

<b>Application Number</b>	19/01517/AS
<b>Location</b>	Godinton house, Godinton, Ashford Kent
<b>Grid Reference</b>	00635.42688
<b>Parish Council</b>	None
<b>Ward</b>	Victoria
<b>Application Description</b>	Variation of condition 2 on planning permission 17/01511/AS to revise approved plans
<b>Applicant</b>	Clarus Homes, c/o Agent
<b>Agent</b>	Mr Leslie Hutchison, Building design studio, 26 Kings Hill Avenue, Kings Hill, West Malling, Kent ME19 4AE
<b>Site Area</b>	0.3 hectare

(a) 102/2R	(b)	(c) ABC Refuse R, EA X, EHM (EP) X, KCC flooding X, KHS X, NE X, NR X, SW X, SGN X
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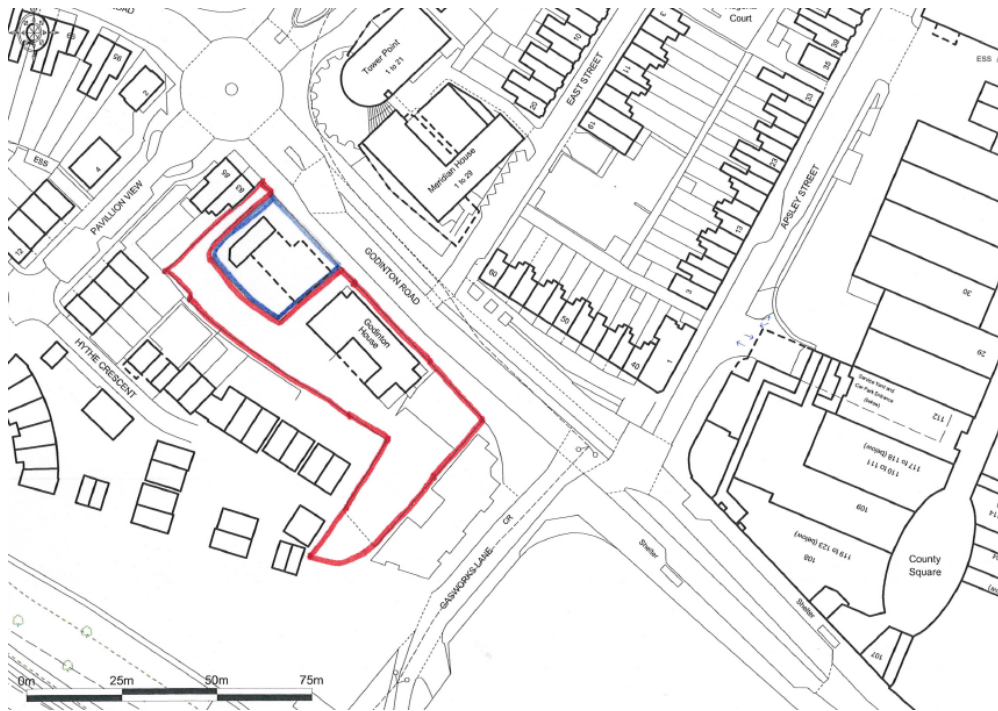
## Introduction

1. This application is reported to the Planning Committee because it involves the erection of more than 10 dwellings and therefore is classified as a “major” development that requires determination by the Planning Committee under the Council’s scheme of delegation.
2. This a section 73 application varying the details of the planning permission 17/01511/AS granted in August 2018 for the conversion and extension of Godinton House to 28 (1 x. 3-bed, 15 x 2-bed and 12 x 1-bed) apartments and A1 retail use on the ground floor.

## Site and Surroundings

3. The application site is approximately 0.3 hectares in area and relates to Godinton House (a three/four storey flat roofed building) and its surrounding hard

surfaced area located on the southern side of Godinton Road close to Ashford Town Centre. The site location plan is shown in **Figure 1** below



**Figure 1:** site location plan.

4. Godinton House originally had a reinforced concrete frame with brick elevations, a series of natural anodised aluminium projecting bay windows (front and rear) under a grey felt roof. The external walls and features have recently been stripped from the upper floors of the building and only a concrete frame remains.
5. The site levels drop away to the south hence the rear part of the building has an additional basement level. The building had a previous retail ground floor use (Ashford Fabric Warehouse) with the upper floors being in use as a snooker hall. The application site wraps around the Enterprise Rent-a-Car premises which lies immediately to the north-west of Godinton House. At present the application site has two vehicular access points onto Godinton Road. The first is adjacent to the north-west elevation of Godinton House. The second, much, narrower access is at the far north-west boundary just beyond the Enterprise rent-a-car premises.
6. Photographs of the existing building frontage before the upper external walls were stripped are shown in Figures 2 and 3 below.



**Figure 2.** Front NE Godinton Road elevation.



**Figure 3.** Rear SW elevation

7. Surrounding the application site boundaries to the south-east, south-west and north-west is the recently built Croudace development comprising of 83 dwellings. This includes a row of terrace and semi-detached dwellings located immediately to the rear/ south-west of the site. These dwellings are located at a significantly lower ground level than the application site. A 4-storey building containing 18 flats which fronts both Gasworks Lane and Godinton Road is located to the south-east of the site. The main Ashford to Maidstone railway line and the Channel Tunnel Rail Link lies further to the south-west.
8. To the north-west of the site beyond the Enterprise car centre are 2 semi-detached dwellings and then one of the main entrances to the Croudace site.

9. To the north of the site on the opposite side of Godinton Road are Tower Point (7-storeys in height) Meridian House (5-storeys in height) and further to the south-east beyond the East Street junction is a row of 2-storey terraced houses.
10. Further to the south-east is Elwick Place and the boundary of the Ashford Town Centre Conservation Area which is over 200m away.

## Proposal

11. This is a section 73 application for variation of the detailed plans for planning permission ref 17/01511/AS involving the conversion and extension of the existing building to 28 apartments (1 x 3-bed, 15 x 2-bed and 12 x 1-bed) with two ground floor commercial A1 units measuring 45 sqm and 136 sqm respectively. Extant planning permission 17/01511/AS provides for the extension of the building included the addition of a further top floor and a 4/5 storey extension projection from south-east elevation. The external materials were shown in that permission as being a combination of red brickwork, zinc cladding with a blue grey bricks on the side elevations and ground floor plinth. The shopfronts were also finished with zinc fascias. A total of 41 parking spaces would be provided within the curtilage of the site including within the lower ground floor that was to be fully excavated. The elevations of the planning permission ref 19/01511/AS are shown in Figure 4 below.



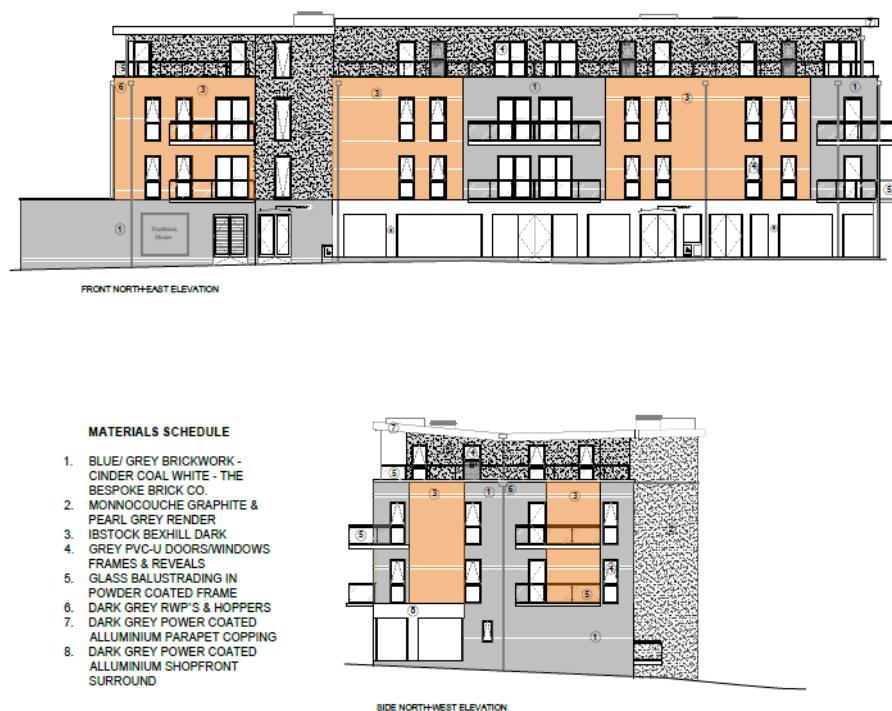
**Figure 4:** Planning permission ref 17/1511/AS elevations

### **Section 73 application proposals**

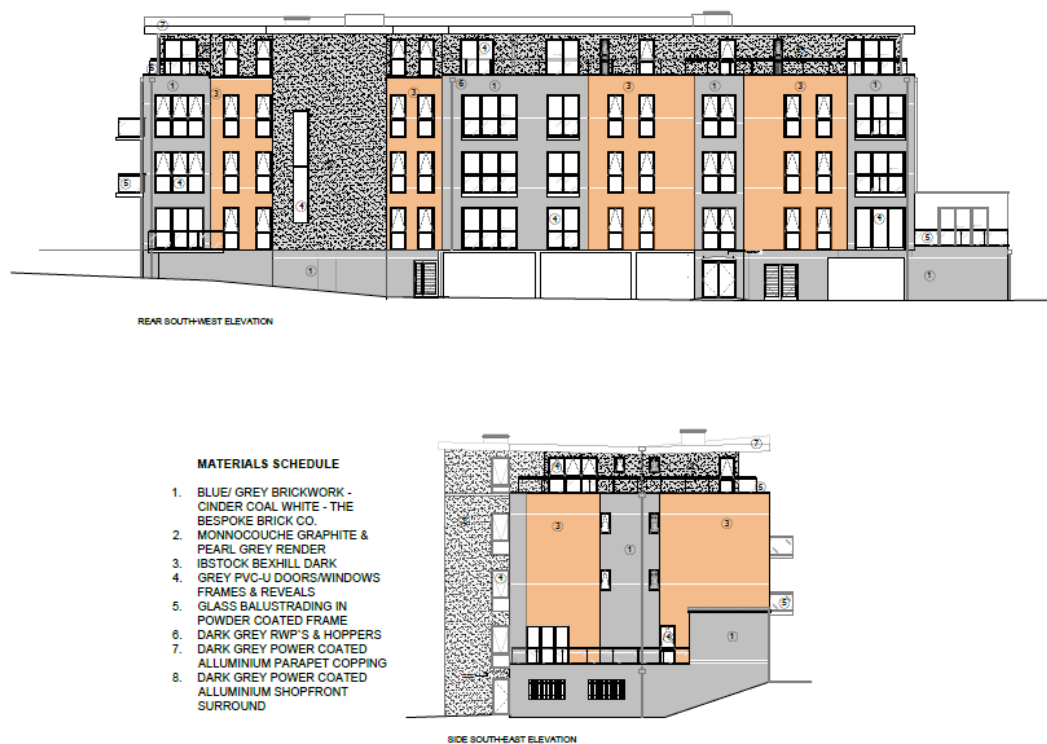
12. The proposed alterations to the approved building are as follows;-
- (i) Changes to external material finishes. The main changes are the zinc cladding on the elevations would be changed to graphite render. The red brick and blue/grey brickwork would remain. There would be grey PVC doors/ windows frames rather than aluminium finishes. The shopfront would have a dark grey power coated aluminium shopfront surround rather than a zinc finish.
  - (ii) The lower ground floor area of the existing building would not be fully excavated rather only utilise the existing smaller lower ground floor area for parking and bin storage. The proposed extension would still have a fully excavated lower ground floor level as before for parking (cars/cycles) and bin storage.
  - (iii) Changes to the previous approved parking/ landscaping arrangement around the curtilage of the site as a result of the reduced lower ground floor excavated area used for parking. The original planning permission parking layout has been changed and the total number of spaces reduced from 41 to 40. This has resulted in changes to the approved landscaping for the site notably the strip of landscaping shown for tree planting on the south west boundary immediately adjacent to the rears of existing dwellings is mostly replaced with just a narrow strip area for shrub planting. The secondary access to the north west of the Enterprise car centre site would no longer be used.
  - (iv) Internal balconies: minor changes to internal balconies to the rear elevation due to structural columns being in the way - revised to suit and still maintain back to back distances.
  - (v) External balconies changed due to lift core setting outset and existing concrete frame. Balconies adjacent to side access have been pulled in due to potential impact of refuse freighter entering site.
  - (vi) Lift core locations have been adjusted and relocated to comply with building regulations control. The approved scheme needs to be amended to allow for the correct staircase, smoke lobbies and smoke ventilation as well as travel distances out of the building
  - (vii). Glazing to lift shaft on the rear elevation - the developer would like to infill this to simplify the build and future maintenance of the lift.

- (viii) Shop front glazing changed due to existing concrete structure. Columns would fall in the middle of glass. Therefore, the fenestration adjusted to suit existing structure.
- (ix) Internal layouts changed due to fire escape and existing structure however meet national space standards.
- (x) Bin and cycle stores changed to incorporate the correct amount and comply with Council standards
- (xi) Two of the 2-bed flats shown on the previous planning permission are described as 1-bed flats. A second small study is shown to a main bedroom for flats 8 and 16 where integral balconies are proposed. Based on this the scheme's typologies has changed from 28 (1 x. 3-bed, 15 x 2-bed and 12 x 1-bed) to 28 (1 x. 3-bed, 13 x 2-bed and 14 x 1-bed).
- (xii) The two commercial units sizes have changed from 136 sqm and 45 sqm to 110 sqm and 71 sqm. The total cumulative floor area and location of the units along the Godinton Road frontage remains unaltered

13. The proposed elevation of the building are shown in **Figure 5** below.







**Figure 5:** Elevations of proposals.

14. A CGI image on the front of the building form Godinton Road is shown in **Figure 6.**



**Figure 6:** CGI image of frontage to Gondinton Road

15. The parking layout/landscaping/lower ground floor area plan is shown in **Figure 7** below.



**Figure 7:** Parking/access layout.

16. The applicant has outlined that the main driving factors for the changes are due to the existing concrete frame that can't be adapted and fire escape and smoke lobbies required by the Building Regulations.
17. The applicant has provided a civil engineer's report which outlines the difficulties with the original planning permission in terms of excavating the entire lower ground floor of the existing building. The report advises the applicant against implementing this and instead retaining the existing smaller undercroft car park (as currently proposed) for the following reasons;-
- (i) The existing frame concrete columns have very large pad foundations, some of which have been exposed in trial pit excavations. Such pad foundations would need to be broken down and underpinned.



Extending the existing concrete columns is very difficult to achieve practically.

- (ii) Several internal concrete columns are currently supported on a retaining wall forming the existing carport. This will be very difficult to be removed practically whilst still providing adequate support to the superstructure above.
- (iii) The whole suspended concrete slab at ground floor would need to be demolished, but any slab would be difficult to be reinstated whilst maintaining adequate connection with the existing superstructure.
- (iv) Temporary sheet piling supporting the excavations along the boundary with Godinton Road could possibly clash with existing pad foundations; therefore any temporary supports to new excavations would need to be very close to the existing footway.
- (v) A significant amount of temporary works would be required to guarantee the safety and stability of the existing building above during construction, which would be costly.
- (vi) The above list is not exhaustive, but shows that the cost of building a new basement under the full footprint of the existing building would be disproportionate to the cost of the project, and it is not practical or feasible.

18. A copy of this letter is attached **Annex 2**.

## Planning history

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

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

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

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

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

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

Planning application ref 17/01511/AS The change of use from snooker hall (1st and 2nd floors - Use Class D2) and part change of use of retail (ground floor - Use Class A1) to residential end use, to include the erection of a four storey side extension (south-east) and the creation of a recessed upper floor (4th) to comprise, in total, twenty-eight apartments (1 no. 3-bed, 15 no. 2-bed and 12 no. 1-bed), along with ancillary works to include basement and surface car parking and landscaping. Part retention of retail use (A1) on ground floor. PP granted subject to section 106 21/8/18

## Consultations

This application has been amended as the initial plans submitted and subject to consultation showed half the lower ground floor area to be used/ excavated, changes to the parking/landscaping and the use of external balconies replacing the internal balconies on the rear south west elevation. The external material remained unaltered from the original planning permission 17/01511/AS. These current proposals are amendments to this and subject to reconsultation of neighbours and some limited technical consultation. With the consultation expiring on 13 March 2020 I will report any further comments made in the update report.

### Original submission

**Ward Members:** No formal comments received

**ABC Environmental Protection:** Raise no objection commenting in summary.

“Our comments on the previous application - 17/01511/AS - remain valid for this altered scheme, namely conditions are applied requiring sound insulation for the balconies to be provided; a scheme requiring investigation for contaminated land and dealing with unexpected contamination”.

**Environment Agency:** Comment;-

“We have no objection to the proposed variation of condition 2, however we wish to reiterate our previous comments in our response to planning permission 17/01511/AS, our reference KT/201/12346001-L01, dated 31 October 2017”.

**[SD&DM Comment]:** The Environment Agency response dated 31 October 2017 raised no objection subject to conditions on providing a remediation strategy and verification report to deal with contamination, no infiltration of surface water drainage into the ground and piling or any other foundation designs using penetrative methods shall not be permitted with LPA consent.

**KCC Flood and Water Management:** Raise no objection commenting in summary:-

- “No objection to the proposed changes for this development. The proposed alterations would not increase in the risk from surface water flooding
- We would therefore like to refer you to our previous response dated 30 October 2017 which refers to our conditions attached to this development”

**KCC Highways and Transportation:** Comment:

“I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans 1101-P80 Rev G prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority”

**Kent Police:** No further comments to add to comments made on previous application previous application. The applicant is requested to contact them.

**Natural England:** No comment

**Network Rail:** No objections to the proposals.

**Southern Water:** Raise no objection commenting.

“Southern Water shall have no objection to the variation of condition 02 submitted by the applicant. The comments in our response dated 17/04/2018 remain unchanged and valid.”

**Southern Gas Networks:** provide details of the low/medium/intermediate pressure gas mains within or near the site

**Neighbours:** 102 consulted: 2 letter of objection received, the main points of which in summary are as follows;-

- This new build will create a big traffic queue, as already the idl signals and town centre create a huge traffic in morning times around 7am - 9am and between 4pm -6pm.
- It is not is good idea to approve apartment permission in this area.
- It brutally and purposely seeks to undermine rights to privacy and matters of safeguarding existing residential amenities.
- Objections have already been fiercely affirmed that this development should not be consented because the proposal is both overbearing and overlooking on the dwellings of Hythe Crescent
- Projecting the balconies not only physically moves the two sides closer on an already restricted site but invites conflict. It gives occupants of these flats their own grandstand auditorium offering unobstructed views straight into people's homes and daily lives. It is grossly intrusive and voyeuristic.
- The previous scheme included recessed balconies setback from the building line in view of this relationship with dwellings at Hythe Crescent.
- The application does not offer any explanation as to why the internal balconies must be revised to external balconies. I can only conclude this change is to increase habitable floor space within the scheme for commercial reasons.
- The previous application's sustainability statement stated summer overheating to the south-western elevation would be addressed by having the larger windows set behind recessed balconies that would provide shade from the high summer sun.
- The previous application's design and access statement outlines lower balconies have been recessed deeply from the face of the rear elevation also in deference to those houses. They were recessed in order to limit external noise emissions and circumvent more stringent scrutiny.
- Furthermore, the line of trees against the southern boundary that will be removed was to be installed to provide a so-called 'green-screen' and to help alleviate the direct line-of-sight outlook and quell accusation that rights to.

- Privacy issues are being cast aside and ignored by this scheme.
- Although the objector remains deeply sceptical of the effectiveness of a single row of immature trees that would shed their leaves for the majority of the year as an 'invisibility cloak', something is still better than nothing.
- The previous design review (of the approved scheme) actually outlined removing some of the parking to create a resident's garden area should be explored as the single line of trees proposed on the boundary will be of limited benefit.
- There is no demonstrable evidence that human rights criterion or consideration has ever been applied to the previous decision.
- With regards to the alterations to the parking scheme, the revised scheme would surround the objector's property with vehicles causing increased disturbance from traffic movement.
- The bays are alongside the objector's boundary and would invite damage to the fabric of the boundary through carelessness and errant parking. I see no indications of barriers or protection alongside that would guard against such damage.
- The combination of changing gradient, protruding balconies and parked cars would prohibit access to the rear of the building for emergency services vehicles. In particular large vehicles such as fire engines which would not have sufficient clearance or turning ability
- The removal of the bordering soft-landscaping and replacement with tarmac will increase water discharge/runoff onto the objector's. This discharge would wash toxic effluent/fluids ejected from stationary/parked vehicles into my soils.

#### Amended plans

**ABC Environmental Protection:** No further comments on the amended documents.

**ABC Refuse.** Comment;- "Please change street level store from commercial to domestic. Lower level far store from domestic to commercial store leaving the other bin alone as it is ok".

**[SD&DM Comment]:** The applicant has agreed this change.



**KCC Highways and Transportation.** Comment;-

"I note the submission of revised plans for the building itself. This has resulted in the loss of a further 2 parking spaces, which would be allocated to the business class use of this application. However, due to the town centre location, and the close proximity of the new Elwick Place car park, I have no objections to this.

Therefore my previous comments and request for conditions remain unchanged".

## **Planning Policy**

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

**Ashford Local Plan to 2030**

SP5 Ashford town centre

SP6 Promoting high quality design

HOU1 Affordable housing

HOU12 Residential space standards

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

EMP1 New employment uses

EMP6 Promotion of fibre to the premises

TRA3a Parking standards for residential development

TRA3b Parking standards for non-residential development

TRA 6 Provision for cyclists

EMP1 Employment

EMP2 loss redevelopment of employment sites

ENV1 Biodiversity

ENV6 Flood Risk

ENV7 Water efficiency

ENV8 Water quality, supply and treatment

ENV9 Sustainable drainage

COM1 Meeting the community needs

COM2. Recreation, sport, play and open spaces

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

### **Informal Design Guidance**

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

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

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

### **Government Advice**

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

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

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 59 to 76 - Delivering a sufficient supply of homes.

Paragraphs 91 to 95 - Promoting healthy and safe communities.

Paragraphs 102 to 107 - Promoting sustainable transport

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 148 to 165 - Meeting the challenge of climate change, flooding

Paragraphs 178 to 183 - Ground conditions and pollution.

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

## **Assessment**

24. The main issues for consideration are the changes to the previous approved planning permission ref 17/01511/AS granted in 2018 on the following matters.

(a) The principle of the development.

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

(c) The impact on residential amenity.

(d) The impact on the surrounding highway network and car parking/refuse provision

(e) Other planning issues such as affordable housing, contamination, flooding and drainage, ecology, space standard, sustainable design and construction.

(f) Section 106 contributions

(a) The principle of the development

25. Planning permission has already been granted for the conversion and extension of the building to 28 flats and A1 retail ground floor uses. The

current proposals shown only a minor change to accommodation with two of the two bed units effectively one bed units and the size of the A1 retail units changed but not the cumulative A1 floor area proposed. The site was originally identified in the Adopted Ashford Town Centre Area Action Plan as part of a wider residential site allocation of the former Godinton industrial estate. The surrounding Croudace development was granted planning permission as part of this site allocation. The Godinton House site, however, was in different ownership and a separate planning application and permission was granted later on. The principle of the scheme has already been accepted and this section 73 application is determining the merits of the changes in detail that are proposed rather than the principle of the development.

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

26. The NPPF outlines that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy SP6 of the Ashford Local Plan 2030 requires that development proposals must be of high quality design.
27. The original proposals were subject to Design Review which resulted in a number of amendments to the design through negotiations. The general form and scale at 4/5 storeys of the building remain unchanged. The lift cores at the front and rear elevations are marginally expanded to comply with the Building Regulations. At the front elevation the lift core is situated at the junction between the extension and original building. The effect is to reduce the setback at the junction from the main building. However, this is a marginal change and not unacceptable. The rear lift shaft already extends out from the main elevation and the changes in footprint are, in my opinion, small and acceptable.
28. The main change to the material palette is the replacement of the zinc cladding with render. This is understood to do with current insurance issues with cladding. Notwithstanding this, the change needs to be considered on its merits. Render finishes occur on the adjoining building (the Croudace flats to the south east). The proposed render finish of graphite was similarly used on that building in order to avoid a white or light off white colour which would stain more easily. The red and blue brick finishes would also match up with the bricks on the surrounding Croudace development therefore providing a uniformity of finishes. The ground floor shopfront would now have a dark grey powder coated aluminium shopfront rather than zinc cladding which I consider is acceptable. The glazing at the

top of the rear elevation lift shaft is removed and now would be render. Some variation in the render could help break up the continuous finishes of the lift and this can be conditioned. The final window finishes I propose to be conditioned. In summary I consider that the proposed changes to the design and appearance are acceptable.

(c ) The impact on residential amenity.

29. In my reports relating to the extant planning permission the relationship of the proposal to the surrounding dwellings, notably the nearest two storey dwellings located immediately to the south west at Hythe Crescent, was assessed and was considered acceptable. The original proposals for this application showed the provision of rear external balconies as a substitute for the integral balconies that were approved by the Council. These are since been removed so the amended proposals revert to the integral balconies as originally granted. The relationship in terms of overlooking distances has not materially altered from the approved planning permission and are considered acceptable. The alterations to the parking have removed the landscaping strip of trees on this south-west boundary. These trees however were provided for visual landscaping amenity and would not have prevented overlooking. It should be noted if this previous SW boundary tree belt were provided it would remove 3 parking spaces. The proposals could still achieve the minimum on-site parking requirement for the flats but the retail on-site parking would be even further below minimum ALP parking standards. The parking provision is mentioned in the highway section below.
30. The original scheme granted planning permission also included a sunlight/daylight assessment. This concluded that with the proposed development in place the neighbour buildings would retain acceptable levels of daylight and sunlight. The scale and form the current proposals has not materially changed the proposals and how they would relate to existing homes. I therefore consider that the proposals would have an acceptable impact on residential amenity.

(d) The impact on the surrounding highway network and car parking/refuse provision

31. The Transport Statement for the original planning application outlined that the development would result in a reduction in trips at the site by all modes of travel when compared with the permitted use. The proposed uses, number and type of flats remains unchanged. The site is located in a highly sustainable location with good access to non-car based modes of transport. A change from the original scheme is that the northern access is no longer to be used. However, this was always a secondary access



and the main access between the building and Enterprises car centre remains. Kent Highways raise no objection.

32. The parking layout has altered due to a reduction of the lower ground floor excavated area. The parking provision has been reduced from 41 to 40 spaces. The original scheme was determined under different maximum standards reflecting the town centre location. The residential part of the scheme would comply with the current minimum standards set out in ALP 2030 Policy TRA3(a). This requires that central areas shall deliver a minimum parking standard of 1 space per residential unit resulting in 28 spaces for 28 flats. A further 6 visitor spaces are required at 0.2 spaces per unit. The 34 spaces are therefore provided.
33. Turning to TRA3(b) the proposed A1 uses worst case scenario would need a further 10 spaces (if used for A1 food retail) or 7 spaces if non-food retail leaving a shortfall 4 and 1 space(s) respectively. However, the site's town centre location means it is highly accessible and significant nearby town centre public parking is available. These are mitigating circumstances for departing from the minimum standard under policy TRA3(b).
34. Overall, the changes from the original approved scheme involves only the loss of 1 space. Kent Highways raise no objection to the parking provision on similar grounds and mention the new nearby Elwick Place public car park that has come into use. In conclusion, I consider the proposals are acceptable on highway grounds.

#### (e ) Other planning issues

35. These matters were dealt with under the original scheme granted planning permission in summary.

#### Affordable housing

36. There is no affordable housing proposed which is in accordance with policy HOU1 of adopted ALP 2030

#### Contamination

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

Drainage and flooding

36. The site lies within flood zone 1 with a very low risk of flooding. KCC Flooding and Drainage raise no objection to the proposals subject to previous conditions dealing with the final drainage scheme and maintenance.

Ecology

37. The site is not within or near any designated ecological site A Preliminary Bat Roost Assessment submitted with the original planning permission scheme concluded that roosting bats are very likely absent from Godinton House and the immediate surroundings. I consider there are no ecological issues.

Space standards

38. The total floor areas for each unit shown would comply with space standards based on the accommodation stated. I mentioned the two 2-bed flats (Numbers 8 and 16) now stated as 1-bed albeit the second small room is mentioned as a study. This would comply with overall standard for a 1 bed flat but be below a 2-bed flat standard. The second room is small and below the minimum requirement for a bedroom. These flats (at the rear) have integral balconies and not external balconies (which would have freed up more internal floor area). The external balconies were removed from the original proposals in view of the overlooking distances relationship with the rear dwellings considered on the original planning permission scheme and so I do not consider there are any grounds for objection. Some of the balconies for six of the flats need a slight enlargement which can be requested from the applicant as part the recommendation.

Sustainable Design and Construction

39. The proposals will comply with the requirements of policy ENV7 of the Ashford Local Plan 2030 Submission Version restricting water consumption to no more than 110 litres per person per day secure through a planning condition.

(f) Section 106 planning obligations

40. This are outline in Table 1 and remain as the pervious planning permission.

## **Planning Obligations**

41. 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
42. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case

## Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
	<p><b><u>Informal/Natural Green Space</u></b></p> <p>: Contributions towards improvements towards Watercress Fields riverside projects to improve access, interpretation and education</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	<b><u>Allotments</u></b>			<b>Necessary</b> as allotments are required to meet the demand that would be generated and must be

	Contributions towards improvement to allotment infrastructure at Repton and Westrees to include improved parking security and access	£258 per dwelling for capital costs  £66 per dwelling for maintenance	Upon occupation of 75% of the dwellings	<p>maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Contributions towards Play improvements would be towards provision for toddler play equipment: swings with safer surface, and multiplay unit with safer surface (Victoria Park).</p>	£649 per dwelling for capital costs  £663 per dwelling for maintenance	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the</p>



				number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
	<p><b><u>Libraries</u></b></p> <p>Libraries contribution Towards the additional bookstock required to meet the demands of the additional borrowers from this development at Ashford Library</p>	£48.02 per dwelling	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
	<p><b><u>Outdoor Sports Pitches</u></b></p> <p><i>Contributions towards new/additional changing facilities for Courtside outdoor sports area at Stanhope</i></p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b></p>

				considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
	<p><b><u>Strategic Parks</u></b></p> <p>Contributions towards park furniture, for new seats and benches (Victoria Park).</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
	<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
	<b>Detail</b>	<b>Amount (s)</b>	<b>Trigger Points</b>	
	<b><u>Monitoring Fee</u></b>			<b>Necessary</b> in order to ensure the planning obligations are complied with.

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	Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	<b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.
<p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				

## Human Rights Issues

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

## Working with the applicant

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

## Conclusion

45. The principle of the development has already been granted planning permission and is acceptable. I consider the design would have an acceptable impact of the surrounding area. The scheme is acceptable on residential amenity, highway and other planning grounds.

## 46. Recommendation

**(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

**(B) Receipt of satisfactory changes to balconies to comply with space standards**

**(c) Permit**

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

1. Standard time condition
2. Development carried out in accordance with the approved plans
- 3 code of construction practice
4. Vehicle parking retention
5. Cycle parking retention
6. Completion access detail
7. Materials
8. Balcony detail
9. Contamination
- 10 contamination verification,
- 11 unexpected contamination
- 12 infiltration surface water drainage
13. Foundation pilings
14. Foul drainage
15. Surface water drainage
16. Surface water drainage implementation
17. Surface water verification
- 18 Monitoring
- 19 water efficiency
- 20 broadband
- 21 C3 restriction
22. Landscaping I
23. Landscaping specification
24. Soft landscaping implementation
25. Landscape management plan
- 26 remaining fine detail joinery etc
27. Ecology



## **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,
- 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 .....***add / delete as appropriate.***

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required.
- add a brief statement as to how the applicant/ agent responded to our initial contact, and if appropriate, how we dealt with the case thereafter? ie. "...the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted/ the amended plans did not address all the outstanding issues, and permission was refused..."
- 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.

- 3 sewerage connection

4. soakaways consideration

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01517/AS)

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