted that as only a total of three collisions occurred during 2020 and 2021, there is no positive correlation that suggests any increase in collisions.

Heritage Statement

HS.1 The site is a sensitive one, given its central location in Ashford, with a long history of milling that likely stretches back to the eleventh century. However, much of the sites historic character, including its contribution to the urban grain of East Hill, was destroyed during a catastrophic fire in 1974. As

a result, the surviving, non-designated heritage assets on the site appear somewhat isolated; unsympathetic extensions from the early 1980s, when the buildings were converted into a nightclub, detract from both the significance of the non-designated heritage assets and Ashford Town Centre Conservation Area. As such, there is an opportunity to reinstate the historic fabric of the site and the historic urban grain of its surroundings through high-quality new development.

HS.2 The proposals bring a contemporary architectural approach to the site, and derive their character from the site history and mill buildings. Overall the proposals are a highly thoughtful response to the site, and will enhance the sites significance, the character and appearance of Ashford Town Centre Conservation Area, and the settings of the designated heritage assets near the site, and enable the long term conservation of the former mill.

HS.3 The creation of a new public open space on the island east of the former flour mill will allow for the appreciation of the site by the public.

HS.4 The proposals are in full compliance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, which pertain to the settings of listed buildings and Conservation Areas.

HS.5 The proposals' positive engagement with both the non-designated heritage assets on the site, as well as the Conservation Area, is also considered to be wholly in line with guidance set out in the NPPF, specifically paragraph 206, which encourages new, sympathetic development within conservation areas.

HS.6 By bringing redundant buildings and areas into appropriate use, consistent with their conservation, and ensuring that important views of the flour mill's tower are not impacted, the proposals also comply fully with Ashford Local Plan policies relating to heritage assets (Policy ENV13) and conservation areas (ENV14).

Framework Residential Travel Plan

TP.1 The primary objective of the TP is to minimise the number of car trips generated by the proposed development in order to limit the impact the proposed development has on the local highway, in particular at Mace Lane. The TP implementation period would run for five years from first occupation of the site. The TP relates to the residential uses only and would be secured by either planning conditions or S106 obligations.

TP.2 The proposed development would provide 43 residential car parking spaces, as well as 4 office parking spaces and 7 parking spaces for staff of the Ashford School (54 in total). 90 cycle spaces would also be provided.

TP.3 Ashford benefits from a number of local facilities, most of which are located within walking or cycling distance from the site. Several key facilities are accessible within walking distance of the site. Page 104
The retail opportunities, including

foodstores, bars, cafés and services that may be used by future residents, such as local educational facilities. Ashford International Station is located approximately 750m to the south of the site, which is within a short walking distance.

TP4. Mace Lane, East Hill and the surrounding roads facilitate access on foot from the site into the centre of Ashford and its amenities. The route to Ashford town centre is a generally well maintained and is an accessible pedestrian environment. Footways are present on both sides of East Hill and Mace Lane to aid pedestrian movement and dropped kerbs and tactile paving are present at minor junctions.

TP.5 Key routes in the vicinity of the site, such as those to Ashford town centre, are of good quality and are conducive to travel by foot. The footways also enable pedestrian movements to and from nearby transport connections.

TP.6 Local cycle routes are adjacent to the site, which is suitable for cycling and largely follows the East Stour River. This would provide access from the site towards Ashford International Train Station via Newtown Road. Additionally, many of the residential roads in the vicinity of the site are suitable for cycling, due to their low-speed limits, and relatively shallow gradients.

TP7. The nearest bus stops are located to the north of the site on Mace Lane, with the westbound stop situated approximately 120m walk from the site, and the eastbound stop situated approximately 80m from the site. These stops serve several bus routes, including 1, 2, 2A, 10, 10A, 10X, 11, 11A, 1SS, 18A, 111, 123, 124, 125, 516, 518, 666, 925, AS2, AS3, C, RJ1 and WS2. These bus routes serve numerous destinations throughout Kent including Canterbury, Tenterden, Faversham and Folkestone.

TP.8 Ashford International Railway Station is located approximately 750m walking distance to the south of the site, which is approximately a nine-minute walk. Ashford International Station is also accessible via the numbers 1 and 2 bus routes, which can be accessed from the bus tops located on Mace Lane. Ashford International Station is managed by National Rail, with Southeastern and Southern Rail trains serving the station.

TP.9 Ashford International Station affords step-free access to all users and has bicycle and car parking provision available at the station, with 454 sheltered cycle spaces located adjacent to the bus stop in front of the station and a total of 135 car parking spaces available at a daily charge of £8.30, with an off-peak rate of £7.50. Ashford International Station has 15 accessible spaces available, which are free of charge for blue badge holders. A taxi rank is located to the front of Ashford International Station on Station Approach Road, with accessible taxis available to book on request.

TP.10 Trips will be made to various destinations, depending upon the reason for travel. National statistics, indicate the journey purposes of all journeys made annually. This indicates that leisure, shopping, commuting, business and education trips typically account for around three quarters of all journeys.

TP.11 It is recognised that walking, cycling and public transport may not be the most suitable travel choice for all residents all the time. Many families have children in school and require a vehicle to pick up / drop off their children to school as part of a linked trip. The purpose of the TP is therefore to enable residents to make sustainable travel choices to suit their lifestyle or stage in life.

TP12. In order to achieve the primary objective of the TP, a number of objectives have been set which are:

- To increase the proportion of trips made by sustainable modes.
- To make residents aware of the benefits of sustainable travel.
- To assist residents in making sustainable travel choices.

TP.13 In order to achieve the objectives set out in the TP, a number of measures would be used to encourage residents to travel sustainably - firstly, infrastructure measures (hard measures) which are part of the development proposals and secondly the provision of travel related information (soft measures). Hard measures include the provision of cycle parking with every dwelling, in excess of ABC's adopted standards and reduced number of car parking spaces on-site in order to promote more sustainable modes of travel. The exact details of the soft measures to be provided have not been determined at the time of writing the outline Travel Plan, however the measures which would ultimately be considered for implementation and included in the final Travel Plan (post permission) would be led by a Travel Plan Coordinator (TPC) who would be instructed prior to first occupation of the site to deliver soft TP measures throughout the TP implementation period.

TP.14 Information about walking and cycling routes would be made available to new residents.

TP.15 The TPC would aim to facilitate the setup of a bicycle user group (BUG) as well as a residents' steering group for the new development, subject to interest from residents.

TP.16 The TPC would disseminate information regarding sustainable travel and alternatives to the private car. The TPC would endeavour to negotiate discounts or promotions for residents at local cycle stores and for discounted bus tickets. The TPC would also promote 'Bikeability' or equivalent cycle training courses to residents. Each household (first occupants only) would have the opportunity to apply for a £50 voucher for a local cycle shop. This would be an alternative to a bus season ticket.

TP.17 Information on the public transport routes and facilities in the vicinity would be made available to new residents.

TP.18 Car sharing would be promoted to new residents of the development, particularly in relation to journeys to work. Residents would be provided with information about car sharing via the car share website (<https://liftshare.com/uk>). A leaflet explaining the benefits of the car share scheme and how to register would be provided to residents.

TP.19 It is anticipated that the provision of travel related information would be made available via a Travel Information Pack (TIP) for residents as they first move into their new home. This would enable residents to make sustainable travel choices and form sustainable travel habits from “Day 1”.

TP.20 It is anticipated that the TPC would compile annual newsletters to inform residents of any travel related events and to provide other relevant information. Engagement and participation from residents will be key. Five years after initial occupation of the new residential development, the developer would no longer be responsible for the management of the TP. At this time the management of the TP would revert to a residents’ committee.

Statement of Community Involvement

SCI.1 Representations from the local community and key stakeholders have been taken into account during the preparation of the application. This engagement has included the hosting of a dedicated online community consultation portal as well as the consideration of community feedback, the application submission has also been shaped by direct engagement via pre-application meetings with Ashford Borough Council, a Members Briefing, engagement with Central Ashford Community Forum, as well as statutory stakeholders and a presentation and critique from the Design South East Panel on two separate occasions.

SCI.2 It is concluded that the application has been prepared in accordance with Paragraph 39 of the National Planning Policy Framework (NPPF) (2019), which attributes significant weight to early engagement and pre-application discussions between public and private sectors.

Sequential Test Assessment

ST.1 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.

Exception Test Assessment

ET.1 The Exceptions Test has been undertaken following a separate related Sequential Test. The Sequential Test concluded that there are no comparable sites available at a lower risk of flooding within the geographical search area, with due regard to the agreed methodology. On this basis the Sequential Test is passed.

ET.2 As the Sequential Test demonstrates that it is not possible to use an alternative site, the exceptions test is required.

ET.3 The Exceptions Test outlines how flood risk will be managed. In line with published guidance it shows that the substantial benefits of the development to the

community outweigh the flood risk, and that the development would be safe for its lifetime. The supporting Flood Risk Assessment provides detailed commentary and assessment of the sites drainage strategy including flood risk management.

ET.4 The development is proposed to include residential dwellings which is defined as a 'more vulnerable' use according to the NPPF.

ET.5 It is recognised that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

ET.6 The wider sustainability benefits to the community which result from the proposed development are numerous (set out in the planning statement and summarised above).

ET.7 Overall, the proposal would constitute sustainable development and there would be no 'significant and demonstrable' adverse impacts which would outweigh the benefits. The proposal accords with the provisions of the Development Plan and represents a deliverable, sustainable and suitable development in accordance with Paragraph 11 of the NPPF. It is considered that - when read alongside the submitted Planning Statement -the development would not increase flood risk elsewhere. This strand of the Exceptions Test is considered to have been passed.

ET.8 Details of Flood Risk Mitigation is provided at Table 7.1 of the submitted FRA. The FRA concludes at Chapter 9 that the risk of flooding from all sources is generally low, and the development can be operated safely and without significantly increasing flood risk elsewhere. However, a risk of fluvial flooding, as well as a number of residual risks have been identified, associated with public sewers, site drainage and water supply pipes and intense rainfall. Appropriate mitigation measures have been provided to address and manage the risks and residual risks from these forms of flooding. The mitigation measures which include appropriate finished floor levels and flood warning systems demonstrate that the proposed development- in accordance with guidance - can be made safe for the duration of its lifetime. The second strand of the Exceptions Test is considered to have been passed.

Flood Risk Assessment & Drainage Strategy (Revision A)

FRA.1 As the site is currently brownfield in nature an existing foul water drainage network is present which would be re-used were condition and positioning allows and removed/replaced where necessary. There are two drainage channels that flow from the western extent of the site boundary adjacent to East Hill which both run

south following the gradient of the site boundary. These are connected to rainwater pipes found on the external boundaries of the current buildings. There is also a drainage channel connected to several rainwater pipes in the northern extent the site, connected to the current disused mill building. Therefore, it is assumed that the SW flows will flow the course of the drainage channels and discharge into the adjacent river and the FW will flow into existing combined sewers.

FRA.2 The development is proposed to include residential dwellings which is defined as a 'more vulnerable' use according to the NPPF. Given the proposed land use classification and the location of the Site within Flood Zone 3, the Sequential and Exception Tests have been undertaken.

FRA.3 The ground floor of the proposed buildings will be set at 35.80 mAOD which is generally close to the existing level of the Site. The floor level of Block A and Block B will be retained as the existing Block A level (36.04 mAOD).

FRA.4 All accommodation would be provided on the first floor and above. The lowest first floor level on site is set at 38.83 m AOD, which means that the first-floor level will be 2.51 m above the 1 in 100 plus 45% climate change event.

FRA.5 Flood risk from fluvial sources - EA flood mapping, indicates that a large part of the site boundary is at a lower risk of flooding. A substantial amount of the southern extent of the site (Flood Zone 2) should only experience between a 1 in 100 (1%) and 1 in 1000 (0.1%) annual probability of fluvial flooding in any one year. Parts of the northern extent of the site are within Flood Zone 3, which is assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

FRA.6 After conversations with the EA it was agreed that a hydraulic modelling exercise would be required to assess the impact of the new development proposals at the site to ensure the occupiers are safe from flooding and that the development does not increase flood risk elsewhere.

FRA.8 The site is considered to be at a low/medium risk of fluvial flooding, as there is a medium likelihood of flooding on the site but due to all accommodation being above ground floor level and with appropriate flood mitigation in place, there is a low likelihood after mitigation measures. Additionally, it is evident that the water does not get out of bank for both the East and Great Stour for the 1 in 20 year event with the flood mitigation measures incorporated within the developed case scenario. As a result, it can be concluded that the site post development remains dry within the 1 in 20 year event thus out of the Flood Zone 3b extent.

FRA.9 Flood risk from surface water - The EA Surface Water Flood Mapping suggests that the majority of the site is primarily at a 'low' to 'medium' risk of surface water flooding, which is defined as having between a 1 in 100 (1%) and 1 in 1000 (0.1%) probability of flooding. A small area of the site towards the North has a 'High' risk of flooding, which has a 1 in 30 (3.3%) or greater probability of flooding. These areas of higher risk are directly correlated to the two watercourses subdividing the site. However, this section does not directly affect the proposed development area.

FRA.10 Given the nature of the proposed development with all residential accommodation on the first floor and above as well as the dwelling units being placed away from primary flow routes, it is considered that the risk from surface water flooding is generally low. Flooding from surface water remains a residual risk due to the potential for rainfall to exceed the design standard of the proposed drainage system and the effects of climate change on the frequency and severity of rainfall events, appropriate mitigation measures are therefore proposed.

FRA.11 Flood risk from groundwater - the risk of groundwater flooding in this location is considered to be low, particularly given the adjacent watercourses will provide a control to this.

FRA.12 Flood risk from public sewers - The SFRA shows no record of sewer flooding affecting the site or the immediate area and the risk of sewer flooding is therefore considered to be low. Sewer flooding from blockage of private site and building drainage as well as the Southern Water network is, however, a residual risk managed by the design of the site drainage and regular inspection and maintenance of the public and private sewer network. The flood risk associated with this source may also increase over time due to the effects of climate change. Appropriate mitigation measures are therefore proposed.

FRA.13 Mains water flood risk - Flood risk from this source is considered to be a residual risk with no existing mains shown within the South East Water asset plans crossing the site or within the immediate area. The main threat therefore will be from damage to newly constructed internal pipe work during the construction phase or as a result of any future building works.

FRA.14 Flood history – A review of the SFRA and PFRA together with KCC records confirms these documents hold no records of flooding affecting the site itself.

FRA.15 the risk of flooding from all sources is generally considered to be low to moderate.

FRA.16 Foul water strategy - Foul water from the site has been designed to drain to a connection to the 900mm combine sewer crossing the site. The connection point would be confirmed with Southern Water as part of ongoing discussions relating to the build over agreement concerning this sewer, as part of the detailed design.

FRA.17 The following provides a summary of the proposed method of management and disposal of surface water runoff from the site:

FRA.18 Surface water flows will be attenuated using SUDs.

FRA.19 Given the nature of the development all site drainage will be managed by a site Management Company.

FRA.20 As this development is within the Stour catchment it will be required to demonstrate nutrient neutrality in relation to both foul and surface water discharged from the site.

FRA.21 The FRA sets out the proposed flood warning measures such as flood kits and Flood alerts.

FRA.22 The FRA concludes that the risk of flooding from all sources is generally low, and the development can be operated safely and without significantly increasing flood risk elsewhere. However, a risk of fluvial flooding, as well as a number of residual risks have been identified, associated with public sewers, site drainage and water supply pipes and intense rainfall. Appropriate mitigation measures have been provided to address and manage the risks and residual risks from these forms of flooding.

Bat Survey Report

BSR.1 The main findings of the surveys were that:

1. Day roosts of small numbers of widespread species are present within part of the building which is to be demolished.
2. The trees, hedgerows and waterways surrounding the site are used by bats including light-averse species.
3. There was no evidence to suggest bats are using the internal spaces for feeding at night.

BSR.2 The works as outlined are sure to result in the loss of day roosts of a low number of widespread species.

BSR.3 A Natural England derogation licence will need to be granted to impact the day roosts as avoiding impact will not be possible.

BSR.4 Bat sensitive lighting of the site will be required during and after construction to ensure the development does not have a negative impact on well-used bat habitats surrounding the site.

BSR.5 Mitigation and compensation measures for all impacts are provided within the Bat Survey Report and include measures such as supervised works to roosts by a licensed bat worker. Enhancement measures to ensure a net gain for bats at the site are also provided such as the provision of bat boxes.

Phase 1 Contaminated Land Assessment

CLA.1 The potential presence of contamination arising from the historical/current use of the site and surrounding area is considered to be of likely and to pose a moderate risk to future end-users and a low to moderate risk to buildings and services.

CLA.2 The risk to end-users from the presence of ground gas on site is considered to be low to moderate due to the Alluvium presenting a potential ground gas source at the site. The potential risk to construction workers is considered to be low with respect to made ground although moderate with respect to asbestos-containing soils (ACSs) with protective equipment recommended for any ground works.

CLA.3 The potential risk posed to groundwater and surface waters is considered to be moderate to low due to proximity to surface watercourses.

CLA.4 The potential risk posed by Unexploded Ordnance (UXO) has been assessed as moderate.

CLA.5 The potential risk posed by Radon Gas to future residents is considered to be very low.

Landscape Design and Access Statement & Addendum

LDA.1 The Landscape D&A outlines the vision, principles and concepts which have guided the development of the public realm and landscape proposals for the site. The principles for this scheme are based on those set out in the master planning process. The objective behind the design is to create a network of interconnected external spaces that contribute and enhance the setting and uses of the proposed buildings, whilst restoring and reconnecting access to a 'lost' parcel of public realm and amenity offering to live in and enjoy. A large proportion of the space will be opened up to the public via existing bridges and river walk connections through the development that provide new routes through the residential and commercial parts of the site to the existing 'river-side' of the East Stour and 'The-Island' once inaccessible.

LDA.2 The Masterplan provides for a series of green spaces which would connect the open spaces and community facilities. A defining feature of the supporting landscape strategy is this permeability and the creation of high quality spaces that reference the rich history of the site.

LDA.3 The design of the public realm employs a contemporary industrial language in the composition and distribution of places to create a compelling identity for the scheme. The public realm design also references the industrial heritage and stitches that past into the proposed materials to form a richly detailed sense of place.

LDA.4 The site sits in proximity to some important green open spaces. Access and connections to and from the site will offer a multitude of choices to explore the local diversity. Walks along the East Stour River through to Queen Mother Park, Civic Park and Ashford Town Centre will be encouraged by opening up the site to public access.

LDA.5 The conceptual design process used information gathered from the site to create an identity for the proposed landscape and public realm. This research has included an analysis of the industrial processes that have shaped the history of the site - distilled to inform the aesthetic and narrative of the design development.

LDA.6 The design of the landscape masterplan aims to create a permeable and fully accessible public realm areas responding to the conditions within the existing site and incorporate them into a series of new landscape spaces. The overriding concept has been to build upon the sites greatest natural assets – The existing mature trees, the Great Stour and East Stour rivers and to create an attractive place in which people want to dwell. The project will improve the river access by uplifting its setting

through re-graded banks and the creation of a new river walk and boardwalk down to the rivers edge. These improvements would provide better access to the waterside and enriched habitats and natural biodiversity.

LDA.7 The key objectives of the landscape strategy are to:

- Create a network and hierarchy of new public open spaces;
- Improve the site's permeability and connection to the surrounding network of streets and spaces including the river-side;
- Make the 'island' site and the connected open space publicly accessible and to promote a feeling of inclusiveness, safety and security across the site;
- Define and reinforce activities and functions appropriate to their location within the site boundary;
- Apply treatments that are appropriate to the scale of the development and help to unify the scheme;
- Create physical and visual connections to aid wayfinding, legibility and connectivity of the development;
- Build on the distinctive form of the retained architecture and the site's rich history;
- Refine and reinforce the character of the development;
- Develop a palette of materials, appropriate in scale, quality and longevity in keeping with the anticipated levels of usage;
- Draw natural elements into the site as a means to provide amenity and recreational spaces as well as enhancing biodiversity and ecology to the local area.

LDA.8 The proposals set out 5 distinct landscape character areas - Riverside Square, The garden Courtyard, The River Walk, The Island and the , Entryway and Car Park (these are explained in detail in the proposal section of this Planning Committee Report)

LDA.9 The aim of the planting approach is to create a sheltered, green and attractive place for people to live and visit, whilst maximising the potential for wildlife benefit. It uses a combination of native and non-native plants to achieve the mixes and create a palette that is resilient in the long term. Areas within the landscape masterplan have been assigned a soft landscape materials palette. There are a total of 5 mixes which are specific to each place, giving it identity and distinctiveness. The mixes will provide continuity and coherence between each area. Each palette also includes ground cover planting mixes.

1. Marginal meadow
2. Shade Tolerant Planting
3. Full Sun Tolerant Planting
4. Naturalistic Planting
5. Retained and Enhanced Vegetation

LDA.10 Proposed sustainable approaches include:

- Proposed timber from certified sustainable sources for all bridges and signage

- Proposed native species for 90% planting
- Proposed a meadow seed mix of locally appropriate seeds only
- designed the new river channel to maximise biodiversity
- Proposed deadwood habitats
- Proposed integrated insect hotel seating
- Increase in habitats in the landscape, reducing the area of amenity grass, and replacing it with, marginal habitats and wildflower meadow (providing increased variety of colour and a much richer habitat for a variety of birds and insects.
- Native tree planting, wild flowers and self-seeding areas have been proposed to establish along the river banks throughout the riverside park.

LDA.11 The social sustainable impacts of the landscape have also been considered. To ensure an enjoyable safe space throughout the day and evening any spaces which are overgrown and therefore difficult to see into, have been redesigned and opened up to be inviting and safer.

LDA.12 Creating a net gain of biodiversity is crucial to ensuring that a development helps to protect the wider landscape. A biodiversity net gain means that the ecosystem of an area has a greater number of species and habitats than it did previously. This leads to an overall healthier environment for flowers and wildlife. Several strategies that could be implemented to create a biodiversity net Gain are:

- Planting a wide range of native plants.
- Plant species which encourage pollinators and provide habitat for nesting birds.
- Plant fruiting and flowering varieties which can feed wildlife.
- Place bat and bird boxes in appropriate places within the site where they won't be disturbed.
- Place 'bug hotels' within the site, and leave wilder areas for insects and animals.

LDA.13 SuDS is of particular importance within this site owing to its propensity to experience seasonal flooding. It is therefore proposed to make all outdoor spaces water resilient, as well as including additional hidden drainage and rain gardens. Rain gardens are proposed in a number of spaces in order to discharge surface water drainage into the underlying geology. Paving should be laid to falls in areas to direct water to the rain gardens where they will intercept and slow surface water down from new hardstanding areas and prevent it from entering directly into the river network, thus reducing the volume of runoff from the park area and reducing the flood risk from the site.

Archaeological Desk Based Assessment

ARCH. 1 Existing evidence is insufficient to judge the likelihood of prehistoric or Romano-British archaeology surviving within the PDA (proposed development area).

ARCH.2 The mention of mills in both Domesday and sixteenth-century manorial records, suggests a potential continued use of the site during the Anglo-Saxon

(and possibly earlier), medieval and post-medieval periods, with definite use of the site as a mill in the lattermost period confirmed by map regression and documentary evidence, continuing into the modern period.

ARCH.3 Archaeological remains might be extant within the proposed development area and could be disturbed or destroyed through development groundworks.

ARCH.4 Further mitigation of the potential effects of development groundworks is likely to be a condition on planning consent.

Preliminary Ecological Appraisal and Water Vole Survey

EN.1 In response to the proposed development a Preliminary Ecological Appraisal (PEA) of the site has been undertaken, the results of which serve to determine the sites potential to support habitats and species of conservation concern.

EN.2 There is one statutory designation within 2km of the site, Ashford Green Corridors Local Nature Reserve, which is located 0.4km from the site. There are six non-statutory designated sites within 2km of the site. One, Great Stour Ashford to Fordwich Local Wildlife Site, is adjacent to the site.

EN.3 Appropriate best practice pollution prevention measures will be detailed in a Construction Environmental Management Plan to ensure no significant negative effect on this site. Due to the spatial separation between the site and the other designations, and limited scope of the proposed development, it is considered unlikely that the development would affect any other designated sites of conservation importance. For the same reasons, it is considered unlikely to affect any areas of ancient woodland or Habitats of Principal Importance on Section 41 of the Natural Environment and Rural Communities Act 2006.

EN. 4 Habitats within the site are common and widespread and therefore no further botanical surveys are required to enable a robust assessment of their intrinsic ecological importance.

EN.5 It is recommended that trees should be retained and protected in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction' where possible. Should trees require removal, these should be replaced with native specimens of local provenance.

EN.6 A single building is to be affected by the proposed development which has been assessed as having 'High' suitability to support roosting bats and, in accordance with the current Bat Conservation Trust (BCT) guidelines (Collins, 2016), three separate dusk emergence and/or pre-dawn re-entry survey visits are required in order to ascertain whether the building supports any current bat roosts.

EN.7 One tree (TR1) on site was assessed as having 'Low' bat roost potential. It is considered likely that this tree will be retained and therefore would not require any further survey works, provided any artificial lighting required would avoid any light spill onto this tree. If the tree is to be felled, an endoscopic inspection of all the potential roosting features by or supervised by a qualified ecologist should be

undertaken immediately prior to felling. All other trees within the site are in good condition and no features suitable for roosting bats were recorded.

EN.8 Lighting can be detrimental to bats' foraging and commuting behaviour and should be avoided within the site, if possible. Any external lighting that is deemed necessary for the proposed redevelopment should be sensitive to the boundary trees and any post development bat roost features/boxes within the site, avoiding direct illumination of them, for example through the use of directional and low-level/downward pointing lighting (light spill must only be at or below the horizontal plane), ideally of a colour temperature of 2700K or less, with no UV component and motion activated, where possible. All lighting should be sensitively designed in accordance with the industry standard Bats and Artificial Lighting in the UK guidelines (Bat Conservation Trust and Institutions of Lighting Professionals, 2018).

EN.9 Great crested newts and reptiles are considered likely absent from the site, due to the only suitable habitat present on site, consisting of the island area being isolated from other suitable habitat by the Stour and east Stour providing barriers to newt and reptile dispersal onto the site.

EN.10 Suitable bird nesting habitat exists within the site and recommendations in regard to timings and methods of best practice for breeding birds have therefore been provided.

EN.11 Records of water voles within 2km of the site were returned in the desk study but no evidence of water vole or otter was found during the further surveys; precautionary recommendations should therefore be followed.

EN.12 The likelihood of other protected and notable species to occur within the site is considered negligible and no further surveys for other protected species are required. Should at any point a protected or notable species be identified within the site then all works should stop, and the appointed ecologist consulted on the appropriate manner in which to proceed.

Tree Report

ARB.1 The site was surveyed on 23rd August 2021 following the guidance contained within BS5837:2012 – Trees in relation to design, demolition and construction - Recommendations.

ARB.2 The proposal would result in the removal of four poor quality individual trees and four poor quality tree groups due to proposed level changes, layout proposals and general poor health. Extensive landscaping would be provided that significantly enhances the site. None of trees on the site are considered to be veteran trees.

ARB.3 All structures would be located outside of the Root Protection Areas (RPA's) of the retained trees. BS5837 compliant fencing would be erected as required to protect some, but not all retained trees.

ARB. 4 Tree quality across the site has been assessed as follows:

B.S. 5837:2012 Category	Survey Numbers	Total
U	G3, T8, G18, G26, T31, T32	6
A	-----	0
B	T1, T2, T6, G7, G9, T10, T11, T13, T14, T20, T21, T22, T24, T25, T33,	15
C	T4, T5, G12, T15, T16, G17, G19, T23, G27, T28, G29, T30, G34, T35	14

ARB.5 The trees to be removed are:

G3 – Three Silver Birch trees located within a triangular raised bed within the existing council controlled car park. The triangular bed within which they stand is to be demolished. The three Silver Birch trees are dead and require removal regardless of the development proposal.

T4 – Leyland Cypress, occupies the same raised triangular bed at G3. The raised triangular bed is to be demolished to enable the formation of additional car parking spaces.

T8 – Willow, has been previously pollarded to a height of three metres above ground level, presumably in response to the extensive decay that is evident throughout its base, and has regenerated to its current height. Multiple *Ganoderma spp* fungal brackets are evident around the base of the tree. The tree displays poor vitality with dieback evident throughout. The Willow requires removal regardless of the development proposal.

T16 – Small Cordyline, is located within a raised bed on the western side of the building. The raised bed is to be demolished.

G17 – The single, small seedling origin Ash tree and one Cupressus stand in a raised triangular bed close to the front of the Mill. The raised bed is to be demolished for the widening of the watercourse.

G18 – Comprises a scrub group of Willow, seedling origin Ash and Sycamore that has established itself at the base of the Mill on its the northern elevation at the confluence of the Great Stour and East Stour rivers as they emerge from either side of the building.

G26 – Comprises a group of small seedling origin Ash and Sycamore that have established itself on the eastern side of the mill.

T32 – Ash, stands on the island to the east of the Mill. T32 has extensive dieback evident throughout its canopy (Ash dieback) and is considered to pose an unacceptable risk to users of the public footpath that runs along the opposite side of the river. The tree should be removed regardless of the development proposal.

ARB.6 The trees to be removed are not considered to possess high public visual amenity value and their loss is not considered detrimental to the character of the local landscape. New landscaping across the application site will mitigate their loss. A number of small seedling origin trees and shrubs (Ash, Sycamore and Buddleia) have inevitably begun to establish themselves around the building and are to be removed, however these were considered to be too small to be recorded.

ARB.7 In addition to the tree removals, some remedial work will be required on the following trees:

T2 – Sycamore, prune out all large diameter (>50mm) dead wood and raise canopy to give five metres clearance above adjacent car park.

G7 – Group of eleven Lime trees located within the car park of The Star Inn. The canopies of these trees extend over the boundary wall of the application site and hang low over the existing car park. The canopies of these eleven trees are to be raised to a height of eight metres above ground level by way of removing the dense epicormics growth that shrouds their main stems in order to remove encroachment from over the application site. Evidence suggests that the eleven Lime trees were once pollarded frequently at a height of four metres above ground level, from which they have regenerated to their current dimensions.

T24 – Ash, is located on the island to the east of the Mill. The canopy of the Ash tree extends across the river and grows close the side of the building. The western side of the canopy of T24 will be pruned back by a maximum of three metres in order to remove encroachment from the Mill and to re-balance the canopy.

T25 – Ash, is located on the island to the east of the Mill. The canopy of the Ash tree extends across the river and grows up against the side of the building. The western side of the canopy of T25 will be pruned back by a maximum of five metres in order to remove encroachment from the Mill and to re-balance the currently asymmetrical canopy.

ARB.8 The proposed development is to be constructed outside of the RPA's of all retained trees. Extensive hard surfacing extends throughout the RPA's of a number of trees in the form of the existing highways, footpaths and car parks that extend across the site. A recommendation is made for the retention of the existing surfacing during the construction phase of the proposed development in order to protect any underlying roots. The installation of services within RPA's should be avoided where possible.

ARB.9 A tree protection plan is included within the report.

Planning History

There is no recent relevant planning history since the use of the building was authorised as a nightclub in the 1990s.

Consultations

Given that amended plans have been submitted during the course of the application, technical consultation responses below summarise the most recent consultation response where applicable.

Ward Members: There are two Ward Members, Councillor Farrell and Councillor Suddards who are not members of the Planning Committee. No comments have been received from the Ward Members.

Neighbours – 80 residents consulted, 7 letters of objection received. Comments are summarised below:

- This proposal represents the overdevelopment of a site.
- The site is located within the floodzone.
- The proposed development would be too bulky and would visually detract from the Mill and the Green Corridor.
- The development would be contrary to the Green Corridor policy.
- The development would result in the loss of North Park (now Civic Park)
[SD&DM comment: The site does not include Civic Park]
- The mill is a warm brick colour or medium brightness, with some lighter features such as window arches. The medium to dark grey colour proposed will neither preserve nor enhance the protected building or the visual amenity of the area. The NPPF makes clear that the beauty of new dwellings is a material concern. 'Beautiful' cannot be used to describe the new elements when their colour is so at odds with the area in general and the detail of the protected buildings.
- More parking should be provided.
- There will be an increase in traffic in the area.
- The proposals are not architecturally in keeping with the area.
- The local GP service will be unable to cope.
- The existing car park is still used.
- The Flour Mill should be turned into a museum.
- The construction will cause traffic chaos on Mace Lane.

Ashford School – Support commenting as follows:

“The redevelopment of the Flour Mill will bring much needed improvement, both aesthetically and safety/ security, to that area of East Hill. We very much hope that the work can start as soon as possible so that we all see the benefit. We look forward to working with the developer to minimise disruption to the School community”.

Environment Agency: No objections subject to conditions relating to finished floor levels (FFLs), floodplain compensation and the submission of a landscape and ecological management plan. The applicant is also advised that a Flood Risk Activity

Permit (FRAP) will be required for any elements of works planned within 8m of the fluvial main river(s).

Natural England: No objections, comments are as follows:

The proposed development falls within the Stodmarsh Nutrient Impact Area. All new development with overnight accommodation must take into account Natural England's Advice on Nutrient Neutrality for New Development in the Stour Catchment. Ashford Borough Council will need to address the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), for which the applicant will need to provide information regarding nutrient budget calculations in alignment with Natural England's guidance.

The 'Great Stour, Ashford to Fordwich' Local Wildlife Site (LWS) runs adjacent to the site (the river), which is also a priority habitat under the S41 of the NERC Act 2006. The submitted documents state that best practice pollution guidelines will be implemented into a Construction Environmental Management Plan (CEMP) to negate adverse impacts to the LWS during the construction. Recommends that a CEMP is conditioned with any granted planning permission.

Recommends a bat mitigation strategy and advises that mitigation measures will need to be implemented under licence from Natural England.

Recommends a condition to ensure the incorporation of sensitive lighting design for bats.

States that the ecology report makes suitable recommendations, including native species planting, wildflower/scrub habitat creation and the provision of (integrated) bird nest/bat roost opportunities. To ensure the incorporation of ecological enhancements, it is advised that a condition is attached to any planning permission.

KCC Heritage: Comments that the applicant has submitted an Archaeological DBA which is reasonable but it does not quite cover the full range of archaeological assessment. It would be preferable for a fully comprehensive archaeological assessment of the buildings and of the landscape features to be undertaken to ensure that the impact on significant archaeology was reasonably understood and if necessary appropriate mitigation measures, including preservation in situ, could be integrated into the proposals. Conditions are recommended to ensure appropriate archaeological investigation and mitigation is ensured.

ABC Open Spaces and Street Scenes: Request S106 contributions in respect of the following:

- Informal/natural open space
- Strategic Parks
- Allotments

- Play
- Outdoor and indoor sport
- Arts
- Voluntary sector

KCC Developer contributions: No objections subject to S106 financial contributions relating to the following:

- Primary and Secondary Education
- Community Learning
- Youth Services
- Libraries
- Social Care

Kent Fire and Rescue: Advises that KF&R would require a minimum carrying capacity of 16 tonnes for any access arrangements to the proposed buildings. States that fire service and access arrangements are a requirement under B5 of the Building Regulations and that full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Clinical Commissioning Group: No objections subject to a financial contribution being secured by S106 towards the refurbishment, reconfiguration and/or extension of Sydenham House Medical Centre and/or Hollington Surgery and/or Wye Surgery and/or towards new general practice premises development in the area.

ABC Housing: No objections stating that there is no requirement under Local Plan policy HOU1 for any of the homes to be affordable dwellings. Comments that the properties should meet the Nationally Described Space Standards. Also states that in line with Policy HOU14 of the local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable.

Southern Gas Networks: No objections.

KCC Flood and Water Management: No objections subject to conditions stating that the drainage strategy shows that the surface water runoff discharges to the adjacent rivers at a rate of 1l/s from two flow control chambers restricting the discharge from attenuated permeable paving. Comments that a site evacuation plan is required for the development to detail the measures that will need to be followed in the case of a flood – to be secured by condition.

ABC Refuse: No objections stating that the number of bins proposed is appropriate. Comments that any commercial bins to be serviced are completely separated from the domestic bins.

ABC Environmental Health Manager: No objections subject to conditions relating to contamination mitigation, noise mitigation (to protect residents from noise related to the Star PH), EV charging, hours of construction and construction best practice.

Kent Police: No objections but provides advice in relation to designing out crime.

Kent Highways: Comment as follows following the receipt of additional information:

Accident data has been sourced from Kent County's crash team and it does not show a particular highway safety issue in the vicinity of the site.

The proposed traffic calming measure on East Hill has now been subject to a Stage 1 Road Safety Audit and Designers Response. It is the County Council's view that the proposed traffic calming scheme is not required given that traffic speeds on East Hill are low and likely to be less than the current 30mph speed limit. The traffic calming scheme should be removed.

Refuse vehicle tracking for the site for a vehicle 11.35 metres in length has been submitted and is satisfactory.

The proposals will involve the loss of the current pay and display car park which is currently managed by Ashford Borough Council. The Borough Council will need to take a view as to whether or not the loss of the car park is acceptable in principle given the effect that the COVID-19 pandemic has had on usage of the car park as most Borough Council staff are now working from home who tended to be the main users of the car park.

The proposals are for a total of 53 apartments plus 123 square metres of office space. Based on parking standards a total of 70 should be provided. It is therefore likely that overflow car parking will take place on surrounding streets unless parking restrictions are put in place to prevent this. A controlled parking scheme is therefore needed for Mill Court and Miller Close and a double yellow line scheme is also required for the eastern part of East Hill as parking can take place between 6pm and 8am and all day on a Sunday. A suitable Section 106 contribution would need to be secured in order for the Borough Council to deliver these parking restriction schemes.

[SD&DM comment: ABC Parking services have confirmed that a CPZ is not required at this time. It is noted that should on street parking become a problem in the future resulting in existing residents being unable to park that a CPZ could be further explored.

EV charging points are required with a minimum output rating of 7kW.

Kent PROW: No objections and no PROW's affected.

Central Ashford Community Forum: No objection in principle but provides the following comments/concerns:

"Generally speaking, we are pleased to see this brownfield site brought forward for development. We appreciate the applicant's focus on retaining the original Flour Mill

building and maintaining this building as the focal point of the development. We think the density of residents is appropriate for the space providing and especially like the plane to maintain the green space provided by the “triangle” of land between the two rivers and welcome this space being once again accessible to the residents of Ashford.

We do however, have a few concerns we would like to see addressed through the planning process before the development moves forward. The first is the visual amenity of the development. While we acknowledge that everyone’s tastes will differ, we find the dark grey metal cladding throughout the development, but most strikingly in blocks B and D too harsh a contrast to existing buildings on the site and in the surrounding conservation area. And while we appreciated the intent to have block B be the transition from the old to the new build with a nod to the industrial past of the site, the materials are not in keeping with the surrounding buildings in the area, nor do they represent any architecture that existed on or near the site. We have a concern that this type of material will quickly become dated and lose its appeal, especially with the impacts and effects of the weather and environment.

We echo the concerns raised by the environmental agency, namely:– 1) development on the flood plain and not mitigated enough to remove the 3b flood plain status; 2) Ground water contamination mitigation; and 3) Impact on Fisheries, Biodiversity and Geomorphology, and would like to see these addressed prior to planning permission being granted.

We have previously raised our concerns about the possible archaeological interest in the site and would like to echo KCC Heritage’s request that an archaeological DBA be conducted prior to planning approval.

As we look to more electrical cars in the Borough, we would like to see more electric car charging points included in the development.

Finally, knowing that North (Civic) Park is currently used several times a year for outdoor concerts, festivals and events, we would like assurance that these activities won’t be impacted by development adjacent to the park.”

Planning Policy

42. The Development Plan for Ashford Borough 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), the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022), the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
43. The relevant policies from the Local Plan relating to this application are as follows:-

SP1 – Strategic Objectives

SP2 – Strategic Approach to Housing Delivery

SP3(c) – 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

HOU14 – Accessibility Standards

HOU15 – Private External Open Space

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

EMP1 – New Employment Uses

EMP6 – Fibre to the Premises

TRA2 – Strategic Public Parking Facilities.

TRA3(a) – Parking Standards for Residential Development

TRA3(b) – Parking Standards for Non-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

ENV13 – Conservation and Enhancement of Heritage Assets

ENV14 – Conservation Areas

ENV15 – Archaeology

COM1 – Meeting the Communities Needs

COM2 – Recreation, Sport, Play and Open Spaces

COM3 – Allotments

IMP1 – Infrastructure Provision

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

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

Sustainable Design and Construction SPD 2012

Public Green Spaces and Water Environment SPD 2012

Ashford Town Centre Conservation Area Appraisal and Management Plan
2016

Heritage Strategy 2017

Green Corridor Action Plan 2017

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) Revised 2021

Planning Practice Guidance (PPG)

Technical Housing Standards – nationally described standards

45. 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.

Assessment

46. 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 on heritage assets, the setting of listed buildings and the Conservation Area.
 - (f) Impact of the development upon the Green Corridor

- (g) Whether the proposed open space / amenity space is adequate to serve the development;
- (h) The impact on residential amenity;
- (i) Whether the proposal is acceptable in terms of flooding and surface water drainage;
- (j) Ecology;
- (k) Other issues;
- (l) Planning Obligations;

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

- 47. 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.
- 48. There is a wide 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.
- 49. Policy SP5 of the Local Plan states that proposals coming forward in the Town Centre will be supported in principle where they help to deliver the vision for a thriving town centre and where they promote high quality design appropriate to their location. It states that a range of principle uses may be acceptable including retail, offices, leisure, residential and hotel as well as complimentary uses such as voluntary and community uses and health facilities. Criterion (b) states that residential development in the town centre is supported, for example, making use of spaces above shops but that the opportunity also exists to provide a range of types of homes including the potential for serviced private rented apartment schemes.
- 50. Policy SP3(c) of the Local Plan relates to the approach to economic development in the Borough stating that job growth and economic prosperity will be supported in particular through measures such as the maximisation of town centre employment opportunities in accordance with the strategic approach. Policy EMP1 also states that new employment uses are supported in principle within the built up confines of Ashford provided that the character and appearance of the settlement is not significantly harmed, there would be no significant impact upon residential amenity, appropriate parking provision is provided and the impact on the local road network can be mitigated.

51. 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.
52. The site comprises previously developed land and 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 make allowance and indeed expects windfall sites to come forward and therefore has a policy specifically related to this.
53. Policy HOU3a relates to the residential windfall development 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.*
54. The site is located within a highly sustainable location and well related to existing infrastructure being a short walk from a wide range of services and facilities provided within the town centre. Ashford International train station and access to bus services are also close by and can be easily accessed on foot. The site is clearly located within the existing confines of Ashford and thus an area wherein development should be directed.
55. 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 Policies SP2 and SP5.

56. The proposals also include the provision of an office space (Use Class E (g)) approx. 123sqm in size that is proposed to be occupied by the applicant Oliver Davis Homes, a local development company. Whilst being the headquarters of Oliver Davis Homes the management of the site would also be facilitated from here. In line with SP3(c) and EMP1 which supports economic development and the creation of new jobs within the town centre I am satisfied that the proposed new office space would be appropriately located and acceptable in principle.
57. The loss of the Flour Mills pay and display car park must also be considered. Policy TRA2 relates specifically to Strategic Public Parking Facilities and states that proposals that would involve the removal or capacity reduction of a publically available car parking facility within the town centre, or which prejudice the ability to deliver multi-storey car parking will be refused unless it has been agreed with the Borough Council that the facility is either no longer required or the alternative provision of the same amount of parking can be delivered in a sustainable location.
58. The proposals would not prejudice the Council's ability to deliver multi-storey car parking (an extant planning permission exists for such a scheme at the Station Road car park). The Council has further confirmed that the Flour Mills car park has been underused for years with use largely being associated with Ashford Borough Council staff parking. Given the changes to working practices in the last few years there is less demand from staff in both the Flour Mills Car Park and the Stour Centre Car Park and it has been concluded that there is sufficient parking available in the Stour Centre carpark to accommodate the parking requirements of staff and other users who would normally utilise the Flour Mills parking facility and accordingly parking at the Flour Mills Car Park is no longer required. I am satisfied that policy TRA2 would be complied with.

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

59. 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.
60. 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. No affordable housing is proposed and all units would be privately rented with the applicant retaining management responsibility. As such the proposals are in accordance with policy HOU1.

61. 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.

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

62. Policy TRA3 (a) of the ALP sets out the required parking standards for new residential development within the town centre, suburban and rural locations and Policy TRA3(b) deals with non-residential development (in this case, the office). The Policy permits flexibility in criterion (a) of the exceptions list which states

In exceptional circumstances, proposals may depart from the standards in policies TRA3(a) or TRA3(b) if the following applies:

(a) In order to take account of specific local circumstances that may require a lower level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on street parking problems.

63. In this case the site is located in a highly sustainable location within the town centre where there is a good level of accessibility to shops and services and a good level of non-car access. In addition the site is located a short walk from the railway station and within walking distance of bus services within the town centre.
64. The proposals would provide for 54 car parking spaces in total, including 2 disabled bays and 3 visitors' spaces. All of the spaces would be located on-site mostly within the undercrofts to Blocks C-E. 7 car parking bays would be allocated to the staff of Ashford School and a further 4 would be allocated for the office use. This would result in 43 parking spaces being retained for residential use. The parking provision would therefore equate to 0.8 spaces per dwelling.
65. Based on parking standards in the Residential Parking SPD and Ashford Local Plan policies TRA3(a) and TRA3(b) the development would require 53 spaces for the apartments together with 11 visitor spaces (0.2 spaces per unit) and 6 spaces for the office use (based on standards of 1 space per 20 square metres). Taking account of the 7 parking spaces allocated to Ashford School there is therefore a shortfall of 23 spaces to be policy compliant.
66. Kent Highways and Transportation (KHS) have been consulted and state that due to this shortfall it is likely that any additional car parking would take place on

surrounding streets unless parking restrictions are put in place to prevent this. A controlled parking scheme (CPZ) was recommended for Mill Court and Miller Close and a double yellow line scheme for the eastern part of East Hill as parking can take place between 6pm and 8am and all day on a Sunday. The Council's Parking Services have subsequently confirmed that a CPZ in this area has previously been explored and at this time it is not considered that a CPZ is required or desired by residents as parking for the Mill Court development is not reliant on on-street parking. It is noted that if as a result of the development, there is an increase in on street parking on the surrounding streets that the Council would need to address this issue. There are no objections from Parking Services for a double yellow line scheme to the eastern part of East Hill. This would be subject to a Traffic Regulation Order which would be secured by Planning Condition if planning permission is granted.

67. Whilst there are 3 on-site visitor parking spaces, policy TRA3 (a) states that visitor parking should be provided primarily off-plot in short-stay car parks where available or on-plot where layout permits. Whilst the development would result in the loss of the Flour Mills car park, the site is located in the town centre where a number of other short stay and long stay car parking options exist, including within the Stour Centre Car Park, the Vicarage Lane Car Park, Henwood Car Park and the Station Road Car Park, some of which are located within a few minutes walking distance of the site.
68. The Design Panel when reviewing the proposals in September 2021 recognised the difficulties in proving a parking standards compliant layout but felt that a more proactive and ambitious approach to car parking could make this a place that makes a virtue and a selling point of a reduction in car usage, and attract those who would want to live a more sustainable life.
69. The applicant has submitted a Residential Travel Plan which includes a number of measures that would be used to encourage residents to travel sustainably - firstly, infrastructure measures such as the provision of cycle parking with every dwelling, in excess of ABC's adopted standards (90 spaces are proposed and one space per unit is required by policy TRA6). Further, in reducing the quantum of parking available it would encourage residents to consider more sustainable modes of transport. Other incentives proposed through the Travel Plan include the provision of discounted bus tickets and cycle vouchers as well as the promotion of a car share scheme.
70. In conclusion, I am satisfied that, subject to securing the implementation of the above Travel Plan, the level of parking provided would be appropriate for this highly sustainable location that is located within easy reach of public parking facilities and I therefore consider that the approach to parking provision is an acceptable one in this case and in accordance with TRA3 (a) and TRA3 (b).

71. Vehicular access to the site would be from the existing access on East Hill via Mace Lane and this arrangement is acceptable to KHS following the removal of the proposed traffic calming measure on East Hill as a result of the completion of a Stage 1 Road Safety Audit. It is KHS's view that the originally proposed traffic calming scheme is not required given that traffic speeds on East Hill are low and likely to be less than the current 30mph speed limit. The traffic calming scheme could have led to an increase in accidents at this location and therefore the removal of this element of the scheme is considered acceptable.
72. Access for pedestrians and cyclists would be improved and provided throughout the site from East Hill, Civic Park and Mace Lane resulting in improved connectivity and permeability. Bridges are also to be provided at regular intervals, connecting the residential area and public open space.
73. In conclusion, the proposal is therefore acceptable in terms of HOU3a of the Local Plan.

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

74. The Government attaches great importance to the design of the built environment, with national policy placing great emphasis on the importance of good design as a key aspect of sustainable development. The requirements outlined in paragraph 130 of the NPPF include the need to add to the overall quality of the area and establish or maintain a strong sense of place. While appropriate innovation and change, such as increased density, is not to be prevented or discouraged, developments must be sympathetic to local character, including the surrounding built environment.
75. Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is considered to be a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
76. Paragraph 130 states that decisions should ensure development:
 - a) 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;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) 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);*

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) 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
f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

77. Paragraph 134 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. The NPPF calls for significant weight to be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit within the overall form and layout of their surroundings.
78. The National Design Guide (2019) further supports the principles of the NPPF and seeks to illustrate 'how well-designed places that are beautiful, enduring and successful can be achieved in practice'. This sets out ten characteristics of well-designed places.
79. The Council places great weight on quality place making and Policy SP6 (Promoting High Quality Design) of the ALP is relevant and aligns with this national guidance. The policy sets out a number of design criteria to which new development is expected to positively respond.
80. The supporting text to Policy SP6 of the ALP also requires all development proposals to reflect their local context, and where the built environment is of decent quality, new proposals should be sensitive in terms of scale, height, layout and massing to surrounding buildings.
81. The proposals have been subject to pre-application advice and have been presented to the Ashford Design Review Panel and as a result has seen greater consideration given to the historic significance of the mill building to inform the design proposals and a scaling back of the development in terms of its height and bulk. The site has also been enlarged to include the southern end of the car park, which has allowed the development to be 'stretched' across a larger site, introducing wider spaces between blocks.
82. I consider that the proposed layout has been carefully considered to respond to the site's unique and specific constraints and opportunities.

83. The site and its immediate surroundings are an important part of Ashford. The Pledges Flour Mill building whilst unlisted, is prominent and holds significant historical interest. As such, new development must not dominate the mill building, nor have an adverse impact on the adjacent Conservation Area and relate appropriately to the river.
84. The proposed spaces between the buildings would create a network and hierarchy of public open spaces, each with a different character and use and would improve the sites permeability to the surrounding network of streets and spaces including the river-side. The linkages between East Hill and the River walk through the development are particularly welcomed. It would provide an attractive route, connecting the town with the river.
85. The buildings are designed to provide natural surveillance of all of the external open spaces in line with good urban design practice.
86. Whilst the design approach is contemporary, it seeks to reflect and reference the industrial character and past of the site. The proposals feature relatively simple forms articulated with brick textures, metal cladding and contemporary proportions with a nod to the traditional and a simple but varied palette of high quality materials. No blocks are proposed to be the same but the materials and design features are coherent with one another helping to tie the scheme together.
87. I acknowledge that the proposals would result in new contemporary urban architecture that would be juxtaposed alongside the 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 and is appropriate to the uses proposed.
88. The buildings would be well detailed and include subtle variations in the building line and elevational articulation such as setbacks, cantilevers, projecting brick detailing, which along with quality materials will help ensure a visually rich architectural appearance and an overall high quality design.
89. 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.
90. 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.
91. The residential use levels of the blocks would be raised above existing ground levels due to the potential for flooding supported above a series of under

crofts. These areas are proposed to provide car parking and cycle stores and these more functional areas will be partly screened by new landscaped areas and feature brick hit and miss walls and perforated metal cladding. Whilst flood mitigation is discussed in subsequent parts of this report, some re-profiling of the areas nearest to the river is proposed and is intended to help provide increased flood storage. I have no objections to this in visual or landscape impact terms.

92. Significant landscape improvements are proposed throughout the site including the riverside walk and the Island part of the site that is currently inaccessible and overgrown. This would open up these areas for public access with the provision of new seating and viewing areas accessed from the footpath and across bridging structures within the site.
93. The landscape hard materials and soft landscape specification are high quality and appropriate for this prominent location, and would in my view be complimentary to the buildings, supporting the overall design.
94. 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 the site. 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 creates attractive public open spaces 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.

(e) Impact on heritage assets, the setting of Listed buildings and the Conservation Area.

95. Part of the application site lies within Ashford Town Centre Conservation Area and the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore relevant. There are also listed buildings adjacent to the site, the closest of which is the Star Inn.
96. Primary legislation under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State, as relevant, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses.
97. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act

1990 sets out the general duties of Local Planning Authorities in regards to the protection of Conservation Areas. Section 72 states “In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

98. Paragraph 199 of the NPPF states that 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.
99. Paragraph 200 of the NPPF sets out that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. It also 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.
100. The site’s main contribution to the Conservation Area is derived from the tower’s townscape value and the site’s association with historic milling, rather than the heritage significance of the mill building itself which has many modern unsympathetic additions.
101. The development proposals are centred on the conversion and reuse of the existing mill building which has fallen into disrepair since it was last used as a nightclub. Four additional blocks are proposed which would reduce in height from north to south. The proposed design has been developed with close consideration of the surrounding heritage assets which is something that the Design Review Panel commended as being “high-quality historical analysis (that) has informed the approach in a positive way”.
102. The four new blocks would not block locally significant views of the former Flour Mill’s tower from the top of East Hill, or from Civic Park (south of the tower). Furthermore, features of heritage interest identified in the Ashford Town Centre Conservation Area Appraisal, namely the sluice gates, which relate the history of the site, will be retained.
103. The proposed new buildings are also in keeping with the character of the Conservation Area, as there is a historic precedent both for greater massing on the site and in its immediate surroundings. The proposed development would therefore reintroduce some of the historic urban grain by strengthening the frontage to East Hill and introducing subservient development across the

site, which is a contemporary interpretation of its historic character and that of the immediate surroundings.

104. Whilst drawing on the language of the former industrial buildings on the site, the new additions would be contemporary interpretations, avoiding architectural pastiche. For example, Block B (adjacent to the mill building), would be constructed above the retained walls of the warehouse and be clad in metal, giving it an industrial feel, whilst also providing a contemporary contrast to - and maintaining the prominence of, the historic fabric below.
105. Further, by maintaining the tower, its signage bearing its historic function/Pledge's name and drawing the design language from the historic character of the site, the proposed development would both maintain and celebrate the townscape contribution of the tower and the historic association of the site with historic milling in the area. I am therefore satisfied that the significance of the Flour Mill as a heritage asset has been considered and reflected in the proposals.
106. I also consider that the new buildings would be positive additions, which would enhance the character and appearance of Ashford Town Centre Conservation Area, as well as the settings of nearby designated heritage assets by removing detracting features and strengthening the East Hill frontage.
107. In light of the above, I am satisfied that overall the proposals comprise a well thought out response to the site, and will enhance its significance, the character and appearance of Ashford Town Centre Conservation Area, and the settings of the designated heritage assets nearby. As a result I am satisfied that the development would result in less than substantial harm to the significance of the designated heritage assets and the Conservation Area, further public benefits would arise through the long term conservation of the former mill for the enjoyment of future generations in accordance with paragraph 202 of the NPPF.
108. I have considered the proposals in the light of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, relating to the settings of listed buildings and Conservation Areas. The proposals response to both the non-designated heritage assets on the site, as well as the Conservation Area, is also considered to be in line with guidance set out in the NPPF, which encourages new, sympathetic development within Conservation Areas. In addition, by bringing redundant buildings and areas into appropriate use, consistent with their conservation, and ensuring that important views of the flour mill's tower are not impacted, the proposals would in my view comply with Ashford Local Plan policies Policy ENV13 and ENV14.

109. The site is located within the Ashford Green Corridor - within area A1 of the Green Corridor Action Plan (Civic and Stour Centre and North and South Parks). It is described as a key movement area. The area is at the centre of the town and the green corridor itself and is an important part of the movement network, where many footpaths and cycle paths link to other areas of the town, the station, the surrounding schools and the recreation and play areas in and around the Stour Centre.
110. The Green Corridor Action Plan does not propose any key projects or enhancement works specifically related to the site although areas around the river within Civic Park are identified for habitat enhancement.
111. 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 intended that they provide an area for recreation, visually provide a break in the built-up areas and offer an important habitat for biodiversity.
112. 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*'.
113. Importantly the wording of ENV2 also makes it clear that exceptions to such restrictions include for the redevelopment of a suitable brownfield site (criterion (a)), or delivers over-riding benefits (criterion (b))
114. The proposal here does relate to the redevelopment of a suitable existing previously developed site that is not an allocated site. Further, the principle of office space is also acceptable in principle in this location in accordance with SP3 (c) and EMP1. The proposal would also deliver new accessible landscaped areas, enhancing the quality of the Green Corridor in this location by opening up areas that are currently of poor quality with no public access. This compares favourably to the current situation. The development would also secure further benefits, including biodiversity enhancements alongside improvements in drainage and public access to open space and river accessibility. In design terms, the reuse of this vacant brownfield site and the potential for the enhancement of the sites contribution to the visual amenity of the Green Corridor are further benefits of the scheme.
115. I consider that the applicants approach would appropriately mitigate the development and provide real benefits, in accordance with policy ENV2 of the Local Plan.

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

116. 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.
117. The SPD requires that for a proposal of this size, informal/natural open space would be provided off site. Further, off site provision is required for indoor and outdoor sport, strategic parks, play and allotments. As such, financial contributions are proposed for informal/natural open space, sport facilities provision (indoor and outdoor), play, allotments and strategic parks off-site.
118. In conclusion, I consider that the proposed financial contribution for 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.

(h) The Impact of the Development on Residential Amenity

119. All dwellings would comply with the Nationally Described Space Standards set out in Policy HOU12 and the Council's Residential Space and Layout SPD. Most dwellings would also provide private external open space in the form of projecting or recessed balconies in accordance with Policy HOU15 of the ALP. Given that part of the redevelopment includes the conversion of the mill it would not be appropriate to include balconies on this building. All units would benefit from good levels of outlook. The introduction of duplex apartments is also supported as it creates a distinct character and a different kind of space.
120. Block A would include a ground level 'super-lounge' for residents to meet, work and foster community. Block A would also include a residents café. It is also proposed to include a gym in Block C that would be accessible to residents across the development. In my view, the internal layout would provide good quality town centre living arrangements for future residents.
121. There are no residential or other sensitive land uses within close proximity to the application site and its redevelopment would not result in any significant adverse impacts on the amenities of the users of surrounding buildings. I am therefore satisfied that the proposals would safeguard and promote a high standard of amenity for future users of the development in accordance with paragraph 130 of the NPPF.

(i) Whether the proposal is acceptable in terms of flooding and surface water drainage

122. The site is located with Flood Zone 3a and 3b 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.
123. 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.
124. The applicant has submitted a Flood Risk Assessment in support of the application which is summarised in a preceding section of this report.
125. 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.
126. A key requirement of the sequential test is that sites tested as alternatives 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.
127. The extent of the sequential test is concentrated on the town centre. The scoping exercise included a number of different sites. 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.
128. 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.
129. 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:
 - the provision of new housing comprising of 53 residential dwellings in a managed flatted scheme within a highly sustainable location within Ashford Town Centre, atop the settlement hierarchy for the Borough;

- the development of a highly sustainable site with very good access to facilities and services, given the site's location within the designated Town Centre for Ashford;
 - the high quality redevelopment of an existing non-designated heritage asset within a designated Conservation Area;
 - the creation of new open space for public use within a designated Green Corridor, improving and enhancing a currently inaccessible and overgrown area of this corridor;
 - contributions to the protection and enhancement of the natural environment through:
 - enhancement of the existing green infrastructure and linkages on site, provide valuable wildlife habitats and corridors;
 - through detailed flood risk and drainage assessment and mitigation, offer opportunities to improve natural drainage system
 - a range of economic benefits through local construction jobs that would be created during the construction phase of the development;
 - job creation through the provision of an on-site office to be occupied by Oliver Davis Homes as its headquarters;
 - that future residents would contribute to the economic prosperity of the area through additional expenditure in local shops and services; and
 - any contributions to be secured by legal agreement for wider community infrastructure.
130. The applicant also 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.
131. The Environment Agency raise no objection to the development. 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.
132. The Environment Agency recommends the attachment of a number of planning conditions to any permission subject to this I am satisfied that the

requirements of the NPPF are met in terms of flooding along with the requirements of policy ENV6.

133. In terms of surface water drainage, the applicant proposes a SuDS scheme. KCC who are the Lead Local Flood Authority raise no objections subject to conditions stating that the drainage strategy shows that the surface water runoff discharges to the adjacent rivers at a rate of 1l/s from two flow control chambers restricting the discharge from attenuated permeable paving.
134. 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.

(j) Ecology;

135. 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.
136. The 'Great Stour, Ashford to Fordwich' Local Wildlife Site (LWS) runs adjacent to the site (the river), which is also a priority habitat under the S41 of the NERC Act 2006. The submitted documents state that best practice pollution guidelines will be implemented into a Construction Environmental Management Plan (CEMP) to negate adverse impacts to the LWS during the construction. KCC Ecological Advice is that a CEMP is conditioned with any granted planning permission.
137. The bat emergence surveys found a day roost for low numbers of Common Pipistrelle bats within the main building on-site. As all bats and their roosts are strictly protected, and because the building will be demolished, mitigation measures will need to be implemented under licence from Natural England.
138. To maintain the favourable conservation status of bats, mitigation measures have been proposed. Given the low importance of the roost, the report has highlighted two main measures which must be undertaken:
- Provision of bat roost boxes nearby, prior to the start of works, to ensure roost continuity.
 - Demolition/dismantling will be supervised by a licensed bat worker.
139. KCC Ecology in their consultation response have advised that they are satisfied with these measures but suggest that their implementation is secured via a condition.
140. Conditions are also suggested in relation to lighting and biodiversity

enhancements of which full details would be secured.

141. In light of the above 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

Sustainability and renewables

142. The applicants response to climate change and sustainability is set out within the submitted sustainability strategy (see annex 1 of this planning committee report). A number of measures aimed at reducing the impact of climate change are proposed as follows:

- High thermal performance
- Passive solar shading
- Water package heat pump – generates 55 degree C heating and hot water
- PV arrays to east, south and west orientations,
- EV charging (50% active and 50% passive).
- PIR controlled LED lighting to car parking areas and external area elevations
- Ecological enhancements

143. I consider that the measures proposed would make a valuable contribution to reducing greenhouse gas emissions and as such are welcomed.

Archaeology

144. The site lies within the valley of the East Stour River and as such as there is potential for Early Prehistoric, Bronze Age and Iron Age remains. The location within the valley suggests there may be rare palaeoenvironmental remains associated with activity increasing the potential significance of any cultural remains and structures. There is some evidence of Roman activity here and Ashford may have been an Early Medieval settlement. It developed as a Medieval market town and post medieval settlement. The 1st Ed OS map suggests the site was originally part of a corn mill complex with water management systems and associated structures and buildings. By the late 19th century the mill had become a more industrialised flour mill with associated water management features and associated buildings.
145. There is considerable potential for this site to contain multi-period remains, including possible Medieval mill remains. The mill complex has been redeveloped several times but there may still survive good evidence of its historic development and its origins.

146. KCC Heritage have been consulted and have suggested pre commencement conditions relating to archaeology. These conditions, which are acceptable to the applicant, would require extensive archaeological field evaluation and specifically building survey and assessment work to ensure the preservation in situ of any building remains.
147. I am satisfied that archaeology matters can be appropriately mitigated with in accordance with policy ENV15.

Refuse

148. Sufficient communal refuse and recycling storage has been incorporated into the scheme. The storage areas are easily accessible from the building cores and within a 10 metre pull distance for operatives. Tracking plans of refuse vehicle movements have been submitted to demonstrate that the layout of the development works.
149. Notwithstanding the above, no details of the design of the bin collection area has been submitted. I recommend that these and fine details (to ensure good practice in relation to general waste, food waste and recycling, including details of internal signage and any other related proposals to achieve such practice and help avoid cross-contamination) are secured by an appropriate condition.

Five Year Housing Land Supply

150. The Council's latest Housing Land supply position 'Five Year Housing Land Supply Update July 2021' was published in November 2021 and covered the period from 2021 to 2026^[1]. The statement concludes that the Council can demonstrate 4.54 years' supply of land for housing.
151. However, an Inspector recently published an appeal decision, (reference APP/E2205/W/21/3284479 - Land between Woodchurch Road and Appledore Road, Tenterden, Kent, TN30 7AY) which challenges the Council's assumptions. The appeal decision referred to as the 'Wates' appeal is dated 30 March 2022^[2].
152. The appeal decision suggests that the Council is only able to demonstrate a 5-year housing land supply position of 3.5 years.
153. It is the Council's view that there are a number of issues associated with this appeal. These issues primarily relate to the assumptions made by the Inspector about the delivery of sites located in areas of the Borough that fall

[1] Five Year Housing Land Supply Position Statement [Five Year Housing Land Supply Update 2021-2026 \(ashford.gov.uk\)](https://www.ashford.gov.uk/Planning/Default.aspx?docid=2065991)

[2] Appeal decision reference APP/E2205/W/21/3284479
<https://planning.ashford.gov.uk/Planning/Default.aspx?docid=2065991>

within the Stour Catchment (where Natural England's Nutrient Neutrality Advice^[3] applies). The Council also note that the Inspector does not appear to have taken into account a recent letter from the Chief Planning Officer (dated 16 March 2022) which clearly elevates the nutrient issue and recognises that in affected areas "*there may be implications for the Housing Delivery Test and 5 Year Housing Land Supply*". This letter was written before the Wates Inspector made his decision.

154. Unless a legal challenge to the 'Wates' appeal decision is successful in the Courts then it is accepted that the figure of 4.54 is not the starting point in relation to the application of the 'tilted balance' that is engaged through paragraph 11(d) of the NPPF. Paragraph 11(d) of the NPPF states:

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

155. However, paragraph 11(d) criterion (i) is subject to *footnote 7* of the NPPF. *Footnote 7* lists the policies in the NPPF that protect areas or assets of particular importance. The policies referred to include those in the Framework relating to habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest.

156. For the reasons specified, it is the Council's position that, for the purposes of determining this application, *footnote 7* is clearly applicable, and thus would disengage the 'tilted balance' towards the grant of planning permission where a 5 year housing land supply cannot be demonstrated contained within paragraph 11 (d). However, as planning permission will only be granted if a favourable Appropriate Assessment is in place, the tilted balance would be academic and would not be relevant to the decision. It would only be relevant if the application were to be refused on other grounds but with the nutrient neutrality issue satisfactorily addressed.

157. In this particular case, I consider that the application is consistent with the Development Plan but the position on 5 year housing land supply only serves to reinforce my Recommendation further below.

^[3] Natural England Nutrient Neutrality Advice <https://www.ashford.gov.uk/media/0jabvost/ne-march-2022-letter-water-quality-and-nutrient-neutrality-advice.pdf>

Habitats Regulations

158. The Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
159. The importance of this advice is that the application site falls within the Stour catchment area and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations 2017 (as amended) would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to lawfully grant planning permission. This is consistent with the KCC Ecological Advice Services request.
160. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.
161. As matters stand, it is very likely that an off-site package of mitigation measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.
162. However, work commissioned by the Council has commenced on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
163. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), I recommend that a resolution to approve this planning application should also be subject to the adoption by the Head of Planning and Development (having consulted NE) of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) pursuant to a s.106 obligation and/or planning conditions that are necessary in order to

reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place. This is included as part of my Recommendation (B) detailed further below.

Planning Obligations

164. 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
165. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. KCC have made a number of requests for S106 money, however the Council are currently reviewing these requests to make sure they are aligned with Regulations and that the evidence is available to justify the amounts. Until that has been determined, the Council continue to rely on the pre 2020 requests from KCC as those are judged to be robust and based on evidence that was in the public domain
166. I have assessed the planning obligations in Table 1 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

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Ashford Borough Council Planning Obligations				
Page 238	<p><u>Accessible and Adaptable Dwellings</u></p> <p>In accordance with Policy HOU14:</p> <p>At least 20% [total of 9 dwellings] of all new-build homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>20% across the new-build parts of the site.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>	<p>Necessary as providing a mix and type of housing required to meet identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as the accessible/adaptable housing would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
2.	<p><u>Allotments</u></p> <p>Project detail (off site):</p>			<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1 and COM3 Public</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page: 239</p>	<p>Capital contribution towards allotments and/or community garden within 1km of the development site, to provide a qualitative improvement, and/or quantitative improvement with provision of new allotments within the borough.</p>	<p><u>Off site:</u></p> <p>£258.00 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p> <p><u>Indexation:</u> BCIS General Building Cost index 2012</p>	<p><i>Upon occupation of 75% of the dwellings</i></p>	<p>Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><u>Art and Creative Industries</u></p> <p>Project detail:</p> <p>Contribution towards provision within the town centre, including Revelation St Mary's Arts Trust and town centre events, with delivery which targets new residents in the development.</p> <p><i>The Local Plan identifies the following facilities strategic art spaces: Revelation at St</i></p>	<p>£338.40 per dwelling for capital costs</p> <p><u>Indexation:</u> BCIS General Building Cost index 2019</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary in order to achieve an acceptable level and quality of provision for art and creative industries, pursuant to Local Plan Policies SP1, IMP1, COM1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p>Directly related as occupiers will use arts and creative industry facilities, and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>

	<p><i>Mary's, Rehearsal and Production Centre, Making and exhibiting workspaces, Arts use in community hubs.</i></p>			
<p>4.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 240</p>	<p><u>Children and Young People's Play Space</u></p> <p>Project detail (off site):</p> <p>When funding is available the investment will be towards a site in response to the Open Space Strategy and audit results, where a public open space is requiring improvement and/or where a gap in provision is identified. As a geographical location, within 600m of the site. The potential project will be towards provision and improvements at Queen Mothers Park and/or Stour Centre play space</p>	<p><u>Off site:</u></p> <p>£649.00 per dwelling for capital costs</p> <p>£663.00 per dwelling for maintenance</p> <p><u>Indexation:</u> BCIS General Building Cost index 2012</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1 and COM2 Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
<p>5.</p>	<p><u>Indoor Sports Provision</u></p> <p>Project detail (off site):</p>	<p><u>Off site:</u></p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as additional indoor sports facilities are required to meet the demand that would be generated and must be maintained in order to continue to meet that</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 241</p>	<p><i>Schemes in the Ashford Urban Area:</i></p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>£543.81 per dwelling for capital costs</p> <p>(capital only – contributions are derived from the latest Sport England Calculator).</p> <p><u>Indexation:</u> BCIS General Building Cost index 2019</p>		<p>demand pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use indoor sports provision and the buildings provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities</p>
	<p><u>Informal Natural Green Space</u></p> <p>Project detail (off site):</p> <p>When funding is available the investment will be towards a site in response to the Open Space Strategy and audit results, where a public open space is requiring improvement and/or where a gap in provision is identified. As a geographical location,</p>	<p><u>Off site:</u></p> <p>£362.00per dwelling for capital costs</p> <p>£325.00 per dwelling for maintenance</p> <p>Indexation: BCIS General</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1 and COM2 Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the</p>

	within 600m of the site. The potential project will be towards improvements at Civic Park and/or Queen Mothers Park.	Building Cost index 2012		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.
7. Page 242	<p><u>Outdoor Sports Provision</u></p> <p>Project detail (off site):</p> <p><i>Schemes in the Ashford Urban Area:</i></p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p><u>Off site:</u></p> <p>£873.47 per dwelling for capital costs</p> <p>£519.59 per dwelling for maintenance</p> <p><i>(For capital contributions - calculations are derived from the latest Sports England Calculator)</i></p> <p><u>Indexation:</u> BCIS General Building Cost index 2019</p>	Upon occupation of 75% of the dwellings.	<p>Necessary: as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 and guidance in the NPPF.</p> <p>Directly related: as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fair and reasonably related in scale and kind: considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

<p>8.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 243</p>	<p><u>Strategic Parks</u></p> <p>Project detail:</p> <p>Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within the 'Hubs' identified in the Local Plan 2030.</p>	<p>£146.00 per dwelling for capital costs</p> <p>£47.00 per dwelling for maintenance</p> <p><u>Indexation:</u> BCIS General Building Cost index 2012</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1 and COM2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
<p>9.</p>	<p><u>Voluntary Sector</u></p> <p>Project detail:</p> <p>Contribution towards volunteering in Ashford town centre, which relates to the Ashford Volunteer Centre and the new residents in the development</p>	<p>£87 per dwelling</p> <p><u>Indexation:</u> BCIS General Building Cost index 2019</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, IMP1 and COM1 KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale</p>

				and kind considering the extent of the development.
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Kent County Council Planning Obligations				
Page 244	<p>10.</p> <p><u>Adult Social Care</u></p> <p>Project detail:</p> <p>Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough</p>	<p>£47.06 per dwelling</p> <p><u>Indexation:</u> BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related 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>Fairly and reasonably related in scale and kind 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>11.</p> <p><u>Community Learning</u></p> <p>Project detail:</p> <p>Towards additional resources and equipment at Ashford AEC</p>	<p>£16.42 per dwelling</p> <p><u>Indexation:</u> BCIS General</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on</p>	<p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

	for the additional learners from development	Building Cost Index from Oct 2016	occupation of 50% of the dwellings	<p>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
12. Page 245	<p><u>Education Land</u></p> <p>Project detail:</p> <p>Towards the new Conningbrook Park Primary land acquisition</p>	<p>£590.98 per applicable flat (x29)</p> <p><u>Indexation:</u></p> <p>BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary to increase capacity pursuant to, Local Plan 2030 Policies SP1, IMP1, COM1 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>Directly related as children of occupiers will attend school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number pupil places and is based on the</p>

				<p>number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly</p>
<p>13.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 246</p>	<p><u>Libraries</u></p> <p>Project detail:</p> <p>Towards additional resources, services and bookstock for Ashford library for the new borrowers generated by this development</p>	<p>£48.02 per dwelling</p> <p><u>Indexation:</u> BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
<p>14.</p>	<p><u>Primary Schools</u></p> <p>Project detail:</p> <p>Towards the new Conningbrook Park Primary School</p>	<p>£1134.00 per flat (x29) flats.</p> <p><u>Indexation:</u> BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as there is no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, IMP1, COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the</p>

				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.
15.	<p><u>Secondary Schools</u></p> <p>Project detail</p> <p>Towards the provision of new secondary school places in the Borough</p>	<p>£ 1172.00 per flat (x 29 applicable flats)</p> <p><u>Indexation:</u> BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, IMP1, COM1 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>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind 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>
16.	<p><u>Youth Services</u></p> <p>Project detail:</p>			<p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 KCC document</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 248</p>	<p>Towards additional resources for the Youth service in Ashford</p>	<p>£27.91 per dwelling</p> <p><u>Indexation:</u> BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>	<p>'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because 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>
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Other Obligations				
<p>17.</p>	<p><u>Health Care (NHS)</u></p> <p>Project detail:</p> <p>Towards refurbishment reconfiguration and/or extension of Sydenham House Medical Centre and/or Hollington Surgery and/or Wye Surgery and/or towards new general practice</p>	<p>£32,976 in total</p> <p><u>Indexation:</u> Indexation applied from the date of the resolution to grant</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>	<p>Necessary to increase capacity to meet the demand that would be generated by the development pursuant to Local Plan 2030 Policies SP1, IMP1, COM1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and</p>

	premises development in the area	permission.		kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.
Site Specific Obligations				
18. Page 249	<p><u>Safeguarding pedestrian and cycle routes from Civic Park through to East Hill and Mace Lane</u></p> <p>Permissive public access to be provided to these areas</p>		Timetable for permissive access to be agreed relating to agreed phasing of the scheme elements and thereafter implemented in accordance with that timetable and thereafter retained in perpetuity.	<p>Necessary as the space is required to properly connect the development and the non-residential employment therein with the surrounding neighbourhood in accordance with SP1 and SP6 of the ALP 2030.</p> <p>Directly related as people will need to move without hindrance through the space irrespective of governance as constituent parts of a well-designed mixed use redevelopment.</p> <p>Fairly and reasonably related in scale and kind considering that the space is proposed by the applicant as public realm connecting the development with its surroundings.</p>
19.	<p><u>Travel Plan</u></p> <p>Project:</p> <p>Provision of cycle vouchers, car share scheme, discounted bus tickets for scheme residents</p>	Prior to first residential occupation		<p>Necessary pursuant to policy SP1 of the Ashford Local Plan 2030 and related policies and to support measures in the required Travel Plan required to achieve a shift in travel behaviour and dovetailing with the approach to the quantum of on-site parking able to be achieved.</p> <p>Directly related as the discounts will be available to occupiers.</p>

				<p>Fairly and reasonably related in scale and kind considering the scale of the development as proposed and the approach to the provision of on-site car parking balancing quantum able to be achieved on-site with good place-making, heritage constraints and proximity to other forms of transportation other than the car.</p>
Monitoring				
Page 250	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring and reporting compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p> <p><u>Indexation:</u> Indexation applied from the date of the resolution to grant permission.</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>

Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.

PLEASE NOTE:

- **If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported**

back to Planning Committee and subsequently refused.

- **Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change**

Human Rights Issues

167. 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

168. 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

169. The site is not allocated for development in the adopted development plan.
170. The proposal is one that I consider would comply with the criteria set out in policy HOU3a of the Local Plan.
171. Affordable housing 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.
172. 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, both onsite and during the construction process, and other economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.
173. Sustainability measures are proposed within the scheme such as PV panels, EV charging points for electric vehicles, a water package heat pump, solar shading and PIR controlled LED lighting. 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.

174. 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.
175. 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.
176. 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.
177. Additional traffic movements can be accommodated within the existing 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 and cycleway enhancements from Civic Park to East Hill are also proposed. Acceptable car parking would be provided within the site given the town centre location and measures are proposed to prevent inappropriate overspill car parking on neighbouring streets. The development would comply with policies HOU3a (d), (g) and TRA3a.
178. The proposals would provide a unique and high quality design that responds to the site and delivers a contemporary form of architecture which will 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. In addition, the development would cause less than substantial harm to the significance of the designated heritage assets and would enhance the character and appearance of Ashford Town Centre Conservation Area, by removing detracting features and strengthening the East Hill frontage.
179. Contributions are also sought towards natural and informal open space, play, strategic parks, sports provision, and allotments and towards local schools, health services and other community and volunteer services in line with policies HOU3a (f), COM1, COM2 and COM3.
180. In light of the above, I consider 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. I therefore recommend that permission be granted subject to the completion of

a s.106 agreement and the planning conditions set out at the end of the report.

Recommendation

PERMIT

- 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 Solicitor to the Council, 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 applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,**
- C 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**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Code of Construction practice
4. Hours of construction
5. Wheel washing, site set-up and contractor parking arrangements
6. Highways
7. Provision and retention of parking for the respective uses (residential, office, and Ashford School)

8. Provision of 50% active EV 7kw chargers and 50% passive including details of supporting infrastructure and its location
9. Provision and retention of secure cycle parking and bin storage
10. Details of bin storage
11. Contamination
12. Foul water sewerage disposal details
13. SUDs scheme including verification
14. Tree protection measures
15. Full details of hard and soft landscaping works within the site, including permeable paving
16. Tree pits
17. Water use not to exceed 110 litres per day
18. External bricks, roof tiles, feature bricks, metal cladding to elevations, balcony balustrading, entrance canopies and other external detailing such as rainwater goods, vents and flues and external materials all to be agreed prior to usage in the buildings.
19. Implementation of Travel Plan
20. Details of signage and art
21. Finished Floor Levels
22. Flood compensation
23. Ecological management plan
24. CEMP
25. Bat mitigation strategy
26. Ecological enhancements
27. Archaeological investigation and mitigation
28. Flooding – site evacuation plan
29. Noise mitigation
30. Details and locations of PV panels
31. Lighting strategy and details including sensitive lighting for bats
32. Green roof details
33. Available for inspection

Note to Applicant

1. S106
2. Working with the Applicant

Working with the Applicant

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

- offering a pre-application advice service,
- working with the applicant to present the proposals to Design Review
- 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 with the opportunity for design review,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

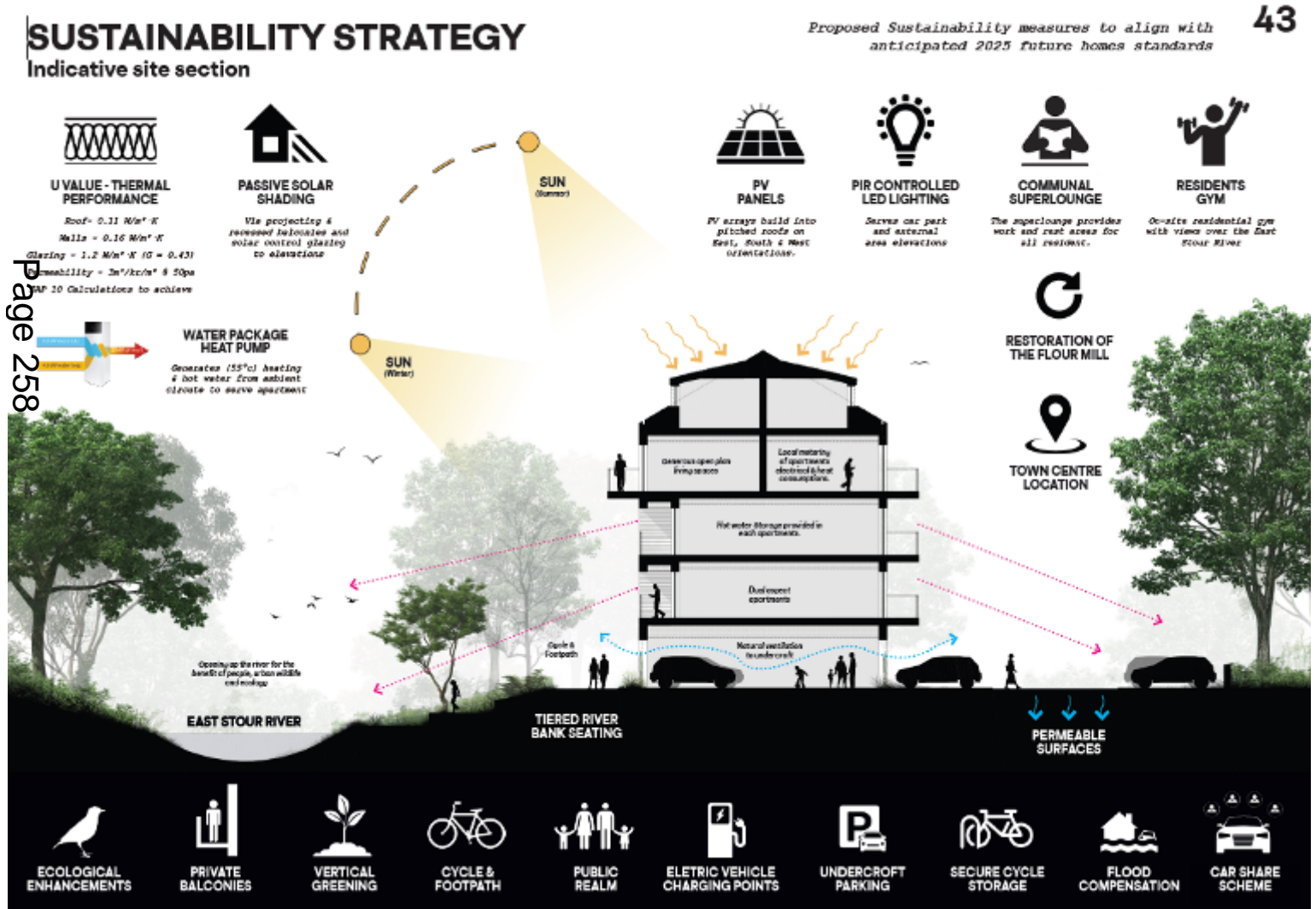
Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 21/02216/AS)

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Annex 1:



Report of the Ashford Design Review Panel

The Flour Mill

06th May 2021

The design review meeting

Reference number	1581/210421
Date	21st April 2021
Meeting location	Online via Teams
Panel/forum members attending	Liz Gibney (Chair), Architecture, Urban design Jon Akers Coyle, Landscape Architecture, Public Realm Nimi Attanayake, Architecture, Housing Chris Bearman, Architecture, Housing Richard Portchmouth, Architecture, Urban Design
Panel manager	Nichole Avan-Nomayo, Design South East
Presenting team	Guy Hollaway, Hollaway Ben Ludlow, Hollaway Elliot Waters, Hollaway Donald Roberts, ETLA
Other attendees	Jeremy Fazzalero, Ashford Borough Council Katy Magnall, Ashford Borough Council Lesley Westphal, Ashford Borough Council Cllr Charles Suddards, Ashford Borough Council Oliver Davis, Oliver Davis Homes Reece Lemon, Hume Planning Chris Downs, Create Consulting Engineers (Flood)
Site visit	This review was carried out during the Covid-19 outbreak which started in 2020 and has continued into 2021. A digital walk-around (in a similar fashion to that which would have been conducted on-site) was carried out prior to the review, including presentation of site photos by the applicant team.
Scope of the review	As an independent design review panel, the scope of this review was not restricted.
Panel interests	Panel members did not indicate any conflicts of interest. Jon Akers Coyle notified us that he had worked with Hollaway Architects on one project 1.5 years ago. This was not deemed to constitute a conflict of interest.

Confidentiality This report is confidential as the scheme is not yet the subject of a detailed planning application. Full details of our confidentiality policy can be found at the end of this report.

The proposal

Name	The Flour Mill.
Site location	24 East Hill, Ashford.
Site details	<p>The site is located within Ashford, at the confluence of Great Stour and East Stour rivers.</p> <p>The existing site comprises the former Pledges Flour Mill, and is bounded by Mace Lane to the north, East Stour river to the east, East Hill to the west and open parkland to the south.</p> <p>This historical industrial building has been through several uses and was last used as a nightclub on the ground floor and residential units above. It has remained vacant since 2013, and a car park is located on the southern end of the site, on lease to Ashford Borough council. The site is within the Ashford Green corridor, in flood zone 2 & 3, and measures approximately 0.5 ha. It is a short distance to Ashford International and Ashford Borough Council.</p>
Proposal	<p>The development involves the part demolition, extension and refurbishment of the existing Flour Mill building into new residential apartments, a 'super lounge' (café and workspace) at ground floor and the developer's office. Additional residential units will be created in three new blocks on the site. In total 62 apartments will be provided.</p> <p>Undercroft parking will be allocated within the new blocks, with additional bays around the site; and bays set aside for the council at the southern end. The proposal also includes the formation of a new riverside walk linking the Flour Mill site to an existing inaccessible island.</p>
Planning stage	Pre-Planning application.
Local planning authority	Ashford Borough Council.

Planning context	<p>The unlisted Flour Mill building is close to listed buildings in East Hill.</p> <p>It is within Ashford Town Centre Conservation Area, and a nature reserve occupies the northern corner of the site. The Local Plan policy relevant to the site is Policy ENV2.</p>
Planning authority perspective	<p>The site and its immediate surroundings are an important part of Ashford. The principle of a development on this site is deemed acceptable by the authority, subject to an appropriate proposal. Concerns have been raised at pre-planning stage which the authority would like addressed at the design review about the height of the proposed new blocks and their relationship with the existing mill building.</p> <p>The building holds significant historical value in Ashford. As such, the new residential blocks must not dominate the mill building, nor have adverse impact on the adjacent conservation area, and relate appropriately to the river.</p> <p>The council is seeking further advice from the panel to address the above matters, with emphasis and clarity on sustainability, appropriate response to the site, its heritage, and the Ashford Green Corridor.</p>
Previous reviews	<p>This scheme has not previously been reviewed by this panel.</p>

Summary

The Flour Mill building and site, have great potential. However, its historic riverbank setting, location within the conservation area and relationship with long views of heritage assets require a sensitive design approach.

We are pleased the scheme came to review at this early stage in the design process. However, more work is required to achieve a site-specific scheme, based on a thorough contextual assessment, including the river and heritage, and an understanding of the existing mill building.

To help progress the scheme, we strongly recommend smaller scale design reviews are undertaken to address specific areas for design development based on the recommendations set out in this report, prior to a planning application submission.

Key recommendations

1. Strengthen the scheme to achieve an exceptional development for Ashford.
2. Provide an in-depth heritage analysis of the site's industrial background, with a detailed response in the proposal.
3. Establish a sustainability and landscape strategy to drive the development from the outset in response to the wildlife site and green corridor, the Environment Agency's flood advice and climate emergency; to include materiality, zero carbon strategy, biodiversity improvements and integration.
4. Remove the council's parking allocation on the southern end of the site, to enhance the quality of the scheme on the proviso that the developer does not reinstate parking in the area.
5. Maintain the dominance of the existing Flour Mill building, and ensure it remains the flagship building in the development.
6. Re-work the internal and external spatial configuration of the development and consider cluster and courtyard type buildings along with their various roofscapes.
7. Refine the proposed public and private realm aspects of the site.
8. Respond specifically to the different characters (industrial and tree lined) of both rivers and maximise their unique sensitivities in the landscape strategy to reveal them.

Detailed comments and recommendations

1. Context and identity.
 - 1.1. The Flour Mill site is an important part of Ashford, by virtue of its proximity to heritage assets, its conservation area setting and its industrial history. In view of this, we are concerned about the lack of contextual analysis and demonstration of how this has informed the proposal and its development to achieve a site-specific response.
 - 1.2. In addition, the design principles governing the scheme are unresolved, culminating in a loss of identity. As such, an in-depth analysis of the Flour Mill building and the site is required to inform the design narrative, depicting the site's character- the river, wildlife, and the green corridor.
 - 1.3. The new apartment blocks, together with the existing Flour Mill building, create a poignant presence in the surroundings. This raises questions about the wider visual impact on the conservation area, the listed buildings at East Hill, and Ashford Borough Council offices located to the south. To address this, a landscape visual impact assessment/analysis should be carried out from East Hill, Mace Lane, and the southern parkland.
 - 1.4. An indication of the concept of the building typology is also needed – explaining how a private rental schemes (PRS) will differ from the private sale schemes being built in Ashford.
2. Sustainability
 - 2.1. The site's natural setting and constraints underpin the need for a sustainability strategy. Its absence in the scheme is disappointing, given its location in a flood zone, the ground water vulnerability, the wildlife site, and the nature reserve along the green corridor.
 - 2.2. We note the proposed use of photovoltaics within the development, but insufficient details have been provided. The development of the Flour Mill site should embed as many sustainability measures as possible to ensure the scheme addresses the climate emergency.

3. Landscape, ecology, and biodiversity
 - 3.1. As a strategic move, we support the opportunity for an ecologically enhanced riverside walkway to meet ENV2 policy requirements, and to enhance the connection to the town's riverside green corridor.
 - 3.2. We would strongly encourage as part of the heritage assessment a greater understanding of the sectional relationship between development edge and riverine systems.
 - 3.3. The ongoing discussions with the Environment Agency (EA) at this stage is encouraging and the EA's satisfaction with the lowered ground level by the river embankment is a promising start for the scheme.
 - 3.4. We encourage the development of the river modelling exercise for discussions with the EA. The model's output will determine the environmental viability of the proposal, and this needs to be clearly demonstrated in the next design iteration.
 - 3.5. There is much to be considered regarding the external environment. In the absence of an arboricultural assessment, ecology, and biodiversity action plan, we implore the design team to begin this process to inform the design's response to the site and its link to the existing wildlife.
4. Masterplan, architecture and layout.
 - 4.1. The masterplan option brought forward for discussion works in a few aspects, for example the connecting bridges linking spaces together enhances the site's permeability from the road network. Nonetheless, the masterplan needs detailed development, with clarity on the riverside and the island's spatial quality.
 - 4.2. The notion to link East Hill to the Riverwalk through the development is commended. It could provide an attractive route, connecting the town with the river. However, the historic sense of place at the 'foot of the hill' is currently not celebrated. Aligned with a cluster-type approach, there may be precedent to explore a yard typology as the key public space within the scheme.
 - 4.3. The building composition on the masterplan and the spaces formed around the building are incongruous. We suggest cluster-type buildings or courtyards could be the best approach for the site to make a stronger connection with its inherent and historic qualities.

- 4.4. The historic relevance of the Mill, with its location at the confluence of the rivers, could be exploited much more positively to create a unique site-specific response for public realm and architecture.
- 4.5. The architectural intent of the proposed apartment blocks is not evident, and reference to the historic context lacks conviction. Therefore, as the scheme progresses, development of the architectural expression will help to enrich the proposals.
- 4.6. The unique setting of the site presents an opportunity to create views from the apartment blocks as a selling point.
- 4.7. The proposed building footprint, bulk, mass, and height dominate the presence of the Flour Mill building. We suggest that blocks B, C and D are fragmented to make them subservient to the Flour Mill building.
- 4.8. The design of the new apartment blocks is unconvincing nor is it the right response for the site. To address this, we recommend the roof form is changed and design inspiration is taken from the existing Flour Mill building.
- 4.9. Features on the existing lower mill building indicate that it may be an original part of the Flour Mill building. As such, its demolition is misconceived. Consideration should be given to restore, retrofit and maximise the rooftop area by adding an extension on top.
- 4.10. Concerns were raised around the quality of the communal circulation areas and the internal layout of the apartments. A single core with dog-leg corridors serving 10 to 14 units, is not the right model for this location.
- 4.11. Apartments which are single aspect and north facing will be undesirable from a living perspective and are likely to become undesirable from a marketing perspective. This needs to be redressed together with the reworked building typology.
- 4.12. The design team should also consider rationalising apartment types for ease of maintenance in the future.
- 4.13. The ground floor 'super lounge' needs to be developed to ensure that it does not become an underused space. There needs to be a clear hierarchy between private and public use, for example a mezzanine or roof top area for the resident's private use.

5. Parking and Bin Storage
 - 5.1. The Flour Mill site benefits from its sustainable location in Ashford. With the busy Mace Lane on the north, linking the site to the rest of the town centre and key local and international travel hubs requires an assessment of the future need for vehicles on the site.
 - 5.2. The site's good connectivity provides an opportunity to challenge the council's parking standards with fewer parking spaces in the development, and to promote pedestrian movement and cycle routes instead. This will need to be evidence based.
 - 5.3. The council's parking allocation at the southern end of the site compromises the entire development. The panel strongly advise a discussion between the client and the council to purchase this small parcel of land and integrate it into the scheme for other uses, revealing better pedestrian connections and stronger setting to the southern parkland.
 - 5.4. The under-croft parking layout is weak and needs to be replanned. It is also unclear how the vehicular access will work alongside the pedestrian routes through the site without forming barriers to the pedestrian movement.
 - 5.5. The incorporation of the bin storage in the under-croft parking area is a sensible strategy. As the scheme evolves, plans will need to show the bin store location in detail and capacity, in line with the council's design standards.
6. Materials and detailing.
 - 6.1. Information on the proposed materials and detailing was not presented at the review, thereby preventing in-depth discussions. We recommend that materials reflecting the site's industrial history are used in the scheme. Done successfully, this would help to create a development which affirms its presence in this part of Ashford.
 - 6.2. Paragraph 130 of the National Planning Policy Framework (2018) states: *'Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*
 - 6.3. The applicant team and local authority should note Design South East's general guidance on material quality and detail. At planning application stage, the quality of the detailing should be demonstrated through large scale drawings at 1:20 and 1:5 of

key elements of the building/landscape and should be accompanied by actual material samples which should be secured by condition as part of any planning approval.

7. Energy Strategy

- 7.1. The design of the development is still evolving, however, the lack of an energy strategy to drive the scheme from the outset is a concern. We advise that the design team begins this process to ensure the scheme is thoroughly considered.
- 7.2. Our guidance is that at planning, the proposal must include a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods.

Confidentiality

If the scheme was not the subject of a planning application when it came to the panel, this report is offered in confidence to those who attended the review meeting. There is no objection to the report being shared within the recipients' organisations provided that the content of the report is treated in the strictest confidence. Neither the content of the report, nor the report itself can be shared with anyone outside the recipients' organisations. Design South East reserves the right to make the content of this report known should the views contained in this report be made public in whole or in part (either accurately or inaccurately). Unless previously agreed, pre-application reports will be made publicly available if the scheme becomes the subject of a planning application or public inquiry. Design South East also reserves the right to make this report available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please inform us.

If the scheme is the subject of a planning application the report will be made publicly available, and we expect the local authority to include it in the case documents.

Role of design review

This is the report of a design review panel, forum or workshop. Design review is endorsed by the National Planning Policy Framework and the opinions and recommendations of properly conducted, independent design review panels should be given weight in planning decisions including appeals. The panel does not take planning decisions. Its role is advisory. The panel's advice is only one of a number of considerations that local planning authorities have to take into account in making their decisions.

The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.

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Page 269



Report of the Ashford Design Review
Panel

The Flour Mill, Ashford

27th September 2021

The design review meeting

Reference number	1678/090921
Date	9 th September 2021
Meeting location	Online via Teams
Panel/forum members attending	Liz Gibney (Chair), Architecture, Urban design Jon Akers Coyle, Landscape Architecture, Public Realm Nimi Attanayake, Architecture, Housing
Panel manager	Kieran Toms, Design South East
Presenting team	Guy Holloway, Holloway Ben Ludlow, Holloway Matt Whitby, Holloway Donald Roberts, ETLA Georgia Foy, Icen Projects Oliver Davis, Oliver Davis Homes Reece Lemon, Hume Planning
Other attendees	Alex Stafford, Ashford Borough Council Jeremy Fazzalano, Ashford Borough Council Katy Magnall, Ashford Borough Council Cllr Michael Burgess, Ashford Borough Council Michelle Krawczyk, Central Ashford Community Forum
Site visit	This review was carried out during the Covid-19 outbreak which started in 2020 and has continued into 2021. A digital walk-around (in a similar fashion to that which would have been conducted on-site) was carried out prior to the first review, including presentation of site photos by the applicant team.
Scope of the review	As an independent design review panel, the scope of this review was not restricted, although as a second review there was a focus on how the applicant team had responded to the comments from the first review.
Panel interests	Panel members did not indicate any conflicts of interest. Jon Akers Coyle notified us that he had worked with Holloway Architects on one project 1.5 years ago. This was not deemed to constitute a conflict of interest.

Confidentiality

This report is confidential as the scheme is not yet the subject of a detailed planning application. Full details of our confidentiality policy can be found at the end of this report.

The proposal

Name	The Flour Mill.
Site location	24 East Hill, Ashford.
Site details	<p>The site is located within Ashford, at the confluence of Great Stour and East Stour rivers. The existing site comprises the former Pledges Flour Mill, and is bounded by Mace Lane to the north, East Stour river to the east, East Hill to the west, and open parkland to the south. This historical industrial building has been through several uses and was last used as a nightclub on the ground floor with residential units above. It has remained vacant since 2013, and a car park is located on the southern end of the site, on lease to Ashford Borough council. The site is within the Ashford Green corridor, in flood zone 2 & 3, and measures approximately 0.5 ha. It is a short distance to Ashford International and Ashford Borough Council.</p>
Proposal	<p>The development involves residential development comprising the conversion and extension of the existing 'Pledges' Flour Mill and the erection of two additional blocks (A and B) with access, undercroft parking, and associated infrastructure, communal lounge, gym and working areas on ground floor. In total, 58 apartments, of 1 and 2 beds, will be provided.</p>
Planning stage	Pre-Planning application.
Local planning authority	Ashford Borough Council.
Planning context	<p>The unlisted Flour Mill building is close to listed buildings in East Hill. It is within Ashford Town Centre Conservation Area, and a nature reserve occupies the northern corner of the site. The Local Plan policy relevant to the site is Policy ENV2.</p>
Planning authority perspective	<p>The Local Authority's position is that whilst the principle of the conversion is supported, the site has a number of constraints and issues that need to be resolved before it will become clear if an acceptable and policy compliant scheme can be developed, and that issues such as flooding remain outside the Councils scope of influence. The panel think that the applicant needs to demonstrate that the advice of the original DRP has been genuinely addressed to overcome the policy constraints.</p>

Previous reviews This scheme was previously reviewed by the Ashford Panel in April 2021. Following this review, the panel advised that more work was required to achieve a site-specific scheme, based on a thorough contextual assessment, including the river and heritage, and an understanding of the existing mill building.

Summary

The response is much improved and there has been a positive response to the panel's previous comments.

High-quality historical analysis has informed the approach in a positive way. Developing a clear landscape masterplan and better defining the approach to the site's open spaces is the next key step for this proposal, along with exploration of the options for the building materials.

If these steps are informed by a similarly robust level of analysis, there is the potential for this to be an exceptional response to an exceptional site.

Key recommendations

1. Make sure the riverside walk is usable for pedestrians, cyclists as well as being a space to linger in.
2. Improve the approach to the site from the car park in the west, giving it an attractive feeling of arrival.
3. Make the frontages as active as possible, particularly along the key pedestrian and cycle routes through the site.
4. Define the courtyard spaces, ensuring they work for their intended functions.
5. Ensure the material choices fit in with both the retained and new buildings.

Detailed comments and recommendations

1. Context and master plan

- 1.1. The proposal is well informed by historical analysis, and has enhanced the exceptional qualities of the site, particularly its historic character. The mill tower, surrounded by blue and green elements, has the chance to be exceptional and make the most of this site.
- 1.2. The amendments to the layout, including the removal of the council's parking allocation on the southern end of the site, work well in pulling apart the blocks and creating permeability, interesting spaces between blocks, and more breathing space overall. However, the courtyard spaces are somewhat incoherent, and should either be more enclosed spaces or more open ones – at the moment they sit uncomfortably between the two.
- 1.3. Views along the riverside walk from the perspective of pedestrians and cyclists should be provided to show how the walk, the building and the setting will interrelate. At the moment there is a risk that the presence of the gym and car park along the river will feel alienating and will lead to too much inactive frontage. Moving the gym should be considered as it could allow the southern courtyard to be more generous and lighter.

2. Building

- 2.1. The work on the existing flour mill building is excellent and the relationship between the thorough historical analysis and the design decisions is strong. The forms of the new buildings work well, and it is appropriate that their height matches the tallest subsidiary building previously. The retention of the slight shoulder on the east face of the building helps to emphasize the singularity of the tower.
- 2.2. There is a strong perpendicular façade fronting onto the park. This needs to be a foil to the tower, in a similar manner to the previous white façade shown on historic imagery.
- 2.3. The east façade feels too glazed which risks contrasting too heavily with the existing building. A reduction in the amount of glazing here should be explored.
- 2.4. The introduction of a duplex is supported as it creates a distinct character and a different kind of space.

- 2.5. Introducing dark bricks where the fire was could be a way of subtly acknowledging this part of the history of the site. A range of options for proposed materials should be explored and tested.

3. Landscape and public realm

- 3.1. The children's play area and nature area could work well. Keeping this open space as public is supported as it gives space to people of Ashford, helps cement this location as significant and important to the town, and helps to bring out the qualities of the river. To improve this part of the site, giving the two sides of the river different and distinct characters could help orientation and character. Opportunities for seating and play should be maximised.
- 3.2. The proposed riverside walkway could be improved in width and alignment. It needs to be wider, as it feels too narrow for its intended character and use. Its alignment could be more deliberate forming a stronger manmade 'edge' to the river, much like the previous manipulations made to the riverbank. The walkway alignment currently seems unduly affected by flood compensation considerations and in-out nature of the buildings. There needs to be more about how it will be used, its edge condition and how the space will allow for these uses. There needs to be space to walk, cycle and linger in this space.
- 3.3. The character of the courtyards could be more defined and will require development in character, use and materiality within the landscape masterplan. The courtyards form useful breaks within the massing and provide good connectivity across the site. The character of the yards could differ from the other spaces, adding a richness to the public realm. These spaces should explore greener and resilient landscape design components such as SUDs, raingardens, and permeable pavements, that add to the connected biodiverse context of the site and significantly enhance the project's contribution to the river corridor.
- 3.4. The island has a hostile edge by the main road, and a landscape masterplan should consider how to minimise the potential negative effects of this main road.
- 3.5. The existing trees are important to the character of the space and should be retained wherever possible.
- 3.6. Wayfinding measures into and across the site will be key to site navigation and there should be more information about how this will be provided and how the site will be made legible.
- 3.7. Lighting design will play an important role in terms of sense of welcome and safety after hours, with consideration being given to the ecology and biodiversity

sensitivity of the riverside corridor. More information about lighting is required within the landscape masterplan.

- 3.8. There is a key view of the park from the south. The boundary treatment here will be important in successfully defining the site and a review of the current boundary condition (wall and shrub planting) should be carried out within landscape design explorations.

4. Access and Parking

- 4.1. At the moment the arrival space from the west feels like it will be unattractive, and is dominated by car parking. Although we recognise that there are agreements in place about parking requirements, more should be done to soften the feeling of this location and make it more appealing. There should be a feeling of arrival in the site before crossing over towards the main building. There needs to be a landscape element, to make this area more attractive, and there should be a visual link with the flour mill.
- 4.2. The approach from the south is not clear or attractive and feels overly driven by flood requirements. A straighter route to the site entrance is likely to be more appropriate, allowing more legible movement for pedestrians and cyclists. Having a less kinked route will also help to avoid narrow spaces, such as that currently by the gym.
- 4.3. A more proactive and ambitious approach to car parking could make this a place that makes a virtue and a selling point of a reduction in car usage, and attract those who would want to live a more sustainable life. Car club spaces and electric car charging points will help to achieve this.

5. Materials and detailing

- 5.1. The approach so far shows good potential, with the balconies and walkways to the tower working well. Further historical analysis approach needs to be applied to the choice materials, with an in-depth heritage analysis of the site's industrial background required. The approach to materials is important and does not necessarily need to copy other parts of Ashford. If the site is to retain its industrial feel, then this should drive the decisions, and whilst this could be different from the materials on the existing buildings it should not detract from the distinct character of the retained building. One option would be a strong modern juxtaposition that emphasizes the historic character, whilst another would be a more traditional approach. Options testing will help to demonstrate the right material choice.
- 5.2. Paragraph 135 of the National Planning Policy Framework (2021) states: *'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of*

changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

- 5.3. In order to be consistent with this national policy, the applicant team and local authority should note Design South East's general guidance on material quality and detail. At planning application stage, the quality of the detailing should be demonstrated through large scale drawings at 1:20 and 1:5 of key elements of the building/landscape and should be accompanied by actual material samples which should be secured by condition as part of any planning approval.

6. Energy strategy

- 6.1. The approach to energy efficiency was not discussed in great detail at this review. Our guidance is that at the planning application stage the proposal must produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods.

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The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.

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Application Number	22/00540/AS
Location	The Stour Centre, Tannery Lane, Ashford, TN23 1PL
Grid Reference	60144/14243
Parish Council	N/A
Ward	Victoria Ward
Application Description	New acoustic enclosure to existing air source heat pump
Applicant	Ashford Borough Council
Agent	N/A

(a) 7/1S (b) - (c) ESM- S

Introduction

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

Site and Surroundings

2. The application site is located within the car park adjacent to the Stour Centre. The site lies in Flood Zone 3 as does the Stour Centre, Civic Centre and associated parking.

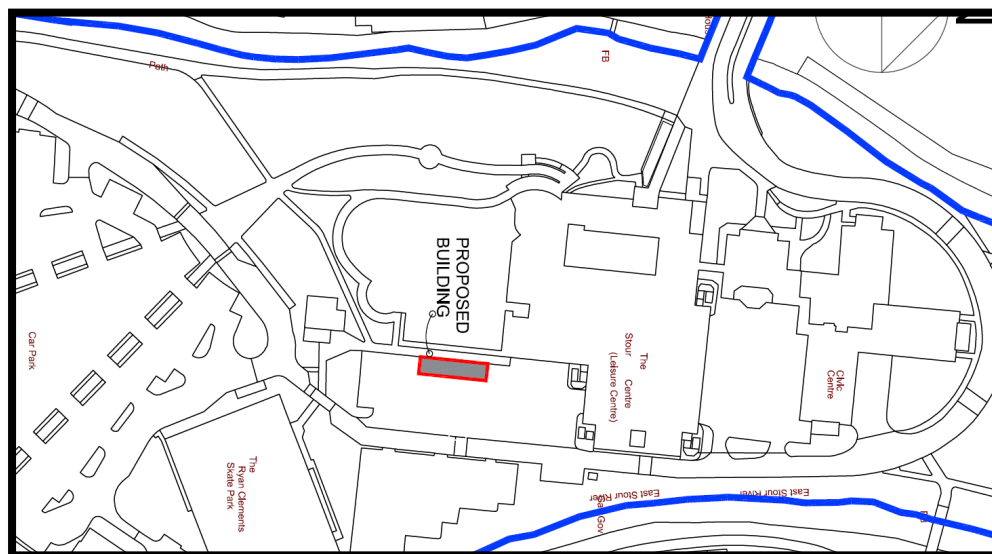


Figure 1 – Site Location Plan

Proposal

3. New acoustic enclosure to existing air source heat pump. The height of the enclosure would be 4.6 metres and it would be 22 metres wide. The enclosure would be finished with anthracite grey plastic powder coated aluminium.

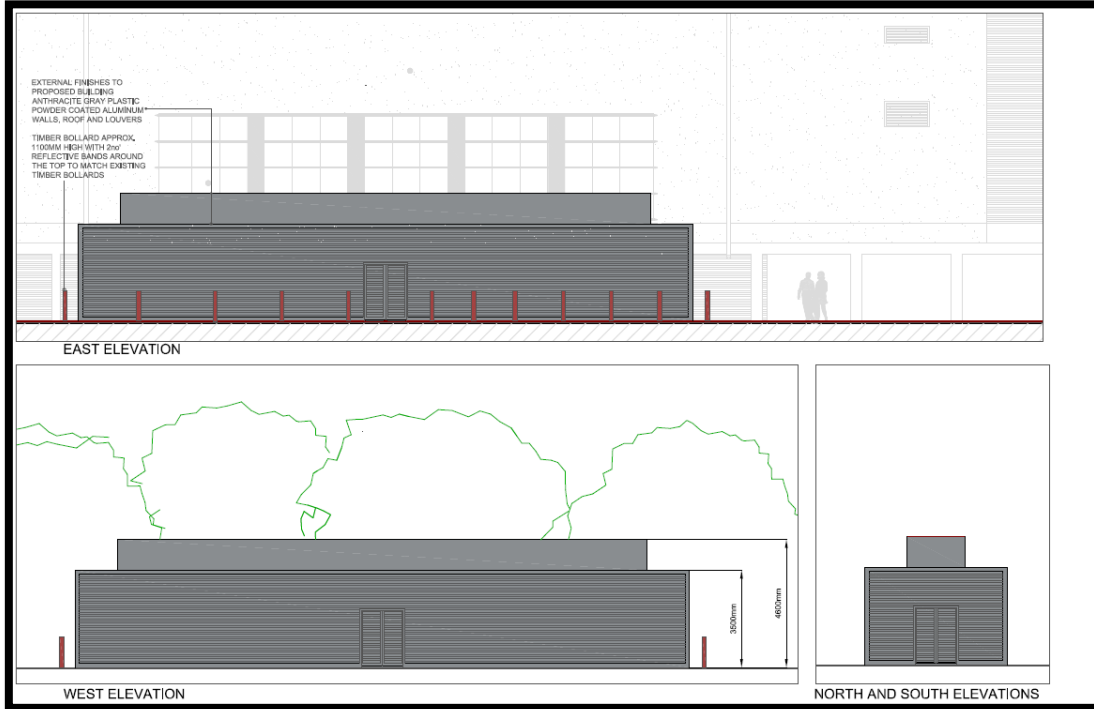


Figure 2 – Proposed Elevations

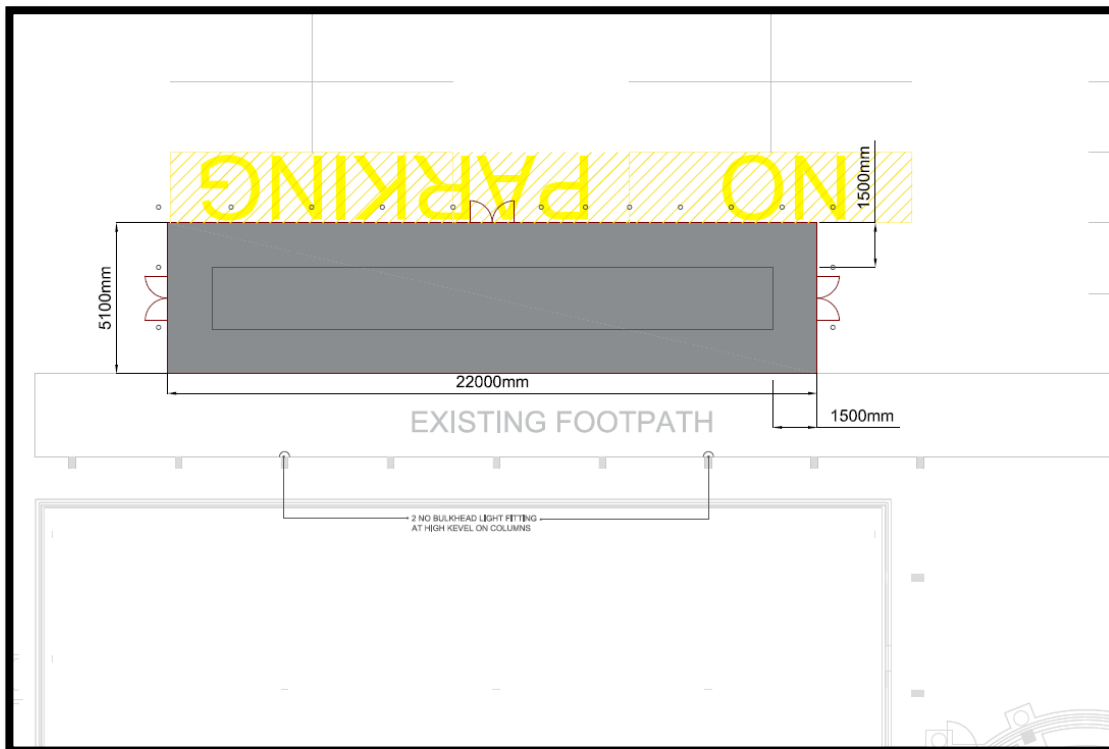


Figure 3 – Proposed Roof Plan

Planning History

4. No relevant history.

Consultations

Ward Member(s): Councillor Suddards is a member of the Planning Committee. No comments have been received from the other Ward Member Cllr Farrell.

Environmental Health: Supports the scheme and make the following comment:

- The Environmental Protection team support this application, and the rationale of attenuating the noise emissions from the installed ASHP units.

7 Neighbours: One neighbour supports the scheme and commented the following:

- As a resident who has been directly impacted by the horrendous noise from the heat pumps since they went online I fully support this planning application.

Planning Policy

5. The Development Plan for Ashford Borough 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) The Egerton Neighbourhood Plan 2022 and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
6. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan 2030 (adopted February 2019)

SP1 – Strategic Objectives
SP6 – Promoting High Quality Design
7. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

None

Government Advice

National Planning Policy Framework (NPPF) 2021

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

Paragraph 130, Planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

Assessment

Visual amenity

9. The structure would be situated within the car park that serves the leisure centre and the Civic Centre. The visual impact is localised given that it is only really visible from the car park. It would sit comfortably adjacent to the large building (Stour Centre), therefore, the proposal would not give rise to any significant harm to the visual amenity of the area.

Residential amenity

10. No neighbour objections have been received in relation to this proposal. One letter of support has been received stating the structure will mitigate current noise disturbance from the air source heat pumps. The structure has a large separation distance between nearby properties and Environmental Health support the scheme with regard to reducing the noise emissions of the existing air source heat pump. The proposal would not adversely impact upon residential amenity but would improve it.

Highway safety

11. The proposal would result in the loss of 3 parking spaces of the 483. Given the marginal reduction of parking spaces, there would not be any significant harm with regard to highway safety.

Human Rights Issues

12. 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

13. 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

14. The development is acceptable in visual amenity, residential amenity and highway safety terms. The proposed development complies with the Development Plan and Central Government guidance and does not give rise to any unacceptable harm. I therefore recommend that planning permission is granted.

Recommendation

Permit

Subject to the following Conditions and Notes:

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

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

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

Reason: In the interests of visual amenity.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

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

4. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

Working with the Applicant

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

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

In this instance ...

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

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 22/00540/AS)

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