

Application Number	21/01654/AS	
Location	Ashford International Sports and Social Club, Beaver Road, Ashford, Kent, TN23 7SG	
Parish Council	NA	
Ward	Norman	
Application Description	Demolition and redevelopment of the site to provide a replacement Club facility and the erection of 31no. apartments across 1x three-storey and 1x five-storey building with associated access, parking and landscaping.	
Applicant	c/o Agent	
Agent	DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, ME14 3EN	
Site Area	0.29ha	
(a) 80/7 - 7 'R'	(b) NA	(c) EA 'R', KCC ARCH '-', KCC EAS 'X', KCC EDEV 'X', KCC LLFA 'X', KCC H&T 'X', KFRS 'X', POL 'X', NHS 'X', SW 'X'

Introduction

1. This application is reported to the Planning Committee at the request of Cllr Webb (Ward Member for Norman Ward).

Site and Surroundings

2. The application site comprises a broadly rectangular piece of land located at the junction of Beaver Road and Norman Road approximately 800m southwest of Ashford town centre. Beaver Road forms the westernmost site boundary and the B2229 Norman Road forms the southernmost boundary and runs in an east to west direction as shown in **Figure 1** below.



Figure 1: Site location plan

3. The site currently accommodates the Ashford International Sports and Social Club within a single building located adjacent to the junction. The two-storey pebble dash rendered building has a clay tile hipped roof with dormer and velux windows (**Figure 2** below). It comprises a large hall/entertaining space and bar facilities. There is a small area of informal amenity space laid to grass and the remainder of the site is given over to car parking which is accessed from Norman Road at the eastern end of the site.



Figure 2: Existing Ashford International Sports and Social Club building

4. Beaver Road to the north and west of the application site is predominantly residential in character comprising mainly brick two-storey terraced housing. To the northern site boundary lies a single storey dwelling (173 Beaver Road/Stars) and the rear of 171 and 171a Beaver Road (non-residential). The north eastern boundary is shared with a B&Q warehouse and servicing yards.
5. There are no conservation areas or listed buildings within proximity. The site

is partially located within Flood Zones 1, 2 and 3.

Proposal

6. Full planning permission is sought for the demolition and redevelopment of the site to provide a replacement social club building and the erection of 31 residential flats. As shown in the layout plan in **Figure 3** below, the club facility would be located in a single storey detached building in the northeast corner of the site. The flats would be split across a part four and part five-storey building adjacent to Beaver Road (Block A) and a three-storey building located adjacent to Norman Road (Block B).

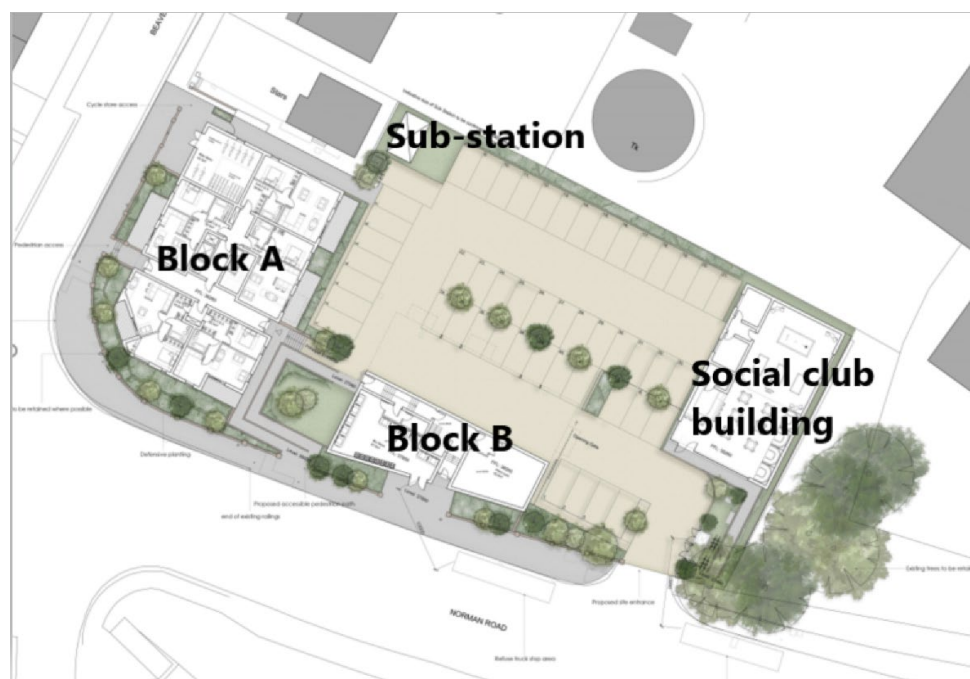


Figure 3: Proposed site layout

7. The existing vehicular access on Norman Road would be retained to provide 41 car parking spaces for the residential use and 7 spaces for the social club building. A sub-station would be provided within the car park. Secure cycle parking and dedicated refuse stores would be integrated into the ground floor of Blocks A and B. The development would also incorporate soft landscaping, to the boundaries, as well as between Blocks A and B and within the car park.
8. As illustrated in **Figures 4 and 5** below, the buildings would have distinctive angled roofs, with large metal windows and a mix of inset and projecting balconies. Principal entrances to both Blocks would be located on the front street facing elevations and the buildings would also be accessed via the car park at the rear. The materials would include a mix of grey and blush red brick.



Figure 4: Proposed Norman Road elevation



Figure 5: Proposed Beaver Road elevation

Relevant History

9. There is no relevant planning history relating to this application site.

Consultations

10. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to 81 occupiers of buildings in the vicinity of the application site.

Ward Members: objection received relating to height of buildings, number of flats, traffic and climate. Subsequently called in the application for the Committee's determination.

ABC Cultural Services: request financial contributions towards public open space, sport and culture provision.

ABC Environmental Protection: no objections subject to appropriate conditions to secure a scheme to deal with the remediation of any land contamination, a Code of Construction Practice, sound mitigation, details of plant and extraction and electric vehicle charging facilities and informatives relating to hours of demolition/construction/burning of waste/dust mitigation.

ABC Environmental Services: no objection subject to condition to secure details of refuse store locks.

ABC Housing Services: comment no requirement for affordable housing as part of this development.

Environment Agency: no objection subject to conditions to secure details of flood storage, development to be in accordance with the mitigation set out in the Flood Risk Assessment, details of potential land contamination and to prevent infiltration of surface water drainage other than with consent.

Kent County Council Archaeology Advisor: no response.

Kent County Council Ecological Advice Service: no objection subject to condition to secure a Biodiversity Method Statement, including details of mitigation and ecological enhancements.

Kent County Council Economic Development: request appropriate mitigation in relation to secondary education provision, community learning, libraries, youth and social care and a condition to secure 'fibre to the premise' (FTTP) broadband connections to all premises of gigabit capacity.

Kent County Council Flood and Water Management: no objection subject to conditions to secure a detailed surface water drainage scheme and verification report.

Kent County Council Highways and Transportation: no objection subject to conditions to secure a Construction Management Plan, measures to prevent discharge of surface water to the highway, provision and retention of access and car and cycle parking and details of EVC.

Kent Fire and Rescue Service: comment that emergency access appears satisfactory. Flats will be subject to a full building regulations consultation.

Kent Police: no objection subject to condition to secure Crime Prevention through Environmental Design (CPTED) and incorporate Secured by Design (SBD) as appropriate.

NHS (Kent and Medway CCG): request a financial contribution towards general practice health infrastructure.

Southern Water: request condition to secure details of foul sewerage and surface water disposal.

Neighbours – 7 objections received as summarised below:

- Height of buildings not in keeping with the area;
- Lack of character;
- Lack of affordable or family homes;

- Overshadowing and loss of privacy to surrounding properties;
- Single and multi-occupancy homes altering the balance of people in the area;
- Increased congestion and stress on the roads;
- Inadequate parking;
- Site has a history of flooding;
- Precedent for surrounding vacant land to be inappropriately developed;
- Impact on property values.

Planning Policy

11. 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).
12. 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 Delivery

SP6 Promoting High Quality Design

HOU1 Affordable Housing

HOU3a Residential windfall development within settlements

HOU12 Residential space standards 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

TRA3b Parking Standards for Non Residential Development

TRA6 Provision for Cycling

TRA7 The Road Network and Development

TRA8 Travel Plans, Assessments and Statements

ENV1 Biodiversity

ENV4 Light Pollution and Promoting Dark Skies

ENV6 Flood Risk

ENV7 Water Efficiency

ENV8 Water quality, supply and treatment

ENV9 Sustainable drainage

ENV10 Renewable and Low Carbon Energy

ENV11 Sustainable Design and Construction – Non residential

ENV12 Air Quality

ENV15 Archaeology

COM1 Meeting the Community's Needs

COM2 Recreation, Sport, Play and Open Spaces
COM 3 Allotments
IMP1 Infrastructure Provision
IMP2 Deferred Contributions

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

Assessment

14. The key areas for consideration are as follows:
- (a) Principle of development
 - (b) Whether the proposals in respect of the community facility are acceptable
 - (c) Design quality and visual impact on the locality
 - (d) Housing mix and standard of accommodation proposed
 - (e) Amenity impacts
 - (f) Highway impacts, car and cycle parking, EVC and refuse strategy
 - (g) Landscaping, ecology and biodiversity, surface water and drainage and contamination
 - (h) Archaeology
 - (i) Sustainability and climate change
 - (j) Habitats Regulations
 - (k) Infrastructure requirements
 - (l) Planning Obligations

(a) Principle of development

15. Policy SP1 of the ALP 2030 identifies a number of strategic objectives, first of which is to focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities. From a housing perspective, planning applications are expected to provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including for newly forming and downsizing households. Another relevant objective is to ensure new development is resilient to, and mitigates against the effects of climate change, including by reducing vulnerability to flooding. The proposals entail the redevelopment of brownfield land and would deliver housing that mitigates against flood risk in accordance with these objectives.
16. Policy SP1 also deals with other matters and makes reference to the importance of sense of place, including spaces around and between buildings and how that creates and contributes character alongside supporting uses through appropriate physical infrastructure.
17. The site is not allocated for development in the ALP 2030. However, Policy HOU3a allows residential windfall development within existing settlements providing it can be satisfactorily integrated. Ashford is a listed settlement and in accordance with 'The Vision' set out in the ALP will continue to be the main focus for development.
18. Policy HOU3a is subject to certain compatibility and impact assessment provisos including relating to character, density, amenity, highways, infrastructure, safe pedestrian access and use displacement. This last requirement, for a development not to displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan is key to the assessment of this application.
19. The assessment sections below address the requirements of this Policy alongside other topic-based specific Policies of the ALP 2030. Providing the development can be satisfactorily integrated and would meet the requirements of Policy COM1 in relation to community facilities, then it would meet the test of principle set out in Policy HOU3a.
20. Subject to the development being considered acceptable against the above policies then the principle of the development would be acceptable assessed against 'The Vision' and Policy SP1.

b) Whether the proposals in respect of the community facility are acceptable

21. As set out in Policy HOU3a, residential development within Ashford will be acceptable where a number of requirements are met, including where the development would not to displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan. In this respect Policy COM1 (Meeting the Community's Needs) of the ALP is relevant as it seeks to resist the loss of existing community infrastructure across the Borough, unless sufficient evidence can be provided to demonstrate that such infrastructure is no longer required or is obsolete and that suitable replacement provision is being provided or is located nearby.
22. The ALP recognises that retaining existing facilities, wherever practical, is the most sustainable way of enhancing and expanding provision. This position is supported by paragraph 93 of the NPPF which requires that LPAs guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs. The NPPF also requires planning decisions to ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
23. Although the Ashford International Sports and Social Club is a predominantly members-only club (guest admission is permitted) some of its facilities are also available for occasional public hire. I am satisfied that it is a community facility and that Policy COM1 is relevant.
24. The planning application is supported by a Club Supporting Statement Letter detailing the history of the club and the justification for the current proposals. It confirms that the Club has operated at the application site for over 100 years. Following the sale of a second sister site in Station Road in 2005 the premises was extended and reopened in 2010. The extended facility incurred higher operating costs, including business rates, lighting and heating, maintenance, insurances, security and staff. The reopening coincided with the introduction of the smoking ban and ongoing economic crisis which particularly affected non-catering establishments such as this, resulting in lower footfall and fewer bookings for events space. The Club has failed to return any annual surplus since it was reopened. The Club was forced to close by the Government Coronavirus legislation in March 2020 and has not been able to reopen since.
25. Having concluded that the ongoing operation of the Club within the existing premises is unviable, the Club committee are seeking to provide a reduced size facility better suited to its needs and to ensure its future financial security and long term survival. The viability has been evidenced through a business plan whereby the Club is either externally managed as a business where profits can be reinvested for the benefit of members, or is internally managed through direct employment of staff.
26. Although the proposals would not result in the loss or displacement of the

community facility, it would result in a substantial reduction in size from approximately 763sqm to 225sqm GIA (a reduction of 70%). Nevertheless, it would comprise a higher quality, energy efficient building capable of accommodating all of the activities associated with the existing premises.

27. Notwithstanding the intention of the Ashford International Sports and Social Club to occupy the premises, I am mindful that this cannot be guaranteed. On this basis the applicant has provided a Marketing Report concluding that the building has been flexibly designed and is of a size that would be suitable for a number of alternative uses including for medical/health services (vets, dentist, chiropractors, physio etc.).
28. In summary, and subject to a condition to secure delivery of the social club building prior to the first occupation of any residential units, I am satisfied that rather than displace an active community use, the proposals would facilitate the retention, modernisation and future financial security of a community facility in accordance with both national and local planning policy and guidance.

(c) Design quality and visual impact on the locality

29. 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. While 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.
30. 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.
31. 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.
32. 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.

33. 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.
34. The applicant has engaged with key stakeholders, including Officers and the community via an interactive design process. 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**

35. The proposed layout has been carefully considered to respond to the site's specific constraints and opportunities. As shown in **Figure 6** below, the larger of the two residential blocks (Block A) would be located on the siting of the existing building on the Beaver Road frontage and prominent corner and be separated from a new smaller block (Block B) fronting Norman Road by a small landscaped space. These buildings would incorporate soft landscaped set-backs and be appropriately located to continue the pattern of development on Beaver Road thereby retaining or, in the case of Norman Road, introducing, a good level of enclosure to these main streets. The proposed layout would also activate the street frontages and provide a good level of natural surveillance. In my view the layout would be compatible with the character of the surrounding area in accordance with criterion (a) of the Policy HOU3a of the ALP.

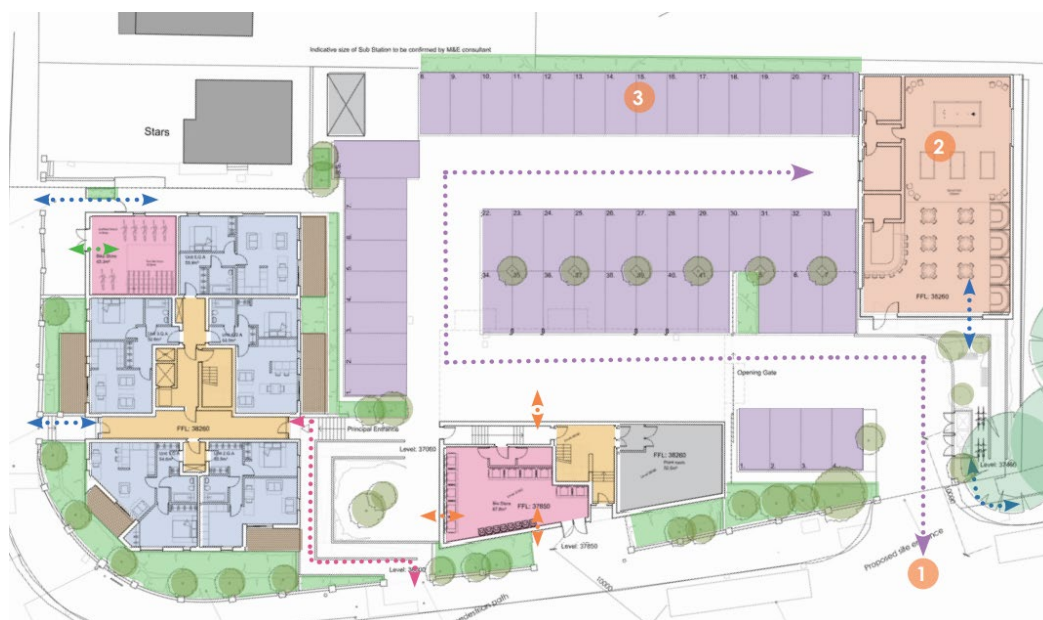


Figure 6: Proposed ground floor site layout and access arrangements

36. The replacement social club building would be located in the north eastern corner of the site nearest to the adjacent B&Q retail shed and service yards. Whilst retaining a degree of visibility from Norman Road it would be

appropriately distanced from the existing and proposed residential buildings.

37. A single vehicular access would be retained in the existing position on Norman Road and would provide access to a large off-street parking court to the rear. At first floor level and above, Block B would over sail part of the car park circulation aisle. Pedestrian and cyclist access into the site would be provided from both Beaver Road and Norman Road, thereby facilitating ease of movement as required by Policy SP6 of the ALP.

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

38. Notwithstanding the detached single storey bungalow immediately to the north of the site (Stars), the east side of Beaver Road is characterised by traditional two-storey Victorian terraced buildings with pitch roofs. Norman Road is characterised by a variety of building scales, including larger format commercial buildings within the business park opposite.
39. 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. The NPPF is also relevant here. Paragraph 124 refers to supporting development that makes efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change. Paragraph 130 states decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
40. As shown in **Figure 7** below, Block A would comprise a two-storey element adjacent to the north boundary to respond to the lower height of the adjacent bungalow before stepping up to four and five-storeys which would wrap around the prominent corner and into Norman Road. Although significantly higher than the buildings opposite, the overall mass of the development is broken down by the stepped height, the replacement of projecting balconies with inset balconies, incorporation of varied size brick panels and distinctive angled roofline which would add interest to the corner and in my view would provide a striking and appropriate termination to the streetscene taking advantage of the location at a wide junction. In my view this brownfield site is a suitable location for promoting regeneration and change and is capable of supporting increased density in accordance with the NPPF.



Figure 7: Visualisation of Block A at junction of Beaver Road and Norman Road

41. Norman Road is a busier, wider road than Beaver Road and has a more fragmented townscape. In this context the various heights, scales and forms of Blocks A and B and the single storey social club building as shown in **Figure 8** below are considered to complement each other and comprise appropriate additions to the streetscene.



Figure 8: Visualisation from Norman Road

- **Design and materials**

42. In terms of detailed design and materials, both residential blocks would comprise a mix of grey and blush red brick to delineate the base of the

buildings and parts of the upper levels. As shown in **Figure 9** below, the architectural approach is very simple; each elevation includes a repetitive and uniform window arrangement (utilising metal grey framed windows) with the mix of brick colours being used to create bays that provide articulation and relief into the facades. The corner elevation of the larger block features good sized integrated balconies with dark grey railings to provide architectural expression on this prominent corner. Elsewhere the development incorporates projecting balconies with dark grey railings to provide visual interest and variety.



Figure 9: Detailed design and materials (Block A)

43. The predominant use of brick and incorporation of bays and soldier course detailing (Block A) and narrow vertical channels (as shown in **Figure 10** on Block B below) is considered to lift the design and respond sensitively to the surroundings. To ensure a high quality finish I recommend that samples of materials (including to secure a mix of grey bricks) and large scale drawings (at 1:20 and 1:5 scale) of fine details and key elements of the buildings should be secured by planning condition.



Figure 10: Detailed design and materials (Block B)

44. In summary, I consider that the buildings would be of high quality design that would enhance the townscape in this prominent location whilst also being sympathetic to the local context and character of the surroundings in accordance with Policies SP6 and HOU3a of the ALP.
- (d) Housing mix and standard of accommodation proposed**
45. 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 proposal includes a range of accommodation types and sizes, including 1-bed 2 person flats (20 units/65%), 2-bed 3 person flats (5 units/16%) and 2-bed 4 person flats (6 units/19%). Whilst weighted towards 1-bed flats, this mix of dwelling sizes would be in compliance with the broad objectives of Policy HOU18. As a flatted development within the Ashford Town area, adopted Policy HOU1 of the ALP does not require the provision of affordable housing and none is proposed.
46. All dwellings would comply with the Nationally Described Space Standards set out in Policy HOU12 and the Council's Residential Space and Layout SPD. All units would also provide private external open space in the form of integrated or projecting balconies or private gardens in accordance with the requirements of Policy HOU15.
47. With the exception of 2 x 1B2P north-east facing single aspect units in Block B and 4 east or west facing single aspect units in Block A, all other units (equating to 80% of the total) would be dual or triple aspect. I am satisfied that overall the development would provide for good levels of daylight and outlook, either over the adjacent roads or through the rear car park softened by trees. Concerns regarding the potential for direct overlooking between units in Blocks A and B have been resolved by design revisions to flat layouts, balcony locations and window arrangements. I recommend a planning condition to ensure the secondary windows to combined living, kitchen dining rooms in the side (west) elevation of Block B are obscure glazed to safeguard the amenities of future occupiers.

48. Whilst the location of the club facility adjacent to the established commercial uses has been taken into account in the layout of the development, I concur with the recommendations of the Environmental Protection team in relation to securing conditions relating to sound mitigation and any details of plant and extraction. The hours of opening of the club facility are currently unknown and I therefore recommend details be secured by condition to further safeguard the amenities of future occupiers.
49. Both blocks would be accessible via level entrances on the front and rear elevations. I recommend that a planning obligation be imposed to secure a minimum of 20% of all dwellings to be built to Building Regulations M4(2) standard (accessible and adaptable) in accordance with the requirements of Policy HOU14.

(e) Impact on amenity

50. The application site is located in an area characterised by both residential and commercial uses with potential sensitivity to the redevelopment of the site. Policy HOU3a permits residential development and infilling of a scale that can be satisfactorily integrated into an existing settlement provided a number of requirements can be met, including (b) where it would not create a significant adverse impact on the amenity of existing residents.
51. The proposals include the erection of buildings on parts of the site where none currently exist and it is therefore necessary to consider whether the development would result in any significant adverse impacts on the amenities of existing residents of surrounding buildings, including those opposite and adjacent to the site.
52. The west side of Beaver Road (opposite the application site) is characterised by terraced two-storey dwellings. The replacement of the existing two storey building with a part 2, 4 and 5-storey building (Block A) would change the outlook from the front of several dwellings directly opposite the site. However, by reason of the road width, stepped building height, detailed design and integration of a soft landscaped buffer including tree planting I do not consider the height or scale of the building would be unduly oppressive or overbearing in this urban location and, in my opinion, the location of the site at a wide road junction presents a natural opportunity to create a buildings that respond to the opportunity in terms of ability to have a greater scale.
53. Three dwellings would be located directly opposite the 5-storey element and the front ground floor level rooms of these dwellings have the potential to be impacted in terms of daylight and sunlight. I note however that these dwellings benefit from large bay windows which receive light from multiple angles. Taking this and the orientation of the development (to the east) into account I

do not consider that any harm arising from loss of daylight or sunlight would be unacceptable. I am further satisfied that the omission of projecting balconies would ensure no significant adverse impacts in terms of overlooking or loss of privacy.

54. Directly to the north of the application site, on the east side of Beaver Road is a detached single-storey bungalow (Stars). The bungalow is located to the rear of the plot such that the only amenity space is to the front. Where the existing building is built to the boundary, the proposed development has been set back and stepped in height to reduce potential impacts on outlook and sense of enclosure. Whilst the development would likely result in a greater degree of overshadowing and some loss of daylight and sunlight, the layout is such that I do not consider any harm would be significant enough to justify refusal of planning permission. Subject to conditions to secure obscure glazing to the secondary windows in the first floor level side (north) elevation of Block A I am satisfied that the development would provide for an acceptable relationship with Stars.
55. I am mindful that the proposed balconies on the north (side) elevation of Block A would afford views north along Beaver Road. Where the elevation drawings show the second floor balconies extending to the edge of the building, the plans show they would be set back to prevent views directly down into Stars and its amenity space. I recommend a condition be imposed to ensure the balconies are implemented in accordance with the plans. I note that beyond Stars is a non-residential building (171 and 171a Beaver Road) with parking behind and so there would be no harm from longer distant views.
56. The application site partly borders commercial uses (B&Q) to the north and east. Subject to details of sound mitigation for the proposed residential units, I am satisfied that the relationship with the adjacent commercial uses would be acceptable and that overall the development would promote a high standard of amenity for existing and future users of development in accordance with paragraph 130 of the NPPF and the ALP.

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

57. The planning application is supported by a Transport Statement (TS) in accordance with the requirements of Policy TRA8 of the ALP. The TS concludes that the site is in a sustainable location with good access to public transport serving a range of facilities and services in the local area.
58. The main vehicular access for both the residential units and the social club would be via the existing access on the northern side of Norman Road which benefits from the required visibility splays. The Highways Authority is satisfied that its use is acceptable and would not prejudice highway safety.

59. In terms of projected traffic generation, the TS includes a TRICS trip generation calculator that indicates the flattened nature of the development and a club facility would have a low level of car use. Specifically, the development would create combined two way movements of 8 in the AM peak hour and 20 in the PM peak hour (the club facility generates no movements in the AM peak). The Highway Authority confirm that this level of traffic generation would not result in unacceptable impacts on the local or wider highway network, including in terms of highway capacity or safety.
60. In recognition of the scale of the development, I concur with the Highway Authority recommendation that a Construction Management Plan be required, to include details of lorry routing and contractor parking. The proposal is therefore acceptable in highway terms and consistent with criterion (e) of Policy HOU3a.

- **Car parking**

61. Policy TRA3(a) of the ALP sets out the required parking standards for new 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.
62. The proposals include 41 secure parking spaces for the residential element of the development (plus 1 space for sub-station maintenance) and 7 parking spaces for the club facility. The residential parking provision would equate to a ratio of 1.3 which lies between the standards required for town centre development (minimum 31 spaces) and suburban development (minimum 53 spaces). The Highway Authority raise no objection to the quantum of parking proposed, noting that the immediate vicinity of the site is subject to parking restrictions in the form of double yellow road markings and, as such, the development would be unlikely to result in overflow parking that would compromise highway safety in the area.
63. There are no minimum parking standards for the social club use; however it is relevant that a large proportion of members and users are local and the Highway Authority note that the existing parking restrictions adjacent to the site would prevent overspill parking that would compromise highway safety in the area.
64. The Sustainability Statement confirms that EVC (electric vehicle charging) will be provided to 15 parking bays (37% of the total). I recommend that further details of the layout and specification of either active or passive provision be secured by condition to help stimulate the take-up of EV's by residents through good on-site infrastructure provision.

65. In summary, I am satisfied that the quantum, size and design of proposed car parking provision accords with Policy TRA3a and the Council's Residential Parking and Design Guidance SPD. Subject to appropriate conditions relating to provision of the parking spaces and EVC infrastructure, the Highways Authority is satisfied with the proposals, as am I.

- **Cycle parking**

66. Policy TRA6 of the ALP requires cycle parking to be provided for residential development on a 1 space per unit basis. Provision is shown for 31 spaces within a mix of Sheffield stands and racks in a secure cycle store accessed via Beaver Road. The store would be easily accessible to the main building entrances of both blocks. Provision for a further 4 cycles is shown adjacent to the social club facility which would be appropriately integrated into the landscaping strategy and sited to benefit from passive surveillance.

67. I am satisfied that sufficient space exists to accommodate the necessary cycle parking. Subject to a condition to require detailed specification of the cycle parking facilities shown I concur with the Highway Authority that the proposals are acceptable in this regard.

- **Refuse strategy and servicing**

68. Sufficient communal refuse and recycling storage has been incorporated into the ground floor of the development. The storage areas are easily accessible from the building cores and capable of being serviced from Norman Road without compromising safety. The Council's Environment Services Officer has commented on potential conflicts between the kerbside collection area and a pedestrian refuge island on Norman Road, however I am satisfied that there would be sufficient space to allow vehicles to pass whilst collection takes place.

69. I recommend that provision of the facilities be secured by a condition requiring the agreement of final details (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).

70. Separate refuse storage is proposed to the Social Club building. It is proposed that the servicing requirements for the Social Club will utilise vans and occur out of hours such that deliveries can be accommodated within the proposed parking provision. I consider this to be acceptable.

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

71. The layout of the development allows for the incorporation of a generous soft landscaped buffer to the street-facing elevations of both residential buildings and a planted area between these buildings. I am confident that the proposals would result in significant enhancements to hard and soft landscaping across the application site compared with the existing situation of little to no landscape planting. The proposals would make a significant contribution to the quality of the development and enhance the local streetscape.
72. As shown in **Figure 11** below, revisions to the tree planting strategy have been secured in response to comments from the Council's Tree Officer to ensure that the soft landscaping is fully integrated into the layout and design, including within the parking area to offer maximum visual interest and biodiversity benefits in accordance with relevant planning policy and guidance.



Figure 11: Site plan showing landscape strategy

73. I recommend further details of the hard and soft landscaping to include materials specification, planting schedules, species and densities and a management strategy be secured by condition.

- **Ecology and biodiversity**

74. The site is not subject to any national or local nature conservation designations. The application is supported by a Preliminary Ecological Appraisal (PEA) which confirms that the site is dominated by built form and hardstanding. Undeveloped parts of the site comprise two small areas of

grassland and a small section of hedgerow and scattered scrub adjacent to the north boundary. The site is of low ecological value.

75. The PEA includes a Phase 1 Habitat Survey which confirms there are no suitable habitats for any protected species. Whilst the hedgerow is identified as species poor, the Preliminary Bat Roost Assessment report considers it to provide suitable foraging and commuting habitat with links to further hedgerows and residential gardens to the north and east. I recommend that the recommendations in the Preliminary Bat Roost Assessment and the PEA that the hedgerow should be retained, or if not possible, appropriate replacement native planting should be incorporated be secured by condition. This also applies to recommendations relating to protection of terrestrial mammals including hedgehogs and nesting birds.
76. The site offers much scope for ecological and biodiversity enhancement in accordance with the requirements of Policy ENV1 of the ALP. Enhancement opportunities may include the incorporation of planting of appropriate native herbaceous and shrub species to provide nesting and foraging opportunities and the installation of bird and bat boxes. I concur with the recommendations of the County Ecologist that further details should be secured by condition.
77. Whilst no details of any lighting strategy have been submitted I am mindful of the site's edge of centre/suburban location and the existence of overspill light from existing street lighting. I am satisfied that the principle of external lighting in this location would be acceptable and recommend that details of the external lighting strategy are secured by condition to ensure that it adequately balances and safeguards safety, amenity and the general objective of avoiding light pollution as per the requirements of Policy ENV4 (Light Pollution and Promoting Dark Skies) of the ALP.
78. In summary, I am satisfied that the development proposals would enhance the ecology and biodiversity value of the site in accordance with Policies ENV1 and ENV4 of the ALP.

- **Flood risk, surface water and drainage**

79. Policy ENV6 (Flood Risk) of the ALP is relevant as the application site is partially located within Environment Agency's Flood Zones 1, 2 and 3. Flood Zone 3 is at high probability of flooding from rivers and the sea. Paragraph 159 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

80. In response to the location of the site, the application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy, including a Sequential Test Report.
81. The Sequential Test confirms that there are not any reasonably available and suitable alternative sites within an area of lower flood risk that could support the proposed redevelopment. As a result, the proposed development is deemed to pass the Sequential Test and is subject to the Exception Test. The Exception Test demonstrates that both the sustainability benefits of the development to the community outweigh the flood risk and that the development would be safe for its lifetime taking into account the vulnerability of its users and that it would not increase flood risk elsewhere.
82. The FRA concludes that whilst the flood risk to and from the proposed development site (from the river) is high the flood risk to the site due to surface water, reservoirs or groundwater flooding is low. The development, nevertheless, has the potential to reduce flood storage and subsequently increase flooding elsewhere. To mitigate against loss of storage, where parts of the development encroach within Flood Zone 3a (depicted by the dark blue shading in **Figure 12** below), the buildings have been designed to be constructed with an undercroft/void which will allow free movement of floodwater beneath. The club building would be accessed via a ramp and the finished floor levels in this location would be set at a minimum of 38.260m AOD.



Figure 12: Overlay of development within flood zones

83. The applicant has worked closely with the Environment Agency (EA) to address the various flood risk issues. Subject to securing further details by condition the EA are satisfied with the principle of providing compensatory flood storage via voids. Subject to securing the mitigation proposed, the FRA has been endorsed by the EA in accordance with the requirements of Policy ENV6.

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 applicant's Drainage Strategy notes that due to the geology of the site and no watercourse present in vicinity of the site, disposal of surface water by infiltration and to a watercourse is not feasible. It is therefore proposed to dispose surface water via sustainable drainage features including an attenuation tank with a controlled discharge rate to the nearest public sewer located in Norman Road. Neither Southern Water or the Local Lead Flood Authority raise any objection subject to conditions to secure details of foul sewerage and surface water disposal via a detailed surface water drainage scheme and verification report.
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. Surface Water flows are to be attenuated on site and discharged at a restricted rate in accordance with the requirements of national and local planning policy and the Council's Sustainable Drainage SPD.

- **Contamination**

86. The planning application is supported by Phase 1 and Phase 2 investigations which have identified potential soil contamination and presence of ground gas on the site. The EA and the Council's Environmental Protection Officer notes the prior uses of the site, including as a brickworks clay pits which became ponds that were subsequently infilled, and the potential for contamination that may pose a risk to the environment and public. I concur with their recommendations to impose conditions to ensure that the potential for contamination is subject to further assessment and appropriate remediation where required.

(h) **Archaeology**

87. The planning application is supported by an Archaeological Desk-Based Assessment. Whilst the application site is not designated as an Area of Archaeological Potential it was considered likely to have had a theoretical archaeological potential for the Roman period, due to the proximity of a Roman road alignment along the western boundary. The report notes that past development on the site (in particular relating to nineteenth century brick earth extraction) are likely to have had a severe negative archaeological impact and concludes that no further archaeological mitigation measures are required. In the absence of any comments or recommendations from the County Archaeologist I concur that the redevelopment of the site would not pose any harm to archaeology in accordance with the requirements of Policy ENV15.

(i) **Sustainability and climate change**

88. The planning application is supported by a Sustainable Design and Construction Statement which confirms that the buildings would be energy efficient by maximising natural light and through the use of non-oil based sustainable materials of low embodied energy and high thermal performance.
89. As shown in **Figure 13** below it is proposed to install photovoltaic (PV) solar panels to each building to generate renewable energy on site. The buildings would incorporate parapets to ensure the panels do not detract from the design of the buildings. I recommend that provision of the PV scheme be secured by condition.

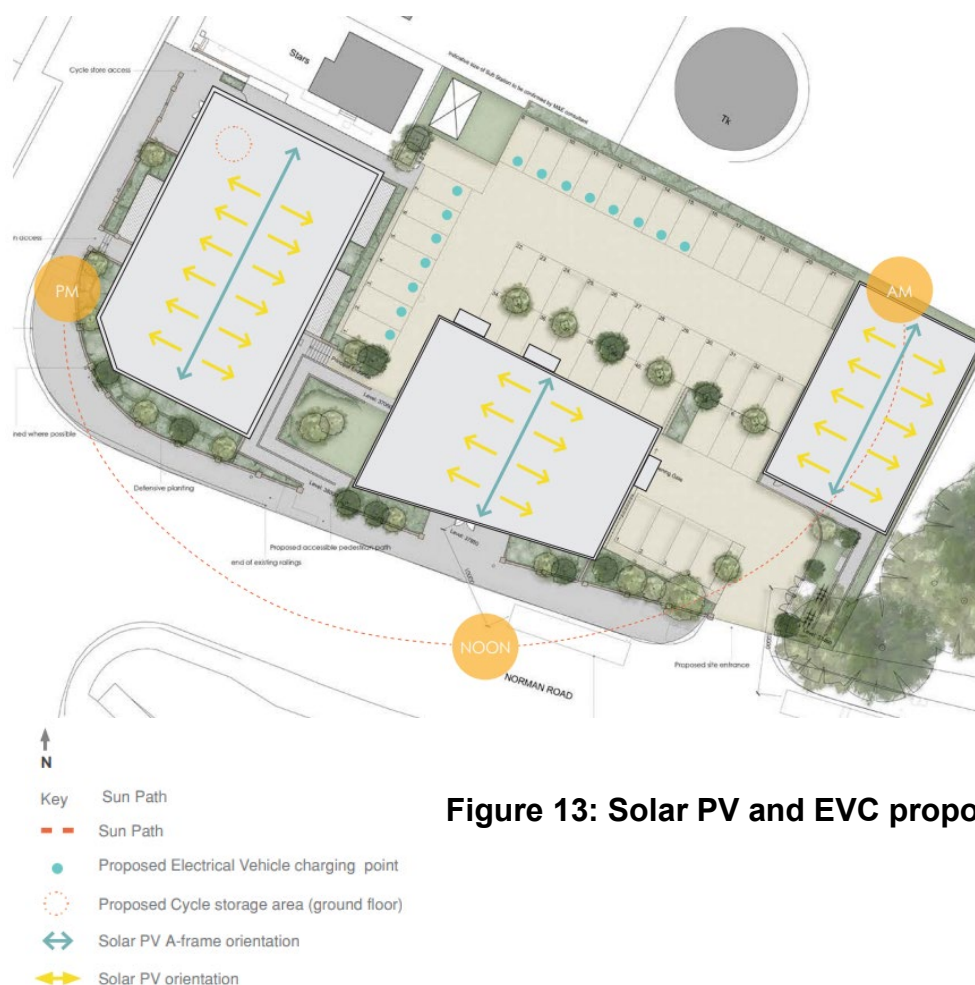


Figure 13: Solar PV and EVC proposals

90. More widely, the development would respond to the challenge of climate change through the incorporation of SuDS, high energy efficiency equipment and low flow water fittings. I recommend a condition to restrict water consumption to no more than 110 litres per person per day in accordance with the requirements of Policy ENV7 of the ALP. As shown in **Figure 13** above the proposal also provides for EVC (electric vehicle charging) in accordance

with the requirements of Policy ENV12 of the ALP which requires all major development proposals to promote a shift to the use of sustainable low emissions transport.

91. 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 renewable energy technology 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.

(j) Habitats Regulations

92. 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.
93. 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. This is consistent with the KCC Ecological Advice Services request.
94. 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.
95. The planning application is supported by a Nutrient Neutrality Assessment which confirms that mitigation will be required in order for the development to achieve 'nutrient neutral' status. 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.
96. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms, I recommend that a resolution to grant planning permission should also 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 (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) pursuant to a planning 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. This is included as part of my Recommendation detailed further below.

(k) Infrastructure requirements

- Mitigating the needs arising from the development through s106 obligations: the policy compliant requests

97. 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 specific development proposals with provision secured through s106 agreement. The policy states 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.
98. The Borough Council's infrastructure contribution requests are set out below. They sub-total **£86,526.40** and are to be index-linked:
- Outdoor sports provision (combined capital and maintenance) - £13,214
 - Indoors sports provision - £5,197
 - Informal natural open space - £17,156.56
 - Play - £29,656.66
 - Allotments - £7,323.76
 - Strategic Parks - £4,362.61
 - Arts sector - £7,649.25
 - Voluntary sector - £1,966.56
99. The County Council has made a number of infrastructure contribution requests, 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 requested per dwelling. Until that has been determined, the Council continue to rely on the pre 2020 requested amounts per dwelling (where those are lower) from the County Council as those are judged to be robust and based on evidence that was in the public domain. On this basis the Country Council contributions sub-total **£18,342** and are to be index-linked:
- Secondary Education (towards new Chilmington Secondary School) - £14,064
 - Community learning (additional resources and equipment) - £496
 - Youth (Ashford youth service) - £837
 - Libraries (additional resources/book stock at Ashford library) - £1,488
 - Social Care (towards extra care accommodation in Ashford) - £1,457

100. The NHS Kent and Medway Clinical Commissioning Group request a contribution of **£18,000** towards refurbishment, reconfiguration and/or extension of general practice health infrastructure in the area.
101. The total ABC, KCC and NHS contributions sought is therefore **£122,868.40**.
102. Finally, for a development of this nature a s106 monitoring fee is required and I recommend that a total of £500 per annum for the duration of the build (projected to be 18 months) would be reasonable and consistent with other developments in Ashford. On this basis, the Policy IMP1 un-indexed policy compliant s106 starting point would be **£123,868.40**.

- **The applicant's viability case**

103. The planning application is supported by a Financial Viability Assessment (FVA) in accordance with the provisions of Policies IMP1 and IMP2 of the ALP 2030 and consistent with the NPPF and the standardised approach to viability set out in Planning Practice Guidance.
104. The FVA has been independently reviewed by Bespoke, the Council's retained viability consultant. With the exception of the Benchmark Land Value (BLV) and the profit level assumptions, the remainder of the inputs and assumptions were agreed. The BLV that has been used by Bespoke is £410,500 based on its existing use value which is lower than the applicant's assumption of £700,000 as the adoption of a premium is not agreed in accordance with the advice in paragraph 17 of the PPG. Bespoke have also adjusted the profit level (from 20% to 17.5%).
105. On the basis of the Bespoke's advice as above, a residual land value for the proposed development of minus £25,391 would result. This value is well below the £410,500 BLV, and on this basis Bespoke concur with the overall findings of the FVA that the development is unviable and would not be able to sustain any s106 mitigation requests, whether policy compliant or less than policy compliant.. This is not a unique position and the Council's policy approach to this scenario is set out in Policy IMP2 of the ALP.
106. Policy IMP2 requires assessment of viability to be carried out in a robust manner, which has been done in this case, and subject to there being wider planning benefits from allowing developments to go ahead with a deficit in infrastructure contributions, requires deferred contributions to be secured instead. The applicant has agreed to enter into a s106 in respect of deferred contributions (i.e. if an uplift above the predicted sales values is realised then monies can be 'clawed back' to help partially mitigate development impacts). As set out in Table 1 below I recommend that this approach be adopted save

for the annual monitoring fee which should be a 'paid regardless' sum and would constitute only a small cost to the applicant.

107. Finally, the FVA takes no account of any potential additional costs to the scheme deriving from the off-site mitigation scheme and the 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.
- **Whether the planning benefits of the application would outweigh accepting sub-optimal mitigation through s106 obligations and the implications of the Council's housing land supply on the required balance**
108. The current inability to mitigate the impacts of the development on local infrastructure weigh against the proposals. However, in my view, the proposed development would provide overall wider planning benefits. It would make efficient use of an under-utilised brownfield site and provide well designed buildings that would enhance the townscape and increase biodiversity. Importantly it would also deliver much needed homes in a sustainable location and provide a high quality facility to serve the needs of an established community group or alternative user. I consider that these benefits would outweigh the sub-optimal position in respect of the redevelopment not currently being in a position to deliver policy compliant s106 contributions to mitigate development impacts on local infrastructure.
109. 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.
110. 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]. Whilst it is the Council's view that there are a number of issues associated with this appeal, the decision suggests that the Council is only able to demonstrate a 5-year housing land supply position of 3.5 years.

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

111. 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.
112. As a consequence of the housing land supply position, paragraph 11(d) of the NPPF (referred to as the 'tilted balance') 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.'*
113. 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 above) 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.
114. On the second exemption, I do not consider that 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.

(I) Planning Obligations

115. 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:

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

- (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

116. In accordance with the requirements of Policy IMP1 I am satisfied that the planning obligations in **Table 1** below are justified in the event that planning permission is resolved to be granted and that for the reasons 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. Notwithstanding, it is important to note that owing to the evidenced viability position set above, the planning obligations listed would only be secured in the event that the viability position improves, and via deferred contributions in accordance with Policy IMP2.
117. 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 s.106 obligations that might be necessary to mitigate against impacts of development on the integrity of Stodmarsh SAC, SPA and Ramsar site.

Table 1 - Heads of Terms for Section 106 Agreement/Undertaking

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Ashford Borough Council Planning Obligations				
1.	<p><u>Accessible and Adaptable Dwellings</u></p> <p>In accordance with Policy HOU14:</p> <p>At least 20% [7] homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>20% M4(2) across the whole site.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>	<p>Necessary as providing a mix and type of housing required to meet identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>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>
2.	<p><u>Allotments</u></p> <p>Project detail:</p> <p>Capital contribution towards allotments and/or community garden within 1km of the development site, to provide a qualitative and/or quantitative</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for</p>	<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, IMP1, IMP2 and COM3 Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

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	improvement; and/or contribution towards provision of new allotments within the borough.	maintenance Indexation: BCIS General Building Cost index 2012	determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.	Directly related as occupiers will use allotments and the facilities to be provided would be available to them. 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.
3.	<u>Art and Creative Industries</u> Project detail: Contribution towards arts provision within the ward and town centre, in response to need and identified projects when the funding is available.	£338 per dwelling for capital costs Indexation: BCIS General Building Cost index 2019	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility	Necessary to support social and cultural well-being pursuant to Local Plan Policies SP1, IMP1, IMP2, COM1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide. Directly related as occupiers can access local facilities and participate in arts and creative pursuits. Fairly and reasonably related in scale and kind considering the extent of the development.

			exceeds the predicted sales price as identified by the viability assessment.	
4.	<p><u>Children and Young People's Play Space</u></p> <p>Project detail:</p> <p>When funding is available the investment will be towards a site in response to the play strategy and audit results, where a play area is requiring improvement and/or where a gap in provision is identified. As a geographical location, within 1000m of the site, to include town centre provision. The potential project will be towards play provision at Victoria Park.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</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 SP1, IMP1, IMP2 and COM2 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>
5.	<p><u>Indoor Sports Provision</u></p>			<p>Necessary as additional indoor sports facilities are required to meet the demand</p>

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	<p>Project detail:</p> <p>Capital contribution to go towards improvements to indoor sport buildings at Ashford, to be targeted toward quantitative or qualitative improvements at a 'hub' site as identified in the Local Plan 2030, and as per the Playing Pitch Strategy 2017-30. Calculations derived from the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030.</p>	<p>£229 per dwelling for capital costs</p> <p>(capital only – contributions are derived from the latest Sport England Calculator).</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p>that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, IMP1, IMP2, COM1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use indoor sports provision and the buildings 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</p>
<p>6.</p>	<p><u>Informal Natural Green Space*</u></p> <p>*public open space excluding amenity open space land and children and young people's play space.</p> <p>Project detail:</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>From any Deferred Contributions received, allocated as determined by</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, IMP1, IMP2 and COM2 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</p>

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	<p>When funding is available the investment will be towards a site in response to the Open Space Strategy and audit results, where a public open space is requiring improvement and/or where a gap in provision is identified. As a geographical location, within 1000m of the site. The potential project will be towards improvements within the Green Corridor, and/or Victoria Park, and/or William Road open space.</p>	<p>Indexation: BCIS General Building Cost index 2012</p>	<p>Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p>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>
<p>7.</p>	<p><u>Outdoor Sports Provision</u></p> <p>Project detail:</p> <p>Capital contribution to go towards outdoor sports pitch improvements at Ashford, to be targeted toward quantitative or qualitative improvements at the 'hubs' identified in the Local Plan 2030, and as per the Playing Pitch Strategy 2017-30. Calculations derived from</p>	<p>£366 per dwelling for capital costs</p> <p>£218 per dwelling for maintenance</p> <p><i>(For capital contributions - calculations</i></p>	<p>From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales</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 SP1, IMP1, IMP2, COM1 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>Fair and reasonably related in scale and kind: considering the extent of the development and the number of occupiers</p>

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	<p>the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030.</p>	<p><i>are derived from the latest Sports England Calculator)</i></p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p>and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
8.	<p><u>Strategic Parks</u></p> <p>Project detail:</p> <p>When funding is available the investment will be towards a Strategic Park site as identified in the Local Plan 2030, COM2. To be either a contribution towards provision of Conningbrook Lakes Country Park, to include fees, infrastructure works and management and maintenance of CLCP. Or, contribution towards provision of Discovery Park, to include fees, infrastructure works (including land purchase) and management and maintenance of Discovery Park.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability</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 SP1, IMP1, IMP2 and COM2, 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>

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			assessment.	
9.	<p><u>Voluntary Sector</u></p> <p>Project detail:</p> <p>Contribution towards voluntary sector locally within the ward and town centre, in response to need and identified projects when the funding is available.</p>	<p>£87 per dwelling</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p>Necessary as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, IMP1, IMP2 and COM1 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>
Kent County Council Planning Obligations				
10.	<p><u>Adult Social Care</u></p> <p>Project detail:</p>	<p>£47 per dwelling</p> <p>Indexation:</p>	<p>From any Deferred Contributions</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, IMP2 and COM1 KCC's 'Development and Infrastructure – Creating Quality Places'</p>

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	Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough	BCIS General Building Cost Index from Oct 2016	received , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.	and guidance in the NPPF. 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. 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.
11.	<u>Community Learning</u> Project detail: Towards additional resources and equipment at Ashford AEC for the additional learners from development	£16 per dwelling Indexation: BCIS General Building Cost Index from Oct 2016	From any Deferred Contributions received , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new	Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies SP1, IMP1, IMP2 and COM1 KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. Directly related as occupiers will use community learning services and the facilities to be funded will be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has

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			community facility exceeds the predicted sales price as identified by the viability assessment.	taken into account the estimated number of users and is based on the number of dwellings.
12.	<p><u>Libraries</u></p> <p>Project detail:</p> <p>Towards additional resources, services and bookstock for Ashford library for the new borrowers generated by this development</p>	<p>£48 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, IMP1, IMP2 and COM1 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>
13.	<p><u>Secondary Schools</u></p>			<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1,</p>

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	<p>Project detail:</p> <p>Towards new Chilmington Secondary School</p>	<p>£1,172 per applicable flat (x12)</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p>IMP1, IMP2 and COM1 Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>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>
14.	<p><u>Youth Services</u></p> <p>Project detail:</p> <p>Towards additional resources for the Youth service in Ashford</p>	<p>£27 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>From any Deferred Contributions received, allocated as determined by Officers under</p>	<p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 Policies SP1, IMP1, IMP2 and COM1 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>

			delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.	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 on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
Other Obligations				
15.	<u>Deferred payments Mechanism</u> 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.	Up to the value of all deferred contributions [total £122,868.40] Indexation: tbc	To be paid if the circumstances prevail.	Necessary, directly related and fairly and reasonably related in scale and kind pursuant to Ashford Local Plan 2030 Policy IMP2 .

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16.	<p><u>Health Care (NHS)</u></p> <p>Project detail:</p> <p>Towards refurbishment, reconfiguration and/or extension of Hollington Surgery and/or Sydenham House Medical Centre and/or Ashford Medical Partnership and/or towards new general practice premises development in the area</p>	<p>£18,000</p> <p>Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling and/or of the new community facility exceeds the predicted sales price as identified by the viability assessment.</p>	<p>Necessary to increase capacity to meet the demand that would be generated by the development pursuant to Local Plan 2030 Policies SP1, IMP1, IMP2 and COM1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare facilities 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 been calculated based on the estimated number of occupiers.</p>
Site Specific Obligations				
Monitoring				
17.	<p><u>Monitoring Fee</u></p> <p>Contribution towards the</p>	<p>£500 per</p>	<p>PAY REGARDLESS</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in</p>

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	Council's costs of monitoring and reporting.	annum until development is completed Indexation: Indexation applied from the date of the resolution to grant permission.	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	connection with the monitoring of the development and these planning obligations are covered. Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.
<p><u>Notices</u> 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>PLEASE NOTE:</p> <ul style="list-style-type: none"> • If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported back to Planning Committee and subsequently refused. • Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change 				

Working with the applicant

118. In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice.

Conclusion

119. The application site comprises underutilised brownfield land in a sustainable location. Both the sequential and exception tests are satisfied from a flood risk perspective. The EA raise no objection and a sensitive redevelopment and regeneration of the site would be consistent with national and local planning policy. I am satisfied that the proposals make appropriate provision for the replacement of the existing community facility and would deliver high quality dwellings that would provide a good standard of accommodation for future occupiers.
120. More broadly, I am satisfied that the proposals comprise high quality well designed buildings that will comprise a cohesive development around a wide junction where enhanced scale would make visual sense. In terms of access, layout, scale and design the proposals would replace an existing building of low visual quality with significant hardstanding with a development that would enhance the surrounding townscape including through provision of green infrastructure where very little exists. Externally, the proposals incorporate acceptable car and cycle parking in accordance with adopted Policies in the ALP. The development would incorporate renewable technologies and has been designed to minimise energy consumption.
121. None of the adverse impacts I have identified, in particular the inability (unless the development's viability improves) to mitigate various impacts on local infrastructure by way of making financial contributions, or the impacts on neighbour amenity would significantly and demonstrably outweigh the benefits of the development when considered against the policies in the NPPF taken as a whole. I am mindful that paragraph 125 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. I am satisfied that the proposals would optimise the use of the site and in the context of the tilted balance, I therefore conclude that planning permission should be granted in accordance with the Recommendations below.
122. As it has not been possible to resolve the detailed design of the undercroft/voids to the social club building I recommend that Officers be

granted delegated authority to resolve this matter prior to determination of the application (Recommendation A).

123. 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 (C) 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. Upon adoption of an Appropriate Assessment I consider the proposed development to be acceptable and in accordance with the Development Plan as a whole.
124. As discussed within the main body of the report I recommend that a number of conditions will be necessary. My Recommendation (D) further below deals with delegation to add/amend/remove planning conditions as appropriate.

Human Rights

125. 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 represents an appropriate balance between the interests and rights of the applicant (to enjoy his 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) and the wider public interest.

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 submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director - 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; 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 (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.

1. Standard 2-year time implementation condition
2. Development carried out in accordance with approved plans
3. Delivery of social club building prior to first occupation of any residential unit
4. Details and samples of external materials
5. Fine details (at scale 1:20 or 1:5 as appropriate)
6. No vents or flues other than in accordance with details to be approved
7. Installation of obscure glazing to habitable room windows in the side (west) elevation of Block B and the first floor level side (north) elevation of Block A
8. Balconies on side (north) elevation of Block A to be installed in accordance with plans not elevations
9. Details of scheme to avoid loss of flood storage through voids
10. Development to be carried out in accordance with FRA and mitigation proposed
11. Investigation, remediation and verification of contaminated land
12. Reporting of unexpected contamination
13. Details of piling and prevention of infiltration of surface water into the ground
14. Details of extraction equipment (for extraction/treatment of fumes/odours)
15. Details of noise/vibration of plant
16. Sound mitigation (new dwellings)
17. Social club building use class restriction
18. Details of opening hours of social club building
19. Provision and retention of vehicle access and parking
20. Details and provision of EVC
21. Details and provision of secure cycle parking
22. 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.
23. Details and provision of refuse storage, including fine details to ensure good practice and details of locking mechanism
24. Details of foul sewerage and surface water disposal (including measures to prevent discharge of surface water to the highway)

25. Details and provision of SuDS scheme including verification
26. Water use not to exceed 110 litres per person per day
27. Provision of renewable energy technologies
28. Details of hard and soft landscaping and management strategy
29. Details and provision of external lighting strategy
30. Implementation of recommended biodiversity mitigation measures
31. Biodiversity Method Statement to secure biodiversity enhancement measures
32. Details of provision of Fibre to the Premises
33. Site Inspection

Notes

- Expect applicant to liaise with Kent Police to further review how Secured By Design principles can be included in fine detail etc.
- Environmental Protection notes relating to construction hours/burning of waste/control of dust

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 21/01654/AS)

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