

ANNEX 1 - SWANTON HOUSE - 20/00711/AS

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 14th July 2021

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

(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,
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Introduction

1. This application is reported to the 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 is 'sensitive' due to the applicant being the Council's property development company, 'A Better Choice for Property Limited'.

Site and Surroundings

2. The application site is immediately to the west of the new Ashford College building created in the town centre and close to the Church Road, Elwick Road junction as per the area marked in red in **Figure 1** below.



Figure 1: location

3. Swanton House comprises a 3-storey vacant building last used as offices with end-19th century detailing and gable features. It is located on the southern side of the plot fronting Elwick Road and appears on the 1898 Ordnance Survey map. The building sits at a raised level to Elwick Road, has a basement and has a large tarmac car park located to the rear. The building was last used by KCC and is vacant: the applicant identifies that has been in excess of 17 years. **Figure 2** below shows the frontage to Elwick Road.



Figure 2: south facing frontage to Elwick Road

4. **Figure 3** below shows the rear of the premises with the car park.



Figure 3: north facing rear of Swanton House and car park

5. To the east of the site is the aforementioned College. To the west of the site is a 2-storey building, Sunnyside, which is in commercial use as a dentists.
6. Sunnyside turns the corner into Church Road which rises in a northerly direction with a further 3 properties, two of which are in commercial office uses (Leaffield and Stoke House) and one of which, Conyers, is vacant. Conyers is in the same ownership of the applicant (and thus marked in blue on Figure 1) and is understood to have been purchased at the same time as Swanton House from Kent County Council.
7. To the north of Conyers an access lane gives vehicular access to the rear of that property, a small area of land occupier in the main by a single garage building at the bend in the lane, the rear car park at the application site and the rear of the College. The lane has not footway but is a well-used pedestrian thoroughfare to the rear entrance of the College as well as providing access to the end of a track servicing a number of church Road properties to the north as well as the southern end of the Memorial Gardens.
8. The site (circled in red) falls within the Town Centre Conservation Area the extent of which in this part of the town is shown below in **Figure 3**.



Figure 3: the edge of the conservation area in this part of the Town Centre

Proposal

9. The proposal is for the demolition of Swanton House and the creation of 34 apartments taking the form of two new blocks, CGIs of which are shown in **Figure 4** below.





Figure 4: CGIs of the two new blocks

10. The applicant makes a number of points in various supporting documents in support of the proposals. In summary, these are as follows;-
 - (a) the proposal is a brownfield site in the town centre,
 - (b) the site is considered unsightly in its appearance as the existing building has been vacant for a number of years and was originally intended to (and agreed by the Council to be) demolished as part of a larger Ashford College development,
 - (c) the proposal has been sensitively designed to relate to its context including its Ashford College neighbour from scale and massing through to development detail including materials and the way the southern-most block addresses the street: the result is considered to be high quality,
 - (d) the proposal represents an opportunity to visually improve a derelict vacant site and the proposal would not harm the character of the conservation area
 - (e) there would be no adverse impacts arising to the neighbouring uses and the proposals would meet all the necessary development plan requirements
 - (f) there would be no adverse impact of the proposal on the local highway network and the proposed level of parking reacts to the site's constraints and given the location the minor shortfall can be treated as an exception under the

provisions of the Council's parking policy,

(g) a landscape strategy has informed the layout, proposed planting palette and approach to ensuring biodiversity while a preliminary ecological appraisal has informed the intended approach to lighting and mitigation for bats,

(h) in terms of sustainability, the re-use of the site for housing delivers economic, social and environmental benefits and the design of the proposed homes is one that helps reduce unnecessary energy use by maximising daylight penetration, use of LED lighting and natural ventilation,

(i) an alternative redevelopment scenario for the site involving the conversion of Swanton House into 11 apartments has been considered but would not be viable,

(j) the redevelopment that is proposed in the application is the subject of a 2021 Viability Assessment that identifies that the development could not be taken forward if it is required to meet the normal range of s.106 contributions dealing with impact mitigation, and

(k) the site falls within the Stour catchment and the residential redevelopment would increase wastewater that would then increase nutrient loads from the site and would need off-site mitigation (location / form and nature to be determined) in order to achieve nutrient neutrality.

11. I set out the detailed elements of the proposal below.

Site Layout

12. The centre of the site would be retained as car parking accessed from the rear lane with new southern and northern blocks located approximately 18m apart either side of that central area as per the site layout plan shown as **Figure 5** below. Additional car parking would be created on the western side of the northern block in an undercroft.



Figure 5: site layout

Block 1: form & layout

13. The southern-most block (described as 'Block 1') fronting Elwick Road would be 4-storeys in height save for its vertical scale diminishing on its western side down to 3-storeys in height. The massing of the building would be consistent save for the top-storey which would react to the reduced floorplan but otherwise continue the same approach to enclosing built volume. **Figure 6** below shows this stepping down of scale.



Figure 6: stepping down of scale on Elwick Road frontage

14. The applicant states that the design of this Block reflects the rhythm of the surrounding buildings. The massing of the building would be broken up with the 'stepping down' of the building close to Sunnyside and that the recessed balconies would break up the building line and add aesthetic depth qualities to the building.
15. Apartments within this block would be arranged so that the corners would be dual aspect 2-bedroom apartments and, save for part of the top storey, balconies would all be recessed. **Figure 7** below shows this varying detail in plan form and elevation (with the latter showing the repeated recessed balcony areas).



Figure 7: balconies

16. At ground floor, x 4 2-bedroom apartments would be provided at the corners with an access and rising circulation core (containing lift and stair options) comprising the middle of the plan. Entrances leading to lobbies containing letter boxes for occupiers would be provided on both the car park and Elwick Road sides of the building. In support of the approach to the ground floor layout, the applicant states that a large grand entrance fronting Elwick Road is provided to reflect the grandeur of entrances of buildings within the street and

that a significant amount of glazing on the front elevation would help create an active frontage and be similarly appropriate.

17. An integral x 36 space cycle store room would be provided adjacent to the ground floor entrance on the northern side with its own entrance door to the car park hardstanding. On the southern side of the building, soft landscaped areas are shown flanking the route through to the ground floor entrance lobby on this side of the buildings as well as providing buffers to the edge of the street beyond recessed balconies. The ground floor plan is shown as **Figure 8** below.

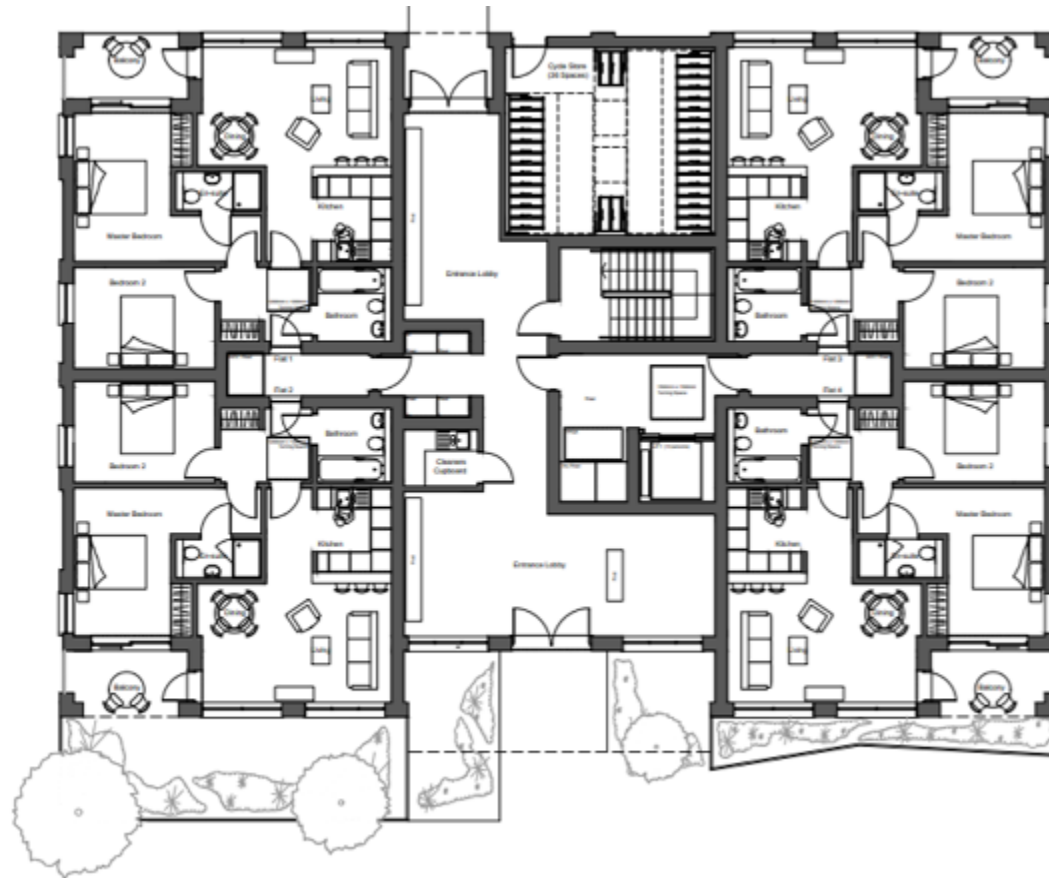


Figure 8: Block 1 ground floor

18. Variation in typology would occur through 2 x 1-bedroom single aspect apartments being located in the middle section of the plan and 4 x 2-bed apartments being provided at the corners at first and second floor levels.
19. The third floor level plan form would respond to the scaling down of the height of the building on its western side in so far as only 2-bedroom units would be provided. The western side 2-bedroom apartments would have larger balconies over part of the roof to the storey below. The other 2-bed room apartments at this level would have recessed balconies.

Block 2: form and layout

20. The northern-most block would adopt a similar approach with a consistent massing of development over 4-storeys with the western area of the ground floor forming open sided undercroft parking. In terms of its position on the site, the applicant highlights that comments made at pre-application stage in respect of impacts on Leafield and Stoke House have been addressed with the result that the footprint of the block has been moved further away from the boundary.
21. At ground floor – shown as **Figure 9** below - a single entrance into the building would be from the (southern) car park side leading to a lobby with post reception areas and a lift and stair core. A 26 space cycle-store would be provided adjacent to the entrance. On the northern side an integral store with double inwards opening doors from the access lane would be provided. This store would (i) be accessible internally via a residents' door from the rising core and (ii) would provide for the needs of the development as a whole. Two x 2-bed apartments would be provided at this floor with a ground floor terrace.

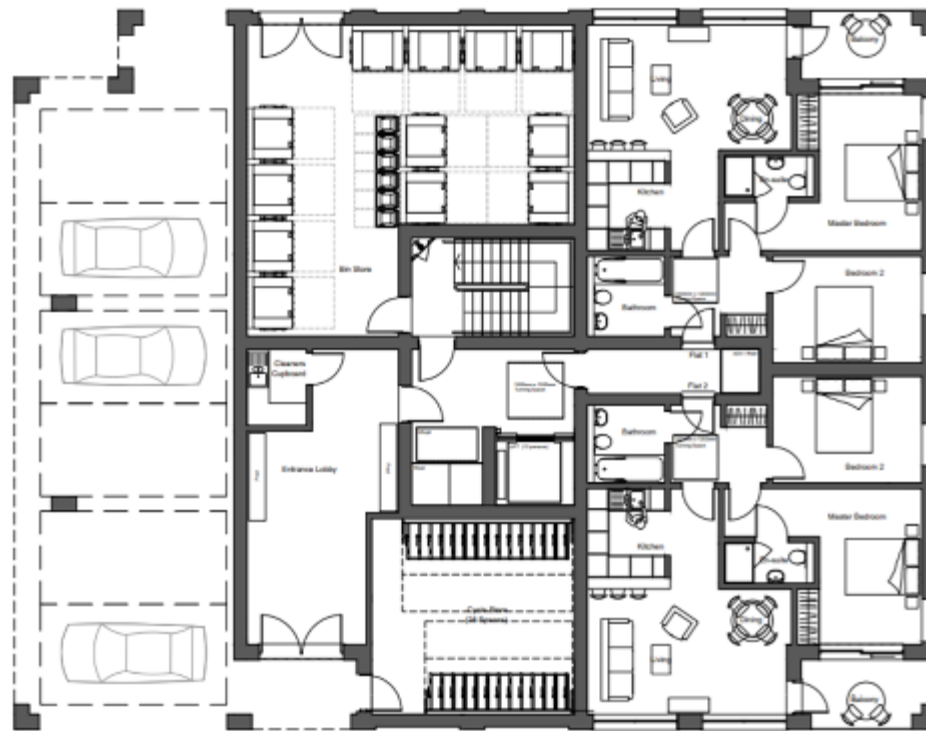


Figure 9: Block 2 ground floor

22. For the first, second and third floors of the building, each floor would provide for x 2 2-bed dual aspect apartments and 2 x 3-bed dual aspect apartments at the corners. The larger 3-bed apartments would have larger balconies. The balcony design would be recessed as per Block 1. **Figure 10** below shows the plan layout of the upper storeys.

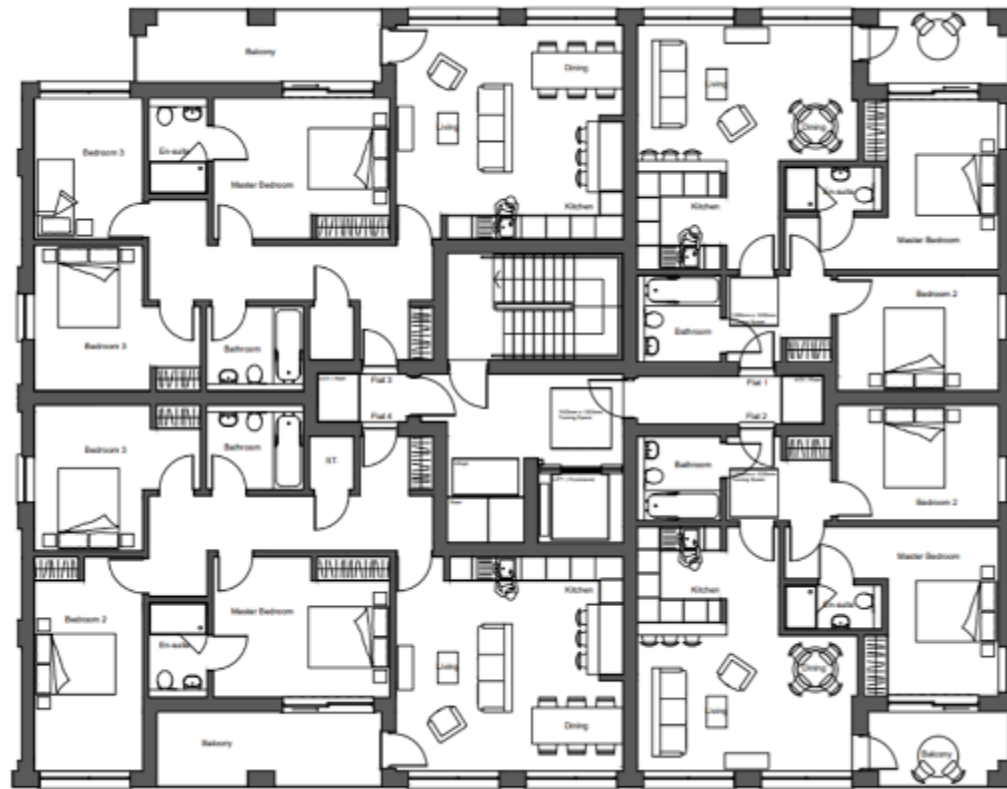


Figure 10: Block 2 upper storeys

Housing mix

23. The mix would be as follows:-

	<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%

24. The applicant identifies that all the apartments would be built in compliance with the Building Regulations part M4(2) as well as part M4(3b) that deals with wheelchair accessible homes.

25. The applicant states that ‘the proposed flats are generous in size in order to meet the demands of the market. The mix has been developed to achieve a diverse community from single person households to families and older persons who are looking for high quality accommodation close to the town centre’.

Architectural style and materials

26. The applicant states that the buildings within the immediate surrounding part of the Conservation Area include an eclectic mix of materials with no overarching architectural style. It is noted that properties in Church Road are predominantly red brick and tile/slate, whilst the adjacent College incorporates a flat roof design with grey stone detailing, off-white render, extensive glazing and detailing with copper tones to the entrance rotunda.
27. In the light of this, the applicant contends that a contemporary architectural style and a contemporary use of materials, including brickwork, would be in keeping with its surroundings. Full height glazing would be provided, some of which would have Juliet balconies via an external balustrade.
28. A mixture of brick colours (red and grey brick but also the use of feature bricks including stepped brickwork and a glazed green feature brick to the areas located of the east of the entrance) would be used giving further articulation to elevations as well as decorative visual interest. The resultant colour palette is considered appropriate to context and the Elwick Road street scene.
29. The buildings would also incorporate copper cladding/stone/feature brick panels between floors, copper balustrades and powder coated black aluminium balustrades for balconies. **Figure 11** below shows some of these elements of detail in relation to Block 1. A larger diagram from the Design & Access Statement explaining detail further is attached as **Appendix 1**.



Figure 11: Block 1 elements of detail

30. Block 1 would have a combination of grey and red brick reflecting the different colours used on buildings to the east (grey) and west (red) with Block 2 being predominantly red brick. Coloured elevations have not been provided for all elevations but in the absence of any statement to the contrary the assumption is that the details would follow in a similar vein to the frontage of Block 1 as detailed in the Design & Access Statement.
31. The CGIs of both Blocks are enlarged and attached to this report as **Appendix 2** and **Appendix 3**.

Parking provision (cycle and vehicle), EV charging and servicing

32. A total of 58 cycle parking spaces would be provided in the stores within each of the Blocks.
33. A total of 27 parking spaces would be provided to serve the site: x 25 located within the main development site and, with demolition of the single garage building adjacent to the bend in the access lane, x 2 further spaces. The latter are shown in **Figure 12** below.



Figure 12: x 2 parking spaces adjacent to the bend

34. That level of provision would equate to 0.8 spaces per unit. The applicant would provide 2 spaces with active charging installed for residents with EVs and two spaces would be designed as larger bays for residents with disabilities.
35. The applicant has provided tracking details showing a refuse freighter entering the access lane running from Church Road, running past the northern side of Block 2 and pausing to collect refuse and recycling and then

reversing and turning within the site. The same tracking manoeuvre has been carried out for a fire tender.

Landscaping and biodiversity

36. The applicant's arboricultural assessment concludes that trees T1 (a Cherry Laurel categorised as C1), T4 (a Norway Maple categorised as A1+2) and tree Group G1 (Sycamore categorised as B1+2) would require removal. These are shown on **Figure 13** below.



Figure 13: trees requiring removal

37. The applicant's tree planting proposal for the site is cited as being robust to mitigate for these losses and includes the following;-
- (i) x 2 semi-mature broad canopy trees as mitigation for the loss of T4 on the eastern boundary,
 - (ii) x 3 trees as part of the soft landscaping to the Elwick Road frontage, 20 of which would be semi-mature medium canopy trees design to soften the development and blend with the street trees created as part of the frontage to the College site,
 - (iii) x 2 'striking' trees to aid year round visual interest and shade,

(iv) a 3 tree cluster of medium canopy trees on the western boundary to the car parking areas of Leaffield and Stoke House.

38. The arboricultural assessment identifies that the footprint of Block 2 would encroach into the root protection area (RPA) of off-site trees T3 and T4 located at the southern edge of Memorial Gardens. These are shown in **Figure 14** below.

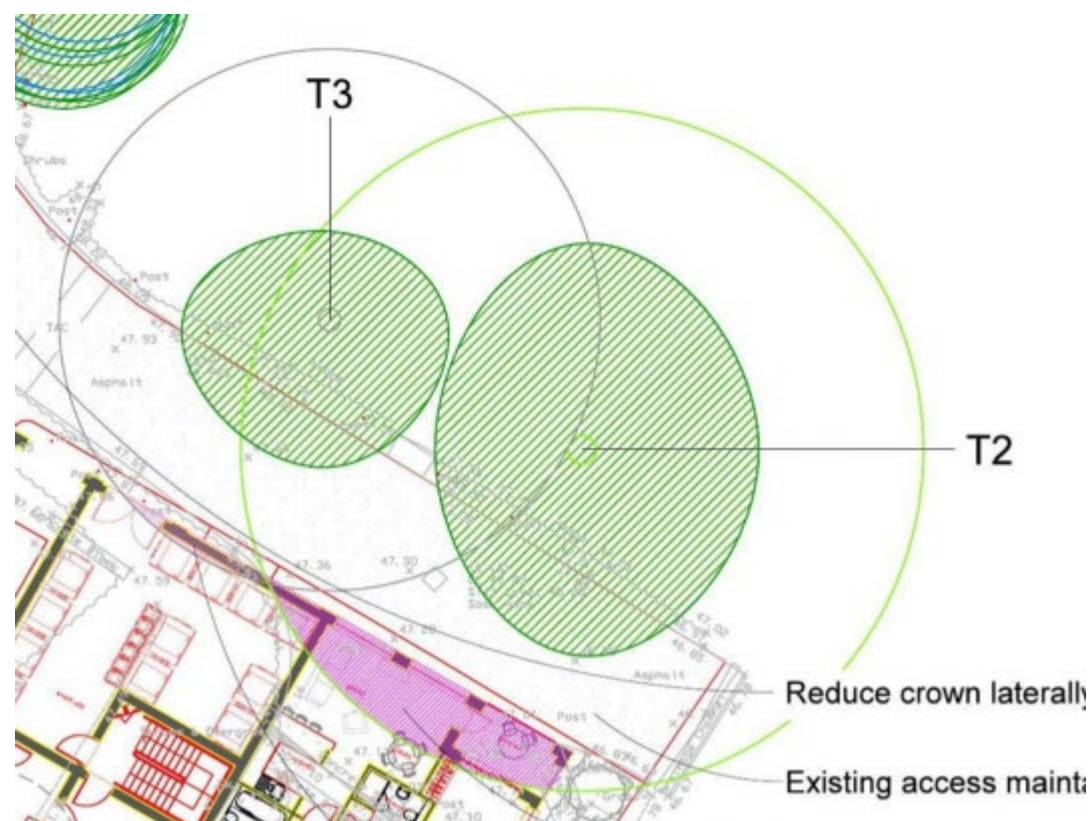


Figure 14: Impacts on RPAs of off-site Trees

39. Tree T2 by 5% (as depicted shaded in light purple on Figure 14) and Tree T3 by less than 1%. The applicant contends that due to existing built infrastructure and construction works associated with Ashford College the presence of root growth within the RPA that would be encroached is considered to be unlikely of significance with minimal impacts on the remaining life of these specimens. The use of specialist foundations is therefore considered unnecessary. Crown reduction laterally to minimise access overhang is identified
40. The other planting proposals would comprise as follows;-
- (i) a single row hedge to Elwick Road,
 - (ii) a double mixed row hedge along the western boundary, and
 - (iii) native & nectar rich shrubs and ground cover along the eastern boundary.

41. The applicant's Landscape Strategy Plan is attached as **Appendix 4**.

Flooding & surface water drainage

42. The site is located in Flood Zone 1 and the applicant's position is that the development would not increase the impermeable area on the site. The proposition is that onward discharge rates will be restricted through use of use flow restriction devices (such as a hydro-brake) and attenuation provided on site (through a combination of cellular storage crates & through the sub-base design of permeable paving to parking areas) in order to achieve a betterment in discharge rate. The detailed design of the surface water drainage proposals is identified as being reserved for future confirmation, presumably by planning condition.

Planning Statement & pre-application feedback

43. The applicant's Planning Statement also sets out pre-application matters concerning x 2 sets of pre-application feedback involving demolition of Swanton House, a Members' Briefing of the emerging scheme in summer 2019 and the review of the emerging proposals by the Design Panel in November 2019. A copy of the Design Panel's letter is attached as **Appendix 5**.
44. The applicant summarises the Panel's report as follows;-
- (a) a detailed historical analysis of the existing building and the Conservation Area should be carried out to inform and not simply justify the emerging scheme in order to achieve the objective of preservation and enhancement of the character of that Area,
 - (b) parking standards make site design difficult and are onerous given the location and should not be fully required in accordance with the Council's exceptions to Policy TRA3(a),
 - (c) a variety of design strategies and layout options should be considered and tested to justify the most appropriate solution,
 - (d) a variety of home types should be considered to help establish a unique residential offer, and
 - (e) a reduction in the number of units could be considered to alleviate pressure on the edges of the site and spatial qualities of the proposal
45. The applicant also references the discussion in relation to the tree-belt on the eastern side of the site and the fact that a number of the trees did not fall within the application site but on the basis of such trees having low quality

these could be removed as long as it could be demonstrated that the site could start again to the benefit of the appearance of the site and its contribution to the character of the Conservation Area. Based on Kent Historic Environment Records supplemented by historic mapping it is considered that prior to the construction of the present structures the site was in agricultural use since at least the medieval period and probably much earlier.

46. The Planning Statement concludes that the proposal;-
- (i) constitutes an exciting redevelopment opportunity of a derelict building located on an important brownfield site within an expanding town centre,
 - (ii) would deliver residential units which vary in size,
 - (iii) adopts a design approach that reflects the transitional nature of the site located between the modern College building and the more traditional buildings in the Conservation Area,
 - (iv) would be provided with appropriate car parking provision,
 - (v) would accord with the key principles of the NPPF and the ALP2030 in term of sustainability, and
 - (vi) as a result of sensitive design and use of materials the scheme would enhance the character and appearance of Elwick Road and the Conservation Area, would make an important contribution to the regeneration along Elwick Road and so on balance should be granted permission.

Heritage & Townscape Assessment (HTA) and Archaeology

47. The applicant has supplied an HTA that has been amended during the course of dealing with the application to address points made by KCC Heritage.
48. The HTA identifies that buildings within this part of the Conservation Area illustrate the rapid expansion of Ashford following the opening of the railway in the 1840s with population growing from 3000 in 1841 to 13,000 by 1901 and with this came extensive building of houses including terraces, town houses and villas on former glebe land along Elwick Road and by 1871 on the western side of Church Road as **Figure 15** below shows.



Figure 15: 1871 Ordnance Survey Map

49. By 1896, land on the east side of Church Road began to be developed including Swanton House as a semi-detached property with rear gardens. The buildings along Elwick Road reflect the local population growth and illustrate commonly used mid to late Victorian trends for large detached and semi-detached villas in a suburban context. The Memorial Gardens were created after the Ecclesiastical Commissioners bought the land from the church in 1923.
50. In terms of local history, the HTA identifies such interest associated with a number of these buildings having been used during WWI as identified on the Kent Historic Environment Record (KHER). Swanton House is named as one of seven buildings used by Voluntary Aid Detachment (VAD) (itself a pooling of the Kent Territorial Association, the Red Cross and St. John's Ambulance). The Kent VAD organised and ran over 80 auxiliary military hospitals in houses, churches, town halls and schools to receive wounded and sick soldiers brought home from the battlefields of France and Belgium.
51. In summary, the HTA concludes as follows;-
 - (a) There are no significant historic associations, and the architecture is not exceptional. Its historic use as a WWI military hospital has local interest but

the building has no surviving attributes that point to this use – which is unsurprising given the limited amount of time the building would have been in use for this purpose - and as such this historical connection is not tangible.

(b) It is currently in a derelict condition and is identified within the conservation area appraisal as detracting from the otherwise good character of the area. It is considered to therefore make a neutral contribution to the character and appearance of the conservation area. The demolition of the building has been previously agreed by the Council.

(c) There would be a change in the appearance of the conservation area through the loss of a late nineteenth century building, although this would not result in harm as the building currently makes a neutral contribution to the character and appearance of the conservation area which is currently undermined by derelict buildings and is undergoing a period of transition

(d) The new building would provide a high quality design response to the area, assimilating into the townscape well. The use of appropriate materials, fenestration detail, visual interest, modulation in the facades and respect for adjacent relationships all count to ensure the character and appearance of the area would be preserved by the development.

(e) There will be preservation for the decision maker's duty under Section 72(1) of the Act, 1990. No harm is identified and so paragraphs 195-196 of the NPPF are not engaged.

52. An Archaeological Assessment has been undertaken concludes that the site does not contain any matter that would dictate preservation in situ and so hinder redevelopment. The conclusion is that the implementation of the proposed development would not result in an adverse impact on, harm to, or loss of significance from any of the identified designated heritage assets, either in terms of an effect on their physical fabric or through changes to their wider setting.

Planning History

53. The relevant recent history to Swanton House relates to the planning permission granted for the creation of what is now Ashford College (ref 11/00757/AS).
54. This included Swanton House which, along with the Kent Care Building and the Technical College were all proposed to be demolished as part of a new campus. The first phase of the development has been completed. The part of the site comprising Swanton House as a technology wing' of similar scale, bulk and massing to the College with a retained area of car parking was deferred to a later date. Following rationalisation of the College's plans it was

decided not to take the technology wing forward. **Figure 16** below shows the plan form of the technology wing.



Figure 16: the permitted but unimplemented technology wing

55. The Planning Committee report on application 11/00757/AS included an analysis in respect of the impact of the proposal on trees and concluded that whilst loss was regrettable, the Council's landscape officer considered that the replacement trees to be planted along Elwick Road and elsewhere within the site would, over time, compensate for the loss.
56. Application 20/00070/TC for works to trees in the Conservation Area involving the felling of Ash trees T1-T5 due to the presence of ash dies back was approved by the Council in May 2020. **Figure 17** shows the trees concerned with **Figure 18** showing the condition of most of the group on this boundary.



Figure 17: Trees T1-T5



Figure 18: trees on the eastern boundary with Ashford College

Consultations

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

Ashford Access Group: comment that refuse bin areas should have flush entry as should thresholds to balcony areas with no double glazing 'lip'.

ABC Environmental Protection: no objection subject to planning conditions and informatives.

ABC Street scene and Refuse: No objection

ABC Cultural Services: confirm that (i) the proposal does not trigger a requirement to provide on-site informal open space and (ii) that off-site mitigation will be required in respect of sport, informal/natural open space, play, allotments, strategic parks, public art and voluntary sector.

Comment that an addition of a buffer/screen planting between the development and the Memorial Gardens would be welcomed and identify a long term ambition to improve maintenance access via a the southern-end of the track that serves adjacent properties on Church Road and which runs through to Vicarage Lane. The track is overgrown and unkempt. It is hoped that the developer could provide access and a right of way as suggested below.



(SS&DM note:

(A) in respect of the additional buffer screen, Block 2 is immediate to the access lane and there would be insufficient space to adjust the development to achieve that without losing on-site car parking.

(B) In respect of the track, (i) rearrangement and access over this would involve 3rd party land and although Aspire maintenance vehicles use the northern section from Vicarage Lane whether rights of access exist for the southern stretch through the access lane serving Swanton House and Ashford College is unclear, (ii) the track is narrow as opposed to generous and (iii) entry into the track would be tight as the applicant's proposal involves the corner functioning as resident car parking. I consider the matter is best pursued separately between the applicant and Cultural Services to ascertain whether the access aspiration is feasible legally and as a practicality. Other possibilities might include;-

(a) a width expansion on the track on its eastern side in order to make the entrance into the track from the lane wider and easy to negotiate around the aforementioned car parking, or

(b) creating an improved wider multi-purpose gated access in lieu of the pedestrian gate on the southern side of the Gardens sufficient to accommodate a maintenance vehicle)

UK Power Networks: identify the issue of an existing electricity substation close to the site, the need for careful design of footings away from the substation and need for residential design that would not overlook, or have windows opening out over, the substation. A suggestion is made that should noise attenuation works be necessary then costs would be expected to be recovered from the developer.

Network Rail: no objection

Kent Fire & Rescue: no objection

Ashford College: state no objection but raise a number of concerns. In summary, these are as follows;-

- (i) impact on vehicular and pedestrian access to the College site along the lane during the construction phase,
- (ii) upkeep of the lane during and after construction,
- (iii) access and egress for emergency vehicles, and
- (iv) parking levels may result in on-lane overspill and maintenance vehicle parking causing obstruction.

Historic England (HE): do not wish to offer any comments and suggests seeking the views of the Council's specialist conservation and archaeological advisors.

(SS&DM note: HE were consulted in error on this application. There is no statutory requirement for the Council to consult HE in this instance)

KCC Ecology: No objection subject to planning conditions.

KCC Economic Development: no objection and request developer contributions in respect of primary education, primary land, secondary education, community learning, libraries, youth, social care and waste. Sums requested are valid for 3 months from when the request is made (08/07/20) and would be index-lined.

KCC Flooding: following clarifications and additional information from the applicant note that the scheme seeks to utilise a combination of permeable paving and a cellular storage soakaway and raise no objection subject to planning conditions.

KCC Heritage: in the light of additional information supplied by the applicant concerning previous uses and the potential for Early Medieval remains, consider that the archaeological issues have been addressed. Swanton House is of local heritage importance as a part of the 20th century WW1 heritage but it is not designated. As such archaeological interest could be met through the attachment of appropriate conditions.

KCC Highways & Transportation: no objection subject to planning conditions

Kent Police: identify that although the application states that the proposals have been informed by Secure by Design principles, the proposal should incorporate advice in Homes 2019. If permission is granted, it is suggested that a condition be attached requiring further details to be agreed.

NHS: no objection and request a financial contribution towards refurbishment, reconfiguration and/or extension of space within the Ashford Stour Primary Care Network.

East Kent Baby Memorial Gardens Charity (EKBMGC): welcome, in principle the plans to redevelop the existing derelict site. In summary, make the following comments;-

(a) the 200 sq.m Ashford Baby Memorial Garden was created in 2013 in part of the southern edge of the Memorial Gardens and is managed under a licence from the Council. It is a focus for bereaved families throughout the year. Volunteers visit the Garden several times each week for maintenance, weeding and litter using own equipment and occasionally need to park on the access lane.

(b) a prime reason for the location was the relatively secluded position away from the 'hubub' of activity. The intended creation of the new College nearby was not considered to be impactful. The potential expansion of the College into the application site as a further wing was also not considered an issue given most activity would be Mon-Friday whereas the Baby Garden would tend to be most visited at weekends.

(c) annual events (the wave of light & picnic), attended by a large number of families, are held in July & October and take place while the College is closed and so afford appropriate privacy.

(d) Concern is expressed with any development of the area which negatively impacts

on the qualities of this space either from a privacy perspective or through noise during construction.

(e) The suggestion at pre-application stage of additional planting landscaping to enhance privacy is not wanted: there is no desire to be hidden from view. Any additional landscaping should be within the footprint of the development.

Boyer Planning (on behalf of MELT Homes Ltd and PJSD Limited): object. In summary, the following points are made:-

(a) MELT is a company in the same group of PJSD, the owner of the adjacent property Sunnyside. Sunnyside is considered outdated and inefficient. Proposals for redevelopment to provide a new dental practice and new homes are being formulated that might involve demolition and new build or conversion & extension. This is considered material.

(b) New homes at Swanton House and the demolition of that building to achieve them is supported. The scale, height, massing and design of the proposals is generally supported and is viewed as an improvement.

(c) Serious concerns, however, remain in terms of relationships. No Daylight and Sunlight assessment is provided. No decision should be made until one has been provided and the Council is satisfied that the proposals are acceptable. Account needs to be taken into account of emerging proposals.

(d) Block 1 has homes with habitable room windows that face across the boundary within a short distance. If the scheme is approved the presence of those windows would potentially fetter (re)development of Sunnyside because those windows would be sensitive to daylight and sunlight. The same windows would also create overlooking and loss of privacy.

(e) It would be unreasonable for the Council to approve a scheme that then constrains the neighbouring site where pre-application proposals are emerging.

(SS& DM note: A request for pre-application advice was received by the Council 23/12/20. However, no pre-application fee was submitted and so, to date, a response has not been able to be made)

Central Ashford Community Forum: object. In summary, make the following points:-

(a) The previous demolition order was only passed on the understanding that the site would form part of the College so does that order still stand?

(SS& DM comment: I do not consider there to be any implementable fall-back position. Ultimately, the College chose not to proceed with a purchase of the site from the then owner, KCC, to create a further wing extending westwards along Elwick Road)

- (b) The market for flats in the town is not considered sustainable.
- (c) The town centre needs a mix of homes and if apartments are needed then these should be more spacious 3 or 4-bed homes. Affordable housing is need to ensure a mixed community.
- (d) x 2 EV charge points with capacity to add more is vague.
- (e) ABC policy for car parking is clear and should not be eroded.
- (f) Despite statements in the supporting documents referencing the ALP Policy SP6 on design, the proposal is not high quality/good, is not inclusive, would not contribute to quality and would not establish a sense of place.
- (g) Analogies are made with the Newtown development (which does not exist) and Victoria Way flats (which are barely visible) collapse on examination as both are large developments that defined their own area. The application is two overbearing blocks in a built up area with its own existing sense of place.
- (h) The colours are not sympathetic and could better reference the neighbours.
- (i) The harsh angles are unsympathetic whereas other buildings both new and old have a softness about them with curves and slopes. This is a gaunt unhospitable design that should be rejected.
- (j) The proposal calls for x 3 trees to be removed but this is a conservation area and so should be addressed. Planting should be native species only.
- (k) The proposal is in the conservation area. The application argues it is on the edge as if it means it does not count. Either the policy means something or it does not. Each building loss detracts from the policy until there is nothing left to conserve. KCC Heritage's response acknowledges the role of the building in Ashford's history.
- (l) Conserving the building has been dismissed. No attempt has been made to quantify re-use. This contrives Policy TC6 of the Ashford TCAAP 2010.
- (m) There is no desire to see the applicant lose money or become a burden but viability is not addressed.
- (n) The application is worrying. The alleged refusal to cooperate with the neighbour reinforces the impression that the Council is determined to press ahead with a vanity project contravening its own policies.

Residents: 15 objections received. In summary, the following points are raised;-

- Disappointment that these beautiful old building are to be demolished to build yet more apartments

- The buildings have been left to rot but would be better renovated and put to better use
- The loss of this building would be a great shame for the town. It has architectural interest and displays some of the town's past heritage.
- The building played a part in Ashford's WW1 history
-
- Ashford will turn into a slum town if this amount of building of apartments is allowed to continue
- The look of the proposed apartments is not in keeping with the look, harmony and coherence of Elwick Road and would date quickly.
- The scheme does not meet the design quality and approach to development in conservation areas policies in the Council's own Plan.
- Is not Ashford proud of its development, heritage and history?
- The Council needs to stop destroying the town's history
- The two new buildings are ugly: can the Council not instead choose a developer that will maintain the character of that which exists? The frontage finish is completely at odds with the surrounding buildings and displays in clear detail the main qualification for modern architects is the ability to draw vertical and horizontal lines.
- For such a prominent site in Ashford, which many people will see when the step off the train, this is development on the cheap and in the words of Prince Charles would create a 'carbuncle'.
- The development is yet another unattractive 'egg box' and the only consideration has been how many units could be squeezed into the smallest place possible creating a density out of keeping with the surroundings and an overpowering development
- At a time when the town need beautiful structures which can be used as homes the Council is instead stuck in an architectural post WW2 design era
- Listed buildings should be looked after not demolished
- Could a lottery grant be acquired to repair the building for community use such as a museum / eatery / small business / homeless hostels?
- Surely it is possible to convert the structure into apartments?
- The application appears to argue the design is fitting because it is adjacent to the modern College building. However, following this argument all historic buildings in a town can be demolished and replaced with modern designs as they will soon all be next to each other: where does that policy end?

Planning Policy

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

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

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

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

Sustainable Design and Construction SPD 2012

Public Green Spaces and Water Environment SPD 2012

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework (NPPF) 2019

59. 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.
60. The following sections of the NPPF are relevant to this application:-
61. 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

62. 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

63. 'The Vision' for the Borough in the ALP 2030 is one that identifies Ashford as the main focus for development with regeneration and residential cited as being important components of that vision.
64. 'The Vision' is proposed to be delivered by the strategic objectives that are set out in Policy SP1 of the ALP2030. Development is required to be focussed at accessible and sustainable locations (such as Ashford Town Centre) to help promote healthier lifestyles and promote choice of transportation as well as make the best use of suitable brownfield opportunities (such as the application site).
65. The Council's Strategic approach to housing delivery is set out in Policy SP2 of the ALP 2030 with the Council's housing targets to 2030 being met through a combination of already committed schemes, new allocations in the ALP 2030 being delivered and suitable unallocated 'windfall' proposals: the application is not allocated and so would constitute a windfall.
66. Both the Vision and Policy SP1 reference the importance of conserving and enhancing Ashford Town Centre's heritage reflecting the various different character areas and settings that combines to create that heritage and give locally distinct places. These issues are explored below.
67. A variety of housing types is encouraged in the Policy HOU18 of the ALP 2030. The proposed housing mix would be weighted towards 2-bed homes (70%) followed by 3-bed homes (18%) and then 1-bed homes (12%). I note that objections are raised to the type of development not delivering family homes but consider that the delivery of apartments of different sizes is welcome and that the proposed mix represents a good balance and meets the objectives of HOU18.
68. 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.
69. Policy SP6 specifically promotes high quality design and place-making, Policy ENV13 sets out the approach to conservation areas and other ALP Policies deal with specific issues in respect of liveability which are all dealt with further below. Subject to the development being considered acceptable against those policies then the principle of the development would be acceptable assessed against 'The Vision' and Policy SP1 and Policy SP5 which identifies that where a proposal would support the Vision then criteria including good design that makes a significant contribution to the character of the town centre and residential development providing a range of types of homes will need to be met. Policy SP5 also references the potential for deferred contributions as part of a flexible approach to matters of development viability and this is explored further below in this report.

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

70. I note the views expressed by objectors to the scheme in terms of the qualities of the proposed Blocks. I do not doubt that these are sincerely held but comment that these inevitably stray into subjectivity and stylistic preferences. For example, the negative comments about modern architects concentrating on horizontal and vertical lines, ignore the fact that much of the northern side to Elwick Road has Victorian villas constructed as single dwellings with strong regular vertical openings, decorative horizontal emphasis through multiple string courses and a high degree of uniformity as **Figure 19** below demonstrates. Notwithstanding that there are faceted regular rising bay window elements, the apparent depiction of previous architectural eras as being something inherently much more organic in its external aesthetic is therefore open to challenge.



Figure 19: villas fronting Elwick Road

71. In a modern block of apartments, the stacking and ordering of homes will naturally create a regular façade composed of similar vertical and horizontal ordering and a building with a consistent (as opposed to tapering) massing. On closer inspection of the proposals in the applicant's Design and Access Statement, the architect is seeking to provide articulation, visual interest and richness interest to the façade through detailing and good manners by a reduction in scale stepping down in scale to Sunnyside located on the western side of the site.
72. In terms of detailing, I do not consider that the CGIs bring this out in respect of the Block 1 frontage to Elwick Road for the darker feature brick elements including the glazed green feature bricks: the colour changes are harder to pick out from the grey brickwork and shadows. The explanation of the detailing to the elevation attached as an Appendix is more successful in this regard. I consider the architectural approach to decoration would help create

a building with a rich vibrant quality. Carrying decorative element strongly and appropriately through to rear other elevations has the scope to create a design with distinct memorable visual qualities. The CGI of the rear of Block 2 facing northwards towards the Memorial Gardens is less vibrant in its colour palette but I consider that more restrained approach is more fitting given the nature of the Memorial Gardens.

73. The change in vertical scale to Block 1 in the area closest to Sunnyside is an acceptable approach in my opinion. It helps create an acceptable relationship with that adjacent commercial building in terms of sunlight and daylight and avoids a discordant and jarring change in heights. The applicant has referred to the proposal as having transitional qualities and I consider this a fair assessment. Block 2 also has a step down in scale on its western side which I consider helps create a similarly reasonable relationship with Stoke House.
74. I set out my consideration of amenity and privacy impacts further below but my conclusion in terms of modern architectural design is that 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. The use of grey and red bricks for Block 1 is a response to its neighbours rather than a random design decision and the more sombre approach to Block 2 is fitting to its context with the Memorial Gardens.
75. The use of full height glazing 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 response to moves towards sustainability are welcomed.
76. 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 perhaps one that also stems from historic vacancy of the site.
77. In conclusion, although I appreciate that the architectural style will not meet some tastes, the architects approach to the development brief 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. 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

78. Two amenity and privacy issues have been raised.
79. The first is in respect of impacts on the adjacent property to the west, Sunnyside which is a pitched roof 2-storey traditional building and currently in use as a dentists.
80. The objection raised on behalf of MELT homes and PJSD Limited expresses concerns both in terms of (i) daylight and sun-lighting - with an assessment being requested – and (ii) impacts on future development at the site which is suggested could be either conversion and extension or demolition and re-build. Pre-application discussions are suggested as being taken forward and development at the site is considered a material consideration.
81. In respect of (ii), a request for pre-application advice was received in December 2020 and the document on which officer advice is requested does indeed show a number of options the applicant is considering in relation to that property. However, the pre-application fee has not been provided which is necessary for any discussions to proceed. This remains the case over 6 months further on. Given this and the lack of any formal planning application to the Council, I do not consider that any weight can be given to an emerging situation in respect of Sunnyside. Any planning application for development of the site that formally comes forward will need to be assessed on its merits against the material considerations appertaining at the time.
82. Turning to (i), the applicant has provided a daylighting and sun-lighting assessment that takes into account Sunnyside and the Leaffield building.
83. In terms of daylighting, this concludes that of the 22 windows tested all but x4 would meet the vertical sky component (VSC) values set out in Building Research Establishment good practice guidance. One window of the flank wall to the dental practice at Sunnyside is considered to narrowly miss the BRE target but the VSC would be above 20% and would exceed the BRE 'urban target' of 18%. The urban target acknowledges the obvious point that in an urban environment, density would be greater than suburbia, groupings of buildings would be expected to be placed more tightly together and that lighting is only one of many factors in site layout design. In respect of the Leaffield building, x3 ground floor windows would be just below the BRE target value and the Assessment concludes the daylighting of these rooms is such that the proposed development would have no material impact.

84. In respect of daylight distribution, 18 rooms have been tested and all but 1 would meet the target values in the BRE guidelines. Again, the 1 room concerned would actually be extremely close to the BRE target values and the same conclusion of no material impact is reached.
85. Turning to sunlight, of the 15 windows tested for probable sunlight hours all but 4 would continue to meet the target values set out in the BRE guidelines. One room at Sunnyside would have results marginally (1%) below the BRE guidelines in the winter period. This is not considered a material impact on reasonable levels of sunlight throughout the year. In respect the Leaffield building, x 3 rooms would be affected. The Assessment concludes that the residual annual sunlight levels are reasonable and that it should be borne in mind that the BRE sunlight targets are for living rooms rather than commercial premises.
86. The assessment considers the daylight, sunlight and overshadowing position in respect of the development applied for and concludes that it would create acceptable conditions for future occupiers.
87. I consider that the Assessment supplied deals with the concerns expressed about such impacts robustly as well as demonstrate that the living conditions of future occupiers would not be compromised by the relationships with existing buildings..
88. In terms of potential overshadowing of the Memorial Gardens by the development, the analysis suggests that there would be no material change and this would include the EKBM Garden area. I do understand the concerns made in respect of the potential for new residential development to have a negative impact from (i) a privacy perspective and (ii) during any construction.
89. In terms of privacy to the EKBM Garden area, I note the Charity's desire not to be hidden and for no additional landscaping to be proposed to manage the relationship across the access lane. The CGI in this report showing the north facing elevation of Block 2 in my opinion demonstrates that the primary vista from habitable room windows and external recessed balconies would be directly north and softened by the continued presence of the mature trees at the southern end of the Gardens and a number of views from windows would be at a more oblique angle. There would be a separation distance of just under 15m from windows into to the heart of the EKBM area. Given the presence of mature trees and vegetation creating a sense of seclusion, I consider that the privacy relationship to this part of the Memorial Gardens would be reasonable should the development be permitted.
90. In terms of construction impacts, all construction will have a degree of impact on its surroundings. However, with contractors being chosen which are members of the Considerate Contractors scheme (this has not always been

the case and some problems have been experienced through inconsiderate behaviour) and adhering to a Construction Management Plan secured by planning conditions, most impacts are capable of being sensibly managed. Realistically, the proximity of the Swanton site would mean that tranquillity could not be ensured at all times for those visiting or maintaining the area during the normal hours when construction activity would take place typically with no working on Saturday afternoons or Sundays/Bank Holidays and with an early evening cut-off. However, with prior liaison, it would be possible to ensure that during the times of the bi-annual events held by the Charity no construction work be carried out: this could be worked into a planning condition.

91. Construction phase impacts are mentioned by Ashford College in its representation and in my view these would also be dealt with by a Construction Management Plan (including demolition works).
92. In conclusion, I consider that the proposal would not have any unacceptable privacy or amenity impacts and so would comply with policies SP1, SP2 and SP6 of the ALP 2030.

(d) Impact on the proposal on the conservation area

93. Although the applicant raised at pre-application stage the issue of the approval for demolition in relation to the Ashford College development, in my opinion this does not represent a fall-back position as the College has no interest in pursuing a Technical Wing and (i) the site has been purchased from KCC by 'A Better Choice for Property Development Limited' which is the VAT Registered development subsidiary of 'A Better Choice for Property Limited and (ii) the intention is to use the site for other redevelopment purposes. I accept that it is a material consideration to the extent that the Council has previously considered and agreed to the loss of Swanton House in the context of the wider benefits considered to derive from the creation of a new town centre campus for the College balanced against conservation impacts.
94. Notwithstanding the design merits of the proposal design proposed, the provision of new homes in a strongly performing urban location does not itself outweigh consideration of the impacts of the scheme on the character of this part of the Town Centre Conservation Area. Clearly, the proposal has to be justified in a clear and convincing manner.
95. The Design Panel raised issues in relation to the lack of options and confirmed its opinion that the site was sensitive and would be challenging to develop in an acceptable manner and options were identified as needing to be explored.

96. Clearly, the scale, massing and form of the Swanton House building is still apparent. The detailing and materiality of the elevations are still evident too. The building is one with a particularly strong façade to Elwick Road that is highly visible. The northern side of Elwick Road street scene is one of period buildings alongside modernist architecture with modern office space buildings at Dover Place in the background. The resultant street scheme is one that I consider is attractive and proof that development of different styles and in different eras can sit comfortably together to create an attractive urban street scene. Swanton House is the more visually dominant building of the remaining two late Victorian existing buildings fronting Elwick Road before the junction with Church Road. That group dominance works its way into the redevelopment scheme.
97. The HTA acknowledges at paragraph 3.23 that the building is visible when entering the Conservation Area and that it has some qualities as a 'landmark' and that it does have a relationship with other buildings in this part of the Conservation Area as well as some local WW1 interest. I do, however, accept that the building is derelict and in that state can be argued to be a visual detractor offering a neutral contribution to the designated Area and I consider that the design approach to the proposed building – through articulation, materials, colour palette and decoration – has the components to offer a similar contribution to the Elwick Road street scene falling within Conservation Area.
98. The Council's Ashford Town Centre Conservation Area Appraisal and Management Plan 2016 acknowledges the state of the building and identifies that;-
- 'The Swanton Villas (above right) are not the same materials, or building line as the other villas in Elwick Road, but if feasible should be retained if the consent (for demolition) lapses.' (pg.51 and with my emphasis)
99. The applicant has now supplied one alternative option for the site – a conversion scheme of Swanton House - as part of a Viability Assessment submitted earlier this year. This deals with the feasibility point raised in the 2016 Plan as well as the point raised by the Design Panel.
100. I am mindful of development precedent, again an issue raised by objectors, but every application has to be dealt with on its merits and there are no live application for adjacent sites in the Conservation Area sub-group of which Swanton House forms part.
101. Taking the above into account, and notwithstanding the presence of the building to Elwick Road, my conclusion is that the HTA position advancing the case that Swanton House, as part of a group of, has a neutral contribution to the significance of the Conservation Area as a heritage asset.

102. The need to pay special attention to the desirability of preserving or enhancing the character or appearance of a designated conservation area when considering a planning application is a duty on the decision maker under the provisions of the Act. Paragraph 193 of the NPPF identifies that 'great weight' should be given to a heritage asset's conservation irrespective of whether harm is classed as being substantial/total loss/less than substantial in nature.
103. Paragraph 194 of the NPPF requires clear and convincing justification for proposals that would give rise to harm. The application includes a feasibility option for conversion.
104. The level of harm that would arise from the demolition of Swanton House, in my opinion, would be 'less than substantial' in nature. Accordingly, paragraphs 196 and 201 of the NPPF are appropriate and the issue for the LPA is one of weighing a convincing justification of harm on the one hand (and, in the process, affording it the appropriate 'great weight' as is required per paragraph 193), against the planning benefits of the proposal, on the other hand. In terms of optimum viable use, my view is that residential is the only realistic candidate given the location and vacant commercial floorspace elsewhere in the vicinity.
105. In terms of harm, the existing building does make a contribution to the character and appearance of this part of the conservation area but I consider that overall the contribution can be reasonably considered neutral. The applicant's justification for the application is that Swanton House cannot be viably retained through conversion to another use (feasibility now assessed and proven – see below), no such uses have been advanced, the Council has previously agreed to its demolition and that the proposal would remove an eyesore and fit with regeneration broadly set to happen along the southern side of Elwick Road.
106. In terms of benefits, replacing an existing building with a new building, would overcome the existing appearance of Swanton House as a building where a degree of disrepair and neglect is visually apparent. The proposal seeks to manage the relationship of its different scale and massing with Sunnyside.
107. The proposal would provide new homes within the town centre in a location that is highly sustainable as a location given its proximity to shops, services, public space, leisure and public transport. The proposal would provide on-site parking and EV charging.
108. In terms of the balance that is required in reaching a conclusion, although it would have been useful for additional options to be presented for consideration I conclude that notwithstanding the benefits of the proposal would outweigh the harm that would arise to the conservation area. The issue

of the additional weight that needs to be attached due to the Council's housing land supply is also a fact that I have taken into account – see further below.

109. In conclusion, my judgement is that the proposal would comply with Policy ENV14 of the ALP 2030.

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

110. The application site is centrally located, well related to the primary and secondary road network. It would not require any additional access on to Elwick Road. All car traffic would be via Church Road and then the access track serving the rear of Conyers, the development site and Ashford College beyond.
111. Kent Highways & Transportation raise no objection to the proposal and consider that it would not be significant and would not cause adverse highway capacity or safety impacts and can be accommodated. I agree with that conclusion and consider that the proposal meets the requirements of Policy TRA7 of the ALP2030.
112. The central location of the site would mean that occupiers would be potential patrons of existing local bus services accessible within a very short distance with good opportunities to achieve a modal shift away from the private vehicle. I conclude that the development would accord with Policy TRA4 of the ALP.
113. Policy TRA5 of the ALP 2030 requires proposals to deliver movement routes that will be safe and give accessible pedestrian access. The location of the site is within a highly accessible town centre with a network of routes to supermarkets, retail shops, food and beverage, other commerce, leisure uses, public car parks, open space and public transportation. The layout of the site achieve would easily connect occupiers to these movement possibilities. I conclude that the proposal is therefore acceptable assessed against this Policy.

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

114. Policy TRA3(a) of the ALP2030 deals with residential parking. As the site is located within the town centre the starting point minimum is 1 space per residential unit on average. Irrespective of the 1-bed, 2-bed and 3-bed apartment mix, the proposal would therefore need to provide a minimum of 34 spaces as the starting point.
115. A total of 27 spaces is proposed including the 2 spaces located off the northern side of the access track leading from Church Road which equates to

an average of 0.8 spaces per home. I note the quantum of parking is raised by some objectors to the scheme. The second half of the Policy identifies where exceptional cases may depart including:-

- (a) accessibility to public transport, shops and services,
- (b) where the use could rely on public car parking off-street car parking nearby, and
- (c) where verified viability evidence demonstrates that achieving minimum parking standards would render the scheme unviable and that there are overriding planning benefits to justify that the development should proceed.

116. I note that matters of design/layout are not expressly identified in the list of exceptions but consider that these too need to be taken into account. I have considered further above the nature of the site and the inability to accommodate more parking than is shown at grade: there is no other space available that could be repurposed to create additional car parking for occupiers. The scheme is also not part of a larger development in Elwick Road which could potentially provide for additional parking off-site but nearby.
117. Given the location of the site my conclusion is that average of 0.8 spaces per home would be acceptable assessed against the requirements of Policy TRA3 (a). It would be close to the average levels found acceptable, balancing locational accessibility and proximity to public transport, for other town centre developments under construction such as at the Victoria Road apartments (0.87 spaces per home), and well as resolved to be approved at the Kent Woolgrowers Site. The applicant has made a viability case which I cover further below in this report. It demonstrates that the application scheme is already unviable to meet policy compliant mitigation through s.106 agreement contributions as it is: the reality is the site is too small for undercroft or basement car parking to be provided and that there is no more available space at grade to further boost the quantum of on-site parking.
118. Policy TRA3(a) also deals with visitor parking and identifies that this should be provided primarily off-plot in short stay car parks where available or on-plot at 0.2 spaces per dwelling where layout permits. As I have identified further above, layout does not so permit. In my opinion, the proximity of public car parks and on-street parking areas to the site would satisfactorily meet the needs of car borne visitors.
119. My conclusion in respect of car parking is the proposal is acceptable assessed against Policy TRA3(a). I deal with issues of electric vehicle charging further below in this report.
120. Policy TRA6 of the ALP seeks to promote and provide for cycling as an integral part of good planning and seeks 1 cycle parking space per apartment as a minimum.

121. The application proposal provides for integral safe and accessible ground cycle store rooms adjacent to entrances in both Blocks 1 & 2. The stores would give a total of 62 cycle parking spaces and so exceed the 34 minima spaces that is required and approach almost 2 spaces per apartment. This is welcome and will assist given the weighting of the accommodation to larger apartments with potentially greater occupancy. I conclude that the proposal is acceptable against the provisions of Policy TRA6.

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

122. Ensuring the development deals satisfactorily with any issues of contamination as well as any unexpected contaminants and verification of the measures undertaken are all matters that can be dealt with by planning condition.

123. The site lies in Flood Zone 1 and therefore residential development in such location is acceptable as a matter of principle due to the low risks involved. The redevelopment of the site would not increase impermeable area and so would not result in off-site discharge would not be likely to lead to flooding off-site. The proposal would therefore comply with Policy ENV6 of the ALP 2030.

124. The applicant's surface water drainage, including permeable paving and sub-surface cellular storage, proposal has been considered by KCC in its role as Lead Local Flooding Authority and, subject to planning conditions, is considered acceptable. The proposal would therefore meet the requirements of Policy ENV9 of the ALP2030.

125. Turning to ecology and biodiversity, the applicant's submissions have been assessed by KCC Ecology. External lighting is identified as needing to be sensitively designed given that bats have been recorded in the area and lighting can be detrimental to commuting and foraging. A lighting design plan for biodiversity is requested to be submitted by planning condition.

126. The applicant's ecology report recommends the provision of both bee and bat bricks which are supported. An objection that is raised by a resident relates to some reference to non-native species as part of the planting palette and KCC pick up on this point too and recommended native species only. Subject to this being attached as an Informative for the applicant to review further and subject to planning conditions the proposal is acceptable and would accord with the requirements of Policies ENV1 and SP6.

127. In terms of water consumption, the need for the development to install low flow devices and fittings can be controlled by planning condition in order to

ensure compliance with Policy ENV7 of the ALP 2030 seeking to ensure water efficiency.

128. 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.
129. The applicant's proposal provided for x 2 spaces to be ('actively') equipped with chargers from the outset and identifies that the car parking areas will be ('passively') future-proofed to enable further provision to be provided in time. In terms of active provision, for a 34 home scheme, the level of provision at 2 spaces with EV charging equates to 5.8%.
130. Given that it has been announced by the Government that the production of new petrol and diesel vehicles will cease in the UK from 2030 and taking into account the timescales involved for the issue of any decision and completion of construction the remaining period before that planned 2030 cessation will be reduced. I consider that, in all likelihood, the sales of new EVs from the current position will have increased. So far in 2021, from the registration of new vehicles, the market share of plug in cars (whether battery powered or hybrid) is c.14% according to some reports. My view is that the scheme should be more ambitious in its initial active provision to meet likely demands. I would therefore wish to see a minimum of 4 spaces (11.6%) with active EV charging installed ready to serve occupiers at the first occupation of the site. The ground floor plan of Block 2 is such that additional active EV spaces could be provided in the parking undercroft flank wall.
131. In terms of future proofing, some thought will be required as to the spatial implications of providing additional active charging facilities to the car park spaces in the future as well as the capacity for accommodating the necessary electricity supply infrastructure in an acceptable fashion: within some of the integral stores may be a possibility. The site layout is tight and I would not wish future active chargers to necessitate the removal of the soft landscaping strips. These would help separate parked cars from the frontage of buildings and habitable rooms will need to be safeguarded for the benefits of residents, for visual softening and for urban heat reduction and biodiversity gains.
132. Nevertheless, I am satisfied that subject to a planning condition dealing with these matters the proposal would accord with the requirements of Policy ENV12 of the ALP 2030.
133. In terms of climate change, the supporting Design and Access Statement and Planning Statement identify that the proposals will meet the three objectives

of sustainable development set out in paragraph 8 of the NPPF (economic, social and environmental). a high degree of sustainable construction and energy conservation is identified as having influenced the detailed design and form of the buildings and site layout with the objective to make the two Blocks energy efficient. The proposal would accord with the provisions of the Building Regulations in respect of sustainable method of construction. The following methods of construction and energy saving would be used;-

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

(ii) 'Embodied Energy' (*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) 'Energy efficient buildings' (*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*)

134. The proposal does not incorporate any low or zero carbon technologies. The ALP2030 notes the demise of Eco-Homes and Code for Sustainable Homes and the updated Building Regulations effectively superseding these initiatives aimed at securing more sustainable methods of design and construction. The Council's adopted position is to rely on the Building Regulations to reduce energy emissions. Whilst it is open to debate whether the minima set out in the Regulations are stringent enough given the aspirations for the UK to achieve Net Zero by 2050 there is no development plan policy basis to object to the proposal.
135. Finally, the 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. Given the sustainable location of the site within proximity to transport, shops and services I consider that by the requirement of a planning condition this matter should be explored further in the same way has been required by development in the Victoria Road corridor. I also note that there could be opportunity for a tie-in to future development opportunities on the southern side of Elwick Road (where outline planning permission has been granted for a substantial number of homes) and other sites that may come forward within the town centre.

(h) Habitats Regulations

136. Since the application was submitted, the Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site.
137. The importance of this advice is that the application site falls within the Stour catchment area and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to lawfully grant planning permission
138. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.
139. As matters stand, an off-site package of mitigation measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue. The applicant's supporting documents acknowledge this.
140. However, work commissioned by the Council is moving forward on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
141. Therefore, 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 my Recommendation further below in this report.

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

142. 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. I deal with viability further below.
143. KCC Developer Contributions requests are as follows:-
- | | |
|---|------------|
| - Primary education
(towards Conningbrook Primary School) | £51,000.00 |
| - Primary school acquisition land
(2FE primary school acq. costs: Conningbrook) | £17,729.40 |
| - Secondary education
(towards Norton Knatchbull expansion) | £34,050.00 |
| - Community learning
(additional resources and equipment) | £ 558.28 |
| - Libraries
(Ashford branch: additional resources/services/equipment) | £ 1,885.30 |
| - Youth
(Ashford Youth service) | £ 2,227.00 |
| - Social care
(towards extra care accommodation in Ashford
and the provision of homes to wheelchair and adaptable
standards) | £ 4,993.92 |
144. The requests sub-total **£112,443.90** at the time of request in 2020. It should be noted that these are specifically indicated by KCC as being valid for 3 months only and so are likely to be subject to change. The requests are also to be index-linked.
145. Turning to the Borough Council's requests made prior to early autumn 2020, the development does not require any open space to be provided on site. The Council's requests are as follows:-

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- outdoors sports provision	£34,919.00
- indoors sports provision	£13,060.00

(the above towards outdoor & indoor sports pitch provision at Ashford targeted toward the 'hubs' identified in the ALP 2030)

- informal natural open space <i>(investment at Memorial Gardens)</i>	£18,816.87
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- play <i>(play facilities either town centre of Victoria Park)</i>	£32,526.67
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- allotments <i>(towards Torrington Road community allotment)</i>	£ 8,032.50
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- strategic parks <i>(improvements to Victoria Park)</i>	£ 4,784.79
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- public art <i>(provision within the Town Centre incl. Giraffes project)</i>	£ 8,389.50
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- voluntary sector <i>(towards active Town Centre groups)</i>	£ 2,156.88
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146. For the sports element above, the figures have been derived from the Sports England Calculator, as prescribed in Policy COM2 of the ALP 2030. The Borough Council's requests sub-total **£122,686.21** and are to be index-linked.
147. Since the final quarter of 2020, the position in respect of Stodmarsh lakes is such that a number of development sites in the Stour catchment area will be reliant on an off-site mitigation strategy being put in place and delivered in order to be able to proceed without giving rise to harm to that sensitive habitat. The application subject of this report falls into that category. The extent of that financial contribution relative to the development applied for is an unknown factor at present but, clearly, the ABC s.106 mitigation sub-total could increase from the figure quoted in the previous paragraph. I deal with Stodmarsh issues further below.
148. The NHS Kent & Medical Clinical Commission Group request a sub-total of £29,376.00 towards the refurbishment, reconfiguration and/or extension of space within the Ashford Stour Primary Care Network.
149. The total of the KCC, ABC and NHS contributions listed above is therefore £264,506.11.

150. Finally, for a development of this nature a s.106 monitoring fee would be the norm. In my view, I propose to follow the approach taken in respect of the Homeplus site and suggest that a total of £500 per annum would be appropriate for the duration of the build. On this basis, the IMP1 un-indexed policy compliant s.106 starting point would be £265,506.11.

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

151. 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.

152. The 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

153. 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.

154. 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 by £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 scheme and so have not been able to be factored in. Any such contributions would 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 by £156,151 and thus a worse residual land value compared with that relating to Scenario 1 conversion scheme above (although the caveat identified above in respect of potential s.106 contributions applies). This means that the Scenario 2 scheme – being the applicant's proposition - could only be taken forward if

the s.106 requests are forgone and with a profitability level less than the 20% normally adopted being taken by the developer.

155. 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.
156. 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, is for the site to remain in its present derelict form.
157. 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 design quality and the impact of the scheme on the character of the conservation area it is important to stress that my conclusion is based on the scheme as it is presented.
158. 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.
159. 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 that has been modelled.

(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

160. My view, with some reluctance that a prominent existing building fronting Elwick Road would be lost, is that the scheme 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. It would also deliver much needed homes in a good location. 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.
161. 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. 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.'*
162. 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.
163. 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. Clearly, it could not proceed as a development reality.
164. The Design Panel pre-application advice identified the lack of options for consideration as an issue that the applicant needed to explore. At my request, the applicant assessed the viability of an alternative scheme that would retain the integrity of Swanton House.
165. I do, however, except 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 could 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. The application scheme, on the other hand, is also not viable assessed with a 20% 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) could be taken forward with a reduced profit level and provide 34 new homes in a location that performs strongly measured against the development plan and the NPPF when read as a whole.

166. In the circumstances, I conclude that the first exemption to paragraph 11(d) would not apply in this instance.
167. 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 has a 4.8 year housing supply position and so I my conclusion is that this also would not apply.

Planning Obligations

168. 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
169. 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.
170. 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.

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Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
1.	<p><u>Informal/Natural Green Space</u></p> <p>Project: investment at Memorial Gardens</p>	£18,816.87	<p>From any Deferred Contributions received, 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>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the 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 (£)	Trigger Points (£)	
2.	<p><u>Adult Social Care</u></p> <p><u>Project:</u> towards extra care accommodation in Ashford</p>	Total £4,993.92	<p>From any Deferred Contributions received, 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>Necessary 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>Directly related as occupiers will use community facilities and assistive technology services and the facilities and services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
3.	<p><u>Allotments</u></p> <p><u>Project:</u> towards Torrington Road community allotment</p>	Total £8,032.50	<p>From any Deferred Contributions received, allocated as</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

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			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>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	<p><u>Children's and Young People's Play Space</u></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>From any Deferred Contributions received, 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>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

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			viability assessment.	
5.	<p><u>Community Learning</u></p> <p><u>Project:</u> towards additional resources and equipment</p>	Total £558.28	<p>From any Deferred Contributions received, 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>Necessary 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>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
6.	<p><u>Health Care</u></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>From any Deferred Contributions received, allocated as</p>	<p>Necessary 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>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be</p>

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			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. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.
7.	<p><u>Libraries</u></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>From any Deferred Contributions received, 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>Necessary 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>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>

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			viability assessment.	
8.	<p><u>Outdoor & Indoor Sports provision</u></p> <p>Project: towards outdoor & 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>From any Deferred Contributions received, 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>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
9.	<p><u>Primary Schools</u></p> <p><u>Project:</u> (1) towards construction of Conningbrook Primary School and (2) towards associated land acquisition</p>	<p>(1) Sub-total £51,000.00</p>	<p>From any Deferred Contributions</p>	<p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

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	costs at this site	(2) Sub-total 17,729.40 Total £68,729.40	received , 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.	Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
10.	<u>Secondary Schools</u> <u>Project:</u> towards the expansion of Norton Knatchbull	Total £34,050.00	From any Deferred Contributions received , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted	Necessary 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. . Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and

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			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><u>Strategic Parks</u></p> <p><u>Project:</u> improvements to Victoria Park</p>	Total £4,784.79	<p>From any Deferred Contributions received, 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>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
12.	<p><u>Voluntary Sector</u></p> <p><u>Project:</u> towards active Town Centre groups</p>	Total £2,156.88	<p>From any Deferred</p>	<p>Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1,</p>

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			<p>Contributions received, 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>Directly related as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
13.	<p><u>Youth Services</u></p> <p><u>Project:</u> towards the Ashford Youth service</p>	Total £2,227.00	<p>From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted</p>	<p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the 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.
	Planning Obligation			Regulation 122 Assessment
	Detail	Amount (s)	Trigger Points	
14.	<p>Public Art</p> <p><u>Project</u> towards provision within Ashford Town Centre including Giraffes project</p>	Total £8,389.50	<p>From any Deferred Contributions received, 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>Necessary 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>Directly related as would improve the design quality of the development and would be visible to occupiers.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
	Monitoring Fee			Necessary 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>PAY REGARDLESS</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>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
16..	<p><u>Deferred payments mechanism</u></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>Necessary, directly related and fairly and reasonably related in scale and kind pursuant to Ashford Local Plan Policy IMP2</p>
17.	<p><u>Accessible and Adaptable Housing</u></p> <p>Level 2 access homes (M4(2)) to be provided</p>	Minimum of 20% M4(2) across the	N/A	<p>Necessary 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>

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		whole site		<p>Directly related as the accessible/adaptable housing would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
<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>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

171. 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

172. 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

173. I acknowledge that the loss of the building is a sensitive matter but for the reasons set out in the sub-sections of my Assessment 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.
174. 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 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 the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic**

Development and Delivery Manager or Development Management Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit; and,

- (B) 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 Director of Law and Governance 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**
- (C) 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. Minimum x 4 active EV charging installation prior top first occupation at the site and 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, feature bricks, cladding and other materials to be agreed.
19. Exploration of car club
20. Details of a scheme to celebrate the site's WW1 local history to Ashford 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 WW1 history to Ashford preferably into the site's hinterland so that it can be appreciated by non-residents.
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, 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). 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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