

<b>Application Number</b>	<b>20/00711/AS</b>
<b>Location</b>	<b>Swanton House, Elwick Road, Ashford, Kent, TN23 1NN</b>
<b>Parish Council</b>	<b>Central Ashford</b>
<b>Ward</b>	<b>Victoria</b>
<b>Application Description</b>	<b>Demolition of existing building and erection of two buildings comprising 34 apartments with associated access, parking and landscaping.</b>
<b>Applicant</b>	<b>A Better Choice for Property Development Ltd c/o agent</b>
<b>Agent</b>	<b>Mrs Emma Hawkes, DHA Planning, Eclipse House, Sittingbourne Road, Maidstone, ME14 3EN</b>
<b>Site Area</b>	<b>0.26ha</b>

(a) / 15 R                      (b) CACF R                      (c) Ashford Access X, Env Prot. X, Street scene X, Culture X, UKPN X, NR X, Kent Fire X, Ashford College X, HE X, KCC Ecol X, KCC Dev Contribs X, KCC Flooding X, KCC Heritage X, KH&T X, K.Pol X, NHS X, Baby Memorial Charity X, Boyer Planning R,

(a) Amends 1  
/ 1 X                      (b) CACF R                      (c) ABC EP X, ABC Cultural X, Ashford College X, KCC Flooding X, KCC Ecol X, Kent Fire X, HS1 X,

## Introduction

1. This application was first reported to the 14<sup>th</sup> July 2021 Planning Committee because although it involves major development of a scale that would now fall within the scope of Officer delegation, in my opinion, it was 'sensitive' due to the applicant being the Council's property development company, 'A Better Choice for Property Development Limited'.
2. A number of matters (typos/ deletions / insertions / clarifications) were the subject of the Update Report circulated in advance of the 14<sup>th</sup> July Committee with additional officer oral updates provided at the introduction of the item. **Attached as Annex 1 is the previous 14<sup>th</sup> July Committee report which, for the purposes of clarity, I have further updated to deal with these matters. I have used underlined text in the Assessment section in order to help bring out the more substantive changes from the previous iteration.**
3. The decision reached by the Committee at the 14<sup>th</sup> July meeting was;-  
  
**'To defer for the applicant to amend the application to achieve a design that would be more in keeping with, and would enhance, the character of the area, with the amended application to be presented back to the Committee no sooner than 3 months from the date of deferral.'**
4. The applicant submitted amended plans and supporting documentation in the latter half of October and this has been the subject of a full reconsultation.
5. As I detail further below, the fundamentals of development quantum, access, site layout and spatial distribution of built form remain unchanged from the previous scheme. The approach that I have taken in this report is to cross reference to the previous report where it is appropriate to do so and concentrate on the assessment of the design changes that have been made.
6. Members should be aware that on the 24/11/2021 I received an e-mail from the applicant's agent that also addressed to the Planning Inspectorate which stated;-

*'Please take this email as the 10 working day notification of the intent of A Better Choice for Property Development Ltd to appeal the above application.'*

*This appeal will be made by A Better Choice for Property Development Ltd against the non-determination of the above application by Ashford Borough Council if the application is not determined at the Planning Committee*

*Meeting scheduled for the 8th December 2021.'*

## Site and Surroundings

7. No change: please refer to paragraphs 2 to 8 of the updated July 14<sup>th</sup> 2021 report that is attached as **Annex 1**.

## Proposal

8. The amended proposal remains for the demolition of Swanton House and the creation of 34 apartments taking the form of two new blocks.
9. **Figure 1** below shows the frontage of Swanton House to Elwick Road. Figure 2 shows the rear of the building with part of the existing hard surface car park in the foreground.



**Figure 1:** Frontage of Swanton House to Elwick Road



**Figure 2:** Rear of Swanton House

10. To recap, the CGIs below show the proposed design as reported to the 14<sup>th</sup> July Committee: the southernmost block of the two new blocks fronting Elwick Road is shown as **Figure 3** with the north facing elevation of the northernmost block towards the Memorial Gardens shown as **Figure 4**.



**Figure 3:** Block facing Elwick Road



**Figure 4:** Block facing towards Memorial Gardens

11. The amended design is shown in the CGIs forming Figures 5 and 6 below that are taken from similar viewpoints.



**Figure 5:** view of apartment block facing Elwick Road



**Figure 6:** view of apartment block facing Memorial Gardens

12. Figures 5 and 6 are reproduced in larger format as **Annexes 2 & 3** to this report.
13. In support of the amended scheme the applicant makes the following points via planning agent covering letter and an Addendum to the Design and Access Statement;-
  - (i) **principle:** the majority of Committee Members supported the principle of redevelopment of this derelict site at the 14<sup>th</sup> July meeting.

(ii) **design steer:** the references made during the debate at that meeting suggest that in terms of pursuing an amended design (that should, as the Committee decided, be more 'in keeping with' the character of the area), a design approach more stylistically 'representative of / reverential to' the form and character of buildings of the end Victorian/early Edwardian period in the immediate locality would be the most appropriate design response rather than a more modernist architectural style.

(iii) **design evolution - 'contemporary twist':** the original design approach was contemporary in both form and shape. Following the deferral and subsequent assessment of the Committee's deliberations, initial design proposal sketches were produced and were issued for comment. The two sketches that were issued are shown in **Figure 7** below.



**Figure 7:** sketches

The applicant's D& A addendum identifies that at this stage of design evolution the intention was to incorporate prominent gable ends into the proposed scheme and ensure that the internal structuring grid organising the layout of the building did not then become a visually prominent feature of the elevations.

The subsequently amended design approach is shown as Figures 5 & 6 above and Annexes 2 & 3 to this report.

The applicant considers this to encapsulate the comments made at officer level and Members as well as *'blending the positive features of the previous scheme to create a positive architectural design that both reflect the ever changing street scape of Elwick Road and the surrounding context as well as appreciating the local conservation architecture that the previous Swanton House proudly emphasised'*.

Viewed as a whole, the proposal is considered a 'contemporary twist' on the pitched roof vernacular and would relate the development better to both buildings in the Conservation Area and the modernist architecture within the vicinity. The applicant considers a great deal of care has been taken on the detailing of the buildings using traditional materials appropriate to the conservation area location.

(iv) **gabled roofs:** the amended proposal is indicated as being a clear reflection of the prominent roof form of the existing buildings with a strong pair of gabled roof features facing Elwick Road (reference Figure 1 above). A symmetrical pair would be provided on the northern and southern elevations to each apartment block. They would be metal clad and this cladding would wrap around the gables into the side elevations as **Figure 8** below illustrates. The metal cladding to the gable features would continue to the ground level as an elevational feature: the cladding would also be provided on the side elevation as a verge (as Figure 8 below shows).



**Figure 8:** metal clad gable and wrap to side elevations and metal verge detail

The applicant considers that this approach would represent a modern take on the traditional gable form found in the existing building and that the metal cladding would create a striking contrast with the proposed light buff facing brickwork. It is suggested that this would allow the gable features to assert a similar dominance to the Elwick Road street scene with strong similarities to the existing building.

(v) **roofs:** Traditional 'slate tiles' would be used for the gabled pair of pitched roofs for each apartment block. The top storey of each apartment block would contain a flat roofed element between the gabled roofs. On the elevations facing into the site interior parking court, this element would be facing brick and on the elevations facing towards both the Elwick Road and the Memorial Gardens this would alter and be metal clad with the flat roofed area recessed from the elevation in order to give an open balcony/terrace. **Figure 8** below shows this metal clad detailing on the Elwick Road frontage and **Figure 9** below shows the brick detailing for this apartment block facing into the parking court.



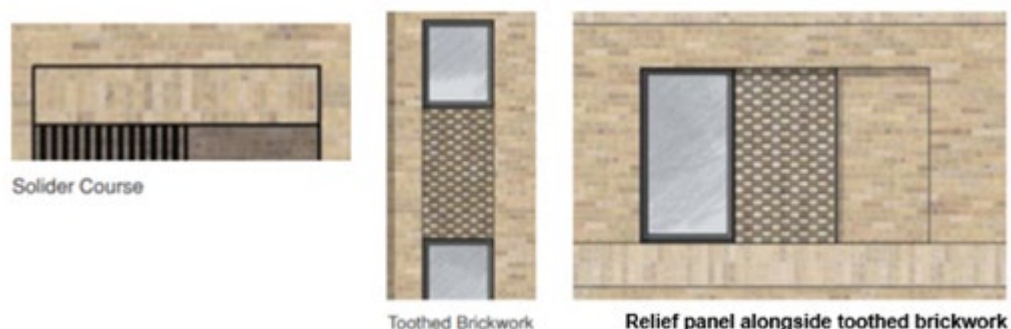
**Figure 8:** southernmost block - recessed balcony terrace and metal clad elevation to flat roof between the gable features



**Figure 9:** southernmost block – facing brick detailing between the gable features



(vi) **elevations:** these would be finished in a mixture of facing brickwork and feature brickwork (recessed / vertical and projecting 'toothed' panels as per **Figure 10** below) that is considered by the applicant paramount to include given the 'arts & crafts' cornicing brickwork that wraps around the existing Swanton House building and the eclectic Victorian architecture that runs through the streetscape of Elwick Road.



**Figure 10:** varied types of feature brickwork

(vii) **stone panels and varied brick palette:** the applicant considers that the use of grey buff brick would add to an eclectic materials palette with arrangement within the recessed balconies to emphasise the depth of field within the elevations. Stone panels would be carried forward from the previous design to clad the balcony footings: these are considered to add a both



**Figure 11:** alternate brick colours to recessed areas and stone panels

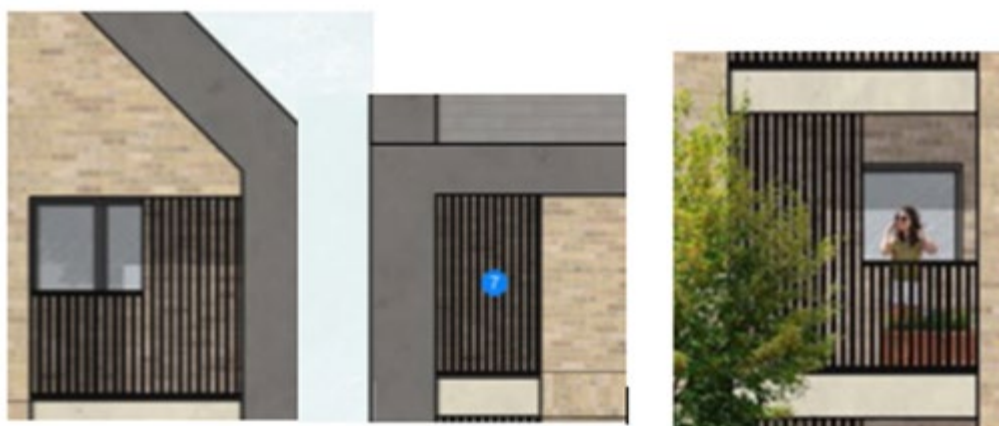
(viii) **varied balcony forms and sizes** a variety of balcony forms are incorporated into the design including the aforementioned recessed open balcony terraces at roof level and enclosed balconies of varying sizes. **Figure 12** below illustrates these - I have used different colours (red/yellow/green/blue) to bring these differences out.

This approach is considered by the applicant to add visual richness to the proposed new buildings. Furthermore and in relation to comments made at the Committee concerning balconies, comment is made that they are a necessary private amenity space that is sought by the Council pursuant to Policy HOU15 of the ALP 2030.



**Figure 12:** varied balconies – size and form

(ix) **balcony detailing:** in the light of the debate at the 14<sup>th</sup> July Committee in terms of that which can be placed on balconies and its visual consequence, the amended design incorporates full height privacy screens in the form of vertical balcony balustrades on the balconies at the ends of both apartment buildings as well as to the central section of the larger block facing Elwick Road. **Figure 13** below shows the varying details including balconies wrapping around corners and Figure 11 above shows the central section below the roof terrace / balcony. The applicant wishes to emphasise that what will be allowed on balconies will be very strongly safeguarded through a strictly enforced tenancy agreement.



**Figure 13:** balcony details with use of full height privacy screens

(x) **Active EV chargers for parked cars:** consideration has been given to improving the proposal in order to assist with both sustainability and climate change impacts within the context of a scheme that does not meet a necessary level of viability to allow it to mitigate impacts through the normally expected level of s.106 contributions. All 25 spaces within the central parking area between the two apartment blocks would be fitted with 7KW EV chargers.

14. For completeness, prior to the submission of the amended plans, the applicant's Commercial Development Manager responded on the following items below that I had raised;-

(i) solar glazing – response: 'will be used where it is required to prevent overheating'

(ii) communal lounge – response: 'would only be viable on a much larger scheme such as Victoria Point'

(iii) previous history – response: 'subject to Board Approval, we might consider naming the front block as Forsyth House and the rear block as Frederick House. We might also consider putting a plaque on the front block acknowledging the use of the previous buildings as a temporary military hospital in WW1'.

(iv) sustainability / carbon reduction – response: 'we are looking at this again to see if there is anything further we can do particularly around the heating and hot water systems'.

## Planning History

15. No change: please refer to paragraphs 53 to 56 of the updated 14<sup>th</sup> July Committee Report attached as **Annex 1**.

## Consultations

The application has been the subject of reconsultation on the design changes received. Only limited responses have been received at the time of finalising this report. Given the limited nature of the changes made to the proposal – i.e. the design of the buildings rather than any other changes to development quantum or different site layout – this is perhaps not unexpected. Any further representations received will be set out in the Update Report in the usual manner.

Should Members accept my Recommendation then there is the likelihood that some of the requests needing to be worked into the recommended deferred contributions s.106 approach may need to be amended in due course. For example, the comments from KCC make clear that requests are valid for only a limited time period

before needing to be updated. Such matters would fall within the scope of the delegation to officers forming part of the formal Recommendation.

The responses detailed below should be taken into account alongside the responses in the updated July 14<sup>th</sup> Planning Committee report that is attached as Annex 1.

**Ward Members:** No representation received from Cllr Charles Suddards or Cllr Dara Farrell.

**ABC Environmental Protection:** No objection subject to conditions

**ABC Cultural Services:** Identify no additional comments to make.

**Ashford College:** Raise the same points as per the previous submission in terms of no objection but seek assurances that access and egress will not be impeded during construction and the access road maintained to a safe standard free of hazards for pedestrians, staff, students and delivery vehicles to the College site.

(SS&DM note: These matters were previously dealt with in paragraphs 90 – 91 of the 14<sup>th</sup> July Committee report attached as Annex 1 where I identified the role of a Construction management Plan and liaison both with the College as well as the EKBM Gardens Charity)

**KCC Flooding:** No further comments.

**Kent Fire & Rescue:** No objection

**KCC Ecology:** No further comments: previous comments remain.

**HS1:** no comments.

**Central Ashford Community Forum:** make comments that I take to be an objection as follows;-

'We have read and discussed this addendum in Forum. We are disappointed to read that although "The new proposed design encapsulates the design comments from both the planning officer and committee members", the 20-odd objections from members of the public were not mentioned.

We note that there have been alterations, of which we approve, in brickwork detail, native planting, EV charging, archaeology, and heritage.

#### INFRASTRUCTURE

North Street was closed for a month because flat development overused an inadequate sewage system. Council must examine these plans to ensure this does not happen here. This has not been addressed in the addendum.

(SS&DM note: as per the previous report, no objection has been raised)

No detail is given about the power supply to the EV chargers. Will the specified power supply be able to manage all vehicles charging at once? This has not been addressed in the addendum. As this is being written, COP26 is taking place. Is the power supply specification sufficiently future-proofed (gas/electricity/heat pump) and in accordance with ABC's Carbon Neutrality policies?

(SS&DM note: Active EV chargers: the applicant's proposal to the local planning authority is for installation of 25 active chargers to parking within the court between the two apartment blocks. If Members wish to permit the application then this can be subject to a planning condition requiring provision of this quantum of active chargers prior to first occupation. The matter of power supply upgrades and associated costs involved will be a matter for the developer to ensure can be delivered in order to avoid a breach of such a worded planning condition. The fact that this offer has been made by the applicant as part of the formal proposal is one that I consider indicates that the applicant is confident that (i) it can be funded and (ii) it can be delivered).

The application, as amended, does not give any information in respect of heat pumps or the use of gas boilers for heating /hot water.

(SS& DM note: Heating & HW - As per my comments further above, prior to the submission of the amended plans the Commercial Development Manager indicated that such matters were being looked into. There is, however, no commentary on this area in the deposited plans or the planning agent's covering letter. My assumption is therefore that the proposal remains as I set out in paragraph 133 of the 14<sup>th</sup> July Committee Report i.e. an 'energy efficient building approach' including, amongst other approaches, use of highly efficient combi boilers. I have, however, asked for clarification from the applicant and at the time of drafting this report none has been received. I will provide an Update as necessary at the meeting.)

### CARBON NEUTRALITY

ABC has a Carbon Neutrality policy quoted below:

- Support the aim to achieve carbon neutrality within the council's own estate and operations by 2030.
- Reducing what you waste is a great way to reduce your carbon footprint. If it is to be demolished, some thought should be given to reclaiming, re-using or selling internal features and to sustainably re-use the material.

Please note your phrase "*within the Council's own estate*".

(SS & DM Note: There are 2 key points to make here: (1) there is no current NPPF or adopted Development Plan policy requirement for the buildings subject of the application to be designed to be carbon neutral and so it cannot be insisted upon &

(2) while the reference made by the CACF is to Ashford Borough Council the planning application is not actually made by the Council. The carbon pledge that is quoted relates to the Council's own estate and this site does not fall within that.)

### APPEARANCE

We see that the buildings have been altered. We are unconvinced:

- The metal cladding for the gables is an eccentric addition, as if the architects do not agree with the guidance from the Officers and Members.
- The Western part of the building looks like an oversight, an add-on to the main block.
- The choice of yellow bricks is strange, not at all within the palette of the Conservation Area. Why not red, like the buildings around it and the central pillar of the College? Why not cream or white render, to blend with buildings further along?
- We understand the reasons for balconies, but many in the town centre are only used for dumping unwanted items. Will there be a concierge system on site with authority to stop this?
- This amended project does not produce a building fit for the Conservation Area.

### TOWN CENTRE ACTION PLAN

Swanton Villa belongs to the Borough but conserving it has been dismissed. This contravenes Ashford Town Centre Area Action Plan 2010 Policy TC6. This is in the Conservation Area. Do you really see this building enhancing the Conservation Area?

(SS&DM Note: The ATCAAP is superseded and no longer part of the Development Plan).

### GENERAL

We repeat our earlier comments: This is a very worrying application. The council has policies which are directly contravened in this application, yet the applicant is Ashford Borough Council.'

**Residents:** 1 representation received that I take to be no objection. The main points raised are as follows:-

-The amended plans shows some of the issues raised have been considered.

-The application is not clear but the charging points are assumed to be 'smart' and would drop off the system if supply reaches overload.

(SS& DM Note: I have asked for clarification on this technical point from the applicant and will include any response in my Update Report.)

-No mention is made of solar or rain-water storage – the Council should be leading on such green issues.

-Heating assumed to be gas. Ground and air source heat pumps for apartments will be likely to raise a lot of issues and so apartments may be difficult in respect of assisting carbon neutrality.

-Is the ratio between flats and conventional housing known?

## Planning Policy

16. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
17. Not part of the Development Plan but noteworthy are (i) the Egerton Neighbourhood Plan that is currently at 'Regulation 16' (Examination) stage and (ii) the Tenterden Neighbourhood Plan that, although it has been out to consultation is at an earlier 'Regulation 14' stage in the process towards adoption.
18. The relevant policies from the Local Plan relating to this application are as follows:-

### Vision for Ashford Borough

SP1	Strategic objectives
SP2	The strategic approach to housing development
SP5	Ashford Town Centre
SP6	Promoting high quality design
HOU1	Affordable Housing
HOU12	Residential space standard internal.
HOU14	Accessibility standards

HOU15	Private External Open Space
HOU18	Providing a range and mix of dwelling types and sizes
EMP6	Fibre to the Premises
TRA3a	Parking standards for residential development.
TRA6	Provision for cycling.
TRA7	The road network and development.
TRA8	Travel plans, assessment and statements
ENV1	Biodiversity
ENV6	Flood Risk.
ENV7	Water efficiency
ENV8	Water quality, supply and treatment.
ENV9	Sustainable drainage
ENV11	Sustainable Design and Construction
ENV12	Air Quality
ENV13	Conservation and enhancement of heritage assets
ENV14	Conservation areas
ENV15	Archaeology
COM1	Meeting community needs
COM2	Recreation, Sport, Play and Open Spaces
COM 3 & 4	Allotments and Cemeteries
IMP1	Infrastructure provision
IMP2	Flexibility, viability and deferred contributions
IMP4	Governance of public community space and facilities



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

**Supplementary Planning Guidance/Documents**

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

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

Sustainable Design and Construction SPD 2012

Public Green Spaces and Water Environment SPD 2012

Fibre to the Premises SPD 2020

**Informal Design Guidance**

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

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

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

**Government Advice**

National Planning Policy Framework (NPPF) 2019

20. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.
21. The following sections of the NPPF are relevant to this application:-
22. The following sections of the NPPF are relevant to this application:-
- Paragraph 11 - Presumption in favour of sustainable development.
- Paragraph 47 - Determination in accordance with the development plan.

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

Paragraphs 91 - 95 - Promoting healthy and safe communities.

Paragraphs 102 - 107 - Promoting sustainable transport.

Paragraphs 117 - 121 - Making effective use of land.

Paragraphs 124 - 132 - Achieving well-designed places.

Paragraphs 148 - 165 - Meeting the challenge of climate change and flooding

Paragraphs 170 - 177 - Conserving and enhancing the natural environment.

Paragraphs 174 - 177 - Habitats and biodiversity.

Paragraphs 178 - 183 - Ground conditions and pollution.

Paragraphs 190-196 – Heritage assets

### National Planning Policy Guidance (NPPG)

Viability and decision taking

## **Assessment**

23. The key areas for consideration are as follows;-
- (a) The principle of a creating new homes at the site and the approach to affordable housing & housing mix
  - (b) The quality of the proposed design including relationships to other land
  - (c) Amenity and privacy impacts including Memorial Gardens
  - (d) Impact on the proposal on the conservation area
  - (e) Local highways impacts, potential for bus patronage and planning for pedestrians
  - (f) Levels of on-site parking (vehicles and cycles)

- (g) Contamination, flooding, surface water drainage, ecology, biodiversity, water consumption, relationship to air quality and responding to climate change
  - (h) Habitats Regulations
  - (i) Mitigation the needs arising from the development through s.106 obligations: the policy compliant requests
  - (j) The applicant’s viability case and the conclusion thereof,
  - (k) Whether the planning benefits of the application would outweigh accepting sub-optimal mitigation through s.106 obligations and the implications of the Council’s housing land supply on the required balance
- (a) The principle of a creating new homes at the site and the approach to affordable housing & housing mix

24. Please refer to paragraphs 63 to 69 the report attached as **Annex 1**.The housing mix remains the same as previously proposed i.e.:-

	<u>Number</u>	<u>%</u>
(i) 1-bed apartment	4	12%
(ii) 2-bed apartment	24	70%
(iii) 3-bed apartment	6	18%
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Total	34	100%

25. The proposal does not deliver any affordable homes but, as apartment development in Ashford Town Centre, it is not required to deliver such pursuant to Policy HOU1. Subject to the development being considered acceptable against policies concerning design & place-making, conservation areas and liveability then the principle of the development would be acceptable assessed against ‘The Vision’ and Policy SP1 of the ALP 2030.

(b) The quality of the proposed design including relationships to other land

26. Paragraphs 70 – 77 of the updated 14<sup>th</sup> July Committee Report remain relevant as it contains my analysis of the previous design which is shown, for reference, in Figures 3 and 4 of this report.

27. The architectural style remains modernist albeit with a ‘contemporary twist’ through the overt referencing of pitched roofs found in the surrounding 19<sup>th</sup> and early 20<sup>th</sup> century architecture of nearby buildings as well as the gable end features on Swanton House itself. I consider that this approach

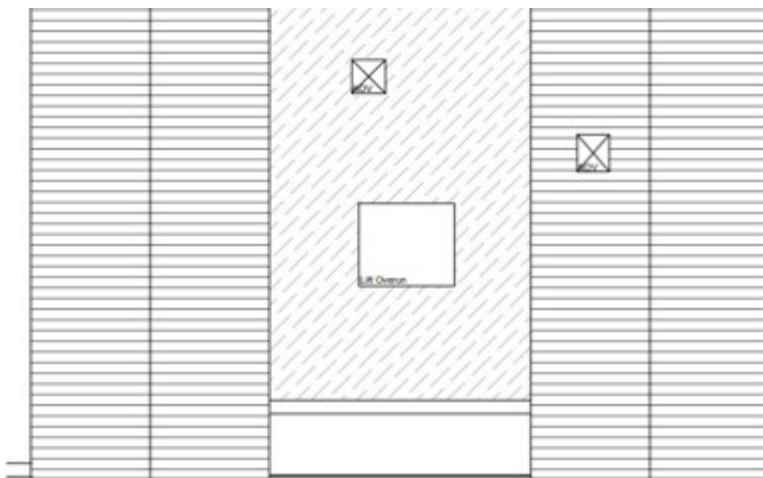
represents a reasonable response to the Committee's grounds of deferral for amended design that would be 'more in keeping with and which would enhance the character of the area'.

28. The key components of the amended design are set out in the proposal section of this report. The external aesthetic of the 2 apartment blocks is less overtly 'grid like' than the previous scheme notwithstanding the fact that an apartment block design typically involves the stacking of homes in a regularised plan form and so lends itself to the regular placement of fenestration, balconies and other elements.
29. I have no objection to the use of a symmetrical pair of pitched roofs to both blocks as a strong reference 'nod' to the dominance of the existing pair of gables in Swanton House. I have no objection to the central flat roofed portion between the pair of gables as its visual subservience allows the gable ended features to dominate at roof level. The proposed elevations show metal cladding on one side of the flat roofed area for each Block only. My design preference would have been for the same approach to be followed on the elevations facing into the site interior although the lack of a roof terrace on the elevations concerned does not provide for a terrace and a recess in the elevations assisting a practical and visual junction between different materials.
30. The Addendum to the Design and Access Statement does not indicate the precise detail of the metal cladding. However, the elevation and the image of this material in the Statement infer a standing seam 'rolled joint' typical of zinc roofing as per **Figure 14** below. I consider this would be visually appropriate.



**Figure 14:** rolled joint metal cladding

31. The roof plans to both buildings identify the presence of a lift overrun (**Figure 15** of Block 1 below) but the visual impact of this is not actually picked up in the submitted elevations.



**Figure 15:** lift overrun

32. Given the design attention given to the gabled roof roofs in the amended proposal, any lift overrun must be able to be satisfactorily visually accommodated. It might be that the central flat roofed section of roof needs raising by a modest amount, possibly perhaps as part of a metal clad roof mansard roof approach that gives the necessary additional volume within which to contain an overrun. I have asked the applicant to clarify the position and the extent of projection of the overrun and how this would be treated visually. I will update Members at the meeting.
33. As before, the proposal seeks to provide articulation, visual interest and richness interest to the façade through detailing as well as 'good manners' by a reduction in scale stepping down in scale to Sunnyside located on the western side of the site.
34. The amended plans propose a change to a light buff facing brick. I agree with the applicant's Design and Access Statement position that with the darker metal wrapped gable features this lighter colour tone would work as a strong contrast. In the previous scheme the change from grey brick to red brick in the 'stepped down' element to Sunnyside worked visually, in my opinion, alongside the reduction in scale as a way of creating that street scene transition. With the introduction of the strong gable end motifs to elevations there is an arguable case - which I am willing to accept - that a change in brick colour would be unnecessary and would work against the coherence of this altered scheme.
35. Figures 8 to 13 in the Proposal section of this report illustrate the key elements to the amended design. I consider that the continued architectural approach to decoration in the form of brick detailing and feature brickwork together with a secondary darker grey colour to balcony recesses would combine to create buildings with the visual richness that would be appropriate

given the detailing of Swanton House and its visual contribution to the conservation area and street scene.

36. The change in vertical scale to Block 1 in the area closest to Sunnyside remains an acceptable approach in my opinion helping to create an acceptable relationship with that adjacent commercial building in terms of sunlight and daylight and avoiding a discordant and jarring change in height between buildings from different eras. Block 2, closest to the Memorial Gardens, remains pulled eastwards which I consider would help create a similarly reasonable relationship with nearby Stoke House.
37. I set out my consideration of amenity and privacy impacts further below but my conclusion on the amended design is that in terms of modern architectural design the proposals do pay due regard to relationships with their surroundings and do acknowledge the elements of visual richness found in different architectural eras through detailing, decoration and colour palette.
38. The use of full height glazing to rooms has strong potential to create attractive bright living spaces within the building. The predominant use of apartments with a dual aspect is supported in creating cross ventilation for the larger 2-bedroom apartments. The design elements cited in broad response to moves towards sustainability are welcomed given that there is no Development Plan or NPPF material consideration dictating a zero carbon approach.
39. Homes have adopted Policy HOU15 compliant balcony / terraces that would provide a private amenity resource for residents with larger green public open spaces within a reasonable walk. The privacy screen adjustments to the design for a number of balconies will assist balance the passage of sunlight and daylight into homes whilst managing sense of privacy in use and an additional level of screening viewed from external areas and the public realm. This is one instance – the top floor Block 1 facing Elwick Road - where a further design adjustment needs active consideration in order to prevent a potential inter-looking problem between a balcony amenity space and the neighbour's bedroom as per Figure 16 below. I have raised this with the applicant and propose in my Recommendation (A) that design resolution – potentially a privacy screen - is delegated back to officers.



**Figure 16:** potential inter-looking issue

40. As before, I acknowledge and agree with the Design Panel's comment about the consequential impacts of maximising on-site parking in response to Policy TRA3(a): it does create a development without a significant green landscaping perimeter on all sides and within the site interior. While the soft landscaping beds and proposed replacement feature trees are welcomed, overall, I consider it fair to conclude that the redevelopment leads to a site with relatively hard qualities. That mentioned, the context is urban/central and I acknowledge that the existing rear of the site is one of a large tarmac car park where the current sense of greenery is one that also stems from historic vacancy of the site.
41. In conclusion, although I appreciate that the architectural style of the amended scheme will not meet with some tastes, the approach is one that I consider is acceptable and would comply with the design approach set out in Policy SP1, SP2 and SP6 of the ALP 2030.
42. The applicant's suggestion of a naming and acknowledgement strategy referencing the history of the site is welcomed. This can form a planning condition. Whether the external strategy should go beyond an information plaque can be explored as part of this process: there could, for example, be scope for celebration via public art that is visible to the public realm, particularly on the Elwick Road frontage. The submitted plans identify that the buildings have entrance lobbies containing post-delivery boxes for occupiers and there could be scope for walls within these areas to be actively used to bring the identified site history to life.
43. I deal with the acceptability of the approach in terms of conservation area impact further below. In terms of the objection from Boyer Planning, the stated emerging pre-application scheme has not been progressed: I do not give any weight to the stated development aspirations but assess impacts of the proposal on that and adjacent plots below.

(c) Amenity and privacy impacts including Memorial Gardens

44. The applicant has supplied an updated daylight and sun lighting assessment that takes into account the built form changes. The overall conclusion set out at paragraph 1.5.1 remains that the numerical values of Building Research Establishment guidance are generally met with any shortfalls few in number and minor in nature including the context of more intense urban development situations. My position on this matter in terms of impacts on occupiers and adjacent buildings therefore remains the same as in the previous report i.e. the proposals are acceptable.
45. The use of full height privacy screens to the homes facing towards Memorial Gardens would, in my opinion, help improve the sense of privacy in the EKBM area of the Memorial Gardens and so is supported.
46. There are no other changes to the analysis set out in paragraphs 78 to 92 of the updated July 14<sup>th</sup> Committee Report attached as **Annex 1**. Please refer to that report.

Impact on the proposal on the conservation area

47. I have addressed the design quality of the amended building further above in this report.
48. Please refer to paragraphs 93 to 109 of the updated July 14<sup>th</sup> Committee Report attached as **Annex 1**. My conclusions reached in that section of the previous report remain, in summary being;-

(a) Swanton House has a neutral contribution to the significance of the Conservation Area as a heritage asset and the harm that would arise from its demolition would be 'less than substantial' in nature.

(b) Great weight needs to be given to a heritage asset's conservation (para 193 of the NPPF) and clear and convincing justification is needed for proposals that would give rise to harm.

(c) Paragraphs 196-201 of the NPPF require the balancing of planning benefits vs. planning harm.

(d) Although it would have been helpful for additional options to have been presented - beyond the single one of conversion of the existing building into 12 apartments set out in the applicant's Viability Assessment – the planning benefits that would arise would outweigh the planning harm that would arise to the Conservation Area. New residential development in the town centre has the beneficial side effect of assisting in creating an enhanced town centre resident population that can help sustain existing shops and services in the



town centre and create the circumstances supporting additional commerce adding to the vitality of the town centre which includes the Conservation Area. The alternative is a boarded-up building and increasingly derelict site. An additional weighting factor to be taken in account is that in respect of the Council's housing land supply as is required by paragraph 11(d) of the NPPF which is triggered. At the time of the previous July 14<sup>th</sup> Committee Report that was identified as equivalent to 4.8 years: however, the very recently updated figure reduces this to 4.54 years and I factor this into my conclusion in respect of the updated scheme.

(e) My conclusion remains that the proposal would comply with Policy ENV14 of the ALP 2030.

(e ) Local highways impacts, potential for bus patronage and planning for pedestrians

49. No change from the analysis in the previous report. Please refer to paragraphs 110 to 113 of the updated July 14<sup>th</sup> Committee Report attached as **Annex 1**.

(f) Levels of on-site parking (vehicles and cycles)

50. No change from the analysis in the previous report. Please refer to paragraphs 114 to 135 of the updated July 14<sup>th</sup> Committee Report attached as **Annex 1**.

(g) Contamination, flooding, surface water drainage, ecology, biodiversity, water consumption, relationship to air quality and responding to climate change

51. Please refer to paragraphs 122 to 121 of the updated July 14<sup>th</sup> Committee Report attached as **Annex 1**.
52. As identified in the previous report, the site does not fall within an Air Quality Control zone. Policy ENV12 seems to ensure that due regard is paid to ways that existing air quality can be maintained and improved upon. The Council's Environmental Protection service identify that to promote a move towards sustainable transport options and to take account of cumulative impacts of development on air quality electric vehicle charging facilities should be provided.
53. The applicant's previous proposal provided for x 2 5.8%. parking spaces (representing 5.8% provision) to be ('actively') equipped with chargers from the outset and identified that the car parking areas would be ('passively') future-proofed to enable further provision to be provided in time. I indicated my view that this was insufficient.

54. The applicants amended proposal provides for the 25 spaces within the parking court to all be provided with an active charger to facilitate the take-up of electric vehicles by occupiers. As per my comments in respect of the points made by the CACF on EV facilities, delivery can be covered by planning condition and I consider that the amended scheme would accord with the requirements of Policy ENV12 of the ALP 2030.

55. In terms of climate change, the Addendum to the Design and Access Statement does not alter the proposal from that previously considered which I set out in the previous report being:-

(i) a 'Reduce Water Consumption' approach (*dual flush toilets, low water use spray or aerated taps, water saving white goods*),

(ii) an 'Embodied Energy' conscious approach (*use of materials with low embodied energy & from sustainable sources including recycled materials, use of non-oil based products, ability to re-use and recycle materials at the end of the building life*), and

(iii) an 'Energy efficient building' approach (*maximising natural light, use of low energy mechanical and electrical equipment such as low energy LED lighting, installation of Class A or equivalent white goods, external lighting fittings controlled by daylight sensors & passive infra-red movement detectors to limit light pollution and minimise energy use, high thermal performance insulation substantially above the current Building Regulations, full natural ventilation, highly efficient combi boilers*)

56. The proposed building does not incorporate any low or zero carbon technologies. The Council's adopted development plan position is to rely on the Building Regulations to reduce emissions. There is no development plan policy or other material consideration of considerable weight (such as, for example, a change to the NPPF) to object to the proposal in terms of designing for climate change and achievement of Net Zero by 2050.

57. Finally, the amended application makes no reference to providing or working with other development sites to help explore the possibilities of a car club which has the capacity to help reduce parking demand by creating an alternative for those with only occasional car needs. My position remains as before: this can be required by planning condition and opportunities to tie in with other town centre sites, including Phase 2 of Elwick Road, ought to be explored.

(h) Habitats Regulations

58. Please refer to paragraphs 136 to 141 of the updated July 14<sup>th</sup> Committee Report attached as **Annex 1**.

59. As I indicated previously, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions and the approach to be taken to s.106 obligations including the issue of deferred contributions), any resolution to grant planning permission would need to be subject to the adoption by the Head of Planning and Development, having consulted NE, of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary additional obligation(s) and/or planning conditions that are necessary in order to reach that assessment. This approach is included as part of the Recommendation further below in this report.

(i) Mitigation the needs arising from the development through s.106 obligations: the policy compliant requests

60. Policy IMP1 of the ALP 2030 requires that development shall make provision to meet the additional requirements for infrastructure to mitigate the needs arising from the proposal with provision secured through a s.106 agreement. The policy does identify that the Council will take a flexible approach where it is justified to do so for reasons of development viability.
61. The position remains unchanged from the previous report: please refer to paragraphs 142 to 150 of the updated July 14<sup>th</sup> Committee Report attached as **Annex 1**.
62. As per my comments in the Consultation Section further above, should Members grant permission subject to a s.106 approach dealing with deferred contributions then some of the figures may need to be revisited to ensure these are up to date given the time that has elapsed since the requests were first made. Notwithstanding the above, for the purposes of this report the policy compliant s.106 starting point remains as £265,506.11.

(i) The applicant's viability case and the conclusion thereof

63. The applicant submitted a viability assessment at the end of April 2021. The assessment was in accordance with the provisions of Policies IMP1 and IMP2 of the ALP 2030 and was consistent with the NPPF (2019) and the standardised approach to viability as set out within Planning Practice Guidance.
64. The applicant's Viability Assessment considered the viability of the following development scenarios;-
- (a) 'Scenario 1' – an alternative scheme involving the retention of Swanton House and its conversion into 12 apartments

- (b) 'Scenario 2' – the demolition and site redevelopment scheme applied for
65. The assessment has been independently reviewed by Bespoke, the Council's retained viability consultant. The Benchmark Land Value (BLV) for the site that has been used is £290,000 based on its alternative use value which is lower than the applicant's Viability Assessment assumption by £360,000 as the adoption of a premium is not agreed in accordance with the advice in paragraph 17 of the NPPG.
66. Bespoke's conclusion is as follows;-
- (a) 'Scenario 1' – even adopting the lowest profit of 15% of Gross Development Value advised by the NPPG, a residual land value of £197,614 would result. This value is below the £290,000 BLV (- £92,386) and therefore the scheme would not be viable and could not be expected to be taken forward. No s.106 contributions are available for this theoretical scheme and so have not been able to be factored in. Clearly, any such contributions would create an additional scheme cost and so reduce the residual land value further.
- (b) 'Scenario 2' - having assessed the viability of the scheme against £265,049 of s.106 contributions and a typical 20% profit, the appraisal shows a residual land value of £133,849 which is below the BLV of £290,000 (- £156,151). It is therefore a worse situation compared with that relating to Scenario 1 conversion scheme above (although the caveat identified above in respect of potential s.106 contributions not having been factored in to the Scenario 1 analysis applies).
- This means that the Scenario 2 scheme – being the applicant's actual proposition - could only be taken forward if the s.106 requests are forgone and potentially with a profitability level less than the 20% normally adopted being taken by the developer.
67. The fact that either of the scenarios would not be able to sustain policy compliant s.106 mitigation requests is, in itself, not a unique position. A number of town centre schemes have raised similar issues and the Council's approach is covered by Policy IMP2 of the ALP2030.
68. I am mindful that the 'Scenario 1' conversion scheme for Swanton House (a) is for modelling purposes only and does not represent the applicant's planning application development proposal to the Council in its role as the Local Planning Authority and (b) does not take into account potential s.106 contributions that might arise from such a scheme. I also take into account that the alternative, at face value given the absence of any other tested

alternatives put forward, would be for the site to remain in its present derelict form.

69. I deal further below the issue of other factors to be weighed in the decision making process in respect of the supply of new homes. It will be for the applicant to decide whether the reduced developer return is an acceptable one to allow taking the development of this site forward to implementation. Given my assessment of the amended scheme design quality and the impact of the amended scheme on the character of the conservation area it is important to stress that my conclusion is based on the development proposal as it is presented.
70. The applicant has confirmed willingness to enter into an agreement under s.106 of the Act in respect of deferred contributions i.e. if a significant uplift above the predicted values is actually realised then monies can be 'clawed back' to help partially mitigate scheme impacts. This approach can be adopted save in my view for the annual monitoring fee which I consider should form a 'pay regardless' sum in accordance with Policy IMP2: this would constitute a small cost to the applicant given the stated 18 month build for the development in the submitted Viability Assessment. This is reflected in the Table 1 Heads of Terms that I set out further below.
71. Finally, the viability assessment takes no account of any potential additional costs to the scheme deriving from the off-site mitigation and scheme contribution towards such mitigation that is likely to be necessary to address the Habitat Regulations which are set out further below. At this stage, it is not possible to estimate what scale of potential costs this might entail but, in my opinion, it does serve to underpin the wider conclusions on the viability of the scheme that is proposed as well as the alternative modelled in the applicant's Viability Assessment.

(k) Whether the planning benefits of the application would outweigh accepting sub-optimal mitigation through s.106 obligations and the implications of the Council's housing land supply on the required balance

72. My view, with some reluctance that a prominent existing building fronting Elwick Road would be lost, is that the amended scheme design would provide overall planning benefits in accordance with the approach set out in Policy SP5 of the ALP 2030. It would remedy the adverse visual impacts of an unlisted building that is boarded up and in a derelict condition in the conservation area. Residential use in a highly sustainable urban location has attendant town centre benefits in terms of supporting and stimulating town centre shops, commerce and services. I consider that these benefits would outweigh the sub-optimal position in respect of the redevelopment scheme not being able to deliver policy compliant s.106 benefits.

73. The Council's 5 year housing land supply for the Borough is material to the consideration of this application. In November 2020, the Council published its updated position and this identified that the deliverable housing land supply was equivalent to 4.8 years. This has recently been updated and is now reduced to 4.54 years.
74. As a consequence, paragraph 11 (d) of the NPPF is triggered that requires the decision-maker to grant planning permission for new housing development unless:-
- 'i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*
75. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. I have already attached appropriate weight to all of the considerations in respect of the impacts of the proposal on the character of the conservation area.
76. The review of the applicant's Viability Assessment concludes that an alternative development scenario – one referenced and favoured by many of the objectors to the application - providing for the retention and conversion of Swanton House has been found to be significantly unviable even when taking a lower than normal 15% approach to profit from the norm of 20%. Furthermore, when reaching that conclusion no s.106 contributions have been able to be taken into account and these would present a further scheme cost. My conclusion remains as before in that this type of scheme could not proceed as a development reality.
77. The Design Panel pre-application advice identified the lack of options for consideration as an issue that the applicant needed to explore. The applicant, at my request, assessed the viability of an alternative scheme that would retain the integrity of Swanton House and included that in the submitted Viability Assessment. As per my July 14<sup>th</sup> Committee Report, I do, however, accept that other options, potentially involving both retention and rearwards extension, have not been presented as part of the applicant's viability assessment. Clearly, such schemes would be likely to have implications on both the quantum of new homes achievable and overall scheme viability. A significant reduction in available on-site car parking (which would bring into question how far a significantly lower level of on-site parking would be acceptable as an exception to Policy TRA3(a)) would appear to be a likely consequence of a retention/conversion and extension scheme.

78. The amended design scheme that does not alter the number of and type of homes and overall scale and nature of the development, on the other hand, remains unviable when assessed with a normal 20% approach to profit. However, this is the scheme that the applicant wishes to be decided by the LPA and (subject to a relaxation of all s.106 mitigation contributions) is identified by the applicant as being able to be taken forward potentially with a reduced profit level. It would provide 34 new homes in a location that performs strongly measured against the development plan and the NPPF when read as a whole and as I have identified above it provides a future for the site with a number of attendant planning benefits..
79. In the circumstances, I conclude that the first exemption to paragraph 11(d) would not apply in this instance.
80. On the second exemption, I do not consider that impacts could be demonstrated that would reach the required bar so as to dictate a refusal of permission in the current circumstances where the Council now has a 4.54 year housing supply position and so my conclusion is that this exemption also would not apply.

### **Planning Obligations**

81. 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
82. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.
83. Recommendation (A) further below deals with the necessity for the applicant to enter into a s.106 agreement and includes delegation to officers to deal with any necessary deletions, amendments and additions that might be required. Recommendation (B) further below provides for delegation to officers to deal with any additional s.106 obligations that might be necessary

to mitigate against impacts of development on the integrity of Stodmarsh  
SAC, SPA and Ramsar site.



## Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
1.	<p><b><u>Informal/Natural Green Space</u></b></p> <p><u>Project</u>: investment at Memorial Gardens</p>	£18,816.87	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
2.	<p><b><u>Adult Social Care</u></b></p> <p><u>Project:</u> towards extra care accommodation in Ashford</p>	Total £4,993.92	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community facilities and assistive technology services and the facilities and services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
3.	<p><b><u>Allotments</u></b></p> <p><u>Project:</u> towards Torrington Road community allotment</p>	Total £8,032.50	<p><b>From any Deferred Contributions received,</b> allocated as</p>	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

			determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.	<p><b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	<p><b><u>Children’s and Young People’s Play Space</u></b></p> <p><u>Project:</u> off-site provision of play facilities either in Ashford Town Centre or Victoria Park</p>	Total £32,526.67	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the</p>	<p><b>Necessary</b> as children’s and young people’s play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children’s and young people’s play space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

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			viability assessment.	
5.	<p><b><u>Community Learning</u></b></p> <p><u>Project:</u> towards additional resources and equipment</p>	Total £558.28	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
6.	<p><b><u>Health Care</u></b></p> <p><u>Project:</u> towards the refurbishment, reconfiguration and/or extension of space within the Ashford Primary Care Network.</p>	Total £29,376.00	<p><b>From any Deferred Contributions received,</b> allocated as</p>	<p><b>Necessary</b> as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be</p>

			determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.	available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.
7.	<p><b><u>Libraries</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Contribution for additional bookstock at libraries in the borough</p>	Total £1,885.30	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the</p>	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>

			viability assessment.	
8.	<p><b><u>Outdoor &amp; Indoor Sports provision</u></b></p> <p>Project: towards outdoor &amp; indoor sports pitch provision targeted towards the specific 'Hub' projects identified in Policy COM2 of the ALP 2030</p> <p><i>(Discovery Park                      Conningbrook Park                      Ashford Town Centre                      Finberry/Park Farm                      Kingsnorth Recreation Centre                      Sandyhurst Lane                      Spearpoint                      Pitchside/Courtside)</i></p>	<p>Total outdoor                      £34,919.00</p> <p>Total indoor                      £13,060.00</p>	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
9.	<p><b><u>Primary Schools</u></b></p> <p>Project: (1) towards construction of Conningbrook Primary School and (2) towards associated land acquisition</p>	<p>(1) Sub-total                      £51,000.00</p>	<p><b>From any Deferred Contributions</b></p>	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

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	costs at this site	(2) Sub-total 17,729.40  <u>Total</u> £68,729.40	<b>received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.	<b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
10.	<b><u>Secondary Schools</u></b>  <u>Project</u> : towards the expansion of Norton Knatchbull	Total £34,050.00	<b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted	<b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. .  <b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and

			sales price as identified by the viability assessment.	because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
11.	<p><b><u>Strategic Parks</u></b></p> <p><u>Project:</u> improvements to Victoria Park</p>	Total £4,784.79	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
12.	<p><b><u>Voluntary Sector</u></b></p> <p><u>Project:</u> towards active Town Centre groups</p>	Total £2,156.88	<p><b>From any Deferred</b></p>	<p><b>Necessary</b> as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1,</p>



			<p><b>Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p>IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
13.	<p><b><u>Youth Services</u></b></p> <p><u>Project:</u> towards the Ashford Youth service</p>	Total £2,227.00	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted</p>	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due</p>

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			sales price as identified by the viability assessment.	on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
<b>Planning Obligation</b>				<b>Regulation 122 Assessment</b>
	<b>Detail</b>	<b>Amount (s)</b>	<b>Trigger Points</b>	
14.	<p><b><u>Public Art</u></b></p> <p><u>Project</u> towards provision within Ashford Town Centre including Giraffes project</p>	Total £8,389.50	<p><b>From any Deferred Contributions received,</b> allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP5, SP6, COM1, IMP1 and IMP2 (if applicable) and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> as would improve the design quality of the development and would be visible to occupiers.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
	<b><u>Monitoring Fee</u></b>			<b>Necessary</b> in order to ensure the planning

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15.	Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£500 per annum until development is completed	<p><b>PAY REGARDLESS</b></p> <p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p>	<p>obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
16..	<p><b><u>Deferred payments mechanism</u></b></p> <p>Mechanism to monitor sales/rental values to ensure that 40% of any rise in values is paid to the Council towards those contributions above that are deferred.</p>	Up to the value of all deferred contributions (index linked)	To be paid if the circumstances prevail	<p><b>Necessary, directly related and fairly and reasonably related in scale and kind</b> pursuant to Ashford Local Plan Policy IMP2</p>
17.	<p><b><u>Accessible and Adaptable Housing</u></b></p> <p>Level 2 access homes (M4(2)) to be provided</p>	Minimum of 20% M4(2) across the	N/A	<p><b>Necessary</b> as providing a mix and type of housing is required to meet identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p>

		whole site		<p><b>Directly related</b> as the accessible/adaptable housing would be provided on-site.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
<p>Notices must be given to the Council and the County Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. County Council contribution are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3). The Council's and the County Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				

## Human Rights Issues

84. 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

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

## Conclusion

86. I acknowledge that the loss of the building is a sensitive matter. However, for the reasons set out in this report (to be read in conjunction with the previous updated report to July 14<sup>th</sup> Planning Committee attached as **Annex 1**) I conclude that the development would accord with the key policies of the ALP 2030 seeking responsive well designed buildings and that the benefits of the proposal outweigh issue of harm to the character of the Conservation Area especially when taking into account the derelict nature of the existing building and the NPPF requirement to add further weight to granting permission for new homes when a 5 year housing land supply cannot be demonstrated.
87. Currently, insufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh SAC, SPA and Ramsar Site under the Habitats Regulations. Therefore, the Recommendation below to grant planning permission is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development will not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary additional obligation(s) and/or planning conditions deemed necessary to achieve that end.

## Recommendation

- (A) Subject to satisfactory resolution of the privacy matter identified in paragraph 39 & Figure 16 of this report to the satisfaction of the Strategic Development and Delivery Manager or Development Management Manager including the submission of amended plans**

**and elevations and delegated authority to such officers to agree to any such revisions to the scheme, and**

- (B) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Solicitor to the Council & Monitoring Officer, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit; and,**
- (C) Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in her view, having consulted the Solicitor to the Council & Monitoring Officer, and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation**
- (D) Resolve to permit subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Code of Construction practice including Dust Management
4. Hours of construction
5. Wheel washing, site set-up and contractor paring arrangements
6. Highways
7. Provision and retention of parking
8. Provision of 25 active EV 7kw chargers to the parking court prior to the first occupation at the site and any associated passive provision as part of a future proofing strategy including details of supporting infrastructure and its location

9. Provision and retention of secure cycle parking and bin storage
10. Remediation and verification to leave uncontaminated
11. Dealing with any unexpected contamination
12. Foul water sewerage disposal details
13. SUDs scheme including verification
14. Tree protection measures
15. Arboricultural Method Statement to prevent damage to off-site trees
16. Full details of hard and soft landscaping works within the site, including permeable paving
17. Water use not to exceed 110 litres per day
18. External bricks, roof tiles, feature bricks, metal cladding to elevations and gable roof features, balcony balustrading and privacy screens, entrance canopies and other external detailing such as rainwater goods, vents and flues and external materials all to be agreed prior to usage in the buildings.
19. Exploration of car club
20. Details of a scheme to celebrate the site's local history to Ashford (including but not limited to WW1) through building naming, on-site information externally, internally in entrance lobby areas and any other appropriate external measures to be agreed.

### **Note to Applicant**

1. S106
2. Construction Management Plan to ensure cessation of works sufficiently in advance and for the duration of the bi-annual EKBMGC events within the Memorial Gardens.
3. The Local Planning Authority would wish to see thoughtful incorporation of the site's local history to Ashford so that it can be appreciated.
4. Working with the Applicant

### **Working with the Applicant**

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

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

- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance,

- the applicant/agent was provided with both officer and Design Panel pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme to address issues raised,
- The applicant was provided with the opportunity to bring back an amended design scheme for consideration following deferral at the July 14<sup>th</sup> 2021 Planning Committee meeting, and
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 20/00711/AS)

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