

<b>Application Number</b>	17/01759/AS
<b>Location</b>	Former Pledges Mill and South Kent College Site and land south of junction of Beaver Road and, Victoria Road, Ashford, Kent
<b>Grid Reference</b>	00992/42245
<b>Ward</b>	Victoria
<b>Application Description</b>	Proposed minor material amendments to planning permission 16/01157/AS involving design changes to Phase A2 x 3 commercial uses (Use Classes A1/A2/B2) & Phase A3 (219 residential units) with associated parking, substations, landscaping and access works relating to land south of Victoria Road ONLY with no design changes to the approved brewery, with shop, bar and restaurant (Use Classes B2/A1/A3/A4)
<b>Applicant</b>	Victoria Way Ashford LLP
<b>Agent</b>	Nathaniel Lichfield & Partners
<b>Site Area</b>	1.67

(a) 67/ -	(b) -	(c) KHT +, EA X, ES (Refuse) X, KCC Flooding X, ABC (Drainage) X, KWT -, SACF -, VBRAG -
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## Introduction

1. This application is reported to the Planning Committee because it involves major development and is a s.73 application. It therefore is required to be determined by the Planning Committee under the Council's current scheme of delegation.
2. The application is for minor material amendments to the x 3 ground floor commercial units with residential above (known as Phase A2) and solely residential block (known as Phase A3) of the wider redevelopment scheme (planning permission 16/01157/AS) involving development on either side of Victoria Road at its eastern end close to the Ashford International Station.

3. The application does not propose any changes to the approved Brewery (known as Phase A1) on the northern side of Victoria Road where works have recently begun. A retrospective 'non-material amendment' application (reference 16/01157/AMND/AS) dealing retrospectively with a minor change to the precise position of the substation on Victoria Road there has already been approved under delegated powers. For consistency, the drawings supplied with the current application incorporate those consented minor changes.
4. Application 16/01157/AS was reported to the Planning Committee in October 2016. The associated s.106 agreement was completed in summer 2017 allowing planning permission to finally be issued. The decision notice includes conditions for each of the defined phases assisting delivery of the individual phases. The site has since been disposed of by Homes England.
5. The applicant is now identified as Victoria Way Ashford LLP. The proposed changes are those that the applicant has indicated are the refinements that are necessary in order to enable commencement of works on Phases A2 and A3.
6. Members' will recall that (i) application 16/01157/AS was the subject of a viability assessment and the Council accepted that the full range of developer contributions rendered the scheme unviable and (ii), notwithstanding, the applicant offered - as an acknowledgement of concern about Ashford's social and economic regeneration - limited contributions to both this Council for improving off-site open space (Victoria Park) and to the County Council (towards primary and secondary education). These contributions are secured in the existing s.106 agreement. The current applicant's position remains the same on viability and does not seek to reopen issues of viability. I have accepted this as a pragmatic approach to assist the delivery of the regeneration approved by the Council for this part of central Ashford given the very limited passage of time.
7. The proposed changes could not reasonably be considered by the Council through the non-material amendment process brought in by the government to help give greater flexibility in the planning system: hence the current s.73 application.
8. To permit the application would, however, result in the issue of a new permission for the development as a whole (although the expiry date for its commencement would be the same as in the original permission). The list of approved plans would necessarily therefore include those updated and amended related to the proposed design changes as well as those plans that have already been approved and are not proposed to be amended. Furthermore, applications pursuant to certain conditions attached to planning

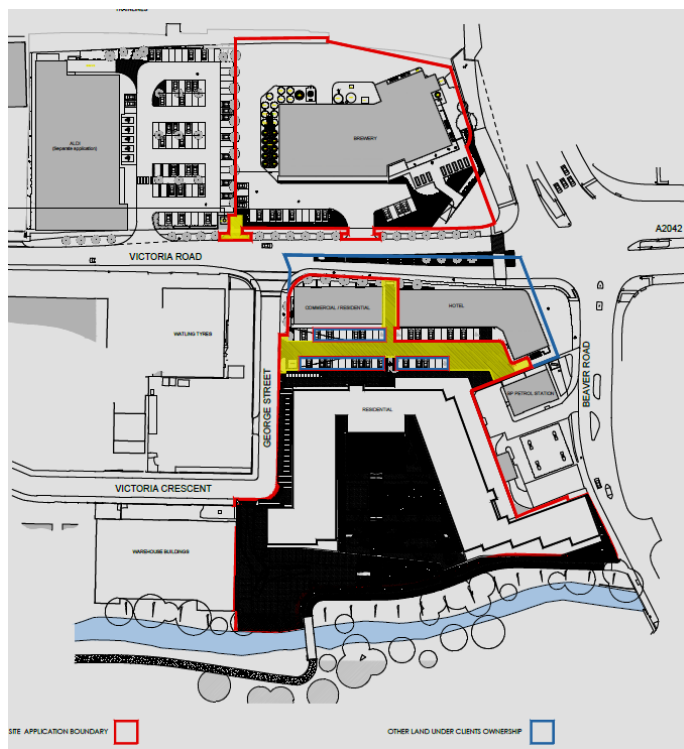
permission 16/01157/AS have been already been submitted to the Council and have been approved: this complication dictates a consequential rewording of the planning conditions concerned in order to detail that fact.

9. Government guidance identifies that the Council will need to consider this type of application against the development plan and material considerations as well as the conditions that were attached to the permission that is being proposed to be amended. A focus is necessarily required on any matters which might have changed significantly since the grant of the permission.
10. The net result is that assessment of a s.73 application has to revisit the analysis of the original application as a whole. I have kept the approach in this report as succinct as is realistically possible with cross references to the October 2016 Planning Committee Report on application 16/01157/AS generally wherever those are appropriate and specifically in respect of the Brewery.
11. There has been no significant change to the application site context since application 16/01157/AS was considered other than;-
  - (i) the start of work at the Brewery and adjacent superstore,
  - (ii) the start of work on two apartment blocks to the west of the site located on Victoria Crescent,
  - (iii) the opening of Ashford College in September 2017, and
  - (iv) the implementation of changes to the road junctions either side of Beaver Road bridge to improve capacity with associated public realm enhancements.
12. The main change in terms of material considerations is the submission of the Ashford Local Plan 2030 to the Planning Inspectorate for examination (which is due to take place starting in April 2018). I set out analysis of the applicability and weight to be applied to those new policies in the Assessment section of the report which, for consistency and cross-referencing purposes, follows the same approach as in my report on 16/01157/AS. Members should consider the application together with the report on 16/01157/AS to the October 2016 Planning Committee – which sets out the complete range of supporting documents - as necessary.
13. The suite of technical supporting documents supplied with the application is limited to those where the proposed design changes have a concomitant impact on the following;-
  - (i) Landscape Design,
  - (ii) Arboricultural Assessment,
  - (ii) Flood Risk Assessment, and
  - (iii) Transport Assessment.

14. Since the application was submitted, a number of refinements have been negotiated resulting in further changes. Where necessary these have been the subject of further consultation with technical consultees: none require any wider consultation in my opinion and none conflict with the ability to consider the applicant's proposal pursuant to s.73.

## Site and Surroundings

15. The application site plan is shown below in **Figure 1** below.



**Figure 1**

16. The application site involves land on the northern side of Victoria Road adjacent to the western side of Beaver Road bridge as well as land on the southern side of Victoria Road. The site is not located in a designated Landscape Character Area. There are no listed buildings within or adjacent to the site. The site is not located in a conservation area.
17. The site surroundings comprise a mixture of business uses (predominantly on the southern side of Victoria Road further to the west), a residential area further to the west (comprising Victoria Crescent and homes on Victoria Road opposite the primary school), Victoria Road itself, a petrol filling station on Beaver Road and the domestic and high speed railway lines north of Victoria Road.

18. The application site on the northern side of Victoria Road abuts the western side of Beaver Road bridge over the railway lines and the signalised Beaver Road/ Avenue Jacques Faucheux junction. Planning permission 16/01157/AS has been commenced. Further to the north are the railway lines and further north still is Elwick Road and the first phase of the new Ashford College building. To the west of the application site is an area of derelict ground subject of planning permission 16/001167/AS for the development of a superstore which has now been commenced. Further to the west is a warehouse building substantially set back from Victoria Road. The southern side of the application site involves the realigned and significantly visually improved Victoria Road and remnants of the original Victoria Road that rose gently towards Beaver Road bridge. The annotated aerial image below shows these remnants as well as the warehouse building further to the west.
19. In respect of the application site on the southern side of Victoria Road which is the focus of this application, this abuts the existing street boundary to that Road, wraps around the existing petrol filling station on its three non-Beaver Road boundaries, extends southwards to the Great Stour riverside and the existing footway/cycleway route running through that area before crossing the river by bridge and also westwards to the former Travis Perkins site on Victoria Crescent and George Street which connects Victoria Crescent with Victoria Road.
20. The Travis Perkins site on the northern side of the George Street and Victoria Crescent corner is now being redeveloped as a 5-storey block of x 31 apartments following the grant of planning permission 16/00981/AS: this scheme is mid-way through construction. The Travis Perkins site on the southern side of Victoria Crescent was granted planning permission 16/00986/AS for a block of 28 apartments rising from 3-storeys to 5-storeys at its eastern end closest to the application site: this development has also recently commenced with site clearance.
21. The application site as a whole is generally level ground with a slight fall from north to south. It contains significant amounts of concrete hardstanding and has been colonised by scrub vegetation. It contains a number of trees /groups as follows;-
  - (i) x 2 'Category B' trees and groups including a Beech tree on the southern areas' western boundary that is subject of Tree Preservation Order and a group of Crack Willow near the bank of the River Stour,
  - (ii) x 27 'Category C' trees and groups being generally unremarkable trees of compromised structure and signs of stress, and
  - (iii) x 5 'Category U' trees and groups being in poor structural/physiological

condition and state of decline requiring removal on grounds of sound arboricultural management.

### **Proposal: no change to Phase A1 (Brewery site)**

22. The application does not propose any change to the Brewery site (Phase A1) north of Victoria Road other than the aforementioned minor changes to the location of the substation on the street frontage. The October 2016 Planning Committee report 16/01157/AS sets out full details of the Brewery proposal – please refer to that Report.

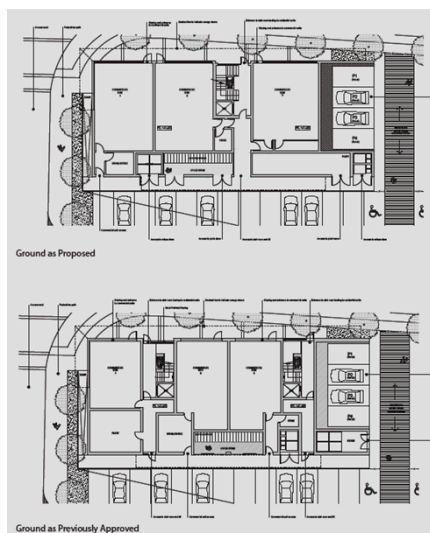
### **Proposal: changes to Phase A2 (Victoria Road frontage)**

23. The 5-storey scale, approach to massing and architectural style would remain as previously approved, as would the green sedum roof to the building assisting controlled discharge of surface water southwards within the site to cellular storage under parking areas and onwards towards the River Stour.

24. In summary, the proposed changes to this block are as follows:-

#### (i) reconfiguration of the ground floor

25. The three commercial units remain but would be enhanced in size as a result of changes to the storage areas to the rear and a change from two circulation cores serving the upper floors compared with one as previously approved. Internal cycle and refuse storage would still be provided as would 4 integral parking spaces. **Figure 2** below shows the 'as approved' and 'as proposed' ground floor layout.



**Figure 2**

### Figure 3

(iii) Consequential changes to the elevations

28. The reduction in circulation cores would alter the Victoria Road frontage by grouping balconies at the eastern and western ends of the building rather than in the centre as **Figure 4** below shows.



**Figure 4**

29. Following my concern that the 'as proposed' rear elevation was of a lesser quality compared with the Victoria Road frontage with dark colour infill cladding panels between brick predominating the central part of the façade, the applicant has amended the elevations. Additional brickwork has been introduced to break up the façade and provide visual richness in the absence of centrally located balconies. **Figure 5** below shows the 'as deposited' and 'as proposed' changes.





### Figure 5

## Proposal: changes to Phase A3 (Riverside residential block)

30. In summary, the proposed changes to this block are as follows;-
- (i) removal of x 12 residential studio apartments at lower ground floor level fronting the riverside
31. The single aspect studios at lower ground floor fronting towards the river corridor with communal podium residents' only space above are removed. A reduced podium is provided and the space becomes part of a walled residents' only communal garden. The river frontage would also be soft landscaped. **Figure 6** below uses a CGI to demonstrate this change.



**Figure 6**

(ii) the number of apartments in the block remaining at 200 but with the mix adjusted with fewer studio apartments and a greater number of 1-bed and 2-bed apartments

32. The adjusted proposal is identified as following a further review of the local market and is suggested as providing a range of dwellings with core demand expected from young professionals and first time buyers.

The change reduces the studio apartments by c.50% and boosts the number of 2-bed (by 15) and 1-bed homes (by 7). **Figure 7** below provides a comparison with the previously approved scheme.

	Studio Apartment	1 bed units	2 bed units	Total
As Approved	42	58	100	200
Proposed	20	65	115	200
Change	-22	+7	+15	0

**Figure 7**

(iii) a change to a 'market sale' as opposed to a 'private rented sector' model and size changes to apartments

33. The applicant's position is that the private rented sector approach identified in application 16/01157/AS could not be pursued at this site. Instead, market sale is proposed for all the units (the previous application suggested that the Victoria Road frontage block might be either private sale or private rented sector). However, high quality residents' only external amenity space (in the form of a podium terrace with seating and loungers and attractively hard and soft landscaped gardens accessed via steps south of the podium terrace) and internal communal space (the so-called 'superlounge') is proposed to be retained.
34. The riverside block would now adopt the following in terms of apartment space standards for the range of standard home types:-

<u>Number</u>	<u>Type</u>	<u>As proposed</u>
20	Studios	39.2 sq.m.
65	1-bed	55.1 sq.m.
115	2-bed	73 sq.m.

(iv) the previously approved partial top floor being amended to a full top floor

35. The changes proposed to the building, including the removal of the lower ground floor riverside studio apartments, have necessitated revisions to the top floor of the building. Development at this level was previously approved as being partial with the southern areas of both 'wings' towards the river being provided with green roof.
36. A full top floor is now proposed. Apartments would be set back from the edge defined by the storey below and would, as before, be clad in dark cladding (rather than brickwork) as part an elevational treatment deliberately designed

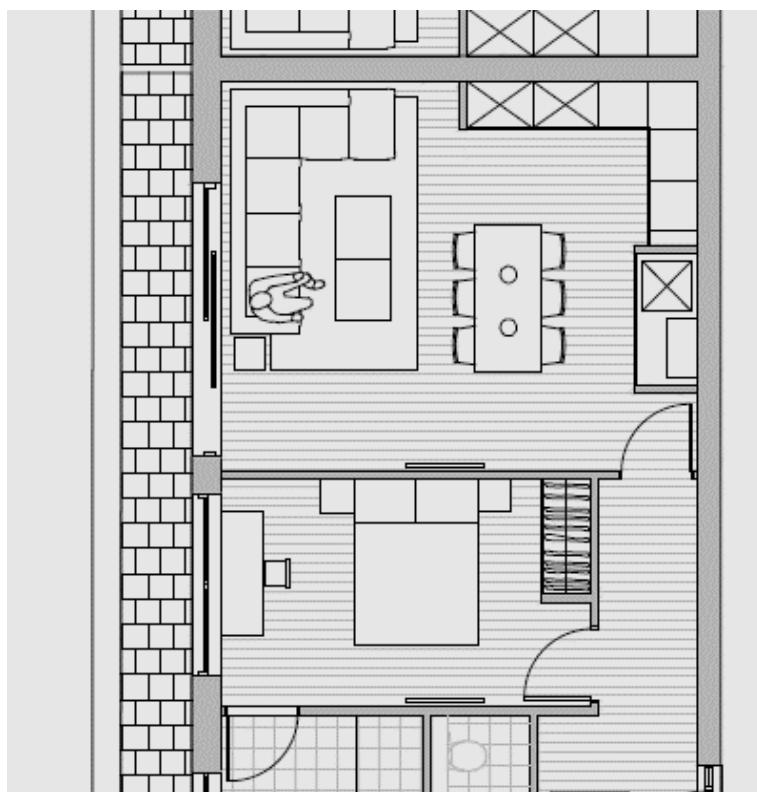
to be different as the building 'roof'. The entire roof to the top floor would be a green roof.

37. The 'as approved' and 'as proposed' images shown in **Figure 8** below shows the changes viewed from the west (the visual change would be the same viewed from the east with the Beaver Road filling station occupying the



**Figure 8**

38. The set-back would enable the creation of private terrace spaces for each apartment around the perimeter guarded by a parapet wall within which planter boxes would be provided. These spaces would flare where space permits (such as at the corners between the wings).
39. Some of the terraced spaces would, however, be less than the minimum 1.5m depth as identified in the Council's adopted Space Standards SPD. The applicant's contention is that when taken together with the communal superlounge space, the proposed resident's only podium terrace and hard and soft landscaped gardens beyond that terrace down towards the river frontage, an acceptable level of amenity space would be provided.
40. Following negotiations, the applicant has amended the detailing of lounge full height doors to a sliding detail as shown in **Figure 9** below.



**Figure 9**

41. The intention is that in good weather this detail would enable a strong connection to be made between the outside terrace and the indoor room and therefore obviate the need for an external table (with manoeuvring room alongside a table being the genesis of the minimum depth stated in the Council's SPD considered to help create a comfortable space to use).

(v) reduction in the size of residents' only podium space with replacement by surface level residents' only landscaped gardens including rain gardens as part of the SUDs scheme for the site

42. With the removal of the lower ground floor level riverside studios, the extent of the residents' only podium space contained within the three 'wings' of the building has been reviewed together with the design of undercroft car parking. As a result, while the contained space remains substantially the same area, the raised podium element has been reduced to a terraced area located directly south of the internal residents' 'superlounge' communal space with surface level gardens south of that terrace. Steps would connect the two and resolve the differing land levels. **Figure 10** below shows the extent of the 'as approved' podium space and 'as proposed' podium and gardens space as well as a section showing the linkage between the two.



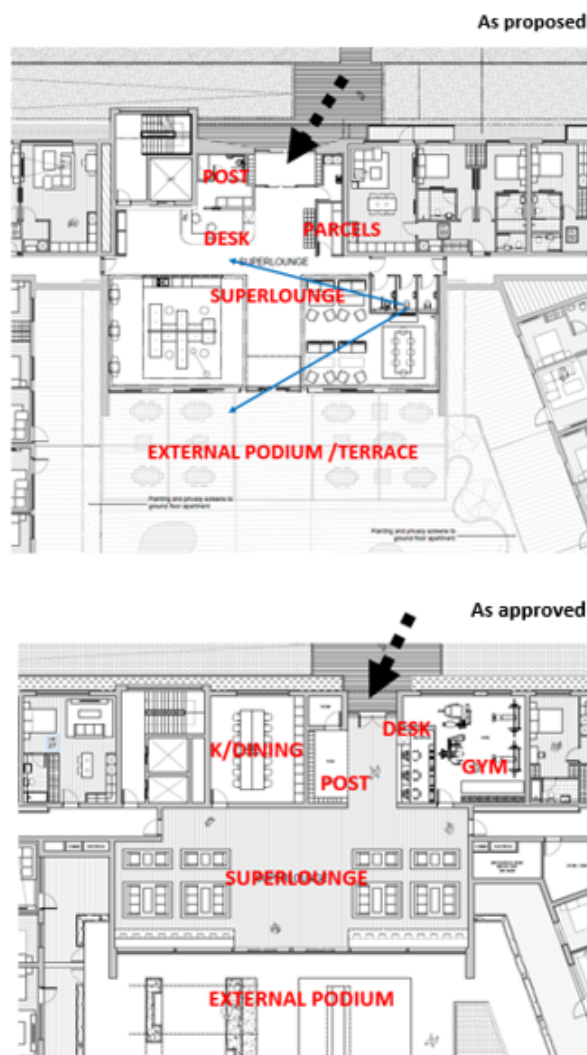


**Figure 10**

43. The residents' only gardens would, as before, have secure access gates to the riverside environment and would include a variety of hard and soft landscaped areas. Sub-surface cellular storage of rain water is identified by the applicant in this area as part of the SUDs strategy for the wider site before controlled outfall to the River Stour. The applicant's landscape strategy describes part of this area as rain gardens allowing the cellular storage of rain water to irrigate soft planting and at the same be cleansed on the way towards the River Stour.

(vi) amendments to the residents' 'superlounge' and internal communal area including the removal of the gym and shared dining / kitchen room but retention of a large lounge area for residents and a workspace area

44. The ground floor 'superlounge' concept around the main entrance was a key feature of the previously approved scheme in terms of quality feel on entering the building, the extensive visual connection with the podium residents' only space beyond and as part of a creating a relaxing internal communal space beyond homes for socialising as well as space to work.
45. As a result of pre-application discussions, the superlounge has been retained and would connect with the revised podium terrace that is proposed beyond. The main entrance would by manned 24/7 be manned by security and concierge staff and have a post collection area. The previous proposal for a gym as well as shared dining/kitchen room has, however, been deleted. **Figure 11** below shows the 'as approved' and 'as proposed' communal areas in the building. The blue lines approximate the view in the CGI further below.



**Figure 11**

46. **Figure 12** below is a CGI looking westwards towards the reception/concierge desk and out to the podium terrace.



**Figure 12**

(vii) the podium space remodelled as a 'grand terrace' accessible from the superlounge and the area south including additional play areas targeted at all ages including a boules court together with climbing plants to walls

47. The remodelled podium 'grand terrace' space is intended to connect both physically and visually with the ground floor superlounge and facilitate outdoor dining space. Seats and loungers would be installed on this elevated space for residents to use and take advantage of elevated views towards the river corridor. Hard and soft landscaped grounds would be accessed from the grand terrace by steps working with the natural fall of the site southwards. **Figure 13** below shows this in cross-section.



**Figure 13**



48. The applicant cites the proposed amendments as increasing the residents' only soft landscaped amenity space at ground level and a good substitute for the inaccessible green roof previously proposed at roof level as part of the SUDs scheme. A variety of spaces are shown on the landscape masterplan including play area with rocks and climbing mounds and a boules court. Climbing plants to external walls and the 'hit & miss' brick work (providing ventilation) to the undercroft parking areas would be provided to help soften the space. An area of rain gardens would be provided as part of the SUDs scheme for the site: this area would hold surface water and use it for irrigation before allowing a controlled onwards discharge.
49. Benches would be provided on the riverside frontage to enhance its amenity potential. This space would remain privately owned and maintained.
50. Following negotiations, amended plans have been submitted providing additional climbing planting to the lower ground floor walls of the plant room and lower ground floor level undercroft adjacent to the riverside parking court as well as to the walls to the riverside frontage space towards Beaver Road.

(vii) reconfiguration of the lower ground floor parking layout as a consequence of the changes to the podium, changes to the riverside parking court, revisions to arrangements for cycle parking and relocation of refuse storage

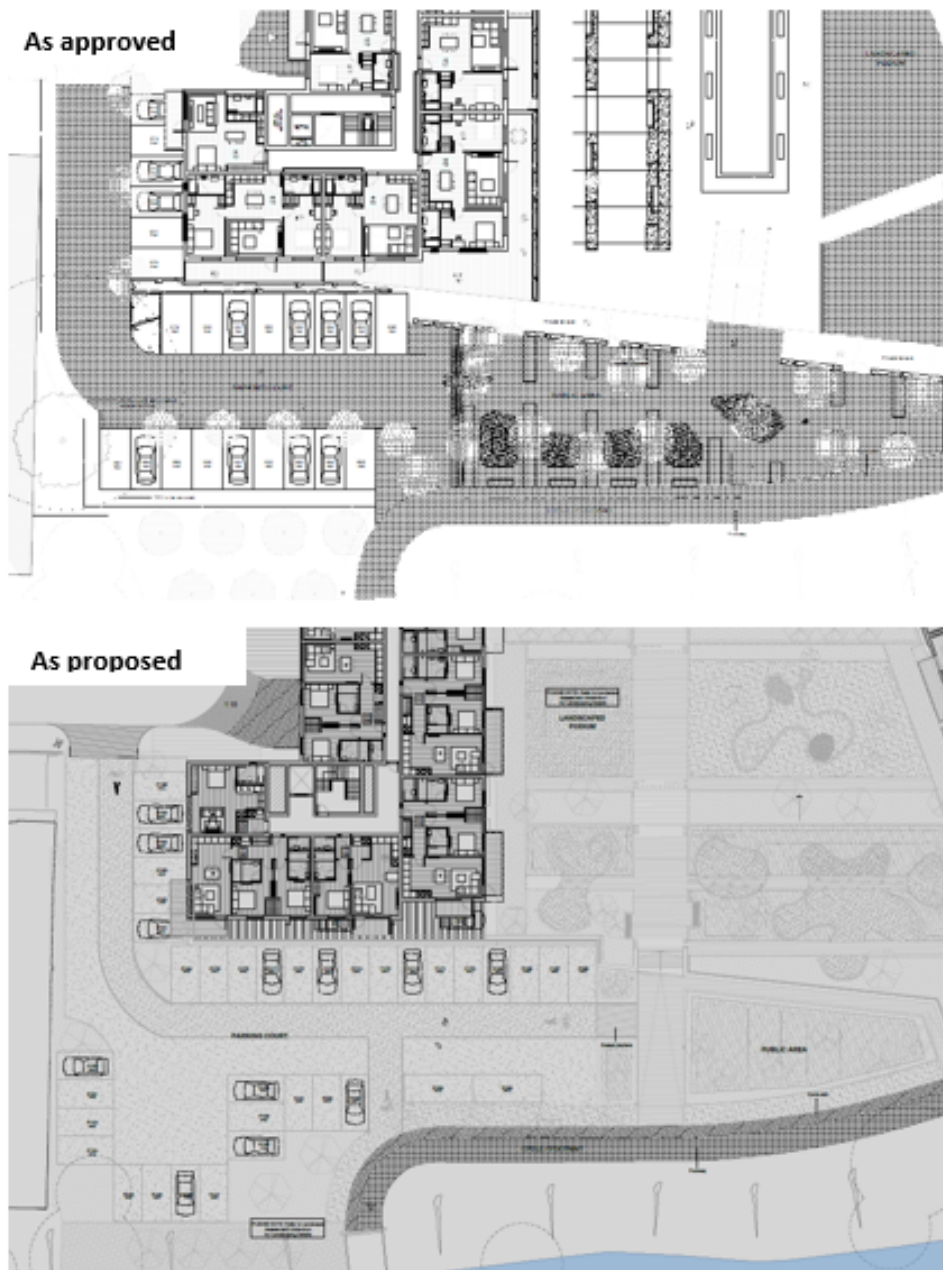
51. The deletion of the podium space has necessitated the reconfiguration of lower ground floor level undercroft parking. The proposed approach is for this to follow the footprint of the building and the 'grand terrace' with the geometry of the site and the building near to Beaver Road dictating the undercroft projecting from the building above. Car parking would still be secured by a sliding barrier with separate secured access pedestrian gate on the George Street frontage. **Figure 14** below shows the lower ground floor level car parking 'as approved' and 'as proposed'. The location of cycle parking 'as approved' and 'as proposed' is also annotated.



**Figure 14**

52. Following comments from Kent Highways & Transportation (KHT) on the usability of some spaces – particularly in the eastern wing – amended plans have been submitted. The plans also move spaces designed to accommodate residents with disabilities to positions closer to circulation cores containing lift access to upper floors. The plans also overcome an inability for residents to gain internal access into the refuse store that would have its double door ‘collection’ opening to Beaver Road.
53. The revisions to the scheme result in consequential changes to the riverside parking court. The Beech Tree on the western boundary of the court with the adjacent development site (one of the two sites previously occupied by Travis Perkins on Victoria Crescent) is, again, proposed to be removed. A more comprehensive analysis is provided by the applicant as to why the changes within the root protection area of this Tree (which is subject of a Preservation Order) dictate that removal is now necessary: detail is given in the Supporting Documents section further below in this report.
54. Following concerns that both KHT and I expressed about (i) the important pedestrian route through the court connecting the riverside movement corridor with the southern end of George Street and (ii) the dimensions and usability of the parking spaces shown within the court, amended plans have been submitted. Whereas the plans as originally deposited sought to increase parking by including an additional x 4 spaces, the applicant accepts that the further spaces shown would not be usable and so these additional spaces have now been deleted. A clearer and more direct pedestrian route is

proposed reacting to desire line movement eastwards towards Beaver Road and southwards to the bridge over the River Stour (the primary route from the site to Victoria Park). **Figure 15** below shows the 'as approved' riverside parking court containing 23 parking spaces and the 'as proposed' court containing 37 spaces. It also shows the other landscaped public realm additions to the river frontage environment. As can be seen, the parking court extends further eastwards than before along the river frontage and x 4 spaces on its southern side extend further towards the river bank.



**Figure 15**

55. Cycle parking was previously approved within the undercroft lower ground floor area. With the change in the footprint of the podium space, cycle storage has now moved to the eastern boundary of the site in place of the previously approved lane accommodating and leading to car parking. This area is adjacent to the petrol filling station. 250 cycle parking spaces are proposed. The area would be accessed from either within the undercroft parking area or externally via a set of steps to be fitted with a bike rail to ease manoeuvring.
56. Amended plans have been submitted which provide this area
57. As now amended, the changes would provide for 194 spaces in total for the development south of Victoria Road (with a small proportion -4 -of that total dedicated to the x 3 commercial units).

#### Other matters

58. The previously approved coloured balcony surrounds are now proposed to be variations of grey with lighter grey being used at lower levels and becoming darker at upper levels including matching the darker top storey of the building.
59. The applicant has confirmed that x 5 apartments (No. 68, 69, 105, 141 & 177) have been designed to M4(3) Wheelchair adaptable specification.
60. The application as deposited contained some errors and inconsistencies between drawings and also between drawings and supporting documents. The amendments made resolve all of those issues.

### **Supporting documents: changes arising specifically from the proposal**

61. The following supporting documents remain unchanged from application 16/01157/AS (and so please refer to the October 2016 Committee Report on that application for a summary of each):-
  - (a) Air Quality Assessment
  - (b) Archaeological Assessment
  - (c) Ecological Appraisal
  - (d) Desktop Study – Environmental Contamination
  - (e) Economic Benefits Assessment
  - (f) External Lighting Report
  - (g) Mechanical and Electrical Services Stage 3 Design Brief
  - (h) Noise Impact Assessment
  - (i) Odour Impact Assessment
  - (j) Planning Statement
  - (k) Planning Viability

- (l) Statement of Community Views
- (m) Ventilation and Air Exhaust Discharge Strategy
- (n) Utilities Report

62. The following supporting documents have been amended to reflect the proposed changes to the building and site layout.

#### Landscape Design

63. The amended scheme would yield c.30% increase in soft landscaping connecting the development with the planting on the river bank. 33 additional trees would be planted further structuring spaces and providing shade as well as greater diversity of species. A greater variety of spaces is now proposed catering for a wider age range including rocks/climbing mounds and boules area and seating in such areas.
64. Sustainable Urban Drainage in the form of rain gardens at lower ground floor level is proposed. Buffer planting would be added to the edges of the spaces to improve privacy levels of the adjacent homes. A grand terrace that could be used for outdoor dining, BBQ's and other social activities (equipped with short and long benches) is proposed as spill out space from the superlounge stepping down in to the main planted space. Climbing plants would be used adjacent to walls along the river corridor frontage to help soften the impact of the development on the river corridor.

#### Arboricultural Assessment

65. On the southern side of Victoria Road the approved development necessitates the removal of a number of trees. Condition 74(b) attached to the existing planning permission – essentially seeking greater justification to be supplied for the suggested removal of one category B tree (T1 Beech) in application 16/01157/AS – is noted and is addressed.
66. In the amended scheme, the amount of new hard surfacing proposed within T1's root protection area (RPA) has increased to c.72% of the RPA and it is suggested that regardless of construction mitigation measures (such as above soil surfacing) the extent of surfacing within the RPA makes it removal unavoidable as Beech as a species has particularly limited tolerance to root disturbance. To mitigate for the loss, the proposed landscaping scheme includes replacement Beech.

#### Flood Risk Assessment

67. The site is at no quantifiable risk of flooding from tidal events due to its elevation above sea level and geographical remoteness from the coast. The

site is remote from the mapped floodplain and classified as having a low risk in terms of flooding potential. The site is also low risk in terms of flooding from overland surface water which good SUDs design within the site can help mitigate.

68. Safe access and egress can be provided for residents to higher ground in the event of a flood event. The dwellings would lie above the modelled flood level of the Great Stour and primarily sit within the lowest Flood Risk Zone (Zone 1) with only 5% of the site – on the lowest part of the side on its south east side – falling within Zone 2.
69. The amended proposals would not increase flood risk when compared to the existing use or the previously approved scheme. All homes are proposed to have a minimum finished floor level of 42.00m AOD and thus would sit 0.88m above the 1 in 1000 year storm event level as defined by the Environment Agency. The lower ground floor level would now comprise solely car parking and bin stores as a result of the deletion of the riverside studios previously approved.
70. Cellular storage is proposed on-site. The blocks south of Victoria Road are proposed to utilise a 'green roof' structure to treat and remove sediments from surface water while providing on-site storage in extreme storm events. From these roofs, surface water would then be conveyed by down pipes to three large cellular storage areas beneath car parking and communal open space areas. The latter is termed a 'rain garden' in the application site layout drawings. Sediments will be trapped and removed as part of these on-site surface water drainage management arrangements before onwards transmission and so will not enter the watercourse.

#### Transport Assessment

71. The Assessment indicates that the number of car parking spaces is increased by 4 and proposes 198 spaces (194 serving the x 216 residential units and 4 serving the Victoria Road frontage block ground floor commercial units).
72. The northernmost vehicular access into the site from George Street would no longer serve parking and would be retained for emergency purposes: it would also serve as access to cycle parking. Refuse vehicles would serve the site directly two points on George Street. Delivery vehicles would utilise the lower ground floor undercroft car park (with restricted height) or park and turn within the riverside parking court (which has been 'tracked' to demonstrate its dimensions would facilitate such usage).

73. In terms of cycle provision, 250 cycle spaces would be provided which is suggested as considerably exceeding the minimum provision of 76 spaces using local standards.
74. The traffic impact of the development remains unchanged. The approach in the previous TA was based on data relating to privately owned flats and so the predicated traffic generation would remain the same. Furthermore, the additional commercial floorspace created as part of reconfiguring the Victoria Road frontage block is considered negligible in terms of its impact.
75. The scheme addresses comments previously made by Kent Highways & Transportation in relation to Victoria Road /George Street balconies oversailing the highway: the balconies would now over-sail privately maintained landscaping.

## Planning History

98/01373/AS	<p>Outline Application for mixed use development comprising an hotel, associated A3 and leisure uses, offices, housing and car parking and new access road.</p> <p>This application was granted 15/03/99 and was not implemented.</p>
04/02195/AS	<p>Outline application (with all matters reserved) for mixed use development incorporating up to 355 residential units (of which up to 261 dwellings will be provided on Block C) comprising a mix of 1 and 2 bed units, retail food and drink (A1, A2, A3, A4, A5) up to 1731m<sup>2</sup>, business or education - 19285m<sup>2</sup>, with an additional 1595m<sup>2</sup> of business/leisure floor space, and hotel/leisure up to 119 bedroom hotel with facilities (6169m<sup>2</sup>).</p> <p>This application was granted 16/04/2008 and was not implemented.</p>
08/01122/AS	<p>Erection of 261 dwellings together with 6 commercial ground floor units, related car parking and landscaping</p> <p>This application was disposed of as undetermined in November 2011.</p>
16/01157/AS	<p>Full planning application for development of a brewery, with shop, bar and restaurant (Use Classes B2/A1/A3/A4), three commercial units (Use Classes A1/A2/B1) and 216 residential units with associated parking, substations, landscaping and</p>

access works.

This application was granted in 2017 and the permission has been implemented.

16/01157/AMND      Non-material minor amendment to planning permission 16/01157/AS for the removal of electrical substation from the application site boundary and retrospective installation of an electrical kiosk with associated landscaping.

The application was granted in November 2017.

## Consultations

**Ward Members:** No comments received. One of the Ward Members, Cllr Farrell is a Member of the Planning Committee.

**Kent Highways & Transportation:** Raise issues in relation to a number of issues;-

- (1) On-street parking spaces on George Street cannot be allocated specifically to residents.
- (2) Clarification is needed about the intended use of the northern access point serving the riverside frontage block from George Street as this would no longer lead to any surface level or integral car parking.
- (3) Some undercoft and riverside parking court parking spaces would be too difficult to use.

A response to the amended plans is awaited.

**KCC Flood and Water Management:** Agree with the application documentation that the proposed changes would not increase the risk of flooding and so have no further comments to those expressed in the previous application.

**ABC Project Delivery Engineer:** Initially raised queries with the applicant. Raises no objection following subsequent receipt of additional information, calculations and a proposed SUDs strategy (showing the relationship of top storey green roof areas to sub-surface cellular storage areas under parking areas and as rain gardens within the residents' only gardens before controlled discharge southwards to the River Stour). A planning condition requiring further detailed design of SUDs to be submitted for approval is requested.

**Environment Agency:** No objection

**Kent Wildlife Trust:** no response



**Environmental Services (Refuse):** Raised a number of concerns with the scheme as deposited. No objection to the changes made to the amended design.

**South Ashford Community Forum:** no response

**Victoria Residents Business and Recreation Action Group:** no response

**Neighbours/residents:** No responses received.

## **Planning Policy**

76. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight.
77. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2000**

EN13 – Green Corridors

EN14 – Land adjoining the Green Corridors

EN31 – Important habitats

EN32 – Important trees and woodland

SH1 - Tenterden & Ashford town centres (comparison and convenience shopping)

TP6 – Cycle parking

LE5 – Equipped public open space

LE6 – Off-site provision of public open space

LE7 – Play facilities

LE8 – Play facilities

LE9 – Maintenance of equipped public open space

CF6 – Standard of construction of sewerage systems

CF8 – Renewable energy

**Local Development Framework Core Strategy 2008**

CS1 – Guiding Principles

CS2 – The Borough Wide Strategy

CS3 – Ashford Town Centre

CS7 – The Economy and Employment Development

CS8 – Infrastructure contributions

CS9 – Design Quality

CS10 – Sustainable Design & Construction

CS11 – Biodiversity and Geological Conservation

CS 12 – Affordable Housing

CS15 – Transport

CS16 – Retail

CS18 – Meeting the Community's Needs

CS19 – Development and Flood Risk

CS20 – Sustainable Drainage

CS21 – Water Supply and Treatment

**Ashford Town Centre Area Action Plan 2010**

TC1 – Guiding Principles

TC2 – The Town Centre Core

TC10 – The Southern Expansion Quarter

'The Southern Expansion Quarter should accommodate a large amount of new development with the primary focus on residential development, the proposed Learning Campus and a 500 space multi-storey car park all served by the new Victoria Way. Also within this Quarter, limited retail, leisure, commercial and community-related uses would be acceptable in principle.

Redevelopment proposals in this Quarter must enable the delivery of the vision for Victoria way as an urban boulevard. All proposals must demonstrate that they would produce a well-proportioned street based on the relationship between building heights and street width. East of Gasworks Lane, redevelopment proposals shall ensure the delivery of a street 24 meters wide between building frontages. To the west of Gasworks Lane, redevelopment proposals shall ensure that the width of the street shall be based on the scale of building heights proposed along either side of the street.

Developments fronting Victoria Way would be required to deliver a finished quality of public realm to the quality set in the Town Centre Design SPD. This may involve improvements to the first stage construction standard of this space.

A new public urban space (Victoria Square) would be created at the intersection of the Learning Link route and Victoria Way in line with the Public Realm Strategy. Developments that would front or surround Victoria Square and/or the Learning Link would need to show how they complement their roles in terms of their use, scale and design. A design brief for this area would need to be agreed by the Council before detailed proposals are considered.

A replacement footbridge/cycleway shall be delivered to provide an improved crossing of the railway lines and link between Victoria Square and Elwick Square.

Development adjacent to the footbridge/cycleway must demonstrate how it would respond to the change of levels between Victoria Square and the footbridge in a way that assists in the delivery of a high quality public realm along any resultant ramped, terraced or stepped solution.

All proposals in this Quarter will need to demonstrate that they will create an attractive urban neighbourhood set in high quality public realm, based around Victoria Way and pleasant and easy access to the town centre core and riverside spaces. In doing this, proposals will need to respect the relationship with existing residential properties in this Quarter, the riverside landscape and its ecology and the Victoria Road primary school.'

TC11 – Victoria Way East

TC22 – Office, Retail and Leisure Parking Standards

TC24 – Town Centre Cycle Parking Standards

TC 25 – Commuted Parking

TC26 – Green Corridors in the Town Centre

### **Urban Sites Development Plan Document 2012**

U24 – Infrastructure provision to serve the needs of new development

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

78. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight. The following policies are material in consideration of the application;-

SP1 – Strategic objectives

SP2 – Strategic approach to housing delivery

SP3 – Strategic approach to economic development

SP4 – Delivery of retail and leisure needs

SP5 – Ashford Town Centre

SP6 – Promoting high quality design

HOU1 – Affordable housing

HOU3 – Residential development in Ashford urban area

HOU12 – Residential space standards (internal)

HOU14 – Accessibility standards

HOU15 – Private external open space

EMP1 – New employment sites

EMP6 – Fibre to the Premises

EMP9 – Sequential Assessment and Impact Test

EMP11 – Tourism

TRA3(a) – Parking standards for residential development

TRA3(b) – Parking standards for non-residential development

TRA4 – Promoting the local bus network

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

TRA7 – Road network and development

TRA8 – Travel plans, assessments and statements

ENV1 – Biodiversity

ENV2 – Ashford Green Corridor

ENV6 – Flood risk

ENV7 – Water efficiency

ENV8 – Water quality, supply and treatment

ENV9 – Sustainable drainage

ENV11 – Sustainable design and construction (non-residential)

ENV12 – Air quality

ENV15 – Archaeology

COM1 – Meeting the community's needs

COM2 – Recreation, sport, play and open spaces

IMP1 – Infrastructure provision

IMP2 – Deferred contributions

79. Also material to the determination of this application are the following:-

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

Landscape Character Assessment SPD 2011

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

### **Informal Design Guidance**

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

### **Government Advice**

National Planning Policy Framework (NPPF) 2012

80. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF.
81. The NPPF is designed to facilitate positive growth – making economic, environmental and social progress for this and future generations and delivering sustainable development without delay. It sets out a ‘pro-growth’ agenda. Paragraph 21 of the NPPF highlights some crucial points in this respect, including:
  - (i) investment in business should not be over-burdened by the combined requirements of planning policy expectations,
  - (ii) policies should be flexible enough to accommodate needs not anticipated in the plan and allow a rapid response to changes in economic circumstances, and
  - (iii) local plans should identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.
82. Paragraph 23 of the NPPF requires that planning policies should be positive and promotes competitive town centre environments. It identifies that town centres lie at the heart of their communities and that they should provide

customer choice and a diverse retail offer and reflect the individuality of town centres.

83. Paragraph 24 of the NPPF sets out the 'town centre first' approach which is crucial in achieving these aspirations.
84. Paragraph 47 of the NPPF states that local planning authorities should use their evidence base to ensure that any Local Plan produced meets the full, objectively assessed needs for market and affordable housing in the housing market area in order to significantly boost the supply of housing.
85. Paragraph 50 of the NPPF states that local planning authorities should seek to deliver a wide choice of high quality homes with the specific aim of widening opportunities for home ownership. Where local planning authorities identify that affordable housing is needed, they should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.
86. It is clear that Government advice is that affordable housing policies should be sufficiently flexible to take account of changing market conditions over time. This is of particular importance given the Core Strategy was adopted in 2008, and the length of time that the application site has sat dormant.
87. The key theme of Government policy is one of promoting sustainable development with the planning system defined as a key mechanism of achieving its delivery. There are three accepted dimensions to sustainable development;-
  - (a) an economic role – contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure,
  - (b) a social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being, and
  - (c) an environmental role – contributing to protecting and enhancing the natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving towards a low carbon economy.

88. Government policy attaches great importance to the design of the built environment as set out in paragraph 56 of the NPPF. Good design is a key component of sustainable development ('indivisible from good planning') and contributes positively to making places better for people.
89. Paragraphs 173 to 177 deal with 'ensuring viability and deliverability' and are pivotal in seeking to ensure that the scale of obligations and policy burdens included in local plans does not threaten the viability of potential development sites that would contribute towards planned housing delivery targets and this prevent otherwise sustainable development from being carried out.
90. Of note in regard to development viability is the second half of paragraph 173, that states:-

'To ensure viability, the costs of any requirements likely to be applied to development, such requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'
91. The NPPF encourages local authorities to approach affordable housing delivery pragmatically. In an environment of significant downward pressure on the availability of grant funding for the development of new affordable housing, local authorities are challenged to deliver value for money in terms of Government funding, their own funding and developer subsidy, whilst responding innovatively and effectively to local priority needs.
92. Optimising locally appropriate outcomes is a consistent theme throughout policy. The NPPG provides a general overview but focuses on viability in the context of both plan making and individual application sites. The site specific guidance covers a number of areas including different development types, brownfield sites, considering planning obligations in terms of viability, values, costs and land value. In particular, it expands upon paragraph 173 of the NPPF in regards to 'competitive returns to developers and landowners'.
93. Paragraph 24 of the NPPF states;-

'A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the landowner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy.'
94. Paragraph 173 of the NPPF (and the NPPG thereafter) introduces financial viability into Government planning policy and guidance including the concept



of a competitive return as a material consideration in the determination of planning applications.

95. Furthermore, the NPPF sets out the changes affecting the ability of local planning authorities to deliver affordable housing, which, for example, includes the introduction of the 'Affordable Rent' product (whereby rents of up to 80% of Market Rent can be charged), the reduction of grant funding for affordable housing and the introduction of the Community Infrastructure Levy.
96. Paragraph 173 of the NPPF highlights that local plans should be deliverable. Therefore, the scale of development identified in the Development Plan through policies and site allocations should not be subject to a scale of obligations and policy burdens that threatens viability and prevents delivery. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. In light of this, the Council therefore has to be mindful that that application site specific policy and other related policies in the Development Plan were developed prior to the financial crash of 2008 and as such the deliverability of this site and any obligations need to be considered in light of current market conditions.
97. In terms of design, Central Government advocates that local planning authorities should not seek to dictate architectural style particular tastes and should not seek to stifle innovation, originality. Decisions should focus on the overall scale, density, massing, height, landscape, layout, materials. Decisions should also seek to promote or reinforce local distinctiveness wherever possible.

#### National Planning Policy Guidance (NPPG)

98. Paragraphs 23 – 28 set out those aspects of design that local authorities should consider as a minimum. These are:
- layout – the way in which buildings and spaces relate to each other
  - form – the shape of buildings
  - scale – the size of buildings
  - detailing – the important smaller elements of building and spaces
  - materials – what a building is made from
99. Government advice goes on to highlight that the quality of new development can be spoilt by poor attention to detail. Careful consideration should be given to items such as doors, windows, porches, lighting, flues and ventilation, gutters, pipes and other rain water details, ironmongery and decorative features. It is vital not only to view these (and other) elements in isolation, but also to consider how they come together to form the whole and to examine carefully the 'joins' between the elements.

100. In terms of materials, these should be practical, durable, affordable and attractive. It is noted that choosing the right materials can greatly help new development to fit harmoniously with its surroundings. The advice remains that they do not have to match, but colour, texture, grain and reflectivity can all support the creation of harmony in the townscape and reinforce local distinctiveness.

DCLG: Accelerating Housing Supply and Increasing Tenant Choice in the Private Rented Sector: A Build to Rent Guide for Local Authorities

101. The guide identifies that Build to Rent housing can help to fix the broken housing market by providing another source of good quality housing supply which can also accelerate the speed of housing delivery.
102. It identifies that the Government has introduced a number of initiatives to kick-start the sector but ultimately, it needs to stand on its own two feet without fiscal support. Local Authorities are critical to the establishment of Build to Rent housing over the long-term. They have the powers to support the sector's development under the National Planning Policy Framework and on its own land and there are an increasing number of Local Authorities who are actively supporting its development.
103. The guide aims to help local authorities to develop their understanding of this housing sector. It also seeks to provide a further catalyst for a sustainable supply of Build to Rent housing schemes. It is suggested that this will not only meet the growing demand from long-term institutional investors but it will meet the needs of tenants who are the ultimate beneficiaries of the Government's Build to Rent initiatives.

National described space standards

104. These effectively supersede the Council's local space standards as set out in the adopted DPD in relation to the internal floorspace of a home. The Council's external standards do, however, remain in place and can be afforded the appropriate weight in consideration of the quality of residential environment that is being proposed.

## **Assessment**

105. For consistency, I have used the same approach below as per my report on 16/01157/AS to the October 2016 Planning Committee. On issues related to the Brewery I cross –reference to that earlier report and comment as to whether there are any material considerations which would alter my conclusion.
106. The main issues for consideration are as follows;-
- (a) The principle of the proposals i.e. how the redevelopment of the site would

fit with both existing local and national planning policies (and emerging local policy) in terms of the proposed uses

(b) The design quality of the brewery proposal and its contribution to the character of Victoria Road

(c) The impact of the brewery on the amenity of the area in terms of noise and odour

(d) The design quality of the residential and small commercial unit proposals on the southern side of Victoria Road (and their contribution to the character of Victoria Road) and the design quality of the Build to Rent block further to the south

(e) The riverside environment: (i) the impact of the proposed parking court on the Beech tree subject of Tree Preservation Order, (ii) ensuring appropriate access to enhanced riverside environment public space and (iii) ensuring appropriate public access through the proposed parking court

(f) Whether the residential development proposals south of Victoria Road would provide sufficient on-site public open space to meet the needs of residents

(g) The acceptability of the proposals south of Victoria Road on the amenities enjoyed by existing residents

(h) Whether the proposals are acceptable in terms of contamination, flooding, byelaw margins, approach to managing surface water drainage and ecology

(i) Sustainable design and construction

(j) Car parking serving the brewery and associated commuted parking payments

(k) Car parking serving the x 3 commercial units and associated commuted parking payments

(l) Car parking quantum serving apartments and the applicant's proposed additional measures

(m) The acceptability of the traffic impacts arising from the development

(n) Mitigating the impacts of proposed development: the policy starting point for contributions secured by s.106 agreement

(o) The applicant's viability case

(p) Viability: conclusion & negotiated s.106 contributions

107. I deal with these in each of the sub-sections below.

(a) The principle of the proposals i.e. how the redevelopment of the site would fit with both existing local and national planning policies (and emerging local policy) in terms of the proposed uses

108. Paragraphs 110- 119 below remain unchanged from my Committee Report October 2016 and remain as my assessment of the general principle of the development related to the adopted development plan.

109. Paragraphs 120 onwards assess the same general principle in terms of the Ashford Local Plan 2030 (2017 submission version) which is an important material consideration.

110. The approaches in the NPPF in respect of the importance of sustainable development in urban areas, the need to support town centres, the need to facilitate growth through delivering necessary new homes and the need to help deliver vibrant communities with facilities supporting a variety of employment and leisure needs are all mirrored in the Council's planning policy documents dealing with the area in which the application falls.

111. The site falls within the overarching Southern Expansion Quarter identified in Policy TC10 of the TCAAP 2010. The primary focus is identified as being residential with limited retail, leisure, commercial being identified as being acceptable in principle. The importance of all development proposals enabling the delivery of the vision for Victoria Road as an urban boulevard (termed 'Victoria Way') is stated. All proposals are required to demonstrate that they will produce a well-proportioned street relating to building heights and street width. East of Gasworks Lane, a street width of 24m is identified. Development fronting Victoria Way will be required to deliver a high quality finished public realm. All proposals in this Quarter are identified as needing to demonstrate that they will create an attractive urban neighbourhood set in high quality public realm based around Victoria Way and pleasant easy access to the town centre core and riverside open spaces, respecting relationships with existing residences and the riverside landscape.

112. I consider that the proposal follows this overarching steer on an acceptable redevelopment in this Quarter. In my opinion the proposal;-

- would be primarily residential
- would contain a small amount of retail uses fronting the street on both sides
- would provide commercial uses (the brewery and A2/B1a office uses)
- would deliver linear tree planting, a cycleway and quality public realm
- would complete Victoria Way on its southern side in the manner envisaged

- would provide easy access for scheme residents to the town centre core
  - would enable townsfolk to reach the town centre via George Street
  - would connect townsfolk to proposed Victoria Way uses via George Street
  - would create a high quality and attractive urban neighbourhood
  - would deliver communal residents' only internal and external facilities
  - would physically connect residents with the riverside corridor
  - would visually connect residents with the riverside corridor
  - would not have an adverse impact on the amenities of existing residents
  - would represent an acceptable scale of redevelopment intensity given the physical separation with the nearest existing homes in Victoria Crescent and Victoria Way and taking into account the development intensity and vertical scale of new development granted planning permission by the Council and under now construction at the former Travis Perkins premises on Victoria Crescent.
113. Where appropriate, I deal with aspects of the above in further detail in topic based sub-sections further below in this Assessment.
114. Policy TC11 of the TCAAP 2010 focuses on a specific element of the overall Quarter, termed 'Victoria Way East'. The application site falls directly within this area. The Policy identifies that redevelopment here should deliver a mix of uses including residential and office uses complemented by active street frontages at ground floor level fronting Victoria Way comprising small scale retail and other consumer services, eating and drinking places. The part of the site previously granted planning permission for a Learning Campus is identified as being protected for that or similar education use unless other suitable alternative provisions has been made. The scale of development along this section of Victoria Way is identified as being between 4-6 storeys fronting that street with a step down towards the riverside.
115. The Policy requires built form and layout to enclose the street scene with occasional breaks in the building line to enable glimpsed views northwards to the town centre core and southwards to the river corridor. Any new building adjacent to the railway line will need to present a positive frontage to the railway and views to the north. Development is required to avoid any overbearing impacts/adverse impacts on existing residences. Development adjacent to the river corridor is required to provide a built frontage whilst allowing adequate space to improve the riverside environment in terms of appearance and biodiversity.
116. I consider that the proposal follows this more detailed policy steer on the eastern end of the Quarter. In my judgement the proposal;-
- would deliver a mixture of uses appropriate to the envisaged Quarter
  - would include small scale retail/office uses as ground floor active frontage
  - would provide high quality new eating and drinking places
  - would not prejudice education provision (now being constructed elsewhere)
  - would deliver an appropriate 5-storey frontage to Victoria Way (south side)

- would create reasonable enclosure to Victoria Way on its north side
  - would provide for an appropriate and varied scale of riverside development
  - would have a layout maintaining glimpsed views to the town centre core
  - would have an acceptable design relationship with the railway and beyond
  - would give glimpsed views south along George Street to the riverside
  - would directly visually connect many new homes with the river corridor
  - would have an acceptable amenity relationship with nearby homes
  - would create visually attractive additional riverside public open space
  - would, through soft landscaping and other means, enhance biodiversity
117. Where appropriate, I deal with aspects of the above in further detail in topic based sub-sections further below in this Assessment.
118. Policies TC10 and TC11 seek to achieve attractive, well-designed and appropriate development helping support the town centre environment. These general planning objectives are also identified as 'guiding principles' in Policy TC1 of the TCAAP 2010. The approach in all three policies flows directly from the Borough-wide strategic 'umbrella' policies contained within the Core Strategy 2008 such as Policy CS1 (Guiding Principles), CS2 (Borough-wide Strategy), CS3 (Ashford Town Centre), CS7 (Economy and Employment development) CS9 (Design Quality). It therefore follows that proposals in accordance with the provisions of the TCAAP policies are also in accordance with the overarching general planning policy provisions of the Core Strategy.
119. In conclusion, I consider that the uses that are proposed and the way in which they are proposed to be delivered would be in accordance with Policies CS1, CS2, CS3, CS7 and CS9 of the Core Strategy 2008 and Policies TC1, TC10 and TC11 of the TCAAP 2010
120. Turning to the Ashford Local Plan 2030 (submission version 2017), proposed policies SP1, SP2, SP3, SP4, SP5 and SP6 are all relevant and form a material consideration. Together, they seek to;-
- promote high quality design (including use of review by a Design Panel)
  - focus development in acceptable locations
  - make best use of suitable brownfield opportunities
  - create well designed attractive places
  - promote access to a wide choice of sustainable transport modes
  - meet changing housing needs including affordable homes
  - focus the majority of new homes in around and Ashford
  - provide a range of employment opportunities
  - maximise town centre employment opportunities
  - meet the need for retail/leisure development within the town centre
  - provide scope for range of retail, office, leisure, hotel and residential uses
  - provide scope for flexible approach to contributions where these would represent a barrier to delivery of development that would accord with the Plan's vision

121. Accordingly, my conclusion is that the general principle of the proposed uses and the way in which they are proposed to be delivered would also be in accordance with submission version policies SP1, SP2, SP3, SP4, SP5 and SP6.
122. There have been no site context changes since the principle of development was previously considered acceptable by the Council that have any bearing on the acceptability of the general principle of the development and the way it would be delivered.

(b) The design quality of the brewery proposal and its contribution to the character of Victoria Road

123. No changes are proposed to the brewery as part of the current application. This element of planning permission 16/01157/AS has been implemented.
124. There is no change in my assessment of this part of the development. Please refer to the October 2016 Committee Report on application 16/01157/AS for a full analysis of the design merits of the brewery proposal and its contribution to the character of Victoria Road. In summary, I concluded at the time that the design quality of the brewery was high quality and responded well to the envisaged character of Victoria Road in the TCAAP. That conclusion remains unaltered and in my opinion the proposal would accord with Policy SP6 of the submission version of the Ashford Local Plan which carries forward the Council's commitment to high quality design.
125. Since my report in October 2016 there have been no site context changes that would have any bearing on my assessment of the acceptability of the design of the brewery and its contribution to the character of Victoria Road.

(c) The impact of the brewery on the amenity of the area in terms of noise and odour

126. No changes are proposed to the brewery as part of the current application. This element of planning permission 16/01157/AS has been implemented.
127. There is no change in my assessment of this part of the development. Please refer to the October 2016 Committee Report on application 16/01157/AS for a full analysis of the noise and odour amenity impacts of the proposed brewery. In summary, I concluded at the time that the opening hours of the brewery for the retailing of food and drink could be controlled by planning conditions and in any event would be assessed through licensing. I also concluded that the noise associated with brewing process would not be likely to have an adverse amenity impact but could be controlled through planning conditions. In terms of potential night time servicing, I similarly concluded that a northern and

western acoustic fence would be an acceptable approach should this be required and could be controlled through planning conditions. Lastly, through a combination of discussion with the applicant and planning controls I concluded that in terms of the potential for odour the proposal was acceptable and that lighting could be the subject of a planning condition.

128. There have been no site context changes since October 2016 that have any bearing on this assessment. Ensuring new development does not adversely impact on amenity is a general theme taken forward in Policies SP1 & SP6 of the submission version of the Ashford Local Plan and so my conclusion on the amenity impacts of the brewery remains unaltered. .

(d) The design quality of the residential and small commercial unit proposals on the southern side of Victoria Road (and their contribution to the character of Victoria Road) and the design quality of the Build to Rent block further to the south

129. The design approach to the Victoria Road frontage block remains as envisaged in Policy TC11 of the TCAAP and substantially in the same format as per the previous approval i.e. a 5 –storey building with the ground floor having small commercial units with entrances alongside an entrance into the rising circulation core to apartments at upper floor levels.
130. The revisions to the ground floor hinterland of the building overcome the concerns from KHT in terms of over-sailing of the public highway by upper floor balconies but retain the completion of the southern edge of the street as before with shared footway/cycleway, linear tree planting and paved forecourt up to the building's edge.
131. Although dual aspect apartments – as previously approved – are preferable to single aspect apartments I have no objection to the changes proposed that will enable the scheme to proceed. Furthermore, each apartment would still have either an expressed balcony or a recessed balcony providing a fresh air private external amenity space. The consequential changes to the elevations are acceptable.
132. Turning to the larger riverside frontage block, the design approach remains substantially the same as previously approved. The wings of the building around a central residents' only amenity space is supported as is the use of differing brickwork to give welcome contrast and visual richness. The loss of the lower ground floor level riverside frontage studios is not objectionable. It resolves the issue of those homes being the most vulnerable to a flooding event and the hard and soft landscaping quality of the replacement public space is an acceptable place-making substitute. The river frontage will be



reasonably overlooked from adjacent ground floor level (and above) apartments.

133. The approved scheme provides for a partial 7<sup>th</sup> floor. In my October 2016 report my assessment of that was that although it resulted in a storey-height slightly outside the parameters envisaged in Policy TC11 of the TCAAP (where 4-6 storeys is mentioned) the approach was an acceptable departure from the Policy, especially as the building also contained a substantial internal ground floor level residents' communal amenity area. The scheme as now proposed retains a very similar internal amenity space at ground floor level (which is welcome) and the changes to a full 7<sup>th</sup> floor flow from the loss of the riverside studios. The 7<sup>th</sup> floor set back from the floor below and use of a darker cladding material remains as before and is supported as a way of demarcating the top of the building. The roof to this floor would all be a green roof and is supported as part of the SUDs strategy for the site and given its biodiversity benefits. I do not consider that the full 7<sup>th</sup> storey would have any adverse impacts on the skyline or amenities of adjoining occupiers.
134. The internal residents' only grand terrace and lower gardens would offer strong visual connection with the river corridor softened by planting including climbing varieties. The steps between the terrace and podium assist with Policy TC11 aspiration for the development to 'step down' to the river corridor. The riverside hard and soft landscaped space south of the lower gardens would make a welcome contribution to the visual enhancement of the river corridor as is required by Policies TC11 and TC26 of the TCAAP.
135. The architectural style and palette of materials remains largely as before and is acceptable. I have no objection to the change of balcony surrounds from coloured to various shades of grey.
136. The 7<sup>th</sup> floor solution of sliding double doors is, in my opinion, an acceptable compromise in the circumstances enabling a reasonable depth amalgam of inside and external space together with a longer perimeter private terrace. I am mindful that the combination of communal residents' only external gardens and terrace together with private balconies and terraces would provide an acceptable level of amenity space in the context of a high-density intensive redevelopment of the site. I am also mindful that the applicant is not proposing to alter the s.106 agreement obligation to make a contribution towards the improvement of Victoria Park within a short walk of the site: this contribution helps mitigate the slight shortfall of on-site public open space while allowing beneficial redevelopment in accordance with planning policy to take place.
137. The revisions to refuse storage are acceptable: should Council collection be desired then there would no longer be any need for a refuse freighter to enter the site pursuant to an indemnity agreement.

138. In my consideration of 16/01157/AS, I concluded that certain measures would be necessary to make sure that the homes that are likely to be impacted by traffic noise and the proposed superstore and brewery (primarily the mixed-use Victoria Road frontage block) would have acoustic design measures employed to make sure the residents would be provided with an acceptable standard of amenity. As before, I proposed to deal with this matter by planning condition.
139. In conclusion, I consider that the design quality of the proposal is acceptable and accords with development plan policies identifying the importance of high quality design and place making and, in particular, Policy EN14 of the Ashford Borough Local Plan 2000, Policies CS1 and CS9 of the Core Strategy 2008, Policies TC1, TC10, TC11 and TC 26 of the TCAAP 2010. The scale of development – as a result of the inclusion of a full 7<sup>th</sup>-storey – remains slightly beyond that which Policy TC11 envisaged but I consider there are sound planning and design reasons for that departure which I am therefore happy to support the proposal. Turning to the Ashford Local Plan 2030 (submission version 2017), there are no proposed policies that introduce any matters that would conflict with that previous assessment and there are no other material considerations such as site context changes that would lead me to any other conclusion.

(e) The riverside environment: (i) the impact of the proposed parking court on the Beech tree subject of Tree Preservation Order, (ii) ensuring appropriate access to enhanced riverside environment public space and (iii) ensuring appropriate public access through the proposed parking court

140. The applicant's provision of a riverside parking court at the south-western corner of the site is carried forward from the previous application.
141. To recap, the court was a direct response to Members' concerns about car parking and the emerging aspiration to provide 1 parking space per flat as a minimum standard which is now the proposal in Policy TRA3(a) of the 2017 submission version Ashford Local Plan 2030. At pre-application stage the applicant's proposals involved 0.7 spaces per flat and with the riverside parking court the 16/01157/AS scheme proposed 0.91 spaces per flat.
142. In my October 2016 Committee report I indicated that although my preference was not to have the parking court and thus enable a continuation of the riverside landscaping scheme (through which a route could be provided linking the riverside movement corridor to the southern end of George Street), in the light of Members' concerns and the proposed approach in the draft Ashford Local Plan policy the parking court was not objectionable viewed in the wider context of the overall planning benefits of the development. I identified that with landscaping the impacts of the proposed court could be

softened and thus reduced visually. However, the applicant's proposal included the removal of a large Beech Tree subject of Tree Preservation Order close to the boundary with the former Travis Perkins site to the west (whereon an apartment development of 28 homes has subsequently been granted planning permission 16/00986/AS which has now been implemented). My conclusion at the time was that insufficiently robust evidence as to the necessity to remove the Beech tree had been presented and thus a planning condition should provide for the retention of the tree unless a more convincing case for removal was forthcoming. Members' accepted that proposition and agreed that a non-vehicular movement route through the court would need to be secured through a s.106 agreement (which is the case).

143. The riverside parking court remains part of the amended application. As a result of the changes to the undercoft car parking arrangements within the footprint of the apartment building, it has increased in size and extends further southwards towards the river bank and eastwards along the river frontage of the scheme. The remaining extent of river corridor frontage is proposed to be high quality soft and hand landscaped space accommodating pedestrian movement routes together with the provision of seating.
144. The applicant's supporting documents set out a more fulsome case for the removal of the Beech Tree: primarily, the amount of new hard surfacing proposed within the root protection area (RPA) has increased to c.72% and regardless of construction mitigation measures (such as above soil surfacing) the extent of hard surfacing within that RPA makes its removal unavoidable as Beech as a species has particularly limited tolerance to root disturbance. Reluctantly, I accept that proposition on the basis that (i) the riverside car park is again considered appropriate and (ii) the riverside parking court is provided to meet parking needs. In respect of the latter, I set out a proposed evidenced based implementation option in section (I) of this report.
145. The 'as deposited' riverside parking court propose a design whereby non-vehicle movement was around the edge of the court and I indicated to the applicant my view that this was unrealistic poor layout design that did not take into account desire line movement. Furthermore, a number of the parking spaces shown were identified by KHT as being too difficult to use and thus unacceptable. An amended plan has now been submitted seeking to rectify these issues. At the time of drafting this report comments from KHT are still awaited but my initial assessment is that the reconfigured parking spaces would appear to be usable. The amended plan also provides for improved desire line based routes through the court to the riverside movement corridor and so it now has an acceptable layout in that regard.

146. A relatively small number of spaces in the parking court are closer to the riverbank than before but the Environment Agency has not made any adverse comment about the proximity of parking spaces to the riverbank.
147. Policies CS1 and CS9 of the Core Strategy 2008 and Policies TC1, TC10 and TC11 of the TCAAP 2010 all seek to ensure that new development respects and enhances the riverside corridor landscape. Policy U21 of the Urban Sites and Infrastructure DPD requires development adjacent to the river corridor – as part of the town's Green Corridor network – to make a positive contribution to the river setting, role, biodiversity, accessibility and amenity value. Policies SP1, SP5, SP6 and ENV2 of the 2017 submission version of the Ashford Local Plan inter alia seek the same objectives. Clearly, if the riverside parking court was not taken forward then the area could be enhanced by new high quality hard and soft landscaped river frontage public realm and that treatment of the space would sit well with adopted and draft local planning policy.
148. My conclusion is that (i) on the basis that the riverside parking court is implemented then the removal of the Beech tree is justified as it cannot coexist with the changes that are proposed within its RPA and (ii) that the amended scheme provides appropriate access to the riverside environment public space and (iii) the route through the court linking to George Street would still be provided in accordance with the provisions of the s.106 agreement.

(f) Whether the residential development proposals south of Victoria Road would provide sufficient on-site public open space to meet the needs of residents

149. The Council's approach to this issue in the 2016 application is set out in detail in my report to the October 2016 Planning Committee. To recap, the Open Spaces Team request for contributions are based on the Council's adopted Public Green Spaces and Water Environment SPD 2012.
150. Clearly, an on-site external space would still be provided for the exclusive use by scheme residents in the form of the proposed grand terrace and lower level gardens as well as the publically accessible linear space running alongside the river corridor frontage.
151. Notwithstanding that, the applicant's ability to fund the full range of contributions sought by the Council's Open Spaces Team was accepted as a different matter related to matters of development viability. The approach accepted by the Committee was that together with a gestural contribution towards improvements to Victoria Park a short walk from the site, the proposal

was acceptable. The s.106 agreement provides for this off-site contribution and the applicant does not seek to reopen this matter or the obligation.

152. My conclusion is that the open space contributions remain acceptable as before in meeting the needs of scheme residents.

(g) The acceptability of the proposals south of Victoria Road on the amenities enjoyed by existing residents

153. There are no existing homes adjacent to the site. The nearest existing homes to the west of this part of the application site, involving the converted upper floors of the Silcocks' building on the northern side of Victoria Crescent, would be approximately 60m distant from Wing A of the 'Build to Rent' block. The nearest existing homes to the west of the site on the southern side of Victoria Crescent would be approximately 80m distant from the same Wing with the vacant Travis Perkins industrial building occupying land in between. I do not therefore consider that there would be any adverse direct impact on the level of amenity enjoyed by residents of those existing homes as a result of the application proposals.
154. Since my October 2016 Planning Committee Report, planning permission has been granted for two separate new apartment blocks at the eastern end of Victoria Crescent (ref 16/00981/AS and 16/00986/AS) which are a maximum 5-storeys in height. Both schemes are under construction. In the context of the envisaged redevelopment of land within this TCAAP Quarter, I consider that this would be an acceptable relationship between apartments in terms of physical separation.
155. Although concerns were raised in the previous application by residents and VBAG in respect of the local highway network and on-street parking, none have been raised in the current application.
156. The applicant's adjusted Transport Assessment is still considered robust and takes into account the proposed local highway network improvements nearing completion at the nearby signalised junctions either side of the railway lines. The previously imposed planning condition requiring these necessary capacity improvements taking place before an inappropriate quantum of traffic producing development at the site could be occupied is now rendered superfluous and so is not taken forward in the proposed planning conditions.
157. In respect of residents' parking scheme on-street spaces, the occupiers of the rented apartments would remain ineligible for Council permits and so there should be no adverse implications arising from on the availability of the resource for existing residents. The level of on-site parking provision for the development exceeds adopted Council planning policy and as the site is located in an urban town centre environment close to public transport it is likely that some residents would choose not to have a car.

158. As before, I appreciate that the form of development is very different from the generally 2-storey traditional style of homes located on Victoria Crescent and on the frontage to Victoria Road near the Primary School and that some residents and VBRAG will be uncomfortable with that. However, the scale and intensity of development at the eastern end of Victoria Road is generally as envisaged as being appropriate for the area in Council local planning policies for a significant period of time and before the adoption of the TCAAP which continues the Policy base for that vision. Furthermore, the approach taken in the amended scheme continues to align with the Cabinet Paper in 2015 wherein the benefits of stimulating the number of people living in (and helping support town centre facilities in the process) was highlighted. This approach is taken forward in the policies contained within the 2017 submission version of the Ashford Local Plan.
159. For the reasons that I have set out above, I consider that the design approach to the site is an acceptable one and that the amenities of existing residents and new residents of apartment blocks on Victoria Crescent would not be adversely affected. As such, I conclude that the proposal would accord with the provisions of Policies CS1, CS9 and CS15 of the Core Strategy 2008, Policies TC1 and TC11 of the TCAAP 2010 and policies SP1 and SP6 of the 2017 submission version of the Ashford Local Plan.
160. The planning conditions that are proposed will help ensure that appropriate arrangements are agreed and put in place to deal with construction phase activity, appropriate remediation and subsequent operation of the commercial uses in a manner that would create a harmonious relationship between new development and homes beyond the application site.
- (h) Whether the proposals are acceptable in terms of contamination, flooding, byelaw margins, approach to managing surface water drainage and ecology
161. In respect of any necessary site remediation through historic pollution, the applicant's proposals remain acceptable and, as before, the matter can be controlled by planning conditions.
162. In respect of flooding, the Environment Agency raises no objection. The deletion of the riverside studios overcomes issues relating to access and egress in an extreme event.
163. No objection is raised by the Environment Agency in relation to the matter of byelaw margin and so, at face value, the amended proposals would have no effect on the Agency's ability to maintain this stretch of the River Stour.
164. In the previous application the Agency welcomed measures that would help improve habitat and setting for the river. The applicant's proposed new planting as part of the riverside corridor would all help achieve the objectives of adopted development plan policies dealing with this environment and

enhancing biodiversity. Clearly, more could be done if the riverside parking court did not proceed or was reduced in size. I deal further with options that Members might wish to consider further below in section (I) below.

165. The application includes a number of approaches that would be appropriate as part of a sustainable urban drainage strategy for the site, such as use of green roofs to both the residential and mixed-use buildings and rain gardens as part of cellular storage before proposed onwards (controlled) discharge to the river. KCC as lead local flooding authority raise not objection to the proposal. Comments from the Project Officer Delivery Engineer are awaited but I am not expecting any objection. A planning condition will be required to enable further design detail of the scheme to be submitted for approval.
166. In respect of ecology, following the October 2016 Committee the applicant submitted sufficient information to the Council to enable a conclusion to be reached that the proposals were acceptable.
167. Accordingly, my previous conclusion that the proposal would not conflict with Ashford Borough Local Plan Policies EN13 (Green Corridors) and EN14 (Land adjoining the Green Corridors), Policy CS11 (Biodiversity and Geological Conservation), Policy TC26 (Green Corridors in the Town Centre Corridors in the Town Centre) and emerging Ashford Local Plan Policies ENV1 (Biodiversity) and ENV2 (Ashford Green Corridor) equally applies to the current application. Furthermore, Policies SP1, SP5, SP6 and ENV2 of the 2017 submission version of the Ashford Local Plan inter alia seek the same objectives. There are no matters that would conflict with my previous assessment and there are no other material considerations such as site context changes that would lead me to any other conclusion.

(i) Sustainable design and construction

168. As of the 18<sup>th</sup> July 2016, Policy CS10 of the adopted Core Strategy 2008 (Sustainable Design and Construction) and guidance contained in the Council's associated Sustainable Design & Construction SPD 2012 is no longer being applied by the Council in respect of applications for residential development. This approach follows the Housing and Planning Act receiving royal assent in May 2016 and the move to delivery energy efficient homes through the Building Regulations rather than through the planning process. The Council's policies are clearly out of date with current legislation and this is a significant material consideration which would outweigh the primacy of the development plan in decision making. The position is reflected in the Council's 2017 submission version of the Ashford Local Plan which does not propose any planning policies that seek additional energy efficiency or carbon reduction standards over and above the requirements of the Building Regulations.
169. With regard to water efficiency, the 2017 submission version of the Ashford Local Plan requires residential development to comply with Policy ENV7

‘Water Efficiency’ of the which sets out that all new residential development must achieve, as a minimum, the optional requirement set through Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day. As before, this can be the subject of a planning condition.

170. In respect of applications for all major non-residential development, the approach set out in Policy CS10 and the associated SPD continues to apply. The commercial units and brewery will be required to achieve a minimum ‘very good’ BREEAM (or equivalent quality assured scheme) standard. This approach is taken forward in Policy ENV11 of the 2017 submission version Ashford Local Plan. Achieving this standard can form a planning condition.
171. In respect of the brewery, the unusual nature of the building containing a large area of unheated brewing space creates a number of practical challenges and so the standard wording has been altered through discussion with the applicant’s design team to enable the overall ‘very good’ standard to be achieved and properly verified by an appropriate style of report following completion. The s.106 agreement provides for carbon off-setting payment as per part (C) with this being capped due to its relationship to scheme viability issues.

(j) Car parking serving the brewery and associated commuted parking payments

172. No changes are proposed to the brewery car parking as part of the current application. The brewery element of planning permission 16/01157/AS has been commenced on-site.
173. There is no change in my assessment of the impact of the brewery in terms of parking approached from a policy perspective. Please refer to the October 2016 Committee Report on application 16/01157/AS for a full analysis in this respect followed by the viability assessment further below (wherein the ability to meet policy compliant s.106 contributions is considered).
174. Since my report in October 2016 there have been no site context changes that would have any bearing on my assessment of the car parking approach to the brewery. Policy TRA3(b) of the 2017 submission version of the Ashford Local Plan retains the approach considered as part of that previous assessment.



(k) Car parking serving the x 3 commercial units and associated commuted parking payments

175. No changes are proposed to the car parking proposal relating to the x 3 commercial units i.e x 4 spaces would be provided in the car parking hinterland of that building.
176. There is no change in my assessment of the impact of the units in terms of parking approached from a policy perspective. Please refer to the October 2016 Committee Report on application 16/01157/AS for a full analysis in this respect followed by the viability assessment further below (wherein the ability to meet policy compliant s.106 contributions is considered).
177. Since my report in October 2016 there have been no site context changes that would have any bearing on my assessment of the car parking approach to the units concerned. Policy TRA3(b) of the 2017 submission version of the Ashford Local Plan retains the approach considered as part of that previous assessment.

(l) Car parking quantum serving apartments and the applicant's proposed additional measures to support the movement needs of residents

178. The previously approved application provided for residents' car parking in a similar manner to that proposed in the amended scheme i.e. unallocated parking spaces on the George Street frontage, undercoft spaces and riverside parking court spaces. Members' will recall that the scheme moved from 0.7 spaces per apartment at pre-application stage to 0.91 spaces by the time the scheme was considered and then applicant had responded to feedback from Members on the emerging policy position in the draft Ashford Local Plan.
179. In total 190 spaces are now proposed to serve the apartments (x 4 further spaces being proposed to serve the Victoria Road frontage commercial units) which equates to 0.87 per apartment. The adjustment to the extent of the undercoft has resulted in the riverside parking court being increased in size from 23 spaces as approved to 34 spaces as proposed.
180. An acceptable cycle parking facility would remain as part of the ground floor layout to the Victoria Road frontage block. The riverside block proposes 250 cycle spaces moved from within the undercoft (as a result of the changes thereto) to a secure controlled access area on the eastern boundary of the site with the adjacent petrol filling station. Access would be possible from the north (via a set of steps fitted with a carrying rail thereby limiting the need to lift a bike) and from the south from within the undercoft parking area. Either of these access points would be within an easy walk of circulation cores and the main ground floor level entrance to the superlounge. In addition to secure

access the applicant's proposal includes CCTV security of this storage area. As a result of my negotiations, the scheme has been further amended to provide covered storage which, by protecting bikes from inclement weather, can only assist ownership and usage for short everyday journeys and will prevent the need for bikes to be stored within apartments.

181. As per the previous scheme, I would wish the applicant to explore the viability of establishing a residents' car club to assist those with periodic need for a car to travel for non-everyday journeys. I consider that this has the potential to be an attractive addition to the lifestyle ethos informing other aspects of the design such as communal superlounge facilities as well as reduce demand for parking. The approach forms part of 'Toolkit 4: Complementary Approaches' set out in the Council's adopted Residential Parking and Design Guidance SPD 2010. I propose to deal with this by planning condition.
182. A matter not addressed in the 2016 scheme was electric vehicle parking points. There is scope for provision within the undercroft to the riverside block as part of encouraging and reacting to the shift to electric vehicles and hybrids. I am mindful that Policy ENV12 of the 2017 submission version Ashford Local Plan requires a shift to low emission transport as part of minimising impacts on air quality. The number of bays to be provided with adjacent charging points can be agreed by planning condition.
183. Accordingly, my conclusion remains as before that the applicant's car and cycle parking proposal is acceptable and would accord with Policies TP6 of the Ashford Borough Local, Policy TP15 of the Core Strategy 2008, Policy TC24 of the Town Centre Area Action Plan 2010 and would be acceptably close to the aspired to standard set out in Policy TRA3(a) of the 2017 submission version Ashford Local Plan.
184. During the course of dealing with the application the issue of potential over-provision of car parking at the site has been raised. The site is located very close to Ashford International railway station and bus stops. It falls within Ashford Town Centre as defined by the Council in Policy SP5 of the 2017 submission version of the Ashford Local Plan and thus is close to town centre amenities and the retailing of food. There is some concern that the level of take up of the 190 parking spaces worked into the scheme might not be as great as envisaged given the location and differing attitudes to car ownership among younger adults. Policy TRA3(a) does identify that in the following 'exceptional cases' the proposed standard may be departed from if the following apply:-

*'(b) in order to take account of specific local circumstances that might require...lower level of parking provision, including as a result of the site's accessibility to public transport, shops and services...' and,*

*‘(c) where an operator requires...less parking spaces to cater for their specific operational needs and such requirements can be clearly evidenced...’*

185. The riverside parking court has increased in size compared with the approved scheme and, as identified in section (e) above, if it were reduced in size or deleted then the space could be developed as a continuation of the proposed riverside corridor landscape space with attendant benefits to the green corridor (the improvement of which is also a component of the existing and emerging development plan). A route through the space connecting the riverside path to George Street could be provided as part of that approach.
186. A phased approach to car parking provision could be taken for the riverside block with the scheme divided into two i.e. the large undercroft and the smaller riverside parking court. The former could be developed as the initial offer - as the undercroft falls within the footprint of the building it could not realistically be provided otherwise than from the outset - with the riverside parking court only not being implemented as per the submitted plans if a Transport Note is submitted to the Council identifying robust evidence of lack of take up of spaces in the large undercroft space giving spare capacity and obviating the need for a riverside parking court.
187. If only the undercroft parking area was provided along with the spaces on the George Street frontage then the parking provision would be 154 spaces which would represent provision of 0.7 parking spaces per apartment.
188. The applicant has indicated that this flexibility would be acceptable as part of a planning condition but the ability to implement the parking if needed would still be needed.
189. Accordingly, I have included this option in;-
- (i) condition 67 (requiring all the parking shown on the plans to be provided unless the aforementioned Transport Note is submitted to and approved by the Council), with
  - (ii) a consequential change to condition 74 (requiring the resultant space to then be landscaped appropriately with the Beech tree retained unless any other factors dictating its removal such as its age, health and relationship to the adjoining development site, are accepted by the Council in writing).
- (m) The acceptability of the traffic impacts arising from the development
190. There is no change in my assessment of the impact of the development in these terms from that set out in my October 2016 Planning Committee report. The applicant's updated Transport Assessment reaches the same conclusion

accepted by Kent Highways & Transportation i.e. that subject to highway improvements being carried out to the adjacent junctions the proposal can be accommodated along with other nearby developments. Policy TRA7 of the 2017 submission version of the Ashford Local Plan requires that developments with significant traffic impacts are acceptably accommodated.

191. Since October 2016, improvements to the carriageway to enhance capacity have been carried out and associated works to the adjacent public realm are underway and so the impacts arising from the development have already been accommodated by implemented local highway network improvements.

(n) Mitigating the impacts of proposed development: the policy starting point for contributions secured by s.106 agreement

192. The position remains unchanged since the previous October 2016 Committee Report.
193. To recap, Policy CS18 of the Core Strategy requires that infrastructure and facilities to meet the needs generated by the development should be provided. The same approach is taken in proposed policies IMP1, IMP2 and COM1 of the 2017 submission version Ashford Local Plan.
194. Prior to deposit of the application the applicant identified that the development would be unable to bear the costs of contributions likely to be sought by the Council.
195. The starting point in terms of s.106 contribution requests pursuant to development plan policy is as follows (ranked in magnitude per organisation);-
- KCC – primary and secondary education (£136,901)
  - KCC – library book-stock (£45,128)
  - KCC – social care (£10,164)
  - KCC – community learning (£7,441)
  - KCC – youth service (£6028)
  - ABC – sports/informal natural space/play/allotments/strategic parks/cemeteries (c.£1,876,014)
  - ABC – public realm improvements around highway changes (£130,000)
  - ABC – commuted parking (c.£76,500)
  - ABC - quality monitoring (£3,000)
  - ABC – voluntary sector capacity building (£30,000)
  - ABC – public art (£40,000)
  - ABC – bus shelters (£25,000)
  - ABC – s.106 monitoring (£250 p.a. duration of build)
196. Carbon off-setting would also need to be captured by the s.106 agreement. Bus shelter improvements have been funded by the hotel and superstore developments permitted by the Council involving adjacent land.

197. I agree with the applicant's layout plans that the entrance route from Victoria Road along the eastern side the frontage block represents a strong on-site position for the provision of public art and that a feature here would benefit the quality of that pedestrian linkage and sit well with the proposed buildings. The public art contribution of £40,000 requested by the Head of Culture would therefore actually be partly subsumed by that which the applicant has highlighted is intended as part of a well-designed scheme.

(o) The applicant's viability case

198. The position remains unchanged since the previous October 2016 Committee Report.
199. To recap, the applicant submitted a viability case in relation to s.106 contributions with the application and funded its independent expert review. Additional commercially sensitive and confidential information was also provided to the independent expert alongside further clarification on costs, approach to yields and the relationship of the residential element with the brewery element (which has been confirmed as involving no cross-subsidy).
200. The advice received from the Council's viability consultant, Bespoke PC, was that the applicant's viability case was accepted. The advice from Bespoke PC to the Council was that the development could not meet the normal range of contributions to fully mitigate its impacts even by assuming a lower build cost than that used by the applicant's consultants.
201. There has been no change of any significance in relation to market conditions since October 2016 and so my conclusion is that there is no need to revisit this expert advice.

(p) Viability: conclusion & negotiated s.106 contributions

202. My conclusion remains unchanged since the previous October 2016 Committee Report.
203. To recap, my view remains that it is appropriate to look at a planning justification for recommending approval of a scheme that would not meet its full share of developer contributions. It is an imperative to the Council that regeneration schemes in the town centre come forward as quickly as possible, as reflected in the Head of Planning and Development's Report to Cabinet 10/09/2015 ('Helping to deliver key investments in the town centre').
204. The town centre has suffered a decline in the past few years and the retail market is unlikely to be strong enough on its own to generate investment in the short term. A way of increasing the amount of money spent in the town centre is to increase the number of people using it. The application site, with pedestrian access directly into the town centre core is viewed as one of the

key drivers for improving spend in the town centre and attracting further inward investment. Spending by residents would help to boost the town centre and the range of attractions that it offers. To date, new housing development, particularly in the town centre has been slow to come forward and the continuation of housing growth is a significant material consideration particularly given the guidance in the NPPF.

205. The Council's expert viability consultant agreed that the proposal was at its limit in terms of the s.106 contributions that were being offered. Given NPPF advice and the aforementioned Cabinet Report, I considered that there were appropriate material considerations in this instance to forego affordable housing and to recommend approval of the proposal notwithstanding that it could meet the full range of developer contributions arising from adopted planning policies. In any event, the Ashford Local Plan 2017 submission Policy HOU1 identifies that in respect of apartments in the Ashford Town area (as depicted in the Plan) no affordable housing will be required to be provided.

206. Members will be aware that Policy SP5 in the 2017 submission version Ashford Local Plan states;-

*'Where a development proposal comes forward that clearly demonstrates it would meet the vision and design quality set for the town centre but is of marginal viability, the Council (taking specialist advice) will explore a flexible approach to seek to reduce the costs of contributions to infrastructure and affordable housing, providing the resulting proposal does not create a serious and unacceptable level of impact.'*

207. The lack of full s.106 contributions would not come at the expense of the quality of the development. The proposed development proposes minor changes to a scheme that has already been the subject of extended negotiations, including Design Review and pre-application presentations to Members.

208. Whilst the outcome of the viability review in 2016 was obviously disappointing, negotiated the ability for payment of specifically targeted and significantly limited s.106 agreement contributions. The applicant confirmed at the time the following;-

*'We are very bothered about the social and economic regeneration which we can bring to Ashford across both the north and south sites. Having assessed the numbers, we can offer that we can contribute £250,000 towards s.106 costs for the north and south sites.'*

209. In the specific circumstances of this case, I concluded in my October 2016 report that this was a reasonable gesture on the applicant's part and one that I was prepared to recommend. Discussions with KCC identified that, forced to prioritise, education is considered the most important area for the scheme to

help fund. A lack of local school places would deter people considering occupying the scheme as a good place to live.

210. In respect of ABC contributions, those requested from the Open Spaces Team were substantial but the Team's priority was towards contributions helping improve the quality and usability of public open space in Victoria Park which is a short walk from the site and so would be of direct benefit to the occupants of the proposed development. I therefore proposes the following split to the £250,000 offered from the then applicant;-

(i) KCC - primary and secondary education	£100,000
(ii) ABC – public open space enhancements in Victoria Park	<u>£150,000</u>
Total	£250,000

211. Members' accepted that recommendation that this be the subject of a s.106 agreement. This was concluded in respect of application 16/01157/AS and obligates these payments to be made. Recommendation (A) further below allows for any review as might be necessary in order to ensure that these obligations are carried forward in relation to the scheme as is proposed to be amended subject of this report.
212. The early implementation of the development south of Victoria Road (i.e. the 216 home component) would, in my judgement, have a number of positive benefits for the town centre as a whole. As a high quality residential development, it would allow the market to continue to strengthen thus having very positive benefits for the town as a whole. The commercial components of the scheme would create jobs, provide active ground floor frontage to Victoria Road and, specifically in the case of the proposed brewery, create an attraction likely to be popular to residents of the Borough and visitors thus further bolstering the importance of the town centre as an attractive destination due to the existence of an enhanced range of retail, restaurant and leisure facilities.
213. My recommendation in October 2016 therefore took the following approach to achieving early implementation;-
- (a) a planning condition that de facto requires early commencement of the development south of Victoria Road,
- (b) a s.106 obligation that requires that the completion (to available for occupation standard) of the development south of Victoria Road within a limited period, and
- (c) notice of commencement of development south of Victoria Road to be served on the Council pursuant to a s.106 obligation.
214. That approach remains my position with the current application. My conclusion therefore remains that in the circumstances of the case there is a

planning justification for a grant of permission with significantly reduced s.106 contributions.

215. The planning conditions set out in this report represent take the form as ultimately as agreed for 16/01157/AS with the applicant pursuant to my delegated powers. There are common conditions followed by conditions discrete to each identified phase of development (which involves both sides of Victoria Road). The applicant's desire at the time was to adopt that approach to avoid progress on one phase having unforeseen implications in relation to matters on the others. Whilst it does increase the number of conditions and involves a degree of repetition, I accept the logic of the proposal and so am happy to continue it in my Recommendation.
216. At the time of drafting this report, a full review of the planning conditions to update any specific references to plan numbers that might have changed or include additional text to take account of any approvals granted by the Council since planning permission 16/01157/AS has not possible. However, my Recommendation provides for post-Committee changes to conditions.

### **Planning Obligations**

217. 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
218. The planning obligations contained within the existing s.106 agreement were assessed against Regulation 122 and were previously accepted as being all necessary to make the development acceptable in planning terms, were directly related to the development and were fairly and reasonably related in scale and kind to the development. The current applicant is not seeking to reopen negotiations in respect of these and so my Recommendation is that, subject to the obligations in the s.106 agreement being carried forward in relation to the scheme as proposed to be changed as a consequence of the current application being approved, permission can then be granted.

### **Human Rights Issues**

219. 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**

220. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

221. The proposal involves minor changes to a permission granted by the Council for the redevelopment of a key brownfield site at the eastern entrance to Victoria Road known as Victoria Way East, forming part of the Southern Expansion Quarter. The redevelopment of this area for a mixture of uses, including residential and commercial, forms an important part of the Council's TCAAP 2010 Policies TC10 and TC11 of the TCAAP indicate that an urban development appropriate to the upgraded and enhanced Victoria Road is appropriate with an emphasis on strong urban enclosure to the street and a form of development that has an appropriate relationship with the green corridor through which the River Stour passes further to the south.
222. I consider that the design quality of the residential and x 3 small commercial units proposal remains acceptable as a result of the minor amendments and would accord with development plan policies identifying the importance of high quality design and place making and, in particular, Policy EN14 of the Ashford Borough Local Plan 2000, Policies CS1 and CS9 of the Core Strategy 2008, Policies TC1, TC10, TC11 and TC 26 of the TCAAP 2010. It would accord with the 2017 submission version Ashford Local Plan policies which have the same objective.
223. The scale of development - involving a full 7<sup>th</sup> storey - is slightly beyond that which the Policy TC11 of the TCAAP envisaged but, as before, I consider there are sound planning and design reasons for that minor departure which I remain happy to support. The 7<sup>th</sup> storey area does not represent a departure from the provisions of the development plan when considered as a whole. The interface of the development with the green corridor is acceptable with development stepping down to it as envisaged in the Policy. Notwithstanding that, should Members wish to, the need for the riverside parking court could be obviated should the take-up of parking spaces within the large undercoft not prove to be as envisaged. That approach could allow for further planting as part of the riverside green corridor and that alternative approach to the

space would also accord with development plan policies and the 2017 submission draft of the Ashford Local Plan.

224. The design of the proposed brewery remains acceptable in my opinion and would help create a strong frontage to Victoria Road. Although a siting closer to the northern side of Victoria Road would have been preferred, the site layout is a response to uncertainties in respect of below ground services and the set-back enables the creation of an interesting entrance forecourt with sitting out space. The architectural treatment of the brewery works well in my opinion to create an interesting active frontage to Victoria Road. The corner element containing facilities that would be open to the public is striking architecturally and has the ability to become a local landmark framing the corner to the street junction. Along with other development proposed by the applicant, it has the ability to help create a sense of gateway into Victoria Road.
225. The impact of the brewery on the amenities of the area has been considered. Matters of noise are capable of being controlled through planning conditions relating to plant and equipment and hours of servicing (and any necessary measures related to night-time servicing such as an acoustic fence). Lighting can be controlled by condition to reduce light pollution and disturbance. Odours from the brewery are unlikely in normal circumstances and the proposals can be the subject of further refinement through discussion with officers in order to help minimise any odour impacts as far as possible.
226. The proposals are acceptable in relation to contamination and flooding.
227. The proposals perform acceptably in relation to the Council's Sustainable Design and Construction requirements for non-residential uses. Carbon-off setting payments are secured through the existing s.106 agreement.
228. Car parking provision for residents in its revised form continues to accord with and exceed adopted Council policies. Occupiers of the development would be ineligible for on-street parking permits and so the proposal would not adversely impact on the residents' parking scheme in operation in Victoria Crescent. The proposals would not have any adverse impacts on the amenities enjoyed by residents of Victoria Crescent. I consider that the scale relationships between that which is proposed and that which exists are acceptable given the intensity of redevelopment envisaged by adopted local planning policy for this area over many years.
229. The traffic impacts of the proposal have been considered by the local highway authority and have been found to be acceptable. Improvements to the local highway network in terms of capacity have recently been carried out.
230. As before, the application cannot meet the full range of contributions that would normally be expected pursuant to Policy CS18 of the adopted Core Strategy. The applicant has previously submitted a viability case which has

been the subject of expert independent scrutiny and the inability of the proposal to fully meet requested contributions has previously been accepted. The s.106 contributions that were negotiated as a gesture in relation to the previous scheme are split between this Council and KCC and to be used for key priorities (education and contribution towards enhancement of key public open spaces near to the site). The inability of the proposal to meet contributions in full would represent a departure from the provisions of Policy CS18 but not the provisions of the development plan as a whole. The benefits of the proposal in its amended form to town centre regeneration remain significant and in the light of national planning advice I consider that planning permission should be granted with the suggested approach of conditions and obligations being used to secure early delivery of the proposals.

## **Recommendation**

- (A) Subject to the existing section 106 agreement/undertaking in respect of the planning obligations entered into in respect of planning permission 16/01157/AS being carried forward as necessary and as applicable to the amended development subject of this application in terms agreeable to the Head of Development Management and Strategic Sites or the Development Control Managers in consultation with either Director of Law and Governance or the Head of Legal and Democracy , with delegated authority to either the Head of Development Management and Strategic Sites or the Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (and for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit (including any need to adjust conditions as necessary to take account any approvals already issued by the Council in relation to conditions attached to planning permission 16/01157/AS).**

- (B) Permit**

Subject to the following conditions and notes:

### References to development phases in this permission

'Phases' in this permission means a phase as identified on the approved plan (as shown on plan 15.043.006 P3), and references to phases A1, A2 and A3 are references to the phases shown on the drawing. For the avoidance of doubt, the substation identified adjacent to the Brewery and Aldi store falls outside of phase A1. If the phase boundaries subsequently change, a revised plan shall be submitted to and approved in writing by the Local Planning Authority.

Applicability of conditions

Planning conditions 1-3 apply to all the development irrespective of Phase  
Planning conditions 4-32 apply to development on land forming Phase A1  
only Planning conditions 33-60 apply to development on land forming Phase  
A2 only Planning conditions 61-90 apply to development on land forming  
Phase A3 only

- 1 The development hereby permitted shall be begun before the expiration of 07/04/2019 years from the date of this decision.

**Reason:** To comply with the requirements of Sections 73 and 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development of land shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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

- 3 The development of land shall be made available for inspection, at a reasonable time, by the local planning authority to ascertain whether a breach of planning control may have occurred on the site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

**Reason:** In the interests of ensuring the proper planning of the locality and the protection of amenity and the environment, securing high-quality development through adherence to the terms of planning approvals, and ensuring community confidence in the planning system.

**LAND FORMING PHASE A1 TO NORTH OF VICTORIA ROAD  
(BREWERY/SHOP/BAR/RESTAURANT - B2/A1/A3/A4)**

**Materials**

- 4 Prior to installation written details including source/ manufacturer, and samples of bricks, tiles, slats, mesh/corrugated metal and cladding materials (including jointing of panels) to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development of land forming Phase A1 shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

**Reason:** In the interests of visual amenity and to give clarity on jointing of panels.

**Contamination**

- 5 (A) The development of land forming Phase A1 shall only be carried out in accordance with the remediation and mitigation measures set out in the approved MLM Phase 2 Geoenvironmental Assessment Report (Ref: 773965-REP-ENV-001 Rev 0 dated September 2016) unless otherwise agreed in writing by the Local Planning Authority.
- (B) Following completion of the approved remediation scheme for the land forming Phase A1 and prior to the first occupation of the brewery building, a verification report that demonstrates the effectiveness of the remediation measures and mitigation that have been carried out shall have been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of land and neighbouring land are minimised (together with those to controlled waters, property and ecological systems) and to ensure that the development will not qualify as ‘contaminated land’ under Part 2A of the Environmental Protection Act 1990 and is development that can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- 6 If, during development of land forming Phase A1, contamination not previously identified is found to be present at the site then no further development within the affected plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy for the land forming Phase A1 detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

**Reason:** To ensure the protection of controlled waters.

**Fine detail**

- 7 Prior to usage in the building approved on the land forming Phase A1, unless specified to the contrary, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- (a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- (b) rainwater goods, eaves, fascia and canopy / colonnade details (including supporting posts) (1:20/1:50)
- (c) details of vents, louvres, extractor vents together with locations any 1:20 details of any roof top screens to any roof top plant and equipment to be installed
- (d) 1:50 details of the proposed double height water feature to be created on the façade to Victoria Road

**Reason:** Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

### **Vehicle and Cycle Parking/Highways**

- 8 Provision shall be made within the land forming Phase A1 for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

**Reasons:** In the interests of highway safety and convenience.

- 9 The access details shown on the approved plans for the development of land forming Phase A1, including off-site footway works to replace the redundant vehicle access and all visibility splays, shall be completed prior to the occupation of any buildings hereby approved / the use of the site being commenced, and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the adjacent footway level.

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

- 10 The area shown on the approved layout (ref: 15.043 050 Rev A) as vehicle parking or turning space serving the development of land forming Phase A1 shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 11 No building on land forming Phase A1 shall be occupied or the approved use commenced until space has been laid out within the site in accordance with

the details shown on the application plans for cycles to be parked. The approved facilities shall thereafter be retained available for use.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to promote movement choice for staff and visitors.

- 12 Prior to installation on the land forming Phase A1, full details of the proposed gate to the vehicle access to Victoria Road (including elevational and cross-sectional details at 1:50 scale, materials and final colour finish) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the gate shall only be installed in accordance with such details unless the Local Planning Authority has approved to any variation in writing.

**Reason:** No such details have been provided.

- 13 Prior to the first operation of the permitted use on the land forming Phase A1 for the purposes of brewing, a scaled plan showing the site, on-site location and number of off-site employee parking spaces in the control of the applicant shall have been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the spaces shall be retained available to meet brewery employee parking needs unless the Local Planning Authority has agreed in writing to any variation.

**Reason:** In order to reduce the burden of the development on town centre car parking resources given the limited provision of on-site parking.

### **Use**

- 14 The premises/site forming Phase A1 shall be used for Use Classes B2/A1/A3/A4 only as in the of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended 2015) and not for any other purpose whether or not in the same use class of any subsequent Order amending, revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

### **Opening hours to the public**

- 15 Unless any variation is agreed in writing by the Local Planning Authority (including any variation needing approval as a result of licensing requirements), the shop, bar and restaurant at the premises/site forming Phase A1 shall only be open to the public between the following hours:-
- (i) Monday to Thursday 09:00 - 23:00
  - (ii) Friday to Saturday 09:00 - 24:00
  - (iii) Sunday 09:00 - 23:00

**Reason:** In order to ensure that the hours of use of the elements of the building open to the public is appropriate given the context of the site and the existing and planned noise sensitive uses in the neighbourhood and the need to minimise late night disturbance.

**Servicing & acoustic fence**

- 16 Prior to any night time servicing (defined as between the hours of 23:00 - 07:00) of the land forming Phase A1 taking place the following details shall have been submitted to and agreed in writing by the Local Planning Authority;-
- (a) the days of the week that night time servicing will take place,
  - (b) the duration of the night time servicing,
  - (c) details of the nature of the night time servicing and the location of the servicing activity on the land, and
  - (d) the proposed measures to mitigate noise from such night time servicing including location, form, size, appearance and any required adjustments to any previously approved hard and soft landscaping located either within the land forming Phase A1 or on adjacent land.

Thereafter, the brewery shall only be serviced at night time in accordance with such approvals unless the Local Planning Authority has agreed to any subsequent proposed variation in writing. Any measures agreed to mitigate noise pursuant to (d) above shall be implemented in full prior to any night time servicing taking place and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order, shall be retained and maintained in full effective working order.

**Reason:** In order to ensure that any required night time servicing is appropriate given the context of the site and the existing and planned noise sensitive uses in the neighbourhood and that acceptable on-site mitigation is provided.

**Hard and Soft Landscaping**

- 17 No development shall commence above ground level until full details of the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall accord with drawing 15.043 050 Rev A, unless otherwise agreed in writing.
- (a) The full details of the soft landscape works to be submitted to the Local Planning Authority for approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of planting that is designed to create year round colour; details of vertical planting along the colonnade frontage to Victoria Road; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term



survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.

(b) The full details of the hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate), drawings to scale to show lighting columns and lighting bollards, the continuous linear planter feature facilitating vertical planting along the colonnade to the building, external seating, gabion walls, water features, elements of the site's historic past to be retained either in situ or relocated and/or commemorated and any necessary methods of demarcating space as a result of its proposed long term maintenance.

(c) The details shall include full details of all walls, gates and fences (including height, width and depth, supporting post and free-standing posts, materials, mesh, final finish colour, connection & junctions with other fencing at the boundary around the Victoria Road substation A1) to be erected.

(d) The hard and soft landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority. The walls, gates and fences approved pursuant to (c) above shall be erected before the land forming Phase A1 is first occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. Also, to ensure that ecological functionality and protected species population are not impacted by the proposed development and foraging and dispersal routes remain open and connected throughout construction and occupation. To ensure that tree planting is appropriate and carried out in a manner that will ensure maturation to the visual benefit of the urban environment and to ensure boundary treatments are appropriate to the context of the site and are of acceptable design quality.

- 18 If any trees and/or plants on land forming Phase A1 whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

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

- 19 Prior to the occupation of the development on land forming Phase A1, a landscape management plan including long term design objectives, any hard surfaced areas to be offered to the public authorities for adoption, management responsibilities and maintenance schedules for the landscape areas and the timing of provision of management and maintenance of such areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the details approved by the Local Planning Authority unless previously agreed otherwise in writing by the Local Planning Authority.

**Reason:** To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

**Sustainable construction**

- 20 The development of land forming Phase A1 hereby approved shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' rating. Under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 20% reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 6 months of work commencing on a given phase:-

- A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements), Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed, and
- Details of the measures, LZC and other technologies to be used to achieve the BREEAM standard and credit requirements specified above.

Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, within 6 months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts (i) and (ii) below by the Local Planning Authority for that building:

SBEM calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions, and a BREEAM 'Post Construction Stage' report confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

**Reason:** In order to (a) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (b) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (c) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and NPPF.

**Environmental protection, external lighting & prevention of pollution**

- 21 (A) Full details of all measures to be taken to deal with any emission of dust, odours or vapours arising from the use of the building on the land forming Phase A1 (including to both the brewery and food and drink uses) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use of the premises. Any equipment, plant or process provided or undertaken pursuant to such approval shall be installed prior to the first use of the premises and shall thereafter be operated and retained in compliance with the approved scheme.
- (B) Unless agreed in writing, no outdoor processing (excluding storage tanks) shall take place and no outside spent grain/yeast shall be stored on the land forming Phase A1 unless in a sealed container or tank the details and specification of which have been approved in writing by the Local Planning Authority.
- (C) Prior to the first use of the land forming Phase A1 as a brewery, a waste management plan relating to the brewing process (including disposal methods of brewing waste and regularity, details of any on-site storage prior to disposal off-site and details of any agreements that will be needed with other agencies for effluent disposal and transportation of waste off-site) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the land forming Phase A1 shall only be operated in accordance with those agreed on-site waste management plan details.

**Reason:** (A & B) To seek to prevent transmission of dust, vapours and odours into neighbouring premises to protect amenity and to ensure that the approach taken on-site is one that recognises the context of developing a brewery in a town centre context. (C) To give clarity on how any waste generated by the brewing process will be disposed of safely from the site.

- 22 No external lighting shall be installed on the land forming Phase A1 until details have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles; use of time switches to switch off car park lighting appropriate to the seasons and the approach to security lighting/task lighting; details of mood lighting to the customer staircase entrance to first floor bar & restaurant and hours of operation; details of any mood lighting to external storage vessels located immediately to the west of the brewery and hours of operation). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written approval to any proposed variation.

**Reason:** To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

- 23 Any facilities used for the storage of oils, fuels or chemicals on the land forming Phase A1 shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

**Reason:** To prevent pollution of the water environment.

**Sustainable drainage**

- 24 No development of land forming Phase A1 shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

The submitted system shall be designed to

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010, and
- (iv) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

If the proposed surface water discharge point is to be the existing public sewer the applicant must provide written confirmation from Southern Water of their agreement to the proposals.

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

### **Code of construction practice**

- 25 Prior to the commencement of the development on land forming Phase A1, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Full details of the provision of off-road parking for all site operatives
- Full details of measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works, including a programme for community consultation/communication setting out how the developers intend to liaise with and keep members of the

public informed about the development for the duration of the construction period.

**Reason:** To protect the amenity of local residents in accordance with Policy EN1 of the Local Plan.

- 26 In relation to the land forming Phase A1, no construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the residential amenity of the area.

- 27 No construction activities shall take place on the land forming Phase A1 until a dust management plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that appropriate measures are put in place during construction to mitigate the impact of dust arising from construction works on local air quality.

- 28 No construction works shall take place on the land forming Phase A1 until a construction logistics plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the construction logistics plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that appropriate measures are put in place during construction to mitigate impacts on local air quality.

### **Archaeology**

- 29 Prior to the commencement of development of land forming Phase A1 the applicant, or their agents or successors in title, will secure and implement:

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable

which has been submitted to and approved by the Local Planning Authority

**Reason:** To ensure that features of archaeological interest are properly examined and recorded.

**Ecological Works & Management Strategy**

- 30 (A) Prior to commencement of development on the land forming Phase A1, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include:-
- (i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as part of the development, and how such works and measures are proposed to be managed in the long-term.
  - (ii) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.
  - (iii) a timetable for implementation, demonstrating that the proposed on-site habitat ecological works and other measures and any off-site reptile mitigation strategy are aligned with the proposed phasing of construction,
  - (iv) the persons responsible for implementing the on and off-site works, including a programme identifying when a specialist ecologists need to be present on site to oversee the ecological works
- (B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** In order to ensure that any ecological works to be carried out are justified, accord with good practice and appropriately mitigate the impacts of the development and to ensure that an appropriate management strategy is put in place to properly monitor the success of the ecological works carried out for an agreed period of time.

### **Fibre broadband To The Premises**

- 31 Prior to the first occupation of the land forming Phase A1, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

### **Protecting rail infrastructure**

- 32 Development of the land forming Phase A1 shall only take place in accordance with the terms of a signed Basic Asset Protection Agreement with Network Rail Infrastructure Limited. A copy of the signed agreement shall be provided to the Local Planning Authority prior to commencement of development.

**Reason:** In order to manage the potential impacts of the development on the railway infrastructure located adjacent to the site and to ensure certainty that agreement has been reached.

### **LAND FORMING PHASE A2 TO SOUTH OF VICTORIA ROAD (RESIDENTIAL AND COMMERCIAL - C3/B1/A1/A3)**

#### **Materials**

- 33 Prior to installation, written details including source/ manufacturer, and samples of bricks, tiles and cladding materials (including jointing of panels) to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development of land forming Phase A2 shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

**Reason:** In the interests of visual amenity and to give clarity on jointing of panels.

#### **Contamination**

- 34 (A) Prior to the commencement of development on land forming Phase A2, a detailed remediation scheme for that land to ensure that that part of the site is suitable for the intended use (by removing unacceptable risks to human



health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority.

- (B) The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols. The scheme must deliver land forming Phase A2 as land that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land forming Phase A2 after remediation.
- (C) The development within the land forming Phase A2 shall thereafter be carried out in accordance with the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority. Following completion of the remediation scheme for the land forming Phase A2 and prior to occupation of the building approved within that phase, a verification report for the land forming Phase A2, that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

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

- 35 If, during development of land forming Phase A2, contamination not previously identified is found to be present at the site then no further development within the land forming Phase A2 (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy for the land forming Phase A2 detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

**Reason:** To ensure the protection of controlled waters.

#### **Fine details**

- 36 Prior to installation, unless specified to the contrary, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
- c) 1:100 elevation detailing the locations of all expansion joints in facades.
- d) details of any plant or machinery proposed on the roof and associated screens,
- e) details of any satellite dishes or antenna,
- f) details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),
- g) details of vents, louvres, extractor vents, external pipes, meters etc.
- h) details of screens and windbreaks,
- i) 1:50 scale details of the parapet capping,
- j) details of external entrance steps, handrails and balustrades.

**Reason:** Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

**Vehicle and Cycle Parking/Highways/ Car Club & Electric Vehicle charging facilities**

- 37 Provision shall be made within the land forming Phase A2 for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

**Reasons:** In the interests of highway safety and convenience.

- 38 The vehicle access details shown on the approved plans serving the land forming Phase A2 shall be completed prior to the first occupation of the building hereby approved for either commercial or residential purposes and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the adjacent footway level.

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

- 39 The area shown on the approved layout for the land forming Phase A2 (ref: 15.043.021 Rev F, 15.043.020 Rev G and 15.043.003 Rev F) as vehicle parking or turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted

Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 40 No building on land forming Phase A2 shall be occupied or the approved use commenced until space has been laid out on the land in accordance with the details shown on the application plans for cycles to be parked. Thereafter, the facilities shall be retained available for use.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to promote movement choice for staff and visitors through the provision of quality secure cycle parking.

- 41 Before the first occupation of each ground floor commercial unit and any apartments in the building hereby approved on land forming Phase A2, the following works between that building and the nearest highway shall be completed;-

(a) Footways and/or footpaths, with the exception of any wearing course, and  
(b) Carriageways with the exception of the wearing course, including the provision of a turning facility sufficient to allow users of the parking facilities serving the development to turn and leave the site in forward gear.

**Reason:** In the interests of highway safety and the convenience and amenity of the occupiers of the development.

- 42 Before the first occupation of any ground floor commercial unit and any apartments on land forming Phase A2, a timetable for the construction of the final wearing course of new footpaths and/or footways and carriageways shall have been submitted to and approved by the Local Planning Authority in writing. The final wearing course of such footpaths and/or footways and carriageways shall be constructed in accordance with the timetable as approved by the Local Planning Authority.

**Reason:** In the interests of highway safety, and the convenience and amenity of occupiers of the development.

- 43 Prior to the first occupation of any apartment on land forming Phase A2, the applicant shall provide written details to the Local Planning Authority of the following;-

(a) measures to help facilitate more sustainable forms of movement for non-town centre journeys, including access to a local car club and

(b) the location and number of electric vehicle charging points to be made available for the use of residents.

Thereafter, the approved details shall be retained available for use unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To help provide enhanced movement choice for residents for occasional non-local journeys and to help reduce the need for car ownership by scheme residents. To help reduce pollution by encouraging the use of electric vehicles through incorporating on-site measures enabling vehicle recharging.

### **Uses**

- 44 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the apartments hereby approved above the ground floor commercial units on land forming Phase A2 shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning (Use Classes) Order 2015 or any subsequent Order revoking or re-enacting that Order.

**Reason:** To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

- 45 The ground floor commercial units hereby approved on land forming Phase A2 south of Victoria Road shall be used for the purposes specifically applied for (Use Classes A1/A2/A3/B1) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2015 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

### **Opening hours of ground floor commercial units to the public**

- 46 Unless any variation is agreed in writing by the Local Planning Authority, the ground floor A1/A2/A3/B1 uses shall only be open to the public between the following hours:-

(i) Monday to Sunday 06:30 - 23:00

**Reason:** In order to ensure that the hours of use of the ground floor commercial uses is appropriate given the context of the site and the existing and planned noise sensitive uses in the neighbourhood and the need to

minimise late night disturbance.

**Hard and soft landscaping**

- 47 No development of land forming Phase A2 shall commence until full details of the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall accord with drawing 15.043 006 Rev C, unless otherwise agreed in writing.

(a) The full details of the soft landscape works to be submitted to the Local Planning Authority for approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of the planting that is designed to create year round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.

(b) The full details of the hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate), drawings to scale to show lighting columns and lighting bollards, bollards to prevent vehicles accessing on-site parking by means other than via the vehicular access to George Street and any necessary methods of demarcating space as a result of its proposed long term private maintenance.

(c) The details shall include full details of any walls, car park gates/barriers, other gates and fences (including height, width and depth, materials, final finish colour) to be erected.

(d) The details shall include a scaled drawing showing soft and hard landscaping to be retained in private ownership and soft and hard landscaping to be the subject of adoption by the local highway authority (or any other public body).

(e) The hard and soft landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority.

(f) If any trees and/or plants on land forming Phase A2 whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and

species, unless the Local Planning Authority gives written consent otherwise.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. To ensure that any planting is appropriate and carried out in a manner that will ensure maturation to the visual benefit of the urban environment and to ensure hard surfacing and boundary treatments are appropriate to the context of the site and are of acceptable design quality.

### **Environmental protection**

- 48 Full details of all measures to be taken to deal with any emission of odours or vapours arising from the use of each individual part of the ground floor of the building on the land forming Phase A2 for any Class A3 use shall be submitted to, and approved in writing by, the Local Planning Authority prior to the individual Class A3 use commencing. Any equipment, plant or process provided or undertaken pursuant to such approval shall be installed prior to the first use of the ground floor premises to which it relates and shall thereafter be operated and retained in compliance with the approved scheme.

**Reason:** To prevent the transmission of vapours and odours arising from a ground floor A3 use into neighbouring premises and to protect amenity.

- 49 No external lighting shall be installed on the land forming Phase A2 until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles; use of time switches to switch off car park lighting appropriate to the seasons). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written approval to any proposed variation.

**Reason:** To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

- 50 Any facilities used for the storage of oils, fuels or chemicals on the land forming Phase A2 shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

**Reason:** To prevent pollution of the water environment.

### **Acoustic design measures for apartments**

- 51 (A) No development of land forming Phase A2 shall commence until a scheme of noise mitigation measures to be installed in the apartments (taking forward the recommendations in the applicant's acoustic report, energy strategy

report and ventilation strategy necessary to achieve BS8233:2014

‘Guidance on sound insulation and noise reduction for buildings’ or any successor standard) has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

- (B) No development of land forming Phase A2 shall commence until a scheme for protecting balconies and terraces from noise exceeding 50dB LAeq. 16 hour through the use of including imperforate balustrade screens and Class A absorption to balcony undersides /soffits has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

**Reason:** To ensure satisfactory living conditions for residents given the context of the site and the nature of proposed commercial uses on nearby and adjacent land.

**Sustainable drainage (including green and blue roofs to buildings)**

- 52 No development of land forming Phase A2 shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the land’ s surface water have been submitted to and approved in writing by the Local Planning Authority.

The submitted system shall comprise retention or storage of the surface water on the land or within the immediate area in a way which is appropriate to the land’ s location, topography, hydrogeology and hydrology and incorporate green / blue roofs as appropriate.

The submitted system shall be designed to;-

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010,
- (iv) promote biodiversity,
- (v) enhance the landscape,
- (vi) improve public amenities,
- (vii) return the water to the natural drainage system as near to the source as possible, and
- (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, clarify the location and extent of green/blue roofs, include a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

If the proposed surface water discharge point is to be the existing public sewer the applicant must provide written confirmation from Southern Water of their agreement to the proposals.

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

#### **Code of construction practice**

- 53 Prior to the commencement of the development on land forming Phase A2, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Full details of the provision of off-road parking for all site operatives
- Full details of measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials



- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works, , including a programme for community consultation/communication setting out how the developers intend to liaise with and keep members of the public informed about the development for the duration of the construction period.

**Reason:** To protect the amenity of local residents in accordance with Policy EN1 of the Local Plan.

- 54 In relation to the land forming Phase A2, no construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the residential amenity of the area.

- 55 No construction activities shall take place until a dust management plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that appropriate measures are put in place during construction to mitigate the impact of dust arising from construction works on local air quality.

### **Archaeology**

- 56 Prior to the commencement of development of land forming Phase A2 the applicant, or their agents or successors in title, will secure and implement;-
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly

examined and recorded.

### **Ecological Works & Management Strategy**

57 (A) Prior to commencement of development on the land forming Phase A2, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include;-

(i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as part of the development, and how such works and measures are proposed to be managed in the long-term.

(ii) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.

(iii) a timetable for implementation, demonstrating that the proposed on-site habitat ecological works and other measures and any off-site reptile mitigation strategy are aligned with the proposed phasing of construction,

(iv) the persons responsible for implementing the on and off-site works, including a programme identifying when a specialist ecologists need to be present on site to oversee the ecological works.

(B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** In order to ensure that any ecological works to be carried out are justified, accord with good practice and appropriately mitigate the impacts of the development and to ensure that an appropriate management strategy is put in place to properly monitor the success of the ecological works carried out for an agreed period of time.

### **Fibre broadband To The Premises**

58 Prior to the first occupation of the land forming Phase A2, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband

To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

### **Water efficiency**

- 59 Each apartment on the land forming Phase A2 shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the apartments will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No apartment shall be occupied unless the notice for that apartment of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

**Reason:** In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF and in order to continue with the same level of water efficiency as would have been achieved under the Code for Sustainable Homes standard referred to in Core Strategy policy CS10(A).

### **Refuse collection**

- 60 No ground floor commercial unit or apartment on the land forming Phase A2 shall be occupied until the following details have been submitted to, and approved in writing by, the Local Planning Authority;-

(a) Details of secure access doors, ventilation, internal amenity lighting, wash-down facilities and measures to keep doors in a fixed open position at collection time in relation to the ground floor refuse store areas.

(b) Details of the proposed arrangements to be put in place in relation to the collection of residents' waste from the ground floor communal refuse store. The approved details shall be implemented and the stores made available for use prior to the first occupation of any ground floor commercial unit or apartment. The stores shall thereafter be permanently retained available for use unless the Local Planning Authority has agreed to any variation to refuse

store arrangements in writing.

**Reason:** To ensure that the fine detail of the refuse stores is appropriate for both commercial and residential occupiers and to ensure that satisfactory arrangements are put in place for the collection of waste generated by residents given the location of the ground floor communal store for residents relative to the public highway.

### **LAND FORMING PHASE A3 TO SOUTH OF VICTORIA ROAD (BUILD TO RENT RESIDENTIAL)**

#### **Materials**

- 61 Prior to installation, written details including source/ manufacturer, and samples of bricks, tiles, feature panels and cladding materials (including jointing of panels) to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development of land forming Phase A3 shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

**Reason:** In the interests of visual amenity and to give clarity on jointing of panels.

#### **Contamination**

- 62 (A) Prior to the commencement of development on land forming Phase A3, a detailed remediation scheme for that land to ensure that that part of the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority.

(B) The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols. The scheme must deliver a site that will not qualify as ‘contaminated land’ under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation.

(C) The development within the land forming Phase A3 shall thereafter be carried out in accordance with the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority. Following completion of the remediation scheme for the land forming Phase A3 and prior to occupation of any building within that phase, a verification report for the land forming Phase A3 that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

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

- 63 If, during development of land forming Phase A3, contamination not previously identified is found to be present at the site then no further development within the affected plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy for the land forming Phase A2 detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

**Reason:** To ensure the protection of controlled waters

**Fine details**

- 64 Prior to usage in the building on the land forming Phase A3 above ground level, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
- c) 1:100 elevation detailing the locations of all expansion joints in facades.
- d) 1:50 scale details of any plant or machinery proposed on the roof and associated screens,
- e) details of any satellite dishes or antenna,
- f) details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),
- g) details of vents, louvres, extractor vents, external pipes, meters (including colour finish) etc.
- h) details of screens and windbreaks,
- i) 1:50 scale details of the parapet capping,
- j) details of external entrance steps, handrails and balustrades

k) 1:50 details of ground floor level grilles to the help vent the lower ground floor level car park

(l) 1:50 details of planter boxes to apartments

(m) 1:20 details of balustrades to balconies serving apartments and a plan/schedule sufficient to show the proposed changing balustrade colour palette across the development according to locational context.

**Reason:** Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

**Vehicle and Cycle Parking/Highways/Car Club & Electric Vehicle charging facilities**

- 65 Provision shall be made within the land forming Phase A3 for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 66 The vehicle access details to the land forming Phase A3 shown on the approved plans shall be completed prior to the first occupation of the building hereby approved for residential purposes on that land and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the adjacent footway level.

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

- 67 (i) The area within Phase A3 identified as the riverside parking court shown as Parking Zone B on plan 15.043.038 Rev B (including any subsequent variations) shall be implemented as shown on the approved drawings unless an evidenced-based Transport Note demonstrating that the area is not required is submitted to and approved in writing by the Local Planning Authority. All other parking areas shown on the approved plans serving this Phase shall be implemented, surfaced and drained before any apartments in Phase A2 are first occupied and thereafter shall be retained available and accessible for use and no development whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) shall be carried out on the land.

(ii) If an evidenced-based Transport Note is approved in writing demonstrating that the riverside parking court is not required in order to serve the car parking requirements of the development, then full details of revised hard and soft landscaping for the area shall be submitted to and approved in writing by the Local Planning Authority pursuant to Condition 74 of this permission.

**Reason:** (i) Development without provision of adequate accommodation for

the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.(ii) In circumstances where an evidence-based Transport Note is accepted and the riverside parking court is not implemented then an alternative treatment for the space will be required.

- 68 No building on land forming Phase A3 shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked. The approved cycle parking facilities shall thereafter be retained available for use by residents of the building.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to promote movement choice through the provision of quality secure cycle parking.

- 69 The pedestrian visibility splays shown on the approved drawings in relation to land forming Phase A3 shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained with no obstruction over 0.6 m above the access footway level.

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

- 70 Before the first occupation of any apartments on land forming Phase A3 the following works between that land the nearest highway to be adopted by the highways authority shall be completed;-

(a) Footways and/or footpaths, with the exception of the wearing course;

(b) Carriageways with the exception of the wearing course, including the provision of a turning facility sufficient to allow users of the parking facilities serving the development to turn and leave the site in forward gear, together with related:

- i) highway drainage, including off-site works,
- ii) junction visibility splays,
- iii) street lighting, street nameplates and highway structures if any.

**Reason:** In the interests of highway safety, and the convenience and amenity of occupiers of the development.

- 71 Before the first occupation any apartment on land forming Phase A3, a timetable for the construction of the final wearing course of new footpaths and/or footways and carriageways shall have been submitted to and approved by the Local Planning Authority in writing. The final wearing course of such footpaths and/or footways and carriageways shall be constructed in accordance with the timetable as approved by the Local Planning Authority.

**Reason:** In the interests of highway safety, and the convenience and amenity of occupiers of the development.

- 72 Prior to the first occupation of any apartment on land forming Phase A3, the applicant shall provide written details to the Local Planning Authority of the following;-

(a) measures to help facilitate more sustainable forms of movement for non-town centre journeys, including the provision of a car club facility, and

(b) the location and number of electric vehicle charging points to be made available for the use of residents/any car club facility serving residents.

Thereafter, the approved details shall be retained available for use unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To help provide enhanced movement choice for residents for occasional non-local journeys and to help reduce the need for car ownership by scheme residents. To help reduce pollution by encouraging the use of electric vehicles through incorporating on-site measures enabling vehicle recharging.

### **Use**

- 73 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the apartments hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning (Use Classes) Order 2015 or any subsequent Order revoking or re-enacting that Order.

**Reason:** To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

### **Hard and soft landscaping**

- 74 No development of land forming Phase A3 shall commence until full details of the hard and soft landscape works – including potential works in place of the riverside parking court if an evidence-based Transport Note is approved in writing pursuant to condition 67(i) - have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall accord with drawings 15.043 021 Rev B and 15.043 003 Rev D, unless otherwise agreed in writing.

(a) The full details of the soft landscape works to be submitted to the Local Planning Authority for approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of planting that is designed to create year



round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays, details of vertical planting on tension wires to areas of the southern side of the building and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.

(b) In the event that the riverside parking court is not implemented pursuant to condition 67(i) then the Beech Tree subject of Tree Preservation Order on the south-western corner of the site shall be retained as part of the soft landscaping scheme for the Phase unless a justification for its removal has been submitted to and approved in writing by the Local Planning Authority.

(c) The full details of the hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate), drawings to scale to show lighting columns and lighting bollards, seating, the location of any public art features, details of balustrades to the communal podium open space and associated steps, details of any other balustrades, details of residents' only security gates to the communal podium open space including location on the steps to the riverside corridor and any necessary methods of demarcating space as a result of its proposed long term maintenance.

(d) The details of hard landscaping shall also include full details of any walls, lower ground floor car park gates/barriers to ensure secure residents' only access, other gates and fences, fences and any gates to podium level external private spaces serving apartments and fences and gates to riverside apartment external private spaces (including height, width and depth, materials, final finish colour) to be erected.

(e) The hard and soft landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority.

(f) If any trees and/or plants on land forming Phase A3 whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. To ensure that any planting is appropriate and carried out in a manner that will ensure maturation to the visual benefit of the urban environment and to ensure hard surfacing and boundary treatments are appropriate to the context of the site and are of acceptable design quality.

#### **Environmental protection & CHP**

- 75 Any facilities used for the storage of oils, fuels or chemicals on the land forming Phase A3 shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

**Reason:** To prevent pollution of the water environment.

- 76 No Combined Heat and Power (CHP) plant shall be installed within the approved building on the land forming Phase A3 until full details of said plant have been submitted to, and been approved by, the Local Planning Authority in writing. Such details shall include noise levels during operation, measures to be taken to limit increases in nitrogen dioxide levels locally as a result of operation and details of the proposed fuel and the frequency, nature and duration of any deliveries of fuel. Thereafter, CHP shall only be installed and operated in accordance with such approvals.

**Reason:** No details of possible CHP installation have been submitted for approval. Details are required in order to ensure that any environmental impacts are appropriately mitigated.

#### **Acoustic design measures for apartments**

- 77 (A) No development of land forming Phase A3 shall commence until a scheme of noise mitigation measures to be installed in the apartments (taking forward the recommendations in the applicant's acoustic report, energy strategy report and ventilation strategy necessary to achieve BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' or any successor standard) has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.
- (B) No development of land forming Phase A3 shall commence until a scheme for protecting balconies and terraces from noise exceeding 50dB LAeq. 16 hour through the use of including imperforate balustrade screens and Class A absorption to balcony undersides /soffits has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved

measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

**Reason:** To ensure satisfactory living conditions for residents given the context of the site and the nature of proposed commercial uses on nearby and adjacent land which may affect the necessary measures for either all or specific apartments.

**Sustainable drainage (including green and blue roofs to buildings)**

- 78 No development of land forming Phase A3 shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the land's surface water have been submitted to and approved in writing by the Local Planning Authority.

The submitted system shall comprise retention or storage of the surface water on the land or within the immediate area in a way which is appropriate to the land's location, topography, hydrogeology and hydrology and incorporate green / blue roofs as appropriate.

The submitted system shall be designed to

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010,
- (iv) promote biodiversity,
- (v) enhance the landscape,
- (vi) improve public amenities,
- (vii) return the water to the natural drainage system as near to the source as possible and
- (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, clarify the location and extent of green/blue roofs, include a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

If the proposed surface water discharge point is to be the existing public sewer the applicant must provide written confirmation from Southern Water of

their agreement to the proposals.

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

**Code of construction practice**

- 79 Prior to the commencement of the development on land forming Phase A3, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Full details of the provision of off-road parking for all site operatives
- Full details of measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works, , including a programme for community consultation/communication setting out how the developers intend to liaise with and keep members of the public informed about the development for the duration of the construction period.

**Reason:** To protect the amenity of local residents in accordance with Policy EN1 of the Local Plan.

- 80 In relation to the land forming Phase A3, no construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the residential amenity of the area.

- 81 No construction activities shall take place until a dust management plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that appropriate measures are put in place during construction to mitigate the impact of dust arising from construction works on local air quality.

#### **Archaeology**

- 82 Prior to the commencement of development of land forming Phase A3 the applicant, or their agents or successors in title, will secure and implement;-
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded.

#### **Ecological Works & Management Strategy**

- 83 (A) Prior to commencement of development on the land forming Phase A3, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include;-
- (i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as part of the development, and how such works and measures are proposed to

be managed in the long-term.

(ii) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.

(iii) a timetable for implementation, demonstrating that the proposed on-site habitat ecological works and other measures and any off-site reptile mitigation strategy are aligned with the proposed phasing of construction,

(iv) the persons responsible for implementing the on and off-site works, including a programme identifying when a specialist ecologists need to be present on site to oversee the ecological works.

(B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** In order to ensure that any ecological works to be carried out are justified, accord with good practice and appropriately mitigate the impacts of the development and to ensure that an appropriate management strategy is put in place to properly monitor the success of the ecological works carried out for an agreed period of time.

### **Riverside Corridor Landscaping, Lighting & Management Plan**

84 (A) Prior to commencement of development on land forming Phase A3, a Riverside Corridor Landscaping, Lighting & Management Plan (RCLLMP) shall have been submitted to and approved in writing by the Local Planning Authority. The RCLLMP shall include;-

- (i) the area forming the RCLLMP shown on a plan drawn to scale,
- (ii) a statement identifying how hard and soft landscaping detail within that area is intended to balance the objectives of public access to and recreational use of the riverside corridor with the need to protect and enhance the adjacent/nearby Great Stour Ashford to Fordwich Local Wildlife Site,
- (iii) details of all proposed soft landscaping (including details of tree, shrub, hedge and other planting) within that area,
- (iv) details of all proposed hard landscaping within that area,
- (v) details of how lighting in the area will either be minimised or negated in order to increase bat foraging opportunities in the riverside corridor,
- (vi) a timescale for the implementation of the identified soft and hard landscaping and lighting details, and

(vii) details of the long term maintenance and management arrangements for the area covered by the RCLLMP.

(B) Thereafter, the approved RCLLMP shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** In order to ensure that the river corridor landscaping scheme protects and enhances the adjacent Local Wildlife Site (and the species it supports) balanced against a design that also allows public access to and enjoyment of the proposed additions to the river corridor space and to ensure that appropriate arrangements are put in place for long term maintenance and management.

### **Fibre broadband To The Premises**

- 85 Prior to the first occupation of the land forming Phase A3, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030.  
Water efficiency

- 86 Each apartment shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the apartment will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No apartment shall be occupied unless the notice for that apartment of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

**Reason:** In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF and in order to continue with the same level of water efficiency as would have been achieved under the Code for Sustainable Homes standard referred to in Core Strategy policy CS10(A).

### **Refuse collection**

- 87 No apartment on the land forming Phase A3 shall be occupied until the following details have been submitted to, and approved in writing by, the Local Planning Authority;-

(a) Details of secure access doors, ventilation, internal amenity lighting, wash-down facilities and measures to keep doors in a fixed open position at collection time in relation to the lower ground floor internal refuse store areas.

(b) 1:20 details of the surface level refuse store facilities shown on Drawing No. 15.043.036 including proposed detailing to deal with changes to levels along the frontage to the stores

(c) Details of the proposed arrangements to be put in place in relation to the collection of residents' waste from the lower ground floor internal refuse stores and the external surface level communal refuse store.

The approved details shall be implemented and the stores made available for use prior to the first occupation of any apartment. The stores shall thereafter be permanently retained available for use unless the Local Planning Authority has agreed to any variation to refuse store arrangements in writing.

**Reason:** To ensure that the fine detail of the refuse stores is appropriate for residential occupiers and to ensure that satisfactory arrangements are put in place for the collection of waste generated by residents given the location of the stores serving the apartments related to the public highway.

### **Occupation related to improvements to the local highway network**

- 88 Unless the Local Planning Authority agree otherwise in writing, no more than 50 apartments shall be occupied on the land forming Phase A3 until improvements to the nearby Beaver Road/Victoria Way and Elwick Road/Station Road junctions as set out on Drawing 4300472/0100/01 P01.1 forming part of planning permission 15/01671/AS (or an alternative scheme to substantially the same effect) have been carried out and are open to traffic.

**Reason:** To ensure that there is sufficient capacity available within the highway network to accommodate the movements associated with the proposed homes.

### **Adaptation of ground floor units to meet wheelchair user requirements**

- 89 Prior to the laying of foundations to the building approved to be constructed on the land forming Phase A3, a plan to show the location of five ground floor apartments available for adaptation to meet wheelchair user requirements shall be submitted to, and approved by, the Local Planning Authority in writing and thereafter the development shall only proceed in accordance with such



details unless the Local Planning Authority has agreed to any variation in writing.

**Reason:** To order to promote inclusion and community cohesion by catering for differing needs.

**Green wall/screen to Beaver Road petrol filling station**

90 Prior to first occupation of any apartment on land forming Phase A3;-

(i) full elevation and cross section details of the green wall/screen within the application site (as shown on Drawing GHA001) including materials, colour and supporting structures, and

(ii) details of any green wall/screen irrigation, proposed planting with particular benefits to habitat and site biodiversity and proposed maintenance regime, and

(iii) a timetable for the green wall/screen construction within the application Site shall have been submitted to and been approved in writing by the Local Planning Authority. Thereafter, the green wall/screen shall be installed in accordance with the approved details and to the agreed timetable unless any variation has been subsequently agreed in writing by the Local Planning Authority.

**Reason:** Full fine details of the green wall/screen structure and proposed planting and maintenance regime have not yet been submitted. The construction of the wall in one single operation needs to be agreed in order to ensure against damage from building operations being carried out either on-site or on adjoining land.

**Note to Applicant**

**1. Working with the Applicant**

**Working with the Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,

- by adhering to the requirements of the Development Management Customer Charter.

In this instance

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

2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

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

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3. The developer/applicant must ensure that the proposal, both during construction and after completion of works on site, does not:
  - encroach onto Network Rail land
  - affect the safety, operation or integrity of the company's railway and its infrastructure
  - undermine its support zone
  - damage the company's infrastructure
  - place additional load on cuttings
  - adversely affect any railway land or structure
  - over-sail or encroach upon the air-space of any Network Rail land
  - cause to obstruct or interfere with any works or proposed works or Network

Rail development both now and in the future

The developer must comply with the requirements of HS1 and Network Rail by entering into Basic Asset Protection Agreement.

4. In respect of the brewery, the Local Planning Authority encourages the applicant to consider mood lighting of the building interior around the fermentation vessels in order that the scale of the vessels can be appreciated at night via the strongly glazed façade to Victoria Road thus helping create a vibrant night time street scene at an important street junction. Appropriate external mood lighting to external storage vessels located to the west of the brewery building is also encouraged. The Local Planning Authority would wish to see the proposed soft and hard landscaping design of the entrance to the brewery shop/bar/restaurant incorporate appropriate acknowledgements of the site's past including previous uses.
5. In respect of the brewery odour and waste management conditions, the applicant is invited to meet Officers of the Local Planning Authority and the Borough Council's Environmental Protection Officer at an early stage to ensure that all aspects of the proposed brewery operation that might give rise to odour issues are refined with minimum best practice adopted (and preferably exceeded) so as to ensure the creation of a modern brewery that proceeds from the outset as a good neighbour to town centre uses.
6. The hard and soft landscaping to the north of Phase A2 is expected to be the subject of adoption by the local highway authority as the currently missing element component of the upgraded street utilising quality materials to match existing paving and comprising the provision of street trees and pedestrian footway/cycleway.
7. The applicant should note that an Ashford Borough Council refuse freighter would not normally pass onto private land as part of refuse collection of waste from homes and so Council collection cannot be assumed. The applicant is invited to discuss such issues further with the Council.
8. In respect of SUDs design, Ashford Borough Council encourages the applicant to explore the feasibility of a controlled outfall of surface water to the River Stour south of the site with Kent County Council (as the Leading Flooding Authority), the Borough Council and the Environment Agency.

## 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 17/01759/AS.

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