

Application Number	20/00947/AS	
Location	1 to 11 New Rents, Ashford, TN23 1LE	
Parish Council	NA	
Ward	Victoria (Central Ashford)	
Application Description	Full planning permission for a 92-bedroom hotel with associated servicing, car parking and bar/restaurant (for public access) together with the provision of 10 apartments within a four-storey building following the demolition of existing buildings.	
Applicant	SPPF Ltd.	
Agent	DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, ME14 3EN	
Site Area	0.18ha	
(a) 77/8 - 2 'R', 5 'S', 1 'X'	(b) NA	(c) KCCH&T 'X', KCC Archaeology 'X', KCC EDEV 'X', EH 'X', EA 'X', POL 'X', KCC LLFA 'X', HE 'X', SW 'X'

Introduction

1. This application is reported to the Planning Committee because in accordance with the Council's scheme of delegation, 6 Members have requested it to be determined by the Planning Committee.

Site and Surroundings

2. The application site is approximately 0.18ha in size and located on the southern side of New Rents at the junction with Drum Lane to the western side of Ashford town centre. The site is shown marked in red in **Figure 1** below.



Figure 1: Site location plan

3. The site comprises a series of two-storey brick buildings with retail units at ground floor and ancillary or self-contained office space above. The retail units include the former Argos/Home Plus store at 1 New Rents (with open parking and loading to the rear). The rest of the site (3, 5 and 7 New Rents) is occupied by the British Heart Foundation, BETFRED, PDSA and Décor Studio.
4. The site is located within Ashford Town Centre. New Rents frontage forms part of the Primary Frontage within the Primary Shopping Area and is surrounded by predominantly retail and commercial uses on New Rents and within the County Square Shopping Centre to the south. **Figure 2** below shows the site as seen from New Rents.



Figure 2: Existing site viewed from New Rents

Kent County Council Highways and Transportation – no objection subject to appropriate conditions to secure pre and post construction highway conditions surveys, provision of a construction logistics plan including wheel washing, electric vehicle charging points, provision and retention of car and cycle parking, potential tree planting within the highway and replacement of existing street lighting units attached to the building. (*Officer note: relevant conditions recommended at end of report*).

Kent County Council Archaeology Advisor – no objection subject to appropriate condition to secure a programme of archaeological work. (*Officer note: relevant conditions recommended at end of report*).

Kent County Council Economic Development – no objection subject to securing appropriate mitigation in relation to primary and secondary education provision, community learning, libraries, youth, social care and waste infrastructure for the 10 dwellings and a condition to secure fixed telecommunication infrastructure and High-Speed Fibre Optic connections. (*Officer note: see paragraphs 105-106 below, Table 1 and the conditions recommended at end of report*).

Kent County Council Flood and Water Management – no objection subject to conditions to secure a detailed sustainable surface water drainage scheme and subsequent Verification Report. (*Officer note: relevant conditions recommended at end of report*).

ABC Environmental Protection – no objections subject to appropriate conditions to secure investigation, remediation and verification of contaminated land, reporting of unexpected contamination, a Code of Construction Practice, details of Electric Car Charging, extraction/treatment of fumes/odours, noise and vibration of plant and sound mitigation. (*Officer note: relevant conditions recommended at end of report*).

ABC Environmental Services – subject to appropriate locking mechanisms refuse/recycling collection arrangements acceptable. (*Officer note: relevant conditions recommended at end of report*).

Kent Police – no overall objection however recommend applicant consults Designing out Crime Officers (DOCO) to address Crime Prevention through Environmental Design (CPTED) and incorporate Secured by Design (SBD) as appropriate. (*Officer note: relevant informative note recommended at end of report*).

Environment Agency – no objection subject to conditions to secure a preliminary risk assessment, site investigation scheme verification plan and verification report and a condition pertaining to unexpected contamination and piling. (*Officer note: relevant conditions recommended at end of report*).

Historic England – no comments.

Southern Water – note that the development lies over public sewers and request conditions to secure details of any public sewer diversions that may be required and details of proposed means of foul sewerage and surface water disposal. (*Officer note: relevant conditions recommended at end of report*).

Ashford Access Group – query lift arrangements, accessible car parking, wheelchair accessibility and advocate range of bed options within accessible rooms. (*Officer note: all floors would be accessible by lift. There would be two accessible car parking spaces and 4 accessible rooms*).

Neighbours – 77 neighbours consulted, 5 letters of support, 1 comment and 2 objections received as summarised below:

Support:

- Welcome investment into the town centre;
- Exciting opportunity to inject life, vitality and footfall into this end of the town centre;
- Existing business and community will benefit from having more people staying in the town centre;
- Existing building is ugly;
- Current tenants could relocate into other empty units in the town centre.

Comments:

- Need something else to bring life into the town, for example a movie theatre;
- More bars doesn't help with anti-social behaviour;
- Query possibility of providing controlled access bollards to New Rents on Drum Lane to enhance pedestrian safety and disrupt anti-social behaviour;
- Further attention to public safety required, including in terms of lighting and CCTV.

Objections:

- No requirement for another hotel or sub-standard flats within town centre.

Planning Policy

10. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021), the Egerton Neighbourhood Plan

(2022), the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

11. 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

IMP4 Governance of public community space and facilities

12. 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
Ashford Town Centre Conservation Area Appraisal and Management Plan
2016
Heritage Strategy 2017

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) Revised 2021
Planning Practice Guidance (PPG)
Technical Housing Standards – nationally described standards

Assessment

13. The key areas for consideration are as follows:
- (a) The principle of a creating a hotel and residential units at the site and impact on the vitality and viability of the town centre
 - (b) Housing mix, approach to affordable housing, quality of accommodation
 - (c) Quality of the proposed design
 - (d) Heritage impacts
 - (e) Amenity impacts
 - (f) Highway impacts, car parking, EVC, cycle provision and refuse strategy
 - (g) Landscaping, ecology and biodiversity, surface water and drainage and contamination
 - (h) Climate change and sustainability
 - (i) Housing Land Supply
 - (j) Habitats Regulations
 - (k) Planning Obligations
- (a) **The principle of a creating a hotel and residential units at the site and impact on the vitality and viability of the town centre**
14. 'The Vision' for the Borough in the ALP 2030 is one that identifies Ashford as the main focus for development with a significantly expanded leisure, cultural, educational and residential officer in a regenerated Ashford Town Centre. 'The Vision' is proposed to be delivered by the strategic objectives that are set

out in Policy SP1 of the ALP 2030. Development proposals are required to be focussed at accessible and sustainable locations (such as Ashford Town Centre) and to make the best use of suitable brownfield opportunities.

15. The application site is brownfield and located within the designated Ashford Town Centre. The Council's vision for the town centre is set out in Policy SP5 (Ashford Town Centre). Policy SP5 states that a range of principal uses in the town centre, including retail, offices, leisure, residential and hotel will be supported in principle where they promote high quality design appropriate to their location. Policy EMP11 (Tourism) also states that proposals for new hotel development will be permitted in locations that are accessible by a choice of modes of transport and will be particularly encouraged in the Ashford and Tenterden urban areas. A hotel use is consistent with the definition of 'Main town centre uses' in Annex 2 of the NPPF. Similarly, the NPPF states that local planning authorities should support proposals to use retail land for homes in areas of high housing demand, provided this would not undermine key economic sites or sectors or the vitality and viability of town centres.
16. Whilst the principle of a 92 room hotel and 10 residential units in this accessible and sustainable location is supported by national and local planning policy, the proposals would result in the net loss of existing retail floor space and it is therefore necessary to consider their impact on the vitality and viability of the town centre.
17. The ALP recognises that town centres are changing and will no longer be solely supported by traditional retail development, having to expand their offer to wider uses in order to maintain their vitality and viability. This is true of Ashford town centre and the ALP acknowledges that its future success cannot rely solely on its function as a shopping destination but that it should be a place that residents and visitors want to visit, whether for shopping, business, leisure or entertainment. These findings are also consistent with the broad aims and objectives of the Ashford Town Centre Reset initiative, which is designed to reset the town centre in light of the decline in retail which has been accelerated by the coronavirus pandemic. Although the application site lies just outside the principle areas of focus it shares similar challenges to these areas, particularly in relation to the declining role of larger footprint retail stores.
18. The part of the site fronting New Rents is located within the primary shopping area. The proposal is for the demolition of 1780sqm of former Class A1 retail floor space within a section of Primary Frontage and its replacement with a hotel (Class C1) and single 135.3sqm self-contained retail unit. The remainder of the ground floor would incorporate ancillary hotel uses, including reception

and office (107.5sqm) and a bar/restaurant (399.4sqm) and spa facility (99.4sqm). The applicant's intention is that the bar/restaurant and spa facility would be open to hotel residents and the wider public.

19. Policy EMP7 (Primary and Secondary Shopping Frontage in Ashford Town Centre) is relevant and requires proposals to maintain or enhance the vitality and viability of the town centre, taking into account a range of factors in determining whether proposals for non-A1 retail development would achieve this.
20. Specifically, Policy EMP7 states that Use Classes A2, A3, A4 and A5 will be permitted subject to the proposal maintaining or enhancing the centre's vitality and viability, taking into account the following factors, where relevant:
 - a) *The impact the proposal will have on long term and persistent vacancy and the continued suitability and viability of the unit for A1 retail use;*
 - b) *The ability of the proposal to attract vibrancy, activity and pedestrian footfall to the town centre during the daytime;*
 - c) *Whether the proposal is compatible with a retail area in that it includes an active shopfront and is immediately accessible by the public from the front;*
 - d) *The accumulation of non-A1 uses in parts of the frontage, which would significantly erode the retail function of the frontage; and*
 - e) *The loss of a large or anchor A1 retail unit.'*
21. For the purposes of Policy EMP7 the hotel uses and its ancillary bar/restaurant and spa facility would not comprise retail uses however the policy criteria are nevertheless considered to be relevant as part of an assessment as to whether the proposals maintain or enhance the centre's vitality and viability.
22. In response to criterion (a), the proposals would have a positive impact on the town centre through the redevelopment of several long term vacant retail units with compatible town centre uses that would enhance vitality and viability. The hotel (and ancillary ground floor uses) would attract visitors to the town centre, thereby attracting vibrancy and increasing activity and pedestrian footfall during the day time in accordance with criterion (b) but also the evening and night time. As existing the site generates little footfall.
23. As shown in **Figure 4** below, the proposed bar/restaurant and spa facility would be compatible with the wider retail area by providing active frontages through extensive glazing and being directly accessible from both New Rents and Drum Lane elevations as sought by criterion (c).



Figure 4: Proposed corner of building at New Rents/Drum Lane junction

24. The proposals include the provision of a retail unit and other uses compatible with the town centre location. By reason of the site's location at the edge of the Primary Frontage it would not in my view result in an accumulation of non-A1 uses along the frontage or erode its retail function as required by criterion (d). In response to criterion (e) the redevelopment would result in the loss of vacant retail units, including the former Argos/Home Plus; however this would not be classed as an anchor unit. The ALP confirms that the Council will take into account whether a particular unit has been vacant and the benefits of bringing that unit back into use. In this case, the former Argos/Home Plus is vacant to the detriment of this part of the town centre.
25. Whilst the proposals would result in the net loss of retail floor space within the primary shopping area, I am satisfied that the mix of hotel, retail and residential uses would at the very least maintain, but likely enhance the vitality and viability of the town centre. A recommendation to grant planning permission would be consistent with paragraph 86 of the NPPF which requires planning decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.
26. 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

contribute to locally distinct places. These issues are explored below.

27. 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.

(b) Housing mix, approach to affordable housing, quality of accommodation

28. Policy HOU18 of the ALP 2030 requires development proposals of 10 or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs. The proposed housing mix for the 10 dwellings would be weighted towards 1-bed units (70%) followed by 2-bed units (30%). Whilst all of the dwellings would comprise flats, they would include a range of sizes appropriate to the mixed use nature of the development in this town centre location in compliance with the broad objectives of Policy HOU18. As a town centre flatted development, adopted Policy HOU1 of the ALP does not require the provision of affordable housing and none is proposed.
29. All dwellings would comply with the residential space standards in accordance with the Council's Residential Space and Layout SPD and provide private external open space in the form of balconies or terraces in accordance with Policies HOU12 and HOU15. A number of dwellings would be dual aspect and have been sited to benefit from good levels of daylight, outlook and privacy. The dwellings would benefit from a main entrance to the rear of the building and provide a good standard of living accommodation for future occupiers.
30. Given the nature of the proposed uses I concur with the Council's Environmental Protection teams' request for conditions relating to details of any extraction equipment, for the control of noise and vibration of any plant and for any necessary sound mitigation for the proposed dwellings.

(c) Quality of the proposed design

31. The Government attaches great importance to the design of the built environment, with national policy placing great emphasis on the importance of good design as a key aspect of sustainable development. The requirements outlined in paragraph 130 of the NPPF include the need to add to the overall quality of the area and establish or maintain a strong sense of place. Whilst appropriate innovation and change, such as increased density, is not to be prevented or discouraged, developments must be sympathetic to local character, including the surrounding built environment.

32. Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is considered to be a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
33. The NPPF calls for significant weight to be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit within the overall form and layout of their surroundings.
34. The National Design Guide (2019) further supports the principles of the NPPF and seeks to illustrate 'how well-designed places that are beautiful, enduring and successful can be achieved in practice'. This sets out ten characteristics of well-designed places.
35. The Council places great weight on quality place making and Policy SP6 (Promoting High Quality Design) of the ALP is relevant and aligns with this national guidance. The policy sets out a number of design criteria to which new development is expected to positively respond.
36. The proposals have been subject to pre-application advice and have been presented to the Ashford Design Review Panel. The report is included at Appendix 1. The following assessment considers the design quality of the scheme in relation to its layout and access, height, form, scale and massing and design and materials.

- **Layout and access**

37. The proposed development would be located on the site of existing buildings and the layout has been carefully considered to respond to the site's specific constraints and opportunities. Whilst the footprint of the building would be larger than existing, the layout would optimise the potential of the site and make provision for a landscaped courtyard towards the centre of the plan and an off-street parking area to be accessed from the retained vehicular access to the rear.
38. The development proposes a mix of uses at ground floor. In terms of layout, a self-contained retail unit is proposed at the eastern end of the site with other ancillary hotel uses (including a reception/office and bar/restaurant) proposed in a primary frontage location on New Rents. The side and rear of the site is highly visible in views north along Drum Lane and as existing is dominated by hard landscaping and sterile, poorly maintained surface-level parking and

service areas which detract from the quality of the built environment. The proposals include provision for greening in this location as discussed in the landscaping section of the report below.

39. As shown in **Figure 5** below the building would be served by multiple entrances on the north, west and southern elevations to further assist in activating the frontage and providing surveillance. This is particularly the case on Drum Lane where the new residential entrance would be located. I am satisfied that the layout and detailed vehicular and pedestrian access arrangements would represent a significant improvement over the existing building.



Figure 5: Ground floor plan and access strategy

- **Height, form, scale and massing**

40. The supporting text to Policy SP6 of the ALP requires all development proposals to reflect their local context, and where the built environment is of decent quality, new proposals should be sensitive in terms of scale, height, layout and massing to surrounding buildings.
41. The existing buildings date from the 1980s. Whilst they are of little architectural merit, at two storeys with simple roof form and strong vertical emphasis (reflecting typical historic plot widths), they integrate into the established urban form.
42. In terms of height and massing the proposed building ensures that the eaves on New Rents are no higher than the ridge of the buildings opposite and that the view of St Mary's Church is maintained. As shown in **Figure 6** below, this has resulted in a building that masses up towards the rear where it is less

constrained and an unusual 'broken up' roof form which sits atop a flat roof.



Figure 6: Building height and massing

43. In response to Design Review Panel feedback and pre-application advice with Officers, the form and scale of the building has been further refined. In particular the upper and lower parts of the building have been connected by extending the sloping roof out to the corner of New Rents. This distinctive gable feature successfully integrates the roof form into the building and appropriately addresses the prominent street corner between New Rents and Drum Lane. The roof level terraces would be set-back to retain and avoiding disrupting the view of St Mary's Church as shown in **Figure 7** below.



Figure 7: View of St Mary's Church tower retained

44. In summary, I am satisfied that the height, form, scale and massing of the development is appropriate for this town centre site. As a large building it successfully integrates into the historic fabric and represents a sensitive and complementary response to the surrounding townscape.

- **Design and materials**

45. In terms of detailed design, **Figure 8** shows how the elevations have been amended to improve the verticality of the building through the incorporation of more bays and columns between ground and parapet level. This articulation positively references the established scale and rhythm of buildings on New Rents. At upper levels the regular size and repetition of window form is good and also reflects the proportions of windows in the historic buildings nearby.



Figure 8: New Rents elevation

46. The Design Review Panel identified a number of key details required to be secured, including relating to overhanging soffits, guttering, herringbone brick, eaves, signage, window reveals and balustrades. These and details of all other external architectural features including 1:20 horizontal and vertical cross sections of each façade, rooftop details relating to plant and materials and details relating to rainwater goods and vents etc. can be required prior to commencement of ground works. I am satisfied that this will ensure the external appearance and fine detailing of the building will be of an appropriately high quality.
47. In terms of materials, the main facing material would be red brick under a slate roof and this is appropriate in the context of the surrounding historic buildings. It is also proposed to utilise a metal finish to highlight key specific features, including shopfronts and dormers, which would add richness to the

elevations. The Design Review Panel advocate the use of a soft red brick, with flush pointed, buff coloured lime mortar. I recommend that precise details, including samples of external materials be sought prior to commencement of development.

48. In summary, I consider that the building would be of high quality design and materials. It would be visually distinctive and read as a contemporary interpretation of the historic architectural context. It would contribute to a richness of architecture in this gateway location and reflect local character in accordance with Policy SP6 of the ALP.

(d) Heritage impacts

- Setting of the Ashford Town Centre Conservation Area and surrounding listed buildings

49. The application site lies within the Ashford Town Centre Conservation Area and there are also several Grade II listed buildings on the opposite side of New Rents in close proximity to the site. 2, 4A and 33 New Rents are examples of late 18th to early 19th century architecture included for their group value.
50. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
51. Paragraph 194 of the NPPF sets out that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
52. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duties of Local Planning Authorities in regards to the protection of listed buildings and conservation areas. Section 66 states "In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting

or any features of special architectural or historic interest which it possesses.” Section 72 states “In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

53. The site is within the ‘New Rents area’ in the Ashford Town Centre Conservation Appraisal. The Appraisal notes that a number of streets, including New Rents, are directly fronted by buildings of 2/3 storey height with steeply pitched roofs, sometimes with dormer windows or chimneys. Narrow commercial frontages are reminiscent of narrow medieval frontages. The predominant building materials within this character area are white painted render or bricks, red/ orange brick and plain tiled or slate roofs. The shops and other commercial uses provide active frontages on the ground floor which forms an important part of the character of this part of the Conservation Area.
54. The Appraisal also notes the important glimpse of St Mary’s Church tower in views eastwards along New Rents which acts as a marker of the historic town centre and assists with orientation from this street. The blank facades and flat roofs of the existing building in views from New Rents south along Drum Road is identified as having an adverse impact on the setting of the conservation area.
55. The application is supported by a comprehensive Heritage, Townscape and Visual Impact Assessment and I am satisfied that the significance of the heritage assets have been considered and reflected in the proposals. The application site does not contribute to the significance or special interest of the conservation area. As shown in **Figure 9** below the development would retain a strong sense of enclosure to New Rents and introduce a sense of enclosure to Drum Road. The development has been designed to sensitively respond to the character of the existing historic built form, including its medieval plot widths. In addition the richness of design and use of high quality materials would complement the predominant building materials. The replacement of existing blank facades with active frontages and the replacement of flat roofs with steeply pitched roofs and dormers would enhance the setting of the conservation area in this location.



Figure 9: Proposed view of New Rents

56. My view is that there would be no harm to the character, appearance or special interest of designated heritage assets. In fact the Heritage, Townscape and Visual Impact Assessment concludes that the proposed new building would yield heritage benefits, including upgrading the existing building to a modern and contemporary aesthetic with an attractive design, sympathetic to the surrounding architectural context and urban grain. It would also open up the Drum Lane elevation and become a more inviting and active portion of the streetscape.
57. In summary, the proposed redevelopment of this site, where regeneration and change is expected and consistent with the Council's expected area of focus through the adopted Town Centre Reset, would conserve and enhance the character and appearance of the Town Centre Conservation Area and the setting of nearby listed buildings. The proposals are therefore consistent with Policies ENV13 and EN14 of the ALP, the NPPF and the statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

- **Archaeology**

58. The application site lies towards the western end of the historic core of Ashford town, considered to be a medieval market town and is designated as an Area of Archaeological Potential. Although the site has been redeveloped, there is potential for Post Medieval or earlier remains to survive and in view of this archaeological potential the County Archaeological Advisor recommends that a condition to secure archaeological field evaluation, investigation and recording be imposed. I am satisfied that this is reasonable and necessary and in accordance with the requirements of Policy ENV15 (Archaeology) of the ALP.

(e) **Amenity impacts**

59. Whilst the application site is located in a predominantly commercial area, there is a residential property located to the west of the application site on the opposite side of Drum Lane. 17 Drum Lane comprises 8 self-contained flats and the potential adverse impacts from the proposals on the amenities of the occupiers of this building, including in terms of daylight and sunlight, overshadowing and loss of outlook or privacy requires further assessment.

- **Daylight and Sunlight**

60. The application is supported by a Daylight and Sunlight Assessment undertaken in accordance with the BRE document "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice, Second Edition" (2011). In terms of daylight, the relevant daylight test is the Vertical Sky Component (VSC). The BRE document states that if the VSC is greater than 27%, then enough skylight should still be reaching the window of the existing building. If the VSC with the new development in place, is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the amount of skylight.
61. The assessment identifies 4 windows at ground and first floor level of 17 Drum Lane that would be left with between 18.17% - 24.31% VSC or between 0.60 and 0.68 of their former values. Whilst these represent failures of the VSC test it is important to note that the BRE document and numerical values given are purely advisory and that some flexibility may be appropriate.
62. In this case, it is relevant that the rooms within 17 Drum Lane are very large, multi-use rooms currently facing a low-level single storey building. The rooms are very deep and as existing receive unusually high levels of daylight and sunlight for an urban location. Whilst some rooms would experience below recommended losses of daylight the daylight distribution analysis

demonstrates that good levels would be retained to those parts of the rooms designed to be naturally lit.

63. With the exception of one window to the ground floor which would receive marginally less annual sunlight (24% as opposed to 25%), all windows would meet the BRE guidelines for annual and winter sunlight. Furthermore, no objection to the proposed development has been received from the occupiers of these properties. Overall I am satisfied that the impact on the neighbouring building would not be unacceptable or justify a refusal of planning permission.

- **Privacy and Outlook**

64. 17 Drum Lane would be located across the road and approximately 11-15m from the side elevation of the development and the windows within it. I am satisfied that in the town centre context of the site, this separation distance and relationship is acceptable and that any impacts on privacy and outlook would not be unacceptable.
65. In summary I am satisfied that the proposals would safeguard and promote a high standard of amenity for existing and future users of development in accordance with paragraph 130 of the NPPF.

(f) Highway impacts, car parking, EVC, cycle provision and refuse strategy

66. The vehicular access to the proposed site will remain the same as existing, via Drum Lane and the service yard, giving access to the undercroft car parking to the rear of the hotel.
67. The application is supported by a comprehensive Transport Statement (TS). The TS includes an assessment of the potential traffic generation from the development which, in recognition of the daily vehicle movements generated by the site's extant commercial use and off-site parking arrangements (discussed below), is considered to be acceptable. I concur with the Highways Authority view that the operation of the development would have no adverse impacts on highway safety or traffic generation within the town centre.
68. I note the Council Environmental Protection teams' request for submission of a Code of Construction Practice which would include details relating to management of construction related traffic and parking. In recognition of the scale of the development and the potential impacts on local highway and pedestrian safety I consider this is reasonable.
69. The Highways Authority also note the existence of street lights on the existing building. Their replacement and details of a temporary solution for the period

of construction can also be secured by condition.

- **Car parking**

70. Policy TRA3 (a) of the ALP sets out the required parking standards for new residential development within town centre, suburban and rural locations but also permits flexibility, for example where there is a good level of accessibility to shops and services and a good level of non-car access. As shown in **Figure 10** below, the onsite car parking would provide for 13 spaces, one of which would be allocated to each dwelling within the development. There would also be three accessible parking spaces for hotel visitors. The parking provision would be in accordance with the requirements of Policy TRA3 (a) which seeks the delivery of 'a minimum parking standard of 1 space per residential unit on average'.



Figure 10: Ground floor plan (car parking layout)

71. Whilst there is no designated on-site visitor parking (beyond the three accessible spaces), Policy TRA3 (a) states that this should be provided primarily off-plot in short-stay car parks where available or on-plot where layout permits. The site is located in the town centre where a number of short stay car parking options exist, including County Square Shopping Centre, Edinburgh Road and Ashford Park Mall all within a 5-minute walk.
72. Policy TRA3 (b) of the ALP sets out the parking standards for non-residential development and states 1 parking space per bedroom is required. With the

exception of 3 disabled spaces for use by the hotel, there would be no onsite parking provision for hotel guests who will be required to park in one of the town centre car parks.

73. In considering the acceptability of this approach, Policy TRA3 (b) states that in specified exceptional circumstances, proposals may depart from the set standards. Such circumstances include:

- a) *In order to take account of specific local circumstances that may require a lower level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems; and*
- b) *Where the proposed use can reasonably rely on the availability of public off-street car parking spaces that are nearby.*

74. In this case the site is located in a central town centre location that has very good access to a variety of public transport services, cycle routes and pedestrianised areas. The applicant has also confirmed that there would be a lease arrangement with the nearby NCP car park at County Square for use by hotel visitors. The Highways Authority note that the nearby highway network is protected by parking restrictions and permit parking so there can be no overspill of parking from the development and consider that exceptional circumstances apply.

75. Subject to conditions requiring details of Electric Vehicle Charging infrastructure (to be provided at a minimum of 10% active charging and 100% passive) and the provision and permanent retention of the vehicle parking prior to the first use or occupation of the development I concur with the Highways Authority that the car parking arrangements for both the residential and hotel uses are acceptable and in accordance with relevant planning policy.

- **Cycle parking**

76. Policy TRA6 of the ALP requires cycle parking to be provided at a minimum of 1 space per unit. Provision is shown for at least 10 cycles for future residents and 10 cycles for hotel users in a combination of double-stacked racks and Sheffield stands. Whilst these would be covered and easily accessible to the building cores they are not shown as having an overtly secure design/layout and it is therefore appropriate in my view that further details pertaining to the security of the cycle stores (which may include their enclosure with visually permeable cage-style walls/doors) and the wider development be secured via condition. This would also address Kent Police's request for details of comprehensive access control and security measures across the site.

77. Subject to the condition referred to above and an additional condition to require the provision and permanent retention of the facilities prior to first use or occupation, the Highways Authority are satisfied with the proposals and I am satisfied that the cycle parking provision is acceptable and in accordance with relevant planning policy.

- **Refuse strategy and servicing**

78. The proposals make adequate provision for refuse storage and collection for all parts of the development in accordance with the Council's Residential Layouts and Wheeled Bins guidance. The storage areas are separated by use and easily accessible from the building cores and from Drum Lane where it would be collected. Tracking plans of refuse vehicle movements have been submitted to demonstrate that the layout of the development works. Subject to details of the locking mechanism both the Highways Authority and Council's Street Scene and Open Spaces Officer is satisfied with the arrangements.

79. I recommend that fine details of the refuse stores, including relating to the locking mechanism and to ensure good practice in relation to general waste, food waste and recycling, including details of internal signage and any other related proposals to achieve such practice and help avoid cross-contamination are secured by an appropriate condition.

(g) Landscaping, ecology and biodiversity, surface water and drainage and contamination

- **Landscaping**

80. The existing site has no soft landscaping and the proposals therefore offer scope for on and offsite greening. On-site it is proposed incorporate soft landscaping, including a feature tree in the central courtyard which would be visible through the building from New Rents. I consider this would create a welcome visual interaction between the public realm of Elwick Road and the private yet communal realm of the development. It is also proposed to plant a signature tree adjacent to the main hotel entrance and to install planters adjacent to the Drum Lane elevation (all within the site boundary). The proposals also incorporate green roofs and provide opportunity for further planting on the roof level terraces and balconies.

81. Off-site it is proposed to reconfigure the existing parking bays directly adjacent to the site on Drum Lane to plant at least one street tree and/or to create street planters. This buffer planting would create a soft green edge to the development and significantly enhance the public realm. These works would require a s278 Highways Agreement. Whilst this is shown indicatively

on the submitted plans, there are a variety of ways that this could be delivered taking into account the location of services and street lighting. I therefore recommend that final details, including tree and soft planting schedules be secured by condition to ensure that the soft landscaping is suitable for this urban location and offers maximum visual interest and biodiversity benefits.

82. In summary, soft landscaping would be fully integrated into the layout and design of the development and result in significant enhancements compared with the existing situation. In my view this element of the proposals will make a significant visual contribution to the character of this part of the town centre in accordance with relevant planning policy and guidance.

- **Ecology and biodiversity**

83. The site is not subject to any national or local nature conservation designations and as existing has little or no ecological value. It therefore offers scope for ecological and biodiversity enhancement through the introduction of the onsite landscaping referred to above in accordance with Policy ENV1 and ENV4 of the ALP.

- **Surface water and drainage**

84. Policy ENV9 of the ALP and the adopted Sustainable Drainage SPD state that all development should include appropriate SuDs for the disposal of water in order to avoid any increase in flood risk or adverse impact on water quality. The application is supported by a Drainage Statement. The site lies within flood zone 1 with a very low risk of flooding and the details confirm that the proposed development would reduce runoff and be served by adequate drainage (utilising existing surface water connections to the public sewers). Southern Water have identified public sewers under the site and has requested conditions relating to their potential diversion. Subject to this and conditions to secure further details relating to the drainage strategy neither the Local Lead Flood Authority nor the Environment Agency has any objection to the proposed strategy.
85. In summary, the hierarchy of surface water disposal has been adhered to, resulting in proposed connections to the public sewers in the vicinity of the development. Green roofs shall be incorporated into the proposed drainage infrastructure, which would reduce runoff and provide biodiversity benefits in accordance with the requirements of national and local planning policy and the Council's Sustainable Drainage SPD.

- **Contamination**

86. Both the Environment Agency and the Council's Environmental Protection

team note there is potential for contamination that may pose a risk to the environment and public. I consider it reasonable to apply appropriate conditions to ensure that contamination is subject to full assessment and remediation and verification where required and that any unexpected contamination found on site is reported. I also recommend conditions relating to piling and to prevent infiltration of surface water into the ground to safeguard groundwater quality.

(h) Sustainability and climate change

87. The Council's adopted planning policy position is to rely on the Building Regulations to reduce energy emissions and the proposed development would comply with the energy hierarchy of 'be lean, be clean, be green'. In terms of passive design, the buildings layout, orientation and façade has been designed to maximise natural daylight and sunlight into the majority of rooms. The overhanging facades and recessed angled windows create a scheme that moderates the building from overheating in summer. The central courtyard creates cooling and cross ventilation into the buildings lower floors. The single tree will create further solar shading in summer. In addition, high performance thermal insulation would be carefully balanced against thermal mass for stability and comfort and new high-performance double glazing with low U value and G Values controlling glare, thermal comfort and noise would be used. The design also maximises upper flat roof locations on 3rd and 4th floors for PV solar panel arrays.
88. Additional energy conservation measures to reduce energy consumption have been identified, including use of energy efficient luminaires and controls, white goods rated 'A+, A or B' for energy use and highly energy efficient LED Lighting throughout with presence sensors in circulation and back of house areas. In accordance with Policy ENV7 of the ALP I recommend that a condition be imposed to ensure water efficiency through the provision of low flow sanitary fittings.
89. The energy strategy would be based on highly efficient air source heat pumps used for building-wide domestic hot water system to be located within a louvered enclosure behind the eastern pitched roof space. Each hotel bedroom and dwelling would also feature natural and mechanical ventilation with heat recovery.
90. In summary, I am satisfied that the proposed development has been designed to address and mitigate the risks of climate change, including through the implementation of a low carbon energy strategy and the construction of a building designed to minimise energy consumption. In this regard the proposals are consistent with national and local planning policy and guidance.

(i) Housing Land Supply

91. The Council's 5 year housing land supply for the Borough is material to the consideration of this application. The Council's latest Housing Land supply position 'Five Year Housing Land Supply Update July 2021' was published in November 2021 and covered the period from 2021 to 2026. This identified that the deliverable housing land supply was equivalent to 4.54 years.
92. However, an Inspector recently published an appeal decision, (reference APP/E2205/W/21/3284479 - Land between Woodchurch Road and Appledore Road, Tenterden, Kent, TN30 7AY) which challenges the Council's assumptions. The appeal decision referred to as the 'Wates' appeal is dated 30 March 2022^[2]. The appeal decision suggests that the Council is only able to demonstrate a 5-year housing land supply position of 3.5 years.
93. It is the Council's view that there are a number of issues associated with this appeal. These issues primarily relate to the assumptions made by the Inspector about the delivery of sites located in areas of the Borough that fall within the Stour Catchment (where Natural England's Nutrient Neutrality Advice^[3] applies). The Council also note that the Inspector does not appear to have taken into account a recent letter from the Chief Planning Officer (dated 16 March 2022) which clearly elevates the nutrient issue and recognises that in affected areas "*there may be implications for the Housing Delivery Test and 5 Year Housing Land Supply*". This letter was written before the Wates Inspector made his decision.
94. Unless a legal challenge to the 'Wates' appeal decision is successful in the Courts then it is accepted that the figure of 4.54 is not the starting point in relation to the application of the 'tilted balance' that is engaged through paragraph 11(d) of the NPPF. Paragraph 11(d) of the NPPF states:

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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*

^[2] Appeal decision reference APP/E2205/W/21/3284479
<https://planning.ashford.gov.uk/Planning/IDOX/default.aspx?docid=2065991>

^[3] Natural England Nutrient Neutrality Advice <https://www.ashford.gov.uk/media/0jabvost/ne-march-2022-letter-water-quality-and-nutrient-neutrality-advice.pdf>

- (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."*

95. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. Although the identified impact on Stodmarsh (considered further below) would normally mean that part (i) above applies, the Head of Planning and Development will, once a mitigation strategy is identified, be able to adopt an Appropriate Assessment that concludes that there will be no adverse effect on the integrity of the protected site and as such the first exemption to paragraph 11(d) would not apply in this instance.
96. On the second exemption, I do not consider that the adverse impacts could be demonstrated that would reach the required bar so as to dictate a refusal of planning permission in the current circumstances where the Council cannot demonstrate a 5 year housing land supply and so my conclusion is that this would also not apply. The tilted balance is therefore engaged and the implications of this are considered in the conclusion below.

(j) Habitats Regulations

97. 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.
98. 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 2017 (as amended) 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.
99. 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.
100. As matters stand, it is very likely that 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.

101. However, work commissioned by the Council has commenced 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.
102. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions and obligations), I recommend that the application is not determined until 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 (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) pursuant to a S106 legal agreement and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place.

(k) Planning Obligations

103. 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
104. In accordance with the requirements of Policy IMP1 I recommend that the planning obligations set out in Table 1 below be secured in the event that planning permission is resolved to be granted. For the reasons I have set out 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.
105. KCC have made a number of requests for S106 money, however the Council are currently reviewing these requests to make sure they are aligned with Regulations and that the evidence is available to justify the amounts. Until that has been determined, the Council continue to rely on the pre 2020 requests from KCC as those are judged to be robust and based on evidence that was in the public domain.

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106. In ABC Officers view, the KCC request for contributions towards waste management are not fully justified and would fail to meet the relevant tests in the CIL Regulations. As such, this is not reflected in Table 1 below.
107. Recommendation (A) further below deals with the necessity for the applicant to enter into a s106 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 s106 obligations that might be necessary to mitigate against impacts of development on the integrity of Stodmarsh SAC, SPA and Ramsar site.

Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Applies to sites of 10 dwellings or more				
	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
	<p><u>Community Learning</u></p> <p>Project: Towards additional resources and equipment at Ashford AEC for the additional learners from development.</p>	£16.42 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1, 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>
	<p><u>Libraries</u></p>			<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030</p>

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	<p>Contribution towards additional resources, services and book stock for Ashford library for the new borrowers generated by this development.</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>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>
	<p><u>Adult Social Care</u> Project: Extra Care accommodation in Ashford.</p>	<p>£47.06 per dwelling.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</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, IMP1, COM1 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>

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	<p><u>Primary Schools</u></p> <p>Project: Towards new 2FE Conningbrook Primary School and site acquisition cost.</p>	<p>£1700 (education) plus £590.98 (land) per applicable flat (x3)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</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> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would 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 primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Secondary Schools</u></p> <p>Project: Towards Norton Knatchbull expansion.</p>	<p>£1135 per applicable flat (x3)</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC’s ‘Development and Infrastructure – Creating Quality Places’ and guidance in the NPPF. .</p>

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			50% of the dwellings	<p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would 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 secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
	<p><u>Youth Services</u></p> <p>Project: Towards additional resources for the Youth service in Ashford.</p>	£27.91 per flat	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<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, 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</p>

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				number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
Applies to all				
	<p><u>Monitoring Fee</u></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring and reporting compliance with the agreement or undertaking</p>	£1000 one-off payment	First payment upon commencement of development	<p>Necessary in order to ensure the planning 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>
<p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent 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

108. 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

109. In accordance with paragraph 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

110. The introduction of a mixed use hotel and residential development in this accessible and sustainable town centre location is consistent with national and local planning policy. Whilst it would result in the net loss of retail space and primary retail frontage, I am satisfied that the proposed uses would be compatible with the town centre and serve to maintain and enhance its vitality and viability including by attracting visitors and increasing footfall. I note there are a number of letters of support on this basis.
111. The proposal would deliver a high quality and locally distinctive building on an accessible brownfield site. In terms of access, layout, scale and design the proposals would be well integrated with its surroundings. The sensitive redevelopment would, in my opinion, represent an improvement to visual amenity and conserve and enhance the setting of the Ashford Town Centre Conservation Area and surrounding listed buildings.
112. Externally, subject to conditions relating to off-site provision, the proposals incorporate acceptable car and cycle parking in accordance with adopted Policies in the ALP. The development would incorporate highly efficient low carbon technologies and has been designed to minimise energy consumption. In terms of amenity impacts, a small number of windows in the nearby residential building, 17 Drum Lane, would experience a loss of daylight contrary to the guidance in the BRE guidelines; however I have concluded that the magnitude of harm would not be unacceptable. The proposals would also provide for enhancements to landscaping and biodiversity, including through street tree planting.
113. The proposals would also deliver high quality dwellings that would provide a good standard of accommodation for future occupiers and I afford this significant weight. I have not identified any demonstrable harm and in the

context of the tilted balance this must mean that planning permission should be granted in accordance with the recommendations below.

114. 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 (B) below to approve 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 secure any necessary additional obligation(s) and/or planning conditions to that end. Mitigation will be via an off-site solution.
115. As discussed within the main body of the report, I recommend that a number of conditions will be necessary. My Recommendation (C) further below deals with delegation to add/amend/remove planning conditions as appropriate.

Recommendation

- A. Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 above in terms agreeable to the Development Management Manager or the Strategic Development and Delivery Manager in consultation with the Solicitor to the Council, with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit; and,**
- B. Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,**
- C. Resolve to Permit subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.**

Conditions:

1. Standard time implementation condition
2. Development carried out in accordance with approved plans
3. Details and samples of external materials
4. Fine details (at scale 1:20 or 1:5 as appropriate)
5. No vents or flues other than in accordance with details to be approved
6. Details of archaeological field evaluation, investigation and recording works
7. Investigation, remediation and verification of contaminated land
8. Reporting of unexpected contamination
9. Details of piling and prevention of infiltration of surface water into the ground
10. Details of extraction equipment (for extraction/treatment of fumes/odours)
11. Details of noise/vibration of plant
12. Sound mitigation (new dwellings)
13. Provision and retention of vehicle parking onsite and off-site
14. Details and provision of EVC
15. Details and provision of secure cycle parking
16. Construction Management Plan to include details of routing of construction and delivery vehicles to / from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management / signage etc.
17. Pre and post highway conditions surveys
18. Details of temporary and permanent replacement street lighting
19. Details of street tree planting (Drum Lane)
20. Details and provision of refuse storage
21. Details of foul sewerage disposal
22. Details and provision of SuDS scheme including verification
23. Details of any necessary diversions of public sewers
24. Water use not to exceed 110 litres per person per day
25. Details of renewable energy strategy, including solar PV
26. Details of hard and soft landscaping
27. Details and provision of external lighting strategy
28. Details and provision of biodiversity enhancement measures
29. Details of provision of Fibre to the Premises
30. Site Inspection

Notes

1. Recommend early engagement with Crime Prevention Design Advisor
2. Working with the Applicant

Working with the Applicant

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

- offering a pre-application advice service,
- working with the applicant to present the proposals to Design Review

- 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 updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided with the opportunity for design review,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council website (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 20/00947/AS)

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Appendix 1 – Design Review Panel report (February 2020)

The design review meeting

Reference number	1386/100220
Date	10 th February 2020
Meeting location	International House, Dover Place, Ashford, TN23 1HU
Panel members attending	Richard Portchmouth (Chair), Architecture, Urban Design Robert Sakula, Architecture Jade Huang, Architecture (co-opted)
Panel manager	Sogand Babol, Design South East
Presenting team	Guy Hollaway, Guy Hollaway Architects Tim Goode, Guy Hollaway Architects Musab Desai, Guy Hollaway Architects
Other attendees	Katy Magnall, Ashford Borough Council Councillor Paul Clokie, Ashford Borough Council Chris Hawkins, DHA Planning Edward Wollaston, Heritage Collective Dr. Mittal, Applicant Sanchay Tekle, Applicant
Site visit	A full site visit was conducted by the panel prior to the review.
Scope of the review	As an independent design review panel, the scope of this review was not restricted.
Panel interests	Robert Sakula notified DSE that his practice worked for Ashford Borough Council on the early stages of the Vicarage Lane/Mecca Bingo site in 2018. This was not deemed to constitute a conflict of interest.
Confidentiality	This report is confidential as the scheme is not yet the subject of a detailed planning application. Full details of our confidentiality policy can be found at the end of this report.

The proposal

Site location	New Rents, Ashford
Site details	The site is located on the western portion of Ashford's New Rents high street, on the corner of Drum Lane to the west and adjacent to a now vacant former Marks and Spencer building to the east. There is an existing two-storey building on the site, with partly vacant commercial units on the ground floor.
Proposal	This is a proposal for a 92-bed hotel, 10 apartments highly likely to function as serviced apartments, a small commercial space and a car park for 17 vehicles. A 70% 1-bed, 30% 2-bed mix is proposed. We trust that the client has researched the viability of the model in this location.
Planning stage	Pre-application stage. Full application intended imminently.
Local planning authority	Ashford Borough Council.
Planning context	The site is within a conservation area and there are three listed buildings in close proximity to the site – 2 and 4A New Rents, examples of late 18 th to early 19 th century architecture - included for their group value - and 33 New Rents. Policy SP5 in the Local Plan supports development of this site in principle. The Ashford Town Centre Conservation Area Appraisal and Management Plan were adopted in September 2016. There is a protected view of St Mary's Church looking south-east along New Rents from Somerset Road.
Planning authority perspective	<p>The local authority supports the development in principle. The adopted Local Plan identifies the need for primary shopping frontage on both New Rents and Drum Lane. Retail independent of the hotel is desirable.</p> <p>The advice of the panel is sought on the scale of the proposal, integration with the historic fabric, key views, roof forms and architectural articulation along New Rents.</p>
Previous reviews	The scheme was previously reviewed by the panel on 22 nd August 2019. The panel had a number of concerns about the proposal and its character, which was considered incongruous with the distinctive heritage and context.

Summary

Overall, this scheme is a significant improvement upon the previous proposal. The scale, mass and building form is now more coherent with the context. The focus should now be on refining and coordinating the scheme for the needs of the site and uses through consultation, engagement and collaboration with relevant consultants, authorities and members.

Key recommendations

1. Minor alterations to the massing are required to finesse the proposal, for example through the introduction of a courtyard at ground level and the expression of the recessed roof gables as they come to ground.
2. The architectural elevations are the key area for development. The articulation of bays that reflect the historic fabric, in addition to more brick and smaller, opening windows will be useful for developing the character and future flexibility of the scheme.
3. Appropriate locations, sizes and spatial requirements of the servicing, energy and sustainability provisions of the site should be clarified and integrated into the proposal.
4. The overall success of this scheme depends on material and detail quality. The approach is appropriate, however, a clear rationale needs to be developed. Important details for progression are outlined below.

Detailed comments and recommendations

1. Responding to the context

- 1.1. This proposal is a significant improvement upon the previous iteration. The study of local architectural precedents has resulted in a more appropriate scale and response to the context. The proposal is now more embedded in the context and reflective of local characteristics.
- 1.2. We are comfortable with the approach to scale, massing and height.
- 1.3. The previous critique of the view to St. Mary's Church has been addressed. The mass no longer competes with the church spire. Care should now be taken to avoid any increase of the parapet height during detail design stages. The curved corner form on the junction of New Rents and Drum Lane is strong, however, further exploration of this prominent corner is advised. The projection of the gable-end on Drum Lane is less convincing. A flush gable could ensure continuity of the scheme around this corner. Options for the position of this gable should be explored.
- 1.4. The extent of the sloping roof on Drum Lane is not fully harmonious with the architecture of the conservation area. Dormers instead of flush, Velux-style windows could be useful in establishing a successful articulation of the external appearance, while increasing generosity of the interior spaces. In addition, there is potential in using detail and decoration on the roof, which would establish a consistent approach with the brick facades.

2. Architecture & elevations

- 2.1. We support the position and line of the recessed gables facing onto New Rents however, the gables could relate better to the rest of the massing at lower levels. The team should explore how a coherent composition can be developed, for example in how the gables come to ground through the detail of the elevation.
- 2.2. The need for flexibility of the ground-floor for conversion into alternative uses in the future life of the building is a concern of both the panel and the Council. The ground floor elevation is currently a homogenous, large space with a continuous glazed opening. We strongly encourage the team to consider the articulation of bays in the façade, in addition to more brick and opening windows that allow cross-ventilation at ground level. The historic grain patterns should be studied to inform this setting out. Smaller bays would better respond in character to the context and enable ease of conversion at a later date.

- 2.3. To progress the architectural proposal, the team should now focus on accurately describing the immediate context. A process of analysis and clear communication of the context through careful drawing should inform the architectural proposal. The elevations in particular should be responsive to this analysis.
- 2.4. The team is advised to consult building control officers and fire engineers at the earliest possible time to ensure the sharing of cores and circulatory space between private residential homes and hotel use is compliant with current regulatory standards. Compliance with means of escape should be clarified. Security across the two uses is a concern and requires a clearly described strategy in design and management.

3. Layout & access

- 3.1. We recognise the reduction in the number of homes proposed on the basis of our earlier advice. There are residual issues with the internal layout, although we are confident these can be resolved through iterative design.
- 3.2. We see significant potential in lowering the first-floor podium to provide a courtyard-garden at ground-level. This would help alleviate issues with the deep plan and likely need for mechanical servicing of spaces at this level, as well as enabling opportunities for long and short views into a landscaped space, better orientation and flexibility for the future. It will require negotiation with the Council and elected members to reduce the amount of parking, but our view is that this in a town centre location, a discreet amount of space dedicated for essential vehicles is sufficient.
- 3.3. The team should explore opportunities to introduce more windows and natural light into the corridors.
- 3.4. The positioning of a new residential entrance on the south of Drum Lane is a positive move. The lobby could be more generous in size, while the prominence and spatial quality of the stairs could be improved to encourage their use. A visual connection to a courtyard is one way this could be achieved.
- 3.5. The north-eastern core and stair could be flipped to ensure the overrun is coordinated with the gable form and does not protrude from the roof.

4. Landscape & public realm

- 4.1. The new residential entrance on the south is welcome, as it encourages a review of the public realm in this area and along Drum Lane. Opportunities for greening at ground level should be explored, which will require collaboration with the local

authority and Kent County Council highways. The ownership boundaries should be checked to inform these discussions.

- 4.2. Although we note our earlier advice, the proposal for a singular north-facing green wall is not yet convincing. The team should explore the nature and character of the courtyard space as a whole. The introduction of a signature tree could be more appropriate. Otherwise, the consistent use of green walls on all elevations of the courtyard (with attention paid to the specification of tree species dependent on the orientation), could be more coherent.
- 4.3. Green walls on the south-facing elevation could be used to enliven the street and mitigate inactive frontages.

5. Energy & sustainability

- 5.1. We support the integration of greywater recycling and renewable energy sources. Photovoltaics have been carefully positioned for discretion and efficiency. Understanding the spatial requirements and servicing needs of these provisions and coordinating these into the design should now be a priority.
- 5.2. Similarly, the serviced spaces of the hotel and spa will have mechanical, electrical and plant needs that are not yet reflecting accurately in the proposal. An M&E engineer should be consulted at the earliest possible time. Spaces should be sized, distributed and located according to needs. Rooftop plant, extracts, and other servicing equipment should be shown on plans, sections, elevations, and visualisations.
- 5.3. At planning application stage proposals should produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods.

6. Materials & detail

- 6.1. The need for a rationalised, thoughtful and coordinated package of details cannot be underemphasised for this prominent site. We support the team's approach to resolving these upfront as far as possible. The key details that should be provided are outlined below;
- 6.2. Overhanging soffits: Metal is not considered an appropriate solution for this detail. Brick, well detailed render or concrete should be explored for its contribution to overall quality.

- 6.3. Guttering: An overall strategy is required, as well as internal and external details.
- 6.4. Herringbone: Currently used on structural columns, the use of herringbone brick is interpreted as contrary. If this architectural conceit is the intent, this could be a consistent theme to be expanded upon across the scheme.
- 6.5. Sloping-curved roof (south of Drum Lane): The detail of the eaves is important to retain water run-off while providing a satisfactory appearance from the south.
- 6.6. Signage: The needs of the operator should be established. Discreet signage behind glass is preferred for its visual appearance and flexibility for change.
- 6.7. Window reveals: It will be important that the deep brick reveals referred to by the applicant and evident in the visualisations are retained throughout the design development. A great deal of the character of the proposal will be lost if these are reduced or omitted.
- 6.8. Balustrading: We recommend investigating alternatives to glass balustrading for this location within the conservation area. Metal railings are preferred.
- 6.9. Interface between double-hipped gable on New Rents, roof and parapet below: How these prominent elements of the building relate visually and structurally to the lower façade of the High Street to create a coherent composition is a critical detail.
- 6.10. In our view, the details should contribute to the architecture's status as a contemporary interpretation of the historic architectural context. The palette of materials should be clarified, with particular attention paid to a consistent use of metal across the scheme.
- 6.11. The use of transoms and mullions to better articulate glazing proportions on the elevations should be explored.
- 6.12. We support the use of red brick. However, the specific qualities of the brick should be agreed in advance. A technical, clean brick would diminish the character of the proposal. A soft red brick, with flush-pointed, buff coloured lime mortar is preferred.
- 6.13. We support the use of slate roofing tiles.
- 6.14. Paragraph 130 of the National Planning Policy Framework (2018) states: *'Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'*

- 6.15. At planning application stage, the quality of the detailing should be demonstrated through large scale drawings at 1:20 and 1:5 of key elements of the building/landscape and should be accompanied by actual material samples which should be secured by condition as part of any planning approval.
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Confidentiality

If the scheme was not the subject of a planning application when it came to the panel, this report is offered in confidence to those who attended the review meeting. There is no objection to the report being shared within the recipients' organisations. Design South East reserves the right to make the contents of this report known should the views contained in this report be made public in whole or in part (either accurately or inaccurately). Unless previously agreed, pre-application reports will be made publicly available if the scheme becomes the subject of a planning application or public inquiry. Design South East also reserves the right to make this report available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please inform us.

If the scheme is the subject of a planning application the report will be made publicly available and we expect the local authority to include it in the case documents.

Role of design review

This is the report of a design review panel, forum or workshop. Design review is endorsed by the National Planning Policy Framework and the opinions and recommendations of properly conducted, independent design review panels should be given weight in planning decisions including appeals. The panel does not take planning decisions. Its role is advisory. The panel's advice is only one of a number of considerations that local planning authorities have to take into account in making their decisions.

The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.