

<b>Application Number</b>	19/01617/AS
<b>Location</b>	Bridge House, Chart Road, Ashford, Kent, TN23 3HZ
<b>Grid Reference</b>	00055 43103
<b>Ward</b>	Victoria Ward
<b>Application Description</b>	Demolition of existing buildings and the construction of 65 affordable residential flats with associated car parking, servicing, landscaping and amenity space.
<b>Applicant</b>	Lipscomb Holding Ltd, c/o agent
<b>Agent</b>	Mrs M Davidson,
<b>Site Area</b>	0.51 Hectares

1<sup>st</sup> Consultation

- |          |       |   |
|----------|-------|---|
| (a) 34 - | (b) - | (c) KH&T R, KCC (Drainage) R, KCC (Heritage) -, KCC (Bio) -, KCC (Economic Dev) -, ABC (Economic Dev) -, ABC Housing -, CTRL X, NR X, EMS X, EMS (Refuse) R, ABC Cultural Services -, EA X, POL -, KFR X, NHS X, SWS -, GAS -, UKPN X |
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### 2<sup>nd</sup> Consultation

- |           |       |   |
|-----------|-------|---|
| (a) 34 6R | (b) - | (c) KH&T R, KCC (Drainage) X, KCC (Heritage) -, KCC (Bio) X, KCC (Economic Dev) X, ABC (Economic Dev) X, ABC Housing X, CTRL -, NR X, EMS X, EMS (Refuse) -, ABC Cultural Services X, EA X, POL X, KFR X, NHS -, SWS X, GAS -, UKPN - |
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### 3<sup>rd</sup> Consultation

- |           |       |   |
|-----------|-------|---|
| (a) 34 1X | (b) - | (c) KH&T -, KCC (Drainage) X, KCC (Heritage) X, KCC (Bio) -, KCC (Economic Dev) -, ABC (Economic Dev) -, ABC Housing -, CTRL -, NR X, EMS -, EMS (Refuse) -, ABC Cultural Services X, EA -, POL -, KFR -, NHS X, SWS X, GAS -, UKPN X |
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### 4<sup>th</sup> Consultation

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|--------|-------|---|
| (a) 34 | (b) - | (c) KH&T -, KCC (Drainage) X, KCC (Heritage) -, KCC (Bio) -, ABC (Economic Dev) -, ABC Housing X, CTRL -, NR -, EMS -, EMS (Refuse) -, ABC Cultural Services -, EA X, POL X, KFR X, NHS -, SWS -, GAS -, UKPN - |
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### Introduction

1. This application is reported to the Planning Committee because it relates to major development.

## Site and Surroundings

2. The application site which is identified in annex 1 and **Figure 1 below**, is located within the Ashford urban area to the north of the Cobbs Wood Industrial Estate.
3. The current site is operated by Lipscomb Cars Ltd and occupied by Lipscomb Fiat/Abarth at the northern end of the site and Lipscomb Volvo at the southern. The Fiat/Abarth dealership is currently open 7 days a week. It sells a full range of new and used cars. It also offers after sale care, services and MOTs. The Volvo garage is for service and parts only.
4. The site is roughly triangular in shape with a frontage to Chart Road in the north and Carlton Road to the west.



**Figure 1 Site Location Plan**

5. The levels across the site rise gently in a southerly direction from Chart Road towards the Goddinton Road Bridge. Much of the site is set below the level of Carlton Road and as a consequence, the southern and parts of the western perimeter of the site comprise relatively steep embankment planted up with

matures trees and shrubs. The embankment, trees and shrubs help to screen the southern half of the site from Carlton Road.

6. In terms of access, customer and staff access to the site is from Chart Road. However, there is also a secondary access on Carlton Road which is used for car transporters. This secondary access is also used to gain access to the adjacent pumping station as and when required.
7. The eastern boundary of the site adjoins the domestic railway line. For half its length the railway line is positioned on an embankment and for the remainder, within a cutting. The aforementioned pumping station is located in the north western tip of the wider triangle and is located outside of the application site. On the Chart Road frontage, in the north eastern tip, is an electric substation. The substation is bounded on all sides by galvanised steel fencing and is located outside of the area to be developed. The galvanised fencing is screened from the application site by close board fencing.

8. The site currently has three industrial type buildings on it; the one fronting Chart Road is used as a car show room on the ground floor with offices above. The other two buildings are service workshops. For the most part the site is covered with hardstanding. The parts of the site coloured green in **Figure 2** below, comprise embankment adjacent to the boundary with the railway line which is laid to lawn, and mature shrubs and trees to the south and along the eastern boundary of the site.



**Figure 2 Soft Landscaping in Green**

9. The existing land uses to the east of the railway line are predominately residential and those to the west, beyond Carlton Road and the grassed area covering the High Speed rail link no build zone, are industrial.



14. In terms of scale, buildings would have increased height from the north to the south of the site. Block A is predominately 3-storeys; Block B rises a further storey to 4-storeys with its top floor recessed; and Block C, the largest block (also with its top floor recessed), terminates at 5-storey with its northern leg at a lower level, enabling transition through the site from 3, 4 and finally 5 storeys. This transition in scale is shown in **Figures 4 and 5** below. The massing of the buildings is one with a consistent theme of top floors being recessed from the floors below (either in full, or in part) and provided with a mixture of pitched and flat roofs.



**Figure 4 Proposed Section from Carlton Road**



15. To reflect the form of development along Chart Road, Block A references traditional pitched roofs and gables in a contemporary manner. The approach to the western corner of Block A provides a landmark feature to the Chart Road frontage as illustrated in **Figure 5**.



***Figure 5 Block A - North Elevation Fronting Chart Road***

16. In contrast, the top floors of Blocks B and C are set back from the main façade walling, and are arranged under a flat roofs as shown in **Figures 6 and 7** below.



**Figure 6 Block B - West Elevation fronting Carlton Road Access**



**Figure 7 Proposed Block C**

17. As illustrated in the computer generated imagery, yellow stock brick is proposed with dark grey detailing for roof coverings, feature claddings, windows and doors, fascias and soffits. Window and door openings would have simple 'un-fussy' fenestration set within deep reveals.
18. In addition to the private amenity afforded to flats by way of private gardens or balconies, an on-site amenity hard and soft landscaped space for residents would be provided at the southern end of the site. The applicant considers this would represent a secure location with natural surveillance provided by adjacent Block C and a space with good sunlight due to its orientation. The planned space is illustrated in **Figure 8** below. A combination of trees, planting and benches is proposed. A nearby Ash tree is proposed to be removed.



**Figure 8 Proposed Amenity Area**

Refuse

19. Waste and recycling requirements have been incorporated into the design. Storage for refuse and recycling are proposed in discretely located external pavilions together with soft landscaping. See **Figure 9**.



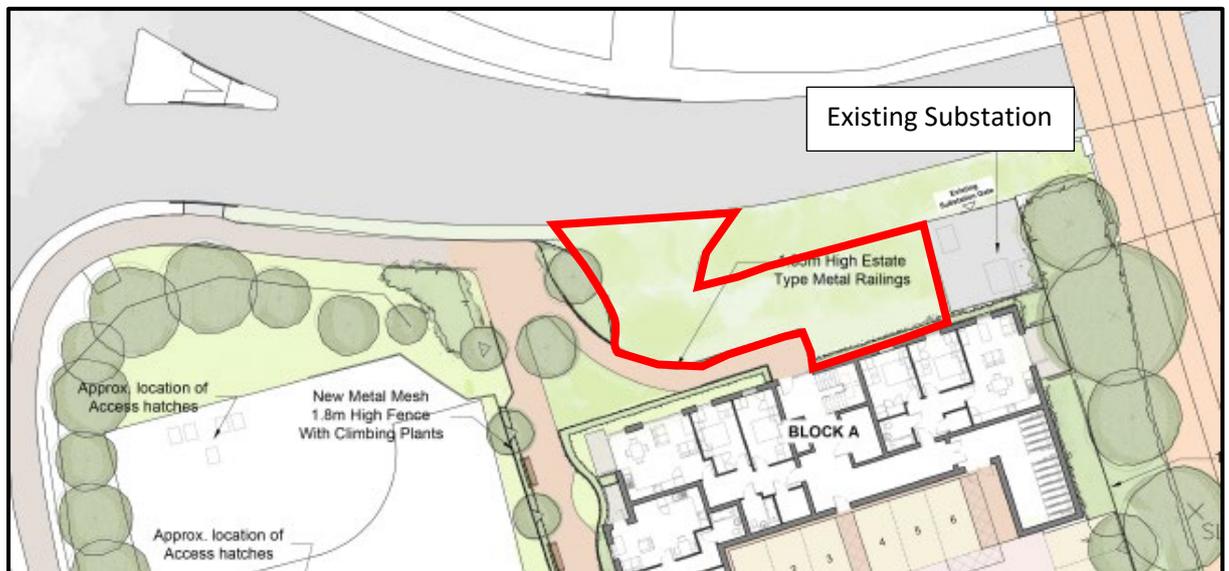
**Figure 9 Storage for Refuse and Recycling**

Parking

20. Car parking courts are located in locations for each of the building blocks and are punctuated by landscaping, with appropriate space for vehicle turning.
21. An element of under-croft car parking has been provided.
22. 68 parking spaces would be provided for 65 dwellings. The proposed allocation of these spaces is as follows:
  - 35 allocated spaces for the 35 2-bed flats (1:1 ratio)
  - 13 unallocated spaces for the for the 30 1-bed flats (0.433 spaces per dwelling)
  - 13 visitor spaces (0.2 spaces per dwelling in accordance with policy TRA3a)
  - 7 additional unallocated spaces to provide flexibility in the parking stock.
23. Parking for people with disabilities has been provided and is dispersed across the site so as to be as convenient as possible for users.
24. The applicant states that electric car charging points would be provided to the standards applied in Government policy. These are proposed within the under-croft parking areas of Blocks A and B, and in other suitable locations with infrastructure built into the design of parking areas to extend future further provision to assist the switch to electric powered vehicles.
25. Enclosed secure cycle storage is provided within the ground floor of each block. Up to 100 cycle spaces can be provided (dependent upon the form of cycle storage system employed).

#### Access

26. The site currently benefits from two access points onto the primary road network, one from Chart Road and one from Carlton Road.
27. It is proposed to close the access from Chart Road to general traffic, but retain the existing dropped kerb and lay a grasscrete path to enable use only for maintenance visits and parking relating to the existing substation and for emergencies (this area is shown outlined in red in **Figure 10** below) For all other intents and purposes this access from Chart Road would be retained for pedestrians and cyclists only as is illustrated in **Figures 10 and 11** below.



**Figure 10 Proposed Pedestrian and Cycle Route from Chart Road**

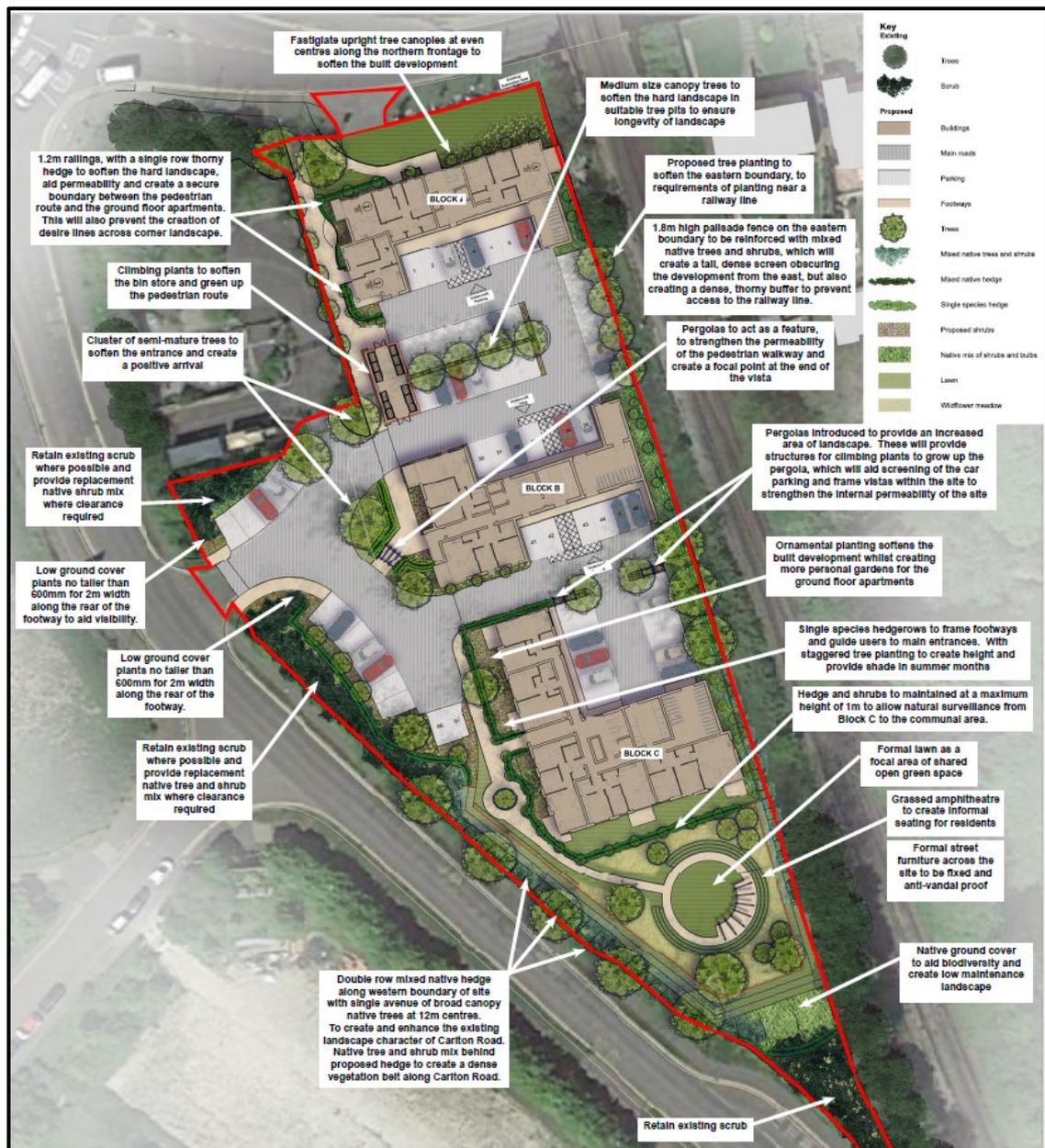


**Figure 11 Proposed Pedestrian and Cycle Route from Chart Road**

28. The Carlton Road access would be retained to serve the development and the adjacent pumping station. Visibility splays for the proposed site access onto Carlton Road would be provided in accordance with the relevant standards.
29. Pedestrian access would be provided at the Carlton Road access and via a pedestrian only access point onto Chart Road. The applicant states that this would provide future residents with good access to public transport, routes to Ashford town centre and to Repton Park and retail outlets further afield.

#### Landscaping

30. The proposal involves proposed soft landscaping including tree-planting to public open spaces and parking courts.
31. It is proposed to remove a large multi stemmed Ash is the southern corner of the site as shown in Figure 8 above. The tree is suffering from Ash Dieback. And the Arboricultural assessment confirms that this tree has a limited future. Proposed tree works also include the felling of T9 which is an Elder tree. The assessment confirms that this tree is dead and presents a hazard.
32. Due to the proposed tree removal, the applicant confirms that mitigation planting is a key feature of the proposed landscape strategy for the site. The focus is on mixed native trees and shrubs. Some ornamental species or near native species would be proposed in locations where native species are not suitable. The landscape strategy illustrated in **Figure 12** below, includes the following:
  - Semi-mature tree planting near the main vehicular entrance into the site, to create instant impact and to soften the built environment.
  - Western boundary - removal of existing scrub and saplings and replacement with native trees and shrubs to aid biodiversity and create a strong streetscape with Carlton Road. Retention of the existing positive landscape treatment.
  - Provision of a landscape buffer along the eastern boundary to screen the Railway line and create a positive green setting to the boundary of the development.



**Figure 12 Proposed Landscaping Strategy**

33. In support of the application, a number of supporting statements and report/surveys have been submitted. The content of these is summarised below:

**Design and Access Statement (DAS) last updated May 2020**

D&A 1 - The Design and Access Statement sets out the background to the proposals, an analysis of the application site, and an explanation of the design process that has informed the evolution of the development proposals.

D&A 2 – See the proposals section above in this report for the main points.

**Planning Statement (PS)**

PS 1 – The statement describes the site and surroundings; the relevant Planning Policy context at national and local level and identifies and addresses the material considerations relevant to the determination of this application.

PS 2 – In summary, the statement concludes the following:

- The scheme has been worked up in discussions with one of the leading Housing Associations and would consist of entirely affordable housing.
- The mix and type of units proposed has been endorsed by Ashford Borough Council's Housing Officer.
- The application site is in close proximity to Ashford Town Centre with all the necessary services and facilities within 15-minute walking distance, and Ashford Train Station within 20 minutes.
- Given the accessibility of this site to all of these destinations in Ashford, its sustainability credentials are high and makes this site an ideal location for an affordable housing scheme.
- In terms of Planning Policy, this proposal is able to fully accord with the policies in NPPF and the Ashford Local Plan.
- The site falls outside Ashford Town Centre and the rate of 2 car spaces per 2-bedroom flat would apply. In line with Policy TRA3a, the applicant has provided information which demonstrates that, for this type of scheme, that level of car parking would not be necessary in this location.,.
- The scheme is an attractive, high quality development which respects the character and context of the surrounding area.

- The layout and design of the scheme is supported by a Landscape Strategy which ties the individual elements together with a cohesive hard landscaping and planting scheme. The existing landscaping on and around the site would be the subject of a Landscape Management Plan.
- The application is supported by technical reports - all of which conclude that there is no technical reason why the site cannot be bought forward for housing as is proposed.

### **Report on Inspection of Trees (RIT) dated 27 August 2019**

RIT 1 - This report concludes the following:

RIT 2 - A total of six individual trees and seven groups were inspected ranging from young planted trees of less than ten years of age through to a mature multi-stemmed Ash of up to 90 years of age. The majority of the trees represent either densely planted landscaping belts or self-seeded trees within the railway land.

RIT 3 - Trees T6, T7, G8, G10 and T12 are located off site on land under the ownership of the railway.

RIT 4 - Of all the trees and groups surveyed all were considered to be of low quality and value. As a consequence all have been classified as either category C or U trees.

<b>BS Category</b>	<b>Tree No.</b>	<b>Sub Total</b>
A	-	-
B	-	-
C	1, G2, G3, G4, 7, G11, 12, G13	8
C/U	G8, G10	2
U	5, 6, 9	3
	<b>TOTAL</b>	<b>13</b>

RIT 5 - The only significant visual tree on the site is a large multi-stemmed Ash (T5) which is beginning to suffer from Ash Dieback and has a limited future.

RIT 6 - The dense planting belts along Carlton Road are heavily crowded with young trees of poor individual form but en-masse they are considered to have visual amenity value. This dense planting has the potential to be thinned to help improve individual tree form. Many of the trees in the belt have the potential to develop to in excess of 20m in height on reaching full maturity. Future management of the belt would need to be considered.

RIT 7 - Proposed tree works include the felling of T9 as this tree is dead and presents a hazard. It is also recommended that the applicant requests the removal of the Ash tree within G10 which is located off site.

**Noise Assessment (NA) dated 18 November 2019 updated in February 2020**

NA 1 - An environmental noise survey was carried out on the north western corner of the site near to Chart Road and the eastern boundary of the site with the railway. Microphones were fitted with an integrated wet weather kit and wind shield. As a result of the location of the microphones closer to noise sources, the results from the measurement locations will have recorded higher levels than would affect the proposed buildings. Measured levels have been adjusted accordingly to represent the worst case scenario for noise levels at the most exposed proposed block to each noise source.

NA 2 - At the time of the survey the weather was dry with low wind speeds and so meteorological conditions are not believed to have affected the measurements.

NA 3 - With the exception of the northern facade of Block A (directly facing Chart Road) and the eastern façade of Blocks A and B (directly facing the railway), the design levels from road traffic or rail noise would not generate a need for enhanced double-glazing beyond the minimum performance expected from a generic (“thermal” double glazing) 6mm glass-20mm cavity-6mm glass double-glazed unit.

NA 4 - Calculations have indicated the need for an “enhanced” glazing system to the north facade of Block A and the eastern facades of blocks A and B. This applies to bedroom windows only.

NA 5 - Ventilation, in accordance with Building Regulations, would need to be provided to residential units where windows are closed in order to control noise from the exterior. This can be achieved by means of acoustic vents, either incorporated into the detail of window frames or through the walls.

NA 6 - The communal amenity space is to be located at the southern end of the site, well away from road traffic noise sources, but still exposed to rail noise from sporadic passing trains (x 2 per hour). Levels at the nearest part of the amenity space to the track would, be slightly above the 55 dB LAeq, 16Hr target level, but these levels would reduce quickly as one moves in a westerly direction away from the railway, such that the vast majority of the amenity area would not be exposed to sound levels above 55 dB LAeq,16Hr.

NA 7 - On both visits to site, the pumping station was not producing any noise. The pumps may only run in certain conditions, or the pumps may be enclosed underground such that they are not audible above ground. From experience at other similar pumping stations, this is the most likely scenario. It is not considered that noise from the pumping station would be audible at the proposed residential premises.

NA 8 - The report concludes that:

- Internal criteria can be met comfortably with the standard specification double-glazing across the majority of the blocks, with enhanced glazing being required for bedrooms only, (on the northern façade of Block A (road noise) and the eastern facades of Blocks A and B (rail noise)).
- Ventilation can be provided by standard trickle vents, with no need for acoustic treatment to be added.
- The internal noise environment for future residents would be acceptable on that basis.
- External sound levels would be comfortably within BS8233 recommendations across the vast majority of the proposed communal amenity space.

NA 9 - The February 2020 update submitted in response to consultation queries raised, concludes:

- Substation noise is not audible across the site. Bearing in mind that the façade of the building most exposed to the substation is also the nearest possible location to both the railway and the road, the mitigation measures included to deal with road traffic and rail noise would be adequate for this secondary noise source. Any conditions on internal noise levels would include this within the total noise environment affecting any façade. If necessary, further mitigation can be undertaken by enclosing the substation.
- Vibration is not considered to be significant. The railway is on an embankment for the most part and carries generally slow moving passenger traffic. It is not expected that there will be significant transfer of vibration into the building structure. This can be addressed by way of planning condition if considered necessary (with internal limits in accordance with the standards set out in BS6472).
- For the most part, the pumping station is understood to be silent. Southern Water advise that a 15-metre stand-off between habitable rooms and the pumping station equipment is provided. The proposal would maintain this distance from the equipment. Mitigation measures against other, far more significant, noise sources is provided.

- The noise assessment for the power reserve permitted under reference 19/01481/AS at Land at rear of LCP Autosure, Bridge Road, Ashford (approx. 130m south west of the site) has been reviewed. This assessment would indicate sound levels of around 40 dB at the proposed buildings within the proposed development from the containerised engines (on a “back-up” power basis and unlikely to operate at night because the demand for power at night is low). The current design/mitigation for this scheme is set against road traffic and railway levels of between 50 and 60 dB (at night), so even if the power plant were to run all night, it would not affect the overall design levels, so there is no need to alter the glazing specifications set out above.
- There were no meteorological conditions thought to have affected the survey results. A 24-hour survey period on a weekday is considered adequate for consistent noise sources such as road and rail traffic and no abnormal conditions were noted.

### **Ecological Assessment (EA) dated October 2019**

EA 1 - The assessment concludes the following:

#### Statutory Sites.

EA 2 - There are no statutory designations of nature conservation value within the site or immediately adjacent to it. The nearest statutory designated site is Ashford Green Corridors Local Nature Reserve approximately 0.6km to the south of the site.

#### Non-statutory Sites.

EA 3 - The nearest non-statutory designation is Great Stour, Ashford to Fordwich Local Wildlife Site, which overlaps with Ashford Green Corridors Local Nature Reserve.

EA 4 - The proposed development is considered highly unlikely to have any impact whatsoever on the locally present statutory and non-statutory designated sites owing to the spatial separation and intervening land use.

#### Habitats.

EA 5 - The main area of the site is overall of negligible habitat interest, consisting predominately of buildings, hardstanding, recolonising ground and managed amenity grassland. The habitats within the site consist of common and widespread species, though habitats such as hedgerows, trees and scrub are of relatively greater interest in the context of the site. The band of scrub on the periphery of the site includes both native and non-native species, and is of

some ecological interest in the context of the site and the immediate locality, contributing as it does to the wildlife corridor along the railway.

EA 6 - It is recommended that the landscape strategy for the proposed development incorporate native species of local provenance. This will ensure the continuity of habitats for wildlife, especially for foraging bats and nesting birds.

#### Badgers.

EA 7 - The grassland and scrub present within the site offer limited suitable foraging habitat for Badgers; no foraging or dispersal evidence of Badgers was identified during the course of the survey. Given the habitats present and the closed board and chain link fencing acting as a barrier, it is considered unlikely that Badgers use the main area of the site and there was no evidence of Badgers in the dense scrub to the south.

#### Bats.

EA 8 - The buildings were surveyed for their potential to support roosting bats. No evidence of bats was recorded during the survey and the buildings are considered to have no significant bat potential. The large multi-stemmed Ash tree in the south corner does not possess features suitable for roosting bats. The railway corridor is likely to support bat species foraging or commuting along it. Redevelopment would present opportunities for enhancement through native planting, as well as the inclusion of bat boxes. Owing to its potential for use by bats, there should be no direct lighting of the railway corridor from the site.

#### Hedgehogs.

EA 9 - No evidence of Hedgehogs was recorded during the survey work undertaken. The site contains suitable habitats for Hedgehog foraging and dispersal. Any clearance of vegetation during the hibernation season (October to April inclusive) will be subject to a check survey for hibernation features. The proposals provide an opportunity to install a Hedgehog house as part of new landscaping.

#### Birds.

EA 10 - The scrub, hedgerow and trees within the site offer some nesting and foraging opportunities for birds. Overall the surrounding areas off-site are of higher interest specifically the railway corridor. There are habitats within and adjacent to the site suitable for nesting birds. It is therefore required that habitat removal works take place outside of nesting bird season (March to July inclusive) or where this cannot be achieved a check survey for nesting birds

should be undertaken by an ecologist, with any confirmed nests left in situ until the young have fledged.

#### Reptiles.

EA 11 - There are no significant opportunities for reptiles within the site although the off-site railway embankment appears to be suitable. The scrub in the south of the site could be used for shelter and hibernation purposes; this is largely to be retained as part of any proposals. Redevelopment of the site would present opportunities to enhance the site for reptiles by the inclusion of hibernacula along the boundary with the railway.

#### Amphibians (Great Crested Newts).

EA 12 - There is no suitable aquatic breeding habitat within the site and no significant terrestrial opportunities for amphibians, although the off-site railway embankment has some suitability.

#### Invertebrates.

EA 13 - Given the habitats present it is likely a common assemblage of invertebrate species would be present within the site. There is no evidence to suggest that any notable species would be present.

EA 14 - In summary, the site itself is for the most part devoid of ecological interest, although it does offer opportunities for nesting birds and connectivity to the railway wildlife corridor. Overall the surrounding areas off-site are of higher interest specifically the railway corridor.

### **Transport Statement (TS)**

TS 1 - The transport statement concludes the following:

- The access to the site is currently from Chart Road and Carlton Road. The new development proposes to use only Carlton Road. This is beneficial as it will reduce queuing from Chart Road and also potentially improve overall road safety.
- Visibility splays, refuse access and fire tender access all comply with standards set within the Kent Design Guide.
- The existing transport network has been reviewed. There are excellent road links to the strategic highways network, good cycle/ pedestrian footways to local amenities and excellent public transport links, including frequently serviced bus stops just 25m from the main site entrance.

- Parking provision has been reviewed against policy TRA3(a) of the Ashford Local Plan 2030. The proposal does not comply with the required parking standards. However, special consideration should be given to the site due to its proximity to Ashford Town Centre and other facilities and services, and its excellent access to public transport links.
- Parking statistics for affordable 1 and 2-bedroom flats have been obtained from the Office of National Statistics, and these confirm that special circumstances justify a departure from Policy TRA3(a) and that given the tenure, the parking on the site is found to be adequate to meet demand from residents and visitors, with spare spaces left over to provide further flexibility if required. This has been confirmed by the registered landlord who would manage on-site parking.
- The statement makes reference to the similarly located Klondyke Works redevelopment scheme, also a 'suburban' site with impressive transport links which was granted planning permission with a departure from Policy TRA3a local standards.
- Trip generation has been completed using the TRICS trip rate database. The assessment showed a "tidal shift" and an increase of 3 two-way trips in the peak AM and 18 two-way trips in the peak PM when comparing TRICS data for residential dwellings with TRICS data for a car show room. Therefore, although there is likely to be an increase in trip generation from the site, it is suggested that it would have a minimal impact on the surrounding road network.
- Three years' worth of accident data was collected from crashmap.co.uk. It is concluded that the development should not give rise to an adverse road safety situations.
- It is concluded that the proposed site is not expected to generate significant trip numbers. The location of the site close to local amenities and public transport links mean that many trips will be carried out using sustainable transport. Therefore, the proposed development should not result in any adverse unacceptable impacts in terms of highway amenity, capacity and safety.

### **Rapid Archaeological Desk-Based Assessment (RADBA)**

RADBA 1 - An assessment of OS historic mapping shows that in 1871 the surrounding area of the proposed development area (PDA) was open fields and the outlying landscape was mainly agricultural. To the left of the PDA were 'Brick Works'. The OS map of 1896 shows the PDA was now part of the adjacent 'Brick Works'. The OS map of 1906 shows that the PDA is now the main centre of activity of the 'Brick Works' and to the south west of the PDA

extensive quarries can be seen. By 1938 the land to the west of the PDA is now quarried out but the 'Brick Works' is still in Existence.

RADBA 2 - The aerial photograph of 1940 show that the 'Brick Works' are now abandoned with the 'Brick Works' building roofless and overgrown. By 1960 new warehouse type buildings have been constructed on the PDA and by 1990 aerial photography shows an industrial park with buildings and outside storage. The 2018 aerial photograph shows wholesale clearing of the surrounding landscape with the housing estate to the south west of the PDA demolished.

RADBA 3 - The KCC HER records show two archaeological sites in the vicinity of the PDA. 100m to the east is the site of a former decontamination Plant whilst to the south east a WWII set of concrete dragons teeth tank traps.

RADBA 4 - The assessment concludes that a review of the available data shows that no major archaeological sites are known within the 100m radius of the PDA and the proposed development is unlikely impact on the archaeological resource. It is likely that large areas of the site have been subject to brick earth extraction. However, it is advised that evaluation trenches across the footprint of the proposed development be undertaken prior to development and secured by condition.

#### **Drainage Strategy and Flooding Risk Considerations (DS&F) October 2019 updated in Jan 2020**

DS&F 1 - The site is entirely within Flood Zone 1 (the lowest category of flood risk).

DS&F 2 - The existing site benefits from a traditional piped foul and surface water drainage system which discharges in an unrestricted way to the sewers within Chart Road along the north boundary of the site.

DS&F 3 - Conventional soakaways are not suitable due to the impermeable clays and perched water table below the site.

DS&F 4 - Infiltration trenches are not a viable option for this site and their use is not proposed due to the impermeable clay below the site and the relatively high perched water table.

DS&F 5 - The site size and layout precludes the use of swales, basins and ponds.

DS&F 6 - The use of porous paving to provide attenuation and pollutant removal is feasible and should be adopted within private parking areas.

### Drainage Strategy

DS&F 7 - A new piped surface water drainage system is proposed for the site with the final discharge to the sewers within Chart Road.

DS&F 8 - The site has been simulated for short and long term duration storms, for return periods of 1 year, 30 years and 100 years plus 40% for climate change.

DS&F 9 - The system has been designed to surcharge in the 1:30 year event without any surface flooding.

DS&F 10 - There is no flooding out of the system for the 1:100 year plus climate change event.

DS&F 11 - Porous paving has been adopted in all areas that it is feasible to ensure that those areas retain the first 5mm of rainfall on the site.

DS&F 12 - The new drainage system and SUDs features all fall within common parts of the residential development. As such the maintenance and operation of the drainage and suds features would fall under a management company or landlord.

DS&F 13 - Originally, the drainage system proposed to reduce run-off to pre-development run off minus 40%. This has been amended in response to comments received from KCC Flood and Water Management. The new proposed drainage system reduces run-off to pre-development run off minus 50% as a minimum. The actual reduction varies between 51% and 61%.

DS&F 14 - The development would not lead to flooding problems on other sites adjacent to, and downstream of the development.

### **Phase 1 Desk Study (P1)**

P1 – 1 In summary, the Phase 1 Desk Study has determined that there is a potential for contamination to be present on site in a circumstance which could lead to unacceptable risks to identified receptors.

P1 – 2 Several of the risks attributable to viable pollutant linkages were considered to be low and very low, with others being moderate and moderate/low. The risk ratings identified in the assessment are not considered prohibitive for the development and can be effectively managed.

The risks which require further consideration in this regard are detailed below:

- Risk from historical site use (brick works and industrial estate): Moderate risks to future residents and potable water pipes (drinking water). Moderate/low risks to perched groundwater and proposed flora.
- Risk from on-site ground gas (ashy soils from brick works and reworked ground): Moderate/low risk to future residents and buildings.
- Risk from current site use (vehicle servicing): Moderate/low risks to future residents, perched groundwater, potable water pipes (drinking water) and proposed flora.
- Risk from off-site ground gas (ashy soils from brick works and infilled quarries): Moderate risk to future residents and buildings.

P1 3 - Although very low and low risks may have been assigned to various pollutant linkages, the risk cannot be eliminated (i.e. “no risk”) at this stage and residual risks will remain which should not be discounted on the basis that the risk is low.

P1 4 - Based on the risk ratings, further investigation is required to refine the risk assessment and validate the conceptual site model. A Phase 2 Site Investigation is therefore recommended which would aim to determine the contaminative status of the site and the presence of contamination associated with the former brick works and engineering /light industrial land uses.

### **Phase 2 Site Investigation (P2)**

P2 1 - The contaminative status of the site is not considered to be prohibitive to the proposed redevelopment. Further investigation is recommended to better understand the risks identified from this preliminary phase of investigation. This investigation should comprise the following elements and should be undertaken once the proposed development layout has been finalised:

- Delineation of the vertical and lateral extent of the hydrocarbon and volatile organic compounds contamination in the vicinity of WS3A (see **Figure 13** below) by advancing several shallow boreholes. As part of these works it is also recommended that groundwater sampling is undertaken in order to better understand the risks to perched groundwater as well as further vapour monitoring.



**Figure 13 Site Investigation Plan**

- Further investigation would also be required in the vicinity of WS2 (see **Figure 13** above) and the above ground fuel tanks when these are removed from site. This investigation should focus on the condition of the shallow soils in the immediate vicinity / below the tanks in areas of the site which could not be accessed during the preliminary investigation.
- An additional five rounds of ground gas and vapour monitoring should be undertaken in order to better understand the initial ground gas regime beneath the site. Elevated concentrations of carbon dioxide have been recorded at WS3A and elevated concentrations of carbon monoxide at WS2, which require further assessment.
- Supplementary shear strength testing from recovered shallow Atherfield Clay Formation samples at shallow footing depths to validate the characteristic value for design purposes.

- Monitor and measure groundwater levels to further assess influence in Made Ground and shallow Atherfield Clay Formation.
- Excavation of four to five trial pits/ trenches in proposed foundation areas to validate changes in Made Ground depths, inspect the condition of the shallow Atherfield Clay Formation and visually assess the flow/ rate of water entering excavations. Undertaken once site is vacated and/or cleared of buildings and underground services isolated.
- Gas protection measures will likely be required either across all or part of the proposed development.

P2 2 - The investigation has also identified the need for potable water pipes to be upgrading to barrier pipe due to the elevated concentrations of hydrocarbons and volatile organic compounds within the Made Ground.

P2 3 - Hotspot removal of contaminated soils may be required around WS2 and WS3A following completion of the above additional investigation and re-assessment against finalised designs.

P2 4 - The Made Ground around WS3A should be disposed of as hazardous waste. Further assessment of the waste classification should be undertaken following the above recommended supplementary investigation works.

P2 5 - The presence of asbestos fibres and asbestos containing material (ACM) within BH2 also present a waste disposal issue. Quantification analysis should be undertaken on the Made Ground at BH2 to determine whether the concentrations of asbestos fibres exceed the hazardous waste threshold of 0.001%. During any groundworks within this area any visible fragments of AMC should be picked and separated from the rest of the soils.

P2 6 - The potential for unforeseen contamination to be present, or encountered during future groundworks, maintenance works and/or site clearance/redevelopment works cannot be entirely eliminated. This will be particularly important when working within the vicinity of areas that were not investigated, or the method of investigation employed was limited due to safety (i.e. live underground services), access, financial, public relations, third party intervention and/or risk etc. which influenced the scope of the investigation. Care and diligence is advised even if a site investigation records a low or very low risk of contamination.

**Site Appraisal and Landscape Strategy (LS) update in Jan and March 2020**

LS 1 - A site appraisal and landscape strategy has been submitted which includes details of existing and proposed planting together with ecological enhancements.

Air Quality Damage Cost Calculation – Technical Note

AQD 1 – The note concludes ‘the mitigation measures proposed will reduce the impact of the development on local air quality. The cost of their implementation will exceed the calculated air quality damage cost by a factor of more than three and are therefore considered sufficient. No further mitigation measures are required’.

### **Relevant Planning History**

82/00292/AS Alterations to the frontage, erection of advertisement. Permission.

81/01531/AS Change of use to motor vehicle depot with workshops, spray shops, stores, showrooms and offices for the repair, maintenance and sale of motor vehicles and ancillary parts. Permission.

86/01776//AS Erection of single storey light industrial unit for use as workshops in conjunction with adjoining premises. Permission. =

89/00021/AS Erection of new building to provide for car servicing in connection with an existing use at bridge house. Permission.

89/01003/AS Removal of condition 05 from consent/application no. 89/0021/as, regarding hours of working. Permission.

89/01473//AS Change of use of workshop to showrooms together with alterations to the internal layout and exterior. Permission.

99/00700/AS Minor alterations to elevations. Permission.

12/00118/AS Extension to existing workshop and parts building to form new service and parts reception area. Permission.

### **Consultations**

#### **1<sup>st</sup> Consultation:**

**Ward Members:** The local ward members are Cllr Suddards and Cllr Farrell. Cllr Suddards and Cllr Farrell are not members of the Planning Committee.

**Kent Highways and Transportation:** The one vehicular access onto Carlton Road with the removal of the existing access onto Chart Road is viewed as a positive step in terms of reducing turning movements on the busier Chart Road.

The existing access onto Carlton Road has adequate visibility and the volume of traffic generated from the proposal at 20 combined trips in the AM peak and 25 combined trips in the PM peak does not cause concern in terms of highway capacity.

Vehicle track drawings have been provided to show that both refuse vehicles and fire tender can access the site, turn safely and exit in a forward gear.

This proposal is intended as fully affordable housing, it is widely accepted that affordable housing units have a lower level of car ownership and use. The census ONS data as supplied demonstrates this. Kent Highways have state that taking this issue into account and the proximity of the site to local services by foot, cycle and public transport, they accept the case as presented that the proposed parking provision is appropriate.

KCC state that the cycle parking provision is above the numbers required by policy and as such is acceptable.

KCC state that although visibility from the access onto Carlton Road is adequate, there are several car parking spaces on site close to Carlton Road. Vegetation should be cleared to a distance 2m back from the rear of the footway shown as part of the proposal, parallel to the site entrance. This will provide additional inter-visibility for drivers entering the site.

**KCC Flood and Water Management:** Object. The proposed strategy seeks to reduce the discharge rates leaving the site by up to 40%. Whilst we welcome a reduction, the rates leaving the site are still considered high in relation to the size of the site. KCC Drainage and Planning Policy Statement (June 2017) and the Ashford Borough Council's Sustainable Design and Construction SPD (2012) require that redevelopments seek to reduce runoff by a minimum of 50% compared to existing rates (ideally restricting run off to the equivalent greenfield run off rates.) This reduction would apply to the proposed staged discharge for rainfall events up to the 100 +40 % for climate change. In addition, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017).

**KCC Biodiversity:** No objection subject to conditions.

**ABC Environmental Protection:** In response to matters relating to contaminated land only, Environmental Protection raise no objection subject to conditions.

**ABC Street Scene (Refuse):** Refuse storage capacity is inadequate.

**Environment Agency:** Responded to confirm they have no comment.

**Kent Fire and Rescue:** Confirm that the relevant requirements of the County of Kent Act 1981 have been met.

**NHS:** Request £48,750.00 in financial contributions towards creating capacity for the additional population within the Ashford Stour Primary Care Network.

**Southern Water Services:** No comments received.

**Southern Gas Network:** No comment.

**UK Power Network:** No objection.

**CTRL (HS1):** This development is a sufficient distance from our asset for HS1 not to have any comments.

**Network Rail:** It appears the application boundary encroaches Network Rail land. Network Rail therefore request that the applicant adjusts the application boundary so it does not encroach Network Rail's freehold.

Network Rail's Asset Protection team strongly recommends the developer contacts them due to the proximity of the development to the operational railway. The applicant is recommended to do this prior to any works commencing on site, with a view to enter into an Asset Protection Agreement to enable approval of detailed works.

No overall objection subject to complying with certain criteria relating to future maintenance, drainage provision, the use of plant and materials, scaffolding, piling, fencing, lighting, noise and vibration, landscaping and vehicle incursion.

**KCC Development Contributions, KCC Heritage, ABC Economic Development, ABC Cultural Services, ABC Housing and Kent Police:** did not provide any response to the first consultation.

**Neighbours:** 34 neighbours have been consulted, a site notice has been posted and the application has been advertised in the press.

No representations received.

**2<sup>nd</sup> Consultation** - Undertaken as a consequence of amending the red line boundary in response to comments received from Network Rail.

**Kent Highways and Transportation:** Although visibility from the access onto Carlton Road is adequate, there are several car parking spaces on site close to Carlton Road. The vegetation should be cleared to a distance 2m back from the rear of the footway shown as part of the proposal, parallel to the site entrance. This will provide additional inter-visibility for drivers entering the site.

There is a label on drawing 0267/19/A/20 which reads: "*Low ground cover plants no taller than 600mm for 2m width along the rear of the footway.*" However this is indicated as being south of the site entrance and it is the north side of the entrance which is key to provide inter-visibility between vehicles entering the site and parking spaces close to the junction.

**KCC Flood and Water Management:** KCC confirm that they are satisfied with the design presented within the updated report. KCC recommend a condition requiring provision of the system and future maintenance.

**KCC Development Contributions:** Request financial contributions towards, primary school education, primary land, secondary school education, libraries, adult education, community learning, youth, social care and waste.

**KCC Heritage:** State that the site may contain industrial remains of historic interest. In view of the archaeological potential KCC recommend a condition to secure and implement archaeological field evaluation works and further archaeological investigation, recording and reporting, determined by the results of the evaluation.

**KCC Biodiversity:** No objection subject to conditions.

**ABC Economic Development:** Encourage compliance with policy EMP6 'Promotion of Fibre to the Premises (FTTP)'.

**ABC Environmental Protection:** In response to matters relating to noise Environmental Protection state the following:

The noise assessment submitted concludes that the development can be made acceptable in noise terms through the use of glazing spec and acoustic vents on some facades.

- The survey period used was relatively short, and it is unclear if weather data was taken on site. Both affect uncertainty.

- Some assumptions have been made about the pumping station/substation and I would welcome further detail on this to demonstrate that this will definitely not unduly impact those residents nearest this area.
- Comments from UK Power Networks concerning low frequency noise and vibration are noted and should be covered by the applicant when adding further discussion on this.
- Network Rail raise the issue of vibration. This has not been assessed by the applicant.
- Application 19/01481/AS is for an urban power reserve at Land at rear of LCP Autosure, Bridge Road, Ashford (approx. 130m south west of the site). This may have some noise impact on this residential development, and as such we would welcome consideration of any glazing spec etc. that may be required on the facades facing this direction.

In response to other matters not relating to contamination and noise, Environmental Protection have suggested a number of informative notes and conditions that seek to minimise adverse impacts arising from the pollution of surface and ground water, the burning of waste and from construction practice such as impacts arising from noise and dust.

A condition requiring electric vehicle charging points is recommended.

In addition to the above, Environmental Protection state the following:

'We note that the proposed development is considered major using the criteria from DoT indicative thresholds for transport assessments. As such we would recommend that the applicant complete an air quality assessment (including damage cost analysis in accordance with DEFRA guidance) and apply mitigation to the development based on the calculated damage cost.'

**ABC Street Scene (Refuse):** No comments received.

**ABC Cultural Services:** Require financial contributions towards outdoor sports, informal/natural space, play, allotments, strategic parks, public art and the voluntary sector.

**ABC Housing:** Support the delivery of a fully affordable scheme comprising 20 shared ownership units and 44 affordable rent units.

Housing expect the properties to meet the Nationally Prescribed Space Standards. In the case of any 1-bed properties housing expect two proper bed spaces, in any 2-bed properties Housing expect four bed spaces to be provided.

In line with Policy HOU14 of the emerging local plan, 20% of all dwellings should be M4(2) standard. Note potential requirement to provide units to M4(3b) standards.

**Environment Agency:** Advise that there are no constraints from their perspective.

**Kent Police:** Raise no overall objection but make a number of observations in connection with designing out crime. Kent Police invite the applicant to work with them to achieve a strong performance in terms of Secured by Design principles.

**Kent Fire and Rescue:** Confirm that the proposed amendments do not impact their initial assessment and that the off-site access for the Fire & Rescue Service remains compliant.

**NHS:** No additional comments received.

**Southern Water Services:** Provide guidance relating to the proximity of the development to the adjacent pumping station. In addition, Southern Water request conditions and informatives.

**Southern Gas Network:** No comments received.

**UK Power Network:** No additional comments received.

**CTRL (HS1):** No additional comments received.

**Network Rail:** Repeat previous comments.

**Neighbours:** 34 neighbours have been consulted.

A total of 6 representations have been received objecting to the proposal for the following reasons:

- Increase in traffic congestion.
- Insufficient resident and visitor parking on site.
- Concern about the amount of housebuilding borough wide and the inability of the road infrastructure to accommodate this.
- Only buses and taxis can go across the railway bridge at the end of Carlton Road. The road goes round to the right through the industrial estate, so any

cars coming from the new development would have to turn right and come immediately to the tank roundabout, which is considered one of the busiest in Ashford.

- Over intensive.

### **3<sup>rd</sup> Consultation**

Undertaken as a consequence of the following amendments to the scheme:

- Amendments to the window positions for the flats at all three levels in block A adjacent to the substation, in order to lessen any noise impact generated from the UK Power Network substation.
- Amendments to layouts of flats in blocks A and B to increase the number of 2-bed 4 person flats.
- The removal of block C's integral bin store and replacement with the provision of two car parking spaces within the under-croft.
- Update to the landscape plan to make it clear that the no ground cover plants would be incorporated on both the north and south side of the Carlton Road access to ensure clear inter-visibility.
- Amendments to bin storage provision (including the relocation of storage) to ensure that there is adequate capacity and that they now comply with the comments provided by Environmental Services.
- Submission of an updated 'Noise Assessment' to provide further information on the UK Power Network substation, the Southern Water pumping station, the proposed power reserve on the Industrial Estate opposite and vibration from the railway line.

**Kent Highways and Transportation:** No additional comments received.

**KCC Flood and Water Management:** Refer to previous comments.

**KCC Development Contributions:** No additional comments received.

**KCC Heritage:** No objection subject to condition.

**KCC Biodiversity:** No additional comments received.

**ABC Economic Development:** No additional comments received.

**ABC Environmental Protection:** No additional comments

**ABC Street Scene (Refuse):** No additional comments received.

**ABC Cultural Services:** No additional comments received.

**ABC Housing:** No additional comments received.

**Environment Agency:** No additional comments received.

**Kent Police:** No additional comments received.

**Kent Fire and Rescue:** No additional comments received.

**NHS:** No additional comments received.

**Southern Water Services:** State their previous comments remain unchanged and valid for the amended details.

**Southern Gas Network:** No additional comments received.

**UK Power Network:** Have re-submitted their comments received in response to the 1<sup>st</sup> round of consultation.

**CTRL (HS1):** No additional comments received.

**Network Rail:** State they have no further comment to make on this proposal and refer to previous comments received in response to the 2<sup>nd</sup> round of consultation.

**Neighbours:** 34 neighbours have been consulted.

One letter of representation has been received commenting on the under provision of parking on site for residents and visitors.

#### **4<sup>th</sup> Consultation**

Undertaken as a consequence of the following amendments to the scheme:

- Increase in number of flats from 64 to 65.
- Increase in the amount of parking from 67 to 68 car parking spaces.
- Adjustment to balcony sizes – ensuring compliance with Policy HOU15 with the exception of flats 27 and 29.
- Further alterations to the tenure mix to provides 30 x 1 bed 2person, 17 x 2 bed 3-person and 18 x 2 bed 4-person apartments (total 35 x 2 bed).
- Clarification that the scheme would deliver 100% affordable housing of which a minimum of 20% would be social rented accommodation and 80% would be shared ownership.

- Clarification that the scheme would deliver the requisite 20% of apartments to M4(2) standards and in line with the comments from ABC Housing Officer, 2 units would be delivered to meet M4(3b) standards.

A response to UKPN and Southern Water consultees response has also been provided.

**KCC Flood and Water Management:** State that they have reviewed the amendments and raise no objection.

**ABC Environmental Protection:** Have confirmed that they have reviewed the updated Noise assessment, and raise no objection subject to the provision of enhanced glazing as per the recommendations within the assessment. Environmental Protection also confirm that they raise no objection to the Air Quality Damage Cost Calculations.

**ABC Housing:** Advise that they support the scheme to deliver 100% affordable housing. Housing confirm they support the tenure mix. Housing state they expect the properties to meet the Nationally Described Space Standards. In the case of any 1-bed properties, Housing expect two proper bed spaces, and in any 2-bed properties Housing expect four bed spaces to be provided. That said, Housing state 3 bed spaces is acceptable. In line with Policy HOU14 of the local plan, Housing confirm that 20% of all dwellings should be M4(2) standard. Housing note the requirement to provide units to M4(3b) standards.

**Environment Agency:** Confirm that there are no constraints affecting the proposal.

**KentPolice:** Raise no overall objection but make a number of observations in connection with designing out crime. Kent Police invite the applicant to work with them to achieve a strong performance in terms of Secured by Design principles.

**Kent Fire and Rescue:** The off-site access requirements of the Fire & Rescue Service have been met.

At the time of writing the report, the consultation period hadn't expired. Comments from the following have not yet been received:

Kent Highways and Transportation, KCC Heritage, KCC Biodiversity, ABC Economic Development, ABC Street Scene (Refuse), ABC Cultural Services, NHS, Southern Water Services, Southern Gas Network, UK Power Network, CTRL (HS1) and Network Rail.

The consultation period ends on 12 June 2020. Any further comments will be reported as an update to the Planning Committee.

## **Planning Policy**

34. 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).
35. 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).
36. The relevant policies from the Local Plan relating to this application are as follows:-
  - SP1** – Strategic Objectives
  - SP2** – Strategic Approach to Housing Delivery
  - SP6** - Promoting High Quality Design
  - HOU1** – Affordable Housing
  - HOU3a** – Residential Windfall Development within Settlements
  - HOU12** – Residential Space Standards
  - HOU14** – Accessibility Standards
  - HOU15** – Private External Open Space
  - HOU18** – Providing a Range and Mix of Dwelling Types and Sizes
  - EMP2** – Loss or redevelopment of Employment Sites and Premises
  - EMP6** – Promotion of Fibre to the Premises (FTTP)
  - TRA3(a)** – Parking Standards for Residential Development
  - TRA5** – Planning for Pedestrians

**TRA6** – Provision for Cycling

**TRA7** – The Road Network and Development

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

**ENV1** – Biodiversity

**ENV3a** – Landscape Character and Design

**ENV6** – Flood Risk

**ENV7** – Water Efficiency

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

**ENV9** – Sustainable Drainage

**ENV12** – Air Quality

**ENV15** – Archaeology

**COM1** – Meeting the Communities Needs

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

**IMP1** – Infrastructure Provision

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

**Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces & Water Environment SPD 2012

Sustainable Design and Construction SPD April 2012

Dark Skies SPD 2014

Affordable Housing SPD 2009

### **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

38. 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).
39. The NPPF sets out the high level government aim of achieving sustainable development through 3 main objectives which are interdependent and need to be pursued in mutually supportive ways. These are:
  - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

40. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development
41. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
42. The NPPF states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, so that the needs of groups with specific housing requirements are addressed and so that land with permission is developed without unnecessary delay.
43. Paragraph 64 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.
44. Paragraph 81 requires planning policies to, amongst other things, set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth and seeks to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.
45. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
46. Paragraph 112 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and policies should prioritise full fibre connections to existing and new developments.
47. Other key considerations from the NPPF material to the application are promoting healthy and safe communities (paras 91-101), meeting the challenge

of climate change and flooding (para 148 - 169), conserving and enhancing the natural environment (para 170 -183) and conserving and enhancing the historic environment.

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standard

**Assessment**

48. The main issues for consideration are:

(a) Whether the principle of the development is acceptable when assessed against existing local and national planning policies relating to land use and residential development;

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

(c) Air quality and noise

(d) The impact on the residential amenity of existing and future occupier;

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

(f) Whether the proposal is acceptable in terms of flooding, surface water drainage, water efficiency and contamination;

(g) Ecology;

(h) Archaeology;

(i) Whether the proposals are acceptable in terms of housing mix/affordable housing/accessibility standards;

(j) Planning obligations;

**Whether the principle of the development is acceptable when assessed against existing local and national planning policies relating to land use and residential development**

49. The application relates to a brownfield site. Policy SP1 of the Local Plan sets out the Council's strategic objectives which include to focus development at

accessible and sustainable locations which utilise existing infrastructure, facilities, and services wherever possible. The policy also expects planning applications to make the best use of suitable brownfield opportunities, an approach that is consistent with the NPPF which states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs (paragraph 118).

Loss of Employment

50. The 'Planning Statement' (PS) accompanying the application confirms that Lipscomb Holdings have been on this site since 1995 and currently operate their Fiat dealership and servicing for both Fiat and Volvo from the site. Lipscomb also have two other sites, one at Aylesford and at Chartham.
51. The PS advises that the requirements of mainstream car manufacturers have become ever more demanding in terms of their brand image. Franchises are required to have the most up to date sales and servicing facilities on a much larger scale than used to be the case. For this reason, Lipscomb has needed to upgrade their premises in order to maintain their franchises. Regrettably, due to the railway line and the proximity of the application site to Chart and Carlton Road, expansion of the Ashford franchise could not be accommodated. Consequently, Lipscomb took the decision to invest in their Chartham operation through the purchase of an adjacent site which enabled room for the required expansion. At the time of submission, the new showroom in Chartham was under construction and the applicant's intention is that the 15 Ashford employees would be transferred to that site upon its completion.
52. Policy EMP2 of the Ashford Local Plan seeks to avoid the loss or redevelopment of existing employment premises unless certain criteria are met. However, the thrust of this policy relates to premises in B-class uses. The nature of the use of this site, (detailed in paragraph 3) is 'sui generis' for the purposes of planning control. It is therefore considered that the restrictions imposed by Policy EMP2 would not apply to the redevelopment of this site. That said, were the premises seen more directly within the context of the Cobbs Wood industrial area, then the ability for the site to accommodate other B-class uses, or be marketed as such, would be afforded greater weight. However, contextually, this site is disconnected from the industrial uses at Cobbs Wood by Carlton Road and the and High Speed rail link tunnel 'no build zone'. I am also mindful that the site is located in proximity to residential dwellings in Chart Road and Kings Avenue.
53. In conclusion, for the reasons set out above, I have no objection to the loss of employment.

Residential Development

54. Ashford is the borough's principle settlement, representing a sustainable location. There is a full range of services available within the town centre and the various neighbourhoods that make up the wider urban area, and for these reasons the Local Plan sets out that Ashford is where most development should be located.
55. In order to maintain an adequate supply of new homes, as stated in Policy SP2 of the Local Plan, the Council's strategic approach to the delivery of new housing 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.
56. The site is not allocated within the Ashford Local Plan, it is a windfall site. Nonetheless it will contribute to housing supply. In order to ensure that development delivered is sustainable, Policy SP2 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. The Council's housing targets make allowance and indeed expect windfall sites to come forward and therefore the Council has a policy specifically related to this.
57. Policy HOU3a relates to residential windfall development (of a scale that can be satisfactorily integrated) within existing settlements including within Ashford. 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.*

58. The site is located within a highly sustainable location and is well related to existing infrastructure, services and facilities. For example, the site is a short walk from Lidl and Waitrose supermarkets, Ashford International train station and the town centre and the wide range of local services and facilities available within it. The site is clearly located within the existing confines of Ashford and thus is within an area where development should be directed.
59. As such, subject to meeting criteria (a-g) of Policy HOU3a (which I consider in subsequent sections of this report), I consider that the overall principle of residential development in this location is an acceptable one in terms of Policy SP2.
60. With regard to the final criteria of HOU3a (criteria h), criteria h states that the development should not displace an active use (such as employment), unless meeting the requirements of other policies in the Plan. The loss of employment has been carefully considered against other policies in the plan (see paragraphs 50-53 above), and in this instance I consider it to be acceptable.

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

61. Policies SP1, SP6, HOU3a and ENV3a all include criteria requiring good design, including that development should seek to create a distinct character, with a strong sense of place and identity. These policies are broadly consistent with the NPPF which attaches great importance to the design of the built environment.
62. The site is bounded on all sides by transport infrastructure. Most notably, the site is located in close proximity to the 'Tank' roundabout, separated from Cobbs Wood Industrial Estate by Carlton Road and the HS1 no build zone, and from residential uses in Chart Road by the railway line to the east. From a townscape perspective, the site is somewhat isolated. However, this presents an opportunity as the limited buildings with which the site is viewed in context, offer a degree of flexibility in terms of the approach to design and layout.
63. Following negotiation at pre-application stage, it was agreed that the most appropriate and efficient means by which to redevelop the land for residential use, would be to provide a flatted development within which dwellings would be distributed in a series of separate buildings blocks rather than a single structure. Having adopted this approach, the proposal is to provide three buildings,

identified as Blocks A, B and C. The blocks progress into the site from north to south.

64. The topography of the site and the use of three separate buildings enables the scale of accommodation to rise across the site from lower level accommodation at Chart Road (Block A) to the most southern part (Block C) where the site can accommodate taller buildings as land levels are set well below the level of Carlton Road. This increase in scale would both aid visual interest and minimise the skyline impact of the development over the length of the site.
65. Whilst Block C would rise to between 4 and 5-storeys, the topography, together with substantial tree and vegetation screening on three sides, would help to soften the immediate impact of the development in the street scene and also upon the skyline, particularly in long range views such as those toward the site when approaching from Templar Way.
66. At present, the site frontage, comprising a hardstanding and car sales forecourt set in the backdrop of commercial buildings, does not in my opinion provide a high quality or characterful setting as the termination / entry to Chart Road. Given its interface with the junction to the 'Tank' roundabout, the site currently lacks frontage to mitigate the visual impact that road infrastructure has. Replacing the vehicle access from Chart Road with a pedestrian/cycle route, and siting new building 'Block A' on a building line similar to that of residential properties to the east of the railway line, would significantly increase the degree of enclosure to the street . This arrangement would also allow additional landscaping to be provided that would help soften the development and provide a green street frontage: in so doing the scheme would reflect the spacious front gardens layout theme to the east along Chart Road.
67. The intentional enclosure achieved through siting Block A in a position where it directly addresses the street is an approach that I support. It would help repair the urban fabric by creating an active residential frontage to Carlton/Chart Road, which would make a positive contribution to the streetscape by responding to the adjacent residential uses and spatial layout of dwellings fronting Chart Road. The western corner of Block A would provide a legible feature which would positively contribute by providing a strong façade at the termination / entry to Chart Road.
68. The decision to take the primary access for vehicles from Carlton Road creates the opportunity to enter within the centre of the site. The main entrance into the site is terminated by the western elevation of Block B which features a spacious entrance porch, finished in feature cladding so that the primary access into the building is clearly legible and distinct in accordance with the basic principles of good urban design. The entrance porch is fronted by a semi-circular landscaped space comprising hedgerow and tree planting. The arrangement

provides an attractive gateway into the site that emphasises the sense of arrival.

69. Parking is provided in primary car parking courts located at the edges in under-crofts, between building blocks and behind well designed purpose built refuse stores. Overall, I consider that the car parking has been carefully located so that it is obscured and does not over dominate the layout. Landscaping is provided within and adjacent to parking courts to help break down the extent of hardstanding which is welcome and will further soften the impact of parked vehicles.
70. In terms of individual buildings blocks, Block A is a 3-storey building with a pitched roof that responds to the traditional form of surrounding residential properties. Although Block A rises above the ridge of the residential dwellings in Chart Road (as illustrated in **Figure 5**), this difference in height is considered to be acceptable due to the separation distances, proximity of the railway bridge, existing trees on Network Rail land, and the manner in which the contrasting heights would be viewed in context with one another.
71. In my opinion the oblique spatial relationship between the buildings, will make it difficult to perceive the buildings directly in context with one another in a way which would unduly or adversely highlight their difference in height/scale.
72. In contrast to Block A, Blocks B and C are consistent in form as they both would have a flat roof design.
73. A yellow stock brick is proposed with contrasting dark grey detailing through roof coverings, feature claddings, windows and doors, fascia's and soffit's. Window and door openings of varying proportions are generous and have simple un-fussy fenestration set within deep reveals - roof features have simple clean detailing strengthening the contemporary aesthetic. The use of standing seam metal cladding on the pitched roof to Block A, and feature cladding within the top floor inset structures adds variation to the facades and complements the architectural detailing. Feature canopies / surrounds are finished in the same feature cladding material to identify the main entrances and provide legibility.
74. Balconies would be a mix of inset and projecting, with glass enclosures or brick parapets. The use of obscured / frosted glass in some areas is encouraged to ensure that users are afforded visual privacy. This would also help screen objects on balconies from full public view. I propose that these aspects of fine detail can be dealt with by planning conditions.

75. The finer detail 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 the build quality does not diminish during the construction phase.
76. Overall, the architectural style is a contemporary take on the vernacular that includes some traditional forms (such as the pitched roof elements to Block A). The consistent use of contemporary detailing and matching materials across the site adds interest whilst creating a unified approach.
77. Although it is acknowledged that the proposals would result in new contemporary architecture that would be juxtaposed alongside pockets of traditional built form, as stated previously, the site's context affords a degree of flexibility in terms of the approach to the design, layout and density. I do not consider that the proposed architectural style would appear out of place / inappropriate.
78. In conclusion, I consider that the proposed layout, building heights, scale and massing successfully respond to (and respect the context of) the site including its topography and proximity to transport infrastructure. The buildings would be well detailed and include subtle elevation articulation such as setbacks, to help reduce the overall scale and massing and help accentuate the building's distinct contemporary design. Together with the use of quality materials this would help ensure a visually rich architectural appearance and an overall high quality design. The proposed response would add variety and interest to the townscape, offering an opportunity to deliver a scheme with its own distinct character, whilst respecting the scale, mass and spatial layout of buildings in proximity in a way which would enhance the quality of the urban environment. I am therefore satisfied that the proposed development would accord with the objectives of the relevant policies identified in paragraph 61.

### **Air Quality and Noise**

79. Policy SP1 states that planning applications are expected to conserve and enhance the natural environment and ensure that new development is resilient to, and mitigates against the effects of climate change through factors such as reducing pollution. With this in mind, Policy ENV12 of the Local Plan 2030 states, amongst other things that:

*All major development proposals should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality.*

*Development should be located where it is accessible to support the use of public transport, walking and cycling.*

80. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users. The NPPF also requires planning policies and decisions to contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air and noise pollution (paragraph 170).
81. Paragraph 180 indicates that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Paragraph 180 states that in doing so, policies and decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. In addition, the NPPF states that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement (paragraph 181).
82. In order to ensure that these issues are dealt with appropriately, the applicant has submitted a Technical Note which details the Air Quality Damage Cost Calculations and a 'Noise Assessment' the content of which are appraised below.

#### Air Quality

83. In order to mitigate against air quality impacts resulting from transport associated with the development, air quality damage cost calculations have been provided. This information is contained within a Technical Note.
84. The Note submitted by the applicant, confirms that the damage cost calculation has been carried out in accordance with the principles of DEFRA's Air Quality Damage Cost Guidance and uses emissions obtained from the latest DEFRA Emission Factor Toolkit, as recommended in the Kent and Medway Air Quality guidance. The note states that the damage cost has been calculated in DEFRA's Air Quality Damage Cost Appraisal Toolkit.
85. In order to calculate the amount of transport-related pollutant emissions the development is likely to produce, the applicant has calculated the additional number of daily trips generated by the development, over and above those trips

already generated by the existing site use. Based on the uplift, (which the Note states equates to approximately 92 trips) the estimated damage cost totals £12,532.

86. In order to mitigate for potential effects on local air quality, the applicant proposes a mitigation package which includes encouraging use of non-car based transport. In order to encourage this, it is proposed to provide 100 secure bicycle parking spaces. This amount is in excess of adopted policy requirements. It is also proposed to provide 7 active 7 kW electric vehicle charging points, which equates to approximately 10% of the total number of parking spaces proposed. In addition, a further 7 passive electric vehicle charging spaces to allow for future provision, including underground ducting will also be provided.
87. The Technical note indicates that at an estimated cost of £45,000, the cost of implementing the proposed mitigation will exceed the calculated air quality damage cost by a factor of more than three.
88. The proposed mitigation measures will help reduce the impact of the development on local air quality. The Technical Note has been subject to consultation with ABC Environmental Protection. Based on the calculations submitted Environmental protection raise no objection. The measures proposed to mitigate can be secured by condition. Subject to this, I am satisfied that the impact upon air quality will be satisfactorily mitigated in accordance with relevant policy and national guidance.

#### Noise

89. The original noise assessment was carried out on the north western corner of the site near to Chart Road and the eastern boundary of the site with the railway. The conclusions of the originally submitted assessment are summarised at paragraph NA 8.
90. Following consultation, ABC Environmental Protection, UK Power Network and Network Rail all raised additional noise related issues, including issues relating to the noise survey period, the pumping station/substation, low frequency noise and vibration (particularly from the railway line) and noise for the urban power reserve on Bridge Road recently permitted under application reference 19/01481/AS.

91. In response to the queries raised, the applicant provided an update to the noise assessment which is dated February 2020, the conclusions of which are detailed at paragraph NA 9.
92. The updated noise assessment has been subject to further consultation with ABC Environmental Protection. Environmental protection raise no objection, subject to a condition to secure the mitigation recommended within the assessment. This includes standard specification double-glazing across the majority of the blocks, with enhanced glazing being required for bedrooms only on the northern façade of Block A, and the eastern facades of Blocks A and B. Appropriate ventilation is also required.
93. Subject to the implementation of the recommended measures to mitigate against noise, in my opinion, the impact upon occupier's amenity would be acceptable.

**The impact on the residential amenity of existing and future occupiers**

94. Criteria b of Policy HOU3a indicates that development should not adversely impact on the amenity of existing residents. This is consistent with paragraph 127 of the NPPF which advises that planning decisions should create a high standard of amenity for existing and future users.
95. For the reasons identified in the previous paragraphs, I consider that in terms of the impact of noise on future occupiers subject to the implementation of appropriate measures to mitigate against noise, the impact would be acceptable. Other relevant amenity impacts such as loss of privacy, loss of light etc. are addressed below.
96. Block A, the northern most apartment block, would be located approximately 22 metres from the side elevation of number 37 Chart Road. Number 37 Chart Road is located on the opposite side of the railway line to the east of the application site. Number 37 is the nearest residential property to the application site.
97. Blocks A and B would include windows and balconies that allow views towards the rear windows and gardens of properties located in Chart Road. However, I consider that the distances maintained, together with the relationship of the site with the railway line and retained planting along the railway embankment (on land outside the applicant's control), would contribute to mitigate the impacts of any perceived overlooking and help maintain an acceptable degree of privacy.

98. Apartment block C would be located c.65-70m from the nearest gardens and elevations of properties located in Kings Avenue, which are further to the South East beyond the proposed on site amenity space, landscape buffer and railway line. **Figure 14** below shows these existing relationships with the site from an aerial view.



**Figure 14 Aerial View**

99. In conclusion I consider that the proposed layout plan demonstrates that satisfactory distances can be maintained between the proposed flats and adjacent dwellings, and that consequently the redevelopment of the site can be achieved without causing harm to neighbours amenity through loss of privacy, loss of light, immediate outlook or by having an overbearing presence.
100. With regard to space standards, Policy HOU15 of the Local Plan states that *“for flats, a minimum of 5 sq m of private outdoor space should be provided for 1 or 2 bedspace dwellings, and an additional 1m<sup>2</sup> should be provided for each*

*additional bedspace. The minimum depth and width for all balconies and other private external space should be 1.5m”.*

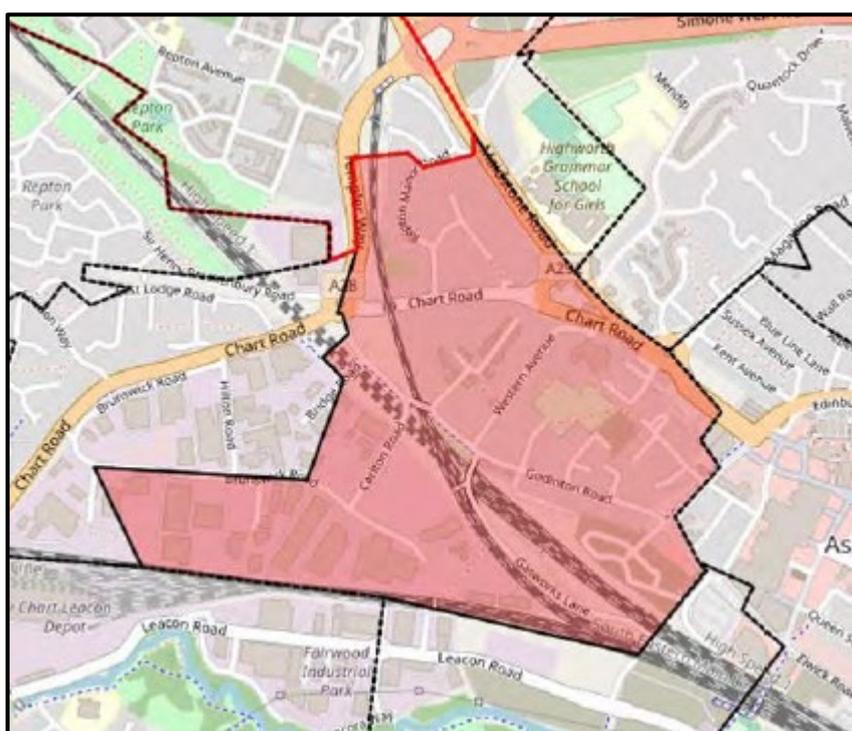
101. All flats are provided with private amenity space through the provision of balconies at the upper levels and enclosed external spaces at the ground floor levels. With the exception of only two flats 27 & 29 (where the balcony depth is approx. 1.4m on flat 27 and 1.25m on flat 29), all amenity space would comply with the size requirements in policy HOU15.
102. Whilst balconies serving flats 27 and 29 fail to comply with Policy HOU15, the degree of conflict is minimal and the minor shortfall affecting these flats, is one that I consider would be offset by the benefits associated with the provision of the landscaped communal amenity space in the southern part of the site, which would be readily accessible to occupiers of all of the proposed flats.
103. The internal accommodation proposed would comply with National Space Standards.
104. Given the above, I consider the scheme is considered to have an acceptable impact on existing and future occupier’s amenity.

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

**Quantum of parking provision**

105. The site is located outside of the town centre area and so the policy compliant position in accordance with Policy TRA3(a) of the Local Plan is that parking shall be provided on site at a ratio of 1 space per 1 bedroom unit and 2 spaces per 2 bedroom unit. TRA3(a) does, however, allow for exceptions where these can be justified.
106. A total of 68 car parking spaces are proposed, which does not meet adopted standards.
107. The justification for the under provision of parking on site is detailed in the Transport Statement accompanying the application which is summarised in previous paragraphs of this report.
108. Firstly, the Transport Statement suggests that based on experience, the former prospective registered landlord has indicated that the proposed provision is more than adequate to meet tenants demand.

109. To further inform their justification the applicant has also obtained evidence from the 2011 census data for the relevant Lower Super Output Area (LSOA), Ashford 004E. The LSOA areas Ashford 004E is shown in Figure 5-1 of the Transport Statement which is copied in **Figure 15** below. The evidence, obtained from the Office for National Statistics (ONS) relates to dwelling type, tenure and number of bedrooms, with data relating to rented/affordable flats cited as being of specific relevance.



**Figure 15 Lower Super Output Area (LSOA), Ashford 004E**

110. The Transport Statement confirms that the ONS data reveals:
- 1 bed affordable flats owned an average of 0.44 cars/vans per dwelling
  - 2 bed affordable flats owned an average of 0.57 cars/vans per dwelling
111. The Transport Statement concludes that ONS data makes it clear that affordable flats within this LSOA generate significantly fewer cars and vans ownership. On this basis, it is suggested that parking requirements for a scheme of this nature would therefore be lower than the standards prescribed in Local Plan Policy TRA3(a).
112. In addition, the site is sustainably located. The site has good local pedestrian provision with easy access to footways, and is within a short walk (600m) of

Ashford town centre via Chart Road and a 15-20-minute walk of Ashford International Station via Carlton and Elwick Road.

113. The site benefits from access to off-road cycling provision from Chart Road, which heads northward up Templar Way to Drovers Roundabout. From the roundabout off-road cycling routes continue north along the A20 to Orchard Heights, east along the A28 past Warren Retail Park and south along the A292 towards Highworth Grammar School. The town centre is a 3-4-minute cycle from the site (600m) and the journey from the site to the train station on bike can take as little as 5-6 minutes (1.4km) depending upon the route.
114. There are two bus stops bordering the site: Chart Road Roundabout Bus Stop is just 25m from the sites east entrance, Bridge Road Bus Stop is 70m away in the opposite direction along Chart Road. Services operating from the stops close to the site run to Ashford Town Centre and Ashford International Train Station approximately every 30 minutes throughout the day. Journey times from these bus stops to the town centre (Bank Street) is 4 minutes and to the train station is 7 minutes.
115. The transport statement has been subject to consultation with KCC. In response KCC has stated that it is widely accepted that affordable housing units have a lower level of car ownership and use, and that the census ONS data supplied demonstrates this. KCC also acknowledge the proximity of the site to local services.
116. Taking all of the above into account, I consider that in this particular instance, it has been satisfactorily demonstrated that the proposed quantum of parking provision comprising the following:
- 35 allocated spaces for the 35 2-bed flats (1:1 ratio);
  - 13 unallocated spaces for the for the 30 1-bed flats (0.433 ratio);
  - 13 visitor spaces (0.2 spaces per dwelling in accordance with policy TRA3a); and
  - 7 additional unallocated spaces to provide flexibility in the parking stock.

would, adequately serve this edge of town centre development. The departure from adopted policy TRA3(a) is therefore one that I consider is justified and acceptable.

117. A car parking management strategy for the site detailing how the car parking within the application site will be appropriately managed can be secured by condition.
118. Cycle parking would be provided in accordance with relevant Local Plan Policy TRA6 and can be secured by planning condition.

*Impact of the development on the local highway network*

119. Policy TRA7 of the adopted Ashford Local Plan 2030 relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. This criteria is broadly consistent with criteria e of Policy HOU3a.
120. The existing Chart Road access is within close proximity to the 'Tank' roundabout. It is identified within the Transport Statement that during peak hour periods vehicles turning right into the site as it exists often have to wait for a period of time to enter, blocking the Chart Road northbound lane and potentially reducing the efficiency of the 'Tank' roundabout. Consequently, as stated in the 'Proposals' section of this report, it is proposed to close this access to general traffic and retain the access off Carlton Road, which currently experiences lower traffic flows as the primary access. Appropriate visibility splays to the Carlton Road access can be secured by planning condition.
121. The Transport Statement identifies that throughout the day the proposed development would increase the trip generation from the site. However, during the peak AM and PM when the roads are busiest, the increase in trip generation is insignificant. Based on the original scheme for 64 units, the Transport Statement states that in the peak AM there would be an additional 3 two-way journeys which would be the equivalent of 1 car entering the road network every 20 minutes. In the peak PM there would be an additional 18 two-way journeys, which would be the equivalent of 1.5 cars joining the road network every 5 minutes. The additional unit proposed in the amended plans is not considered to significantly impact upon these figures.
122. Based on the figures provided and the alterations to the access arrangements (which should help ease congestion/traffic flow), I am satisfied that the proposed development could be accommodated without any adverse impact on the primary road network in accordance with Local Plan Policies TRA7 and HOU3a. KCC concur with this view, stating that one vehicular access onto Carlton Road and the cessation of active use of the existing access onto Chart Road is viewed as a positive step in terms of reducing turning movements on the busier Chart Road. KCC raise no issue with the increase in vehicle trips resulting from the proposal.
123. The site layout has been tracked to ensure that service vehicles such as refuse freighters and fire tender can access the site.

124. Approximately 30m west of the proposed pedestrian/cycle only access onto Chart Road, there is a pedestrian crossing with a refuge island which allows pedestrians and cyclists to safely cross Chart Road and use the paths along Templer Way and the north side of Chart Road. As such, the proposals are considered to meet the requirements of Policy TRA5 which requires safe and accessible pedestrian access.

**Whether the proposal is acceptable in terms of flooding and surface water drainage, water efficiency and contamination**

*Flooding and Surface Water Drainage*

125. Adopted Policy ENV6 states that proposals for new development should contribute to an overall flood risk reduction and that development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere. Policy ENV9 of the Local Plan 2030 states that all development should include appropriate sustainable drainage systems for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to minimise the drainage from the pre-developed site.
126. The site is a brownfield site located within Flood Zone 1 (the lowest category of flood risk).
127. The existing site benefits from a traditional piped foul and surface water drainage system which discharges in an unrestricted way to the sewers within Chart Road along the north boundary of the site.
128. The submitted 'Drainage Strategy' confirms that conventional soakaways such as infiltration trenches are not a viable option for this site due to the impermeable clay below the site and the relatively high perched water table. The site size and layout precludes the use of swales, basins and ponds. Consequently the use of these is not proposed. Instead an engineered solution in the form of a new piped surface water drainage system is proposed for the site with the final discharge proposed to the sewers within Chart Road. Porous paving has been adopted in all areas that it is feasible.
129. Originally, the drainage system proposed to reduce run-off to pre-development run off minus 40%. This has been amended in response to comments received from KCC Flood and Water Management. The new proposed drainage system reduces run-off to pre-development run off minus 50% as a minimum. The actual reduction varies between 51% and 61%, which accords with the requirements of Policy ENV9.

130. The submitted strategy confirms that maintenance and operation of the drainage and suds features will fall under a management company or landlord.
131. Based on the information available, in terms of flooding and SUDs, I am satisfied that the applicant's proposed scheme responds to the context of the site. Furthermore, it is acceptable to KCC Flood and Water Management who raise no objection to the proposed strategy subject to a condition which will serve to ensure that the installed system is fit for purpose and appropriately maintained.
132. In conclusion, subject to conditions requiring further detail to be submitted to and approved in writing by the LPA in consultation with KCC, I am satisfied that surface water drainage can be appropriately dealt with within the site and that the proposed development can be accommodated without increasing the risk of flooding in accordance with policies ENV6 and ENV9.

Water efficiency

133. Adopted Local Plan Policy ENV7, requires development to achieve as a minimum the optional requirement set through Building Regulations for water efficiency. This can be secured by condition.

Contamination

134. Amongst other things, paragraph 178 of the NPPF requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.
135. The applicant's supporting documents which include Phase I and Phase II reports have been summarised above. The reports identify that the site has contamination issues. However, the documentation concludes that the contaminative status of the site is not considered to be prohibitive to the proposed redevelopment, but that the site should be subject to further investigation to better understand the risks identified from the preliminary phase of investigation.
136. The relevant supporting documents have been subject to consultation with Environmental Protection who state that they note the findings of the Phase I and Phase II reports, and the recommendations for further works. Based on the report findings, Environmental Protection raise no objection to the redevelopment of the site for residential.

137. However, in order to ensure that the site is left acceptable for human habitation, it is recommended that planning permission is subject to condition(s) to secure further investigation, remediation and verification of remediation.
138. A condition requiring the developer to report any unexpected contamination to the Local Planning Authority is also required.
139. Subject to conditions, I am satisfied that any potential harm arising from contamination can be appropriately mitigated in accordance with Policy SP1 and the guidance within the NPPF.

### **Ecology**

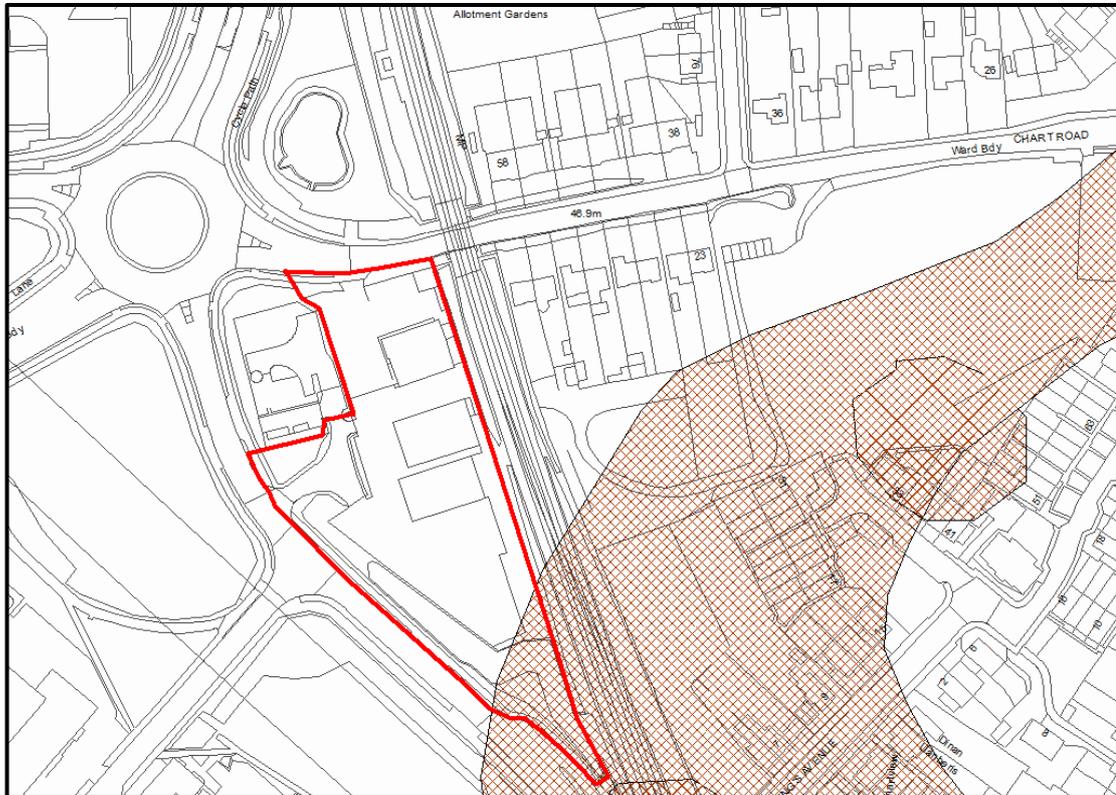
140. Policy SP1 of the Local Plan states that planning applications are expected to conserve and enhance the Borough's natural environment including biodiversity. Criteria d of Policy HOU3a is consistent with this.
141. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. Policy ENV1 of the Local Plan is consistent with the guidance contained within the NPPF.
142. The application site is accompanied by an 'Ecological Assessment' which assesses the site for habitat, badgers, bats, hedgehogs, birds, reptiles, amphibians including (Great Crested Newts), and invertebrates. The report concludes that for the most part the site itself is devoid of ecological interest, but that it does offer opportunities for nesting birds and connectivity to areas off-site that are of higher interest specifically the railway corridor.
143. The application has been subject to consultation with KCC Ecology. KCC state that although none of the existing buildings have bat roosting potential (according to the ecology report), it is likely that bats commute and forage around the site (especially along the adjacent railway line). They also state that habitats are present on and around the site that provide opportunities for

breeding birds. Additionally, it is noted that there is potential for hedgehogs to be present on-site and these are a priority species.

144. KCC advise that if planning permission is granted, it should be granted subject to conditions requiring a lighting design plan for biodiversity and ecological enhancements. KCC also suggest that an informative note is added to any subsequent grant of planning permission reminding the applicant/developer of the legislation in place to protect breeding birds.
145. On the basis of the information submitted and for the reasons above, I am satisfied that subject to conditions, the proposed development would not result in any adverse impacts to matters of ecological importance, in accordance with Local Plan Policies SP1, ENV1 and HOU3a, and the NPPF.

### **Archaeology**

146. Adopted policy SP1 of the Local Plan 2030 states that planning applications are expected to conserve and enhance designated and non-designated heritage assets. Criteria d of policy HOU3a is consistent with this.
147. Policy ENV15 of the Local Plan states that the archaeological and historic integrity of Scheduled Monuments and other important archaeological sites, together with their settings, will be protected and where possible enhanced. Development which would adversely affect such designated heritage assets will be assessed against the criteria set out in policy ENV13 of the Local Plan which relates to 'Conservation and Enhancement of Heritage Assets'.
148. Policy ENV15 is consistent with the NPPF which seeks to safeguard heritage assets and requires non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments to be considered subject to the policies for designated heritage assets.
149. As illustrated in **Figure 16** below, the southernmost part of the application site is designated as an area of known archaeological potential.



**Figure 16 Area of Archaeological Potential**

150. With this in mind, the applicant has provided an 'Archaeological Desk Based Assessment'. The assessment concludes that a review of the available data shows that no major archaeological sites are known within the 100m radius of the proposed development area and so the proposed development is unlikely to impact on archaeological remains. However, as a precautionary approach the assessment recommends that evaluation trenches across the footprint of the proposed development be undertaken prior to commencement of any development on site.
151. The conclusions reached are consistent with the advice received from KCC Heritage who state that the site may contain industrial remains of historic interest and that consequently a condition should be imposed on any grant of planning permission requiring a field evaluation, together with further archaeological investigation, recording and reporting, determined by the results of the evaluation.
152. For the reasons set out above, subject to conditions, I am satisfied that the proposed development can be accommodated without any demonstrable adverse impacts upon archaeological remains in accordance with policy ENV15

of the Local Plan and NPPF. Consequently, the criteria within policy ENV13 need not be applied in this instance.

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

153. The National Planning Policy Framework requires local planning authorities to ensure that Local Plans meet the full, objectively assessed need for market and affordable housing in the housing market area.
154. In order to seek to deliver the government aim, Policy HOU1 of the Local Plan relates to the delivery of affordable housing provision. For the purpose of Policy HOU1 of the Local Plan the application site is located in Ashford Town (Zone A). Within Ashford Town Zone B, the policy requires major development to deliver the following:

<b>Area*</b>	<b>Affordable/Social Rented requirements (% of total dwellings)</b>	<b>Affordable Home Ownership Products (% of total dwellings)</b>	<b>Total affordable housing requirements (% of total dwellings)</b>
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%

155. The provision of affordable home ownership products set out in this policy has been set in line with the government’s current position in that all sites of 10 units or more (or 0.5 ha or more in size) will provide for a minimum of 10% of such dwellings.
156. As identified in the supporting text to Policy HOU1, the Council’s 2014 Strategic Housing Market Assessment (SHMA) establishes that in order to meet the Council’s ‘full’ objectively assessed housing needs, around 50% of all future houses delivered in the borough should be affordable. However it also states that this figure is unlikely to be delivered on the ground, mainly due to the housing market’s inability to deliver it.

157. In the case of this application, the development is unique in that it would exceed the policy requirements by providing a scheme that would deliver 100% affordable housing comprising a minimum of 20% social rented accommodation and 80% shared ownership. The development would therefore substantially contribute towards meeting the Council's objectively assessed need, which is a significant benefit.
158. The delivery of the scheme for 100% affordable housing can be secured by S106 Agreement.
159. In terms of the accommodation mix, the scheme would deliver 30 x one bedroom apartments and 35 x two bedroom apartments. The two bedroom apartments would comprise a mix of 17 two bedroom 3-person apartments and 18 two bedroom 4-person apartments. The accommodation mix is supported by the Council's Housing Development Partnership Manager.
160. Overall, I consider that the development would provide accommodation appropriate to the tenure and appropriate to a higher density development located close to the town centre and the proposed would be appropriate assessed against the requirements of Policy HOU18 of the Local Plan, which requires development proposals of 10 or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs.

#### Accessibility Standards

161. Local Planning Authorities are required by the NPPF to plan to create safe, accessible environments and promote inclusion and community cohesion, to take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.
162. In response to this, criteria (a) of policy HOU14 of the Local Plan requires at least 20% of all 'new build' homes to be built in compliance with building regulations part M4(2) as a minimum standard. In the case of this application, this equates to 13 units of accommodation.
163. Criteria (b) of policy HOU14 requires 7.5% of the affordable rented element of the scheme to comply with building regulations part M4(3b). The scheme proposes 20% of the dwellings to be provided for affordable rent. This equates to 13 dwellings, 7.5% of which would equate to approximately 2 dwellings being built to M4(3b) standards.

164. The applicant has confirmed in writing that they propose to fully comply with the policy requirements. The requirement for at least 20% of the dwellings to meet part M4(2) standards and 7.5% of the affordable rented element to meet part M4(3b) can be secured by S106 Agreement .

### **Community Facilities and Infrastructure**

165. Policies COM1 and COM2 of the Local Plan 2030 and the Council's Public Green Spaces and Water Environment SPD provide clear policy support for seeking financial contributions towards infrastructure and facilities required to meet the needs generated by development. This includes sports, arts, community (including youth) and voluntary sector space, education and health provision, open space, recreation and play provision.
166. The LPA in consultation with relevant stakeholders and service providers may consider whether an application in a settlement with assessed and demonstrated needs is unacceptable in planning terms unless it contributes towards meeting its own demands upon local infrastructure and facilities.
167. 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 that the needs and aspirations of local communities are met.
168. In this instance off site contributions are being sought for improvements towards sport provision, art provision, informal/natural open space, strategic parks and Children and Young People's Play Space. The contributions sought and details of the projects to be funded are identified in Table 1, and will be secured by s.106 agreement.
169. A shared amenity space is proposed to be provided on site. The amenity space has been placed at the southern end of the site where it will benefit from a good daylight and where it will be afforded privacy from Carlton Road due to the change in levels and existing planting to be retained. However, notwithstanding the onsite provision, there is a shortfall between what is being provided on site and what the SPD requires. In these circumstances, the SPD requires a financial contribution to be made for off-site facilities in lieu of what would not be provided on site. The project that has been identified relates to the refurbishment of the upper play area at Quantock Drive which is in close proximity to the site and requires improvement.

170. For indoor sports provision and outdoor sports pitches, figures are derived from the Sports England (SE) Calculator, as prescribed in Policy COM2 of the Local Plan 2030. Whilst this scheme isn't large enough to generate a specific response from Sports England, based on the level and type of provision needed, the calculator confirms that the starting point in terms of funding to be provided by this development equates to £94,504.00. Having determined the amount of provision needed, policy COM2 states that a more detailed assessment will be required to take account of local circumstances. The policy indicates that provision may be appropriately altered or refined as a consequence.
171. With regards to the overarching policy approach, Policy COM2 identifies the Town Centre as a key community sports and recreation 'hub'. This recognises the variety of facilities and provision that exist already, including the Stour Centre, which provides for a range of indoor sporting activities, but will require improvement and maintenance in order to meet the demand generated by the development, the new residents of which are likely to use the facility regularly.
172. Given these factors, coupled with the sites proximity to this provision, a refined approach to the figures of the SE Calculator has been applied. Adopting a balanced and refined approach allows money to be directed towards specific projects in the Town Centre, namely improvements to the Stour Centre in the first instance, whilst still enabling the delivery of the sustainable re-development of a brownfield site with wider planning merits, including the provision of 100% affordable housing. This approach is consistent with Policy COM2 of the Local Plan which advises that the Calculator is the starting point that should be refined as required.
173. In addition to the above, the development will increase demand on the local voluntary sector and as a consequence, a contribution towards Ashford Volunteer Centre to assist with delivering local activities is also sought and would benefit both new residents and those people currently living nearby.
174. In this instance, it is not proposed to secure capital contributions towards allotments, as at the time of writing the report, it had not been possible through discussion to identify any suitable projects.
175. Following consultation with KCC and the National Health Service (NHS), contributions are also sought towards infrastructure and facilities including, primary education, primary land, secondary education, libraries, community learning, youth and social care and towards creating capacity for the additional population within the Ashford Stour Primary Care Network.

176. On balance, for the reasons set out above, I am content that the package of S106 contributions, for the provision set out above, is appropriate and policy compliant. It ensures that the money is targeted towards specific projects that will benefit the residents and reflects the relevant local circumstances.

### **Planning Obligations**

177. 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
178. In light of the above, 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**

**Table 1**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
<b>Potentially applies to any size/scale of residential development</b>				
1	<p><b><u>Informal/Natural Green Space</u></b></p> <p><i>Potentially applicable to all residential developments</i></p> <p>Project: Off-site contribution towards access improvements at St. Marys Field.</p>	<p>Off-Site Provision:</p> <p>£20,569.79 Capital Contribution</p> <p>£15,403.65 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 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

<b>Applies to sites of 10 dwellings or more or 0.5ha or over</b>			
<b>2</b>	<p><b><u>Affordable Housing</u></b></p> <p>100% affordable housing to be provided.</p> <p>Registered provider to be approved by the Council.</p> <p>Location, floorspace, number and size of bedrooms to be as specified with Housing.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.</p>	<p>20% affordable rent units</p> <p>80% shared ownership units</p> <p>Distribution of tenure to be agreed by the Council.</p>	<p>Affordable units to be constructed and transferred to a registered provider before occupation of any dwellings.</p> <p>Plan identifying the tenure distribution to be submitted to the Council before any construction above foundation slab level.</p>
		<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF. Also necessary to justify the under provision of parking on site pursuant to policy TRA3a of the Local Plan 2030.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>	

3	<p><b><u>Accessible and adaptable Housing</u></b></p> <p>Level 2 access homes (M4(2)) to be provided.</p> <p>Wheelchair accessible housing (M4(3b)) to be provided as part of the affordable rented element in accordance with HOU14.</p>	<p>20% M4(2) across the whole site</p> <p>M4(3b): Two ground floor units.</p> <p>1 x one bed and 1 x two bed.</p>	<p>All accessible and adaptable homes to be provided before the occupation of 75% of the dwellings.</p>	<p><b>Necessary</b> 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><b>Directly related</b> as the accessible/adaptable housing would be provided on-site.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
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<b>Applies to sites of 11 dwellings or more</b>			
	<b>Planning Obligation</b>		<b>Regulation 122 Assessment</b>
	<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>
4	<b><u>Adult Social Care</u></b>		
	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1, KCC's</p>		

	Contribution towards the provision of extra accommodation within the Borough.	£146.88 per dwelling	Half the contribution upon 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><b>Directly related</b> as occupiers will use community facilities and assistive technology services and the facilities and services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
5	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Project: Contribution towards the refurbishment of the upper play area at Quantock Drive.</p>	<p>£30,759.99 Capital Contribution</p> <p>£31,423.00 maintenance</p>	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 and IMP1, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p>

				<p><b>Directly related</b> as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
6	<p><b><u>Indoor Sports Provision</u></b></p> <p>Project: Capital contribution to go towards the Stour Centre improvements or at indoor sport buildings at Ashford, to be targeted toward quantitative or qualitative improvements at the other 'hubs' identified in the Local Plan 2030.</p> <p>Calculations derived from the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030.</p> <p>Calculations derived from the latest Sports England Calculator, as</p>	<p>£397.85 (per dwelling)</p> <p>(capital only, in line with SE Calculator).</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as additional 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 COM1, COM2, and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use indoor sports provision and the buildings 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</p>

	prescribed in Policy COM2 of the Local Plan 2030.			to be provided and maintained and the maintenance period is limited to 10 years.
7	<p><b><u>Art Provision</u></b></p> <p>Project: Capital contribution towards provision within Victoria Park.</p>	Capital Contribution Up to £16,038.75	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP5, SP6, COM1 and IMP1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> as occupiers will use/access art spaces and art provision and the spaces and provision to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
8	<p><b><u>Community Learning</u></b></p> <p>Project: Contribution towards IT equipment for new learners at Ashford Adult Education Centre.</p>	£16.42 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

			occupation of 50% of the dwellings	<p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
9	<p><b><u>Health Care</u></b></p> <p>Project: Contribution towards creation of additional capacity in general practice premises forming part of the Ashford Stour Primary Care Network.</p>	<p>(The £48,750.00 currently requested is based on flats x64)</p> <p>Amount for flats (x65) TBC.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
10.	<p><b><u>Libraries</u></b></p>			

	Contribution towards additional bookstock at Ashford Gateway library.	£55.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as 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>
11.	<p><b><u>Primary Schools</u></b></p> <p>Project: Contribution towards the new Primary School at Conningbrook, Ashford</p>	<p>£1,134.00 per flat (x35)</p> <p>£0 for any 1-bed dwelling with less than 56 m<sup>2</sup> gross</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p>

		internal floor area.		<p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
12.	<p><b><u>Primary Land</u></b></p> <p>Project: Towards the new two form entry primary school site land acquisition costs at Conningbrook.</p>	<p>£590.98 per flat (x35)</p> <p>£0 for any 1-bed dwelling with less than 56 m2 gross internal floor area.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or</p>

				sheltered accommodation specifically for the elderly.
13.	<p><b><u>Secondary Schools</u></b></p> <p>Project: Towards the Norton Knatchbull expansion.</p>	<p>£1,029.00 per flat (x35)</p> <p>£0 for any 1-bed dwelling with less than 56 m<sup>2</sup> gross internal area.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1 and 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> <p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
14.				

	<p><b><u>Strategic Parks</u></b></p> <p>Project: Contribution towards Victoria Park Regeneration Project (National Lottery/Heritage Fund project).</p>	<p>£6,919.78 Capital Contribution</p> <p>£2,227.60 maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2 and IMP1, 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>
15.	<p><b><u>Voluntary Sector</u></b></p> <p>Project: Contribution to Ashford Volunteer Centre to assist towards delivering local activities.</p>	<p>£4,060.00</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1 and IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.</p>

				<p><b>Directly related</b> as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
16.	<p><b><u>Youth Services</u></b></p> <p>Project: Towards additional resources/equipment for the Ashford Youth Service.</p>	<p>£65.50 per flat (x35)</p> <p>£0 for any 1-bed dwelling with less than 56 m2 gross internal area</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1 and IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>

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

### **Human Rights Issues**

179. 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**

180. 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**

181. The application relates to a brownfield site. The nature of the existing employment use on site is 'sui generis' for the purposes of planning, and so the restrictions imposed by Policy EMP2 of the Local Plan are not considered to apply. Consequently, due to this and due to the context of the site in relation to Cobbs Wood Industrial Estate and nearby residential properties, there is no overall objection to the loss of employment use.
182. The site is not allocated for development in the adopted development plan. As such the proposal is a residential windfall scheme that is considered to comply with the criteria set out in Policies SP2 and HOU3a of the Local Plan.
183. The proposed density, layout, building heights, scale and massing are considered to successfully respond to and respect the context of the site. The buildings would be contemporary and well detailed. Together with the use of quality materials this will help ensure a visually rich architectural appearance and an overall high quality design. The proposed development would add variety and interest to the townscape, enhancing the quality of the urban environment. The development would comply with Policies SP1, SP6, HOU3a and ENV3a.

184. Subject to conditions I am satisfied that air quality and noise impacts can be appropriately mitigated in accordance with policies SP1, ENV12 and the guidance within the NPPF.
185. There would be no material harm to neighbouring or future occupier's amenities. The development would comply with Policy HOU3a in this respect. Whilst there is conflict with Policy HOU15 in respect of the balcony size to two of the 65 units, the minor shortfall affecting these flats, is considered to be offset by the provision of the communal amenity space to the south of the site. As such, the impact on future occupier's amenity is considered to be acceptable.
186. The amount of parking proposed on site represents a departure from adopted Policy TRA3a. However, the site is sustainably located, for example, it is within walking distance of the town centre and Ashford International. The site also benefits from access to bus and cycle routes which are located in close proximity. Taking this and the proposed tenure type into account it is considered that in this instance, it has been satisfactorily demonstrated that the proposed quantum of parking provision would adequately serve the development. The departure from adopted policy is therefore considered to be acceptable in this instance.
187. It is considered that the proposed development can achieve safe access and that traffic flows can be accommodated without any adverse impact on the primary road network in accordance with Local Plan Policies TRA7 and HOU3a. The proposals are considered to meet the requirements of Policy TRA5 which requires safe and accessible pedestrian access.
188. The new proposed drainage system reduces run-off rates in accordance with the amounts required by Policy ENV9. Subject to conditions I am satisfied that surface water drainage can be appropriately dealt with within the site and that the proposed development can be accommodated without increasing the risk of flooding in accordance with policies ENV6 and ENV9. Subject to condition the development shall comply with Policy ENV7 which requires development to achieve as a minimum the optional requirement set through Building Regulations for water efficiency.
189. Subject to conditions, I am satisfied that any potential harm arising from contamination can be appropriately mitigated in accordance with Policy SP1 and the guidance within the NPPF.

190. For the most part, the site itself is devoid of ecological interest, however, it does offer opportunities for nesting birds and connectivity to areas off-site that are of higher interest specifically the railway corridor. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance, in accordance with Local Plan Policies SP1, ENV1 and HOU3a, and the NPPF.
191. The southernmost part of the application site is designated as an area of known archaeological potential. The submitted Archaeological Desk Based Assessment recommends that prior to commencement of any development evaluation trenches across the footprint of the proposed development be undertaken. KCC concur. Subject to condition to secure the necessary evaluations, I am satisfied that the proposed development can be accommodated without any demonstrable adverse impacts upon archaeological remains in accordance with Policy ENV15 of the Local Plan and NPPF. The criteria within Policy ENV13 need not be applied in this instance.
192. The scheme proposes 100% affordable housing and would substantially contribute towards meeting the Council's objectively assessed need for affordable housing. This represents a significant benefit that would weigh in favour of permitting the scheme. The scheme would provide a suitable mix of 1 and 2 bed units in line with Policy HOU18. The proposed development would provide the required amount of M4(2) and M4(3b) units in accordance with Policy HOU14. The affordable housing and accessible homes can be secured by S106 Agreement.
193. In accordance with policies COM1 and COM2 of the Local Plan 2030 and the Council's Public Green Spaces and Water Environment SPD, the development shall contribute financially to a number of identified projects that seek to improve local services/facilities/infrastructure.
194. In conclusion, whilst it is acknowledged that there is conflict with Policies HOU15 and TRA3a, in the case of HOU15, for the reasons explained, the minor conflict would not result in harm to future occupiers. In the case of Policy TRA3a, based on the location of the site and evidence submitted relating to the proposed tenure, it is considered that parking provision is adequate. Consequently, notwithstanding the minor conflicts identified the proposed development is considered to comply with the adopted Development Plan as a whole.

195. Furthermore, other material considerations that must be weighed in the balance are the benefits associated with the scheme. These include the contribution it will make to affordable housing stock, its ability to help to boost the supply of housing generally in accordance with the NPPF and its sustainable location. Other recognised social and economic benefits include enhancing the vitality of Ashford urban area, its ability to promote personal wellbeing and social cohesion as a consequence; its potential to increase demand for existing services thus maintaining and/or enhancing their vitality, generation of job opportunities, for example, during the construction process, and other economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.
196. In light of the above, it is considered that the benefits of the development significantly weigh in its favour, and that there are no other material considerations that indicate that planning permission should not be granted. It is therefore recommended that permission be granted subject to a S.106 agreement and the conditions set out at the end of the report.
197. However, it should be noted that the recommendation is subject to no material considerations (other than those contained in this report or the update report, or referred to at the meeting) being raised in any further responses received as a consequence of the current public and statutory consultation period on the amendments to the scheme.

### **Recommendation**

**(A) Subject to the expiry of the current public and statutory consultation period on the amendments to the scheme, and to the Strategic Development & Delivery Manager or the Development Management Manager being satisfied that no material considerations (other than those contained in this report or the update report, or referred to at the meeting) have been raised in any further responses received;**

**(B) 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,**

**(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. Submission of materials samples (including balcony balustrades/glazing).
3. Submission of fine elevation details.
4. Submission of architectural details.
5. Submission of a Construction Management Plan (including details of measures to minimise dust, noise (including vibration), ground and surface water).
6. Submission of a car parking management strategy for the site detailing how the car parking within the application site will be managed by the registered provider.
7. Provision and permanent retention of the vehicle parking spaces and motorcycle parking spaces as shown on approved plans.
8. Provision and permanent retention of secure, covered cycle parking facilities.
9. Further highway conditions as required for example, provision and maintenance of visibility splays.
10. Provision of Electric Vehicle Charging Points.
11. Contamination – Site investigation, remediation and verification.
12. Contamination – Reporting of unexpected contamination.
13. Provision and permanent retention of storage for refuse and recycling.
14. Water Efficiency
15. Details of hard landscaping to be submitted (including proposed finished levels or contours, means of enclosure and minor artefacts and structures (e.g. furniture, play equipment)).
16. Details of soft landscaping to be submitted including an implementation and management plan.
17. Implementation of soft landscaping and replacement of trees.

18. Tree Protection during construction.
19. Lighting Strategy (Biodiversity Sensitive)
20. Precautionary mitigation measures for hedgehogs to be carried out in accordance with the details contained in section 5.3.12 of the Ecology Solutions (Ecological Assessment October 2019).
21. Biodiversity Enhancements to include as a minimum bird and bat boxes/ bat bricks, hedgehog houses, hibernacula for reptiles.
22. Details of the proposed means of foul and surface water sewerage disposal.
23. Details of the SUD's system (including details of operation, maintenance and verification).
24. Broadband.
25. Archaeology.
26. Measures to mitigate noise (type of glazing, mechanical ventilation etc.).
27. The development shall only take place in accordance with the terms of a signed Basic Asset Protection Agreement with Network Rail Infrastructure Limited.
28. Development carried out in accordance with the approved plans.

### **Note to Applicant**

1. S106
2. Ecology informatives
3. Southern Water informatives
4. Highway informatives
5. Environmental Health informatives
6. Asbestos removal
7. Indemnity for refuse vehicles
8. Network Rail informatives
9. UK Power Network informatives
10. 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 the applicant

- was provided with pre-application advice,
- was provided the opportunity to submit amendments to the scheme to address issues raised.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01617/AS)

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Annex 1

