

Application Number	18/00724/AS	
Location	Land south of junction of Beaver Road and Victoria Road, Ashford, Kent	
Grid Reference	00977/42120	
Parish Council	None	
Ward	Victoria	
Application Description	Proposed minor material amendments to planning permission 16/01164/AS for a 120-bedroom hotel involving minor changes to layout, the provision of an additional storey and related elevation changes with associated parking, landscaping and access works	
Applicant	Mr Philip Farnham, Rellish Ashford Ltd, Danns Lane, Mereworth, Watlington, Kent, ME18 5LW	
Agent	M Antony Pleasants, Bowman Riley Architects, 2 nd Floor, 2 Sycamore Street, London, EC1Y 0SF	
Site Area	0.28ha	
(a) 205 / 2 R	(b) -	(c) KH&T R, KCC Flooding X, R. Stour IDB X, EA X, NE X,

Introduction & overview

1. This s.73 minor material amendment application is reported to the Planning Committee because (i) it involves major development and, at the time of finalising this report (ii) is required to be determined by the Planning Committee under the Council's current scheme of delegation.
2. In respect of the latter, although delegated arrangements are soon to be updated (and thus potentially avoiding the need to report this type of scheme back to the Committee), the applicant has impressed on me the commercial imperative to conclude the acceptability of the scheme to the Council by the end of July through the issue of a planning permission.

3. Given this, and the high profile nature of the application for development of an important street corner in the expanding town centre, I have concluded that a short report to the Committee would be both appropriate and the safest way to proceed should there be any delay in finalising updates to delegation arrangements.
4. Members' will recall that a 5-storey 120-bed hotel was the subject of detailed planning application 16/01164/AS reported to the November 2016 Planning Committee. Members' resolved to grant permission and delegated authority to me to conclude the detail of both planning conditions and the related s.106 agreement. Permission was granted in 2017.
5. The hotel market is one where although operators monitor prospective development locations, the favoured process is for a well-informed detailed planning permission to be put in place and then marketed with operators then either taking that forward with minor finessing to operator preferences or making contractual arrangements with other parties to operate from a development once it is constructed and similarly finessed to the operator's preferences. The latter applies in this case: the proposed operator is not the applicant or stated in the application albeit there has been recent local media speculation.
6. My understanding is that the operator in discussion with the applicant does not wish to develop a hotel with a greater number of bedrooms and does not wish to operate from a building with a greater storey-height. However, the approved plans;-
 - (a) have a ground floor layout that the proposed operator wish to change, and
 - (b) have bedroom sizes that the operator wishes to enlarge in accordance with the operator's brand, leading to consequential minor changes to internal layout and the precise position of lifts etc.
7. The net-result is that an additional storey is proposed to the building but, in all the other respects, the building would remain substantially the same site layout, external façade and roof design as previously approved by the Council.
8. Members' will recall that the adjacent development site comprising x 216 apartments and x 3 small street frontage commercial units was the subject of a similar s.73 amendment application that was considered at the March 2018 Committee and, following approval, is now under construction. That amendment application involved a change in the extent of 7th floor to be provided for that building and so there is a site specific context here in respect of adjusting development detail to assist with development delivery.

9. Besides the aforementioned flats two development apartment developments on Victoria Crescent as well as the ALDI superstore and Curious Brewery on the northern side of Victoria Road are now being constructed. My understanding from the applicant's agent is that if the finessing of the hotel subject of this s.73 application is approved by the Council then it is likely that a contract with the proposed operator will be able to be concluded and development would then start on-site later this year.
10. In order to keep this report brief, I make cross-references to the November 2016 Committee Report for application 16/01164/AS. That report is available to be viewed on-line on the Council's web-site but if any Member wishes to have a hard copy then I would ask them to make contact with the case officer prior to the Committee meeting so this can be supplied.
11. I set out in this report only the key changes to the layout, scale and elevations of the hotel as well as updates on any material change in site context, planning policy changes since November 2016 and any other material considerations of which Members should be aware in reaching a decision on the s.73 application. In reaching a conclusion on the planning merits of the amendment that is sought, s.73 requires the Council to revisit the acceptability of the proposed development as a whole.
12. In respect of proposed planning conditions, in accordance with good practice I have discussed these with the applicant's agent.
13. Certain changes have been agreed to;-
 - (i) delete conditions since rendered superfluous (but keep the numbering to decision notices the same to prevent confusion),
 - (ii) assist development delivery, as well as,
 - (iii) take into account approvals already granted to the extant 2016 planning permission (to prevent the need for resubmissions). There is no need to revisit Heads of Terms as the s.106 agreement that is in place would also apply to the development subject of this application. This point can be stated in an informative for the avoidance of doubt.

Site and Surroundings

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

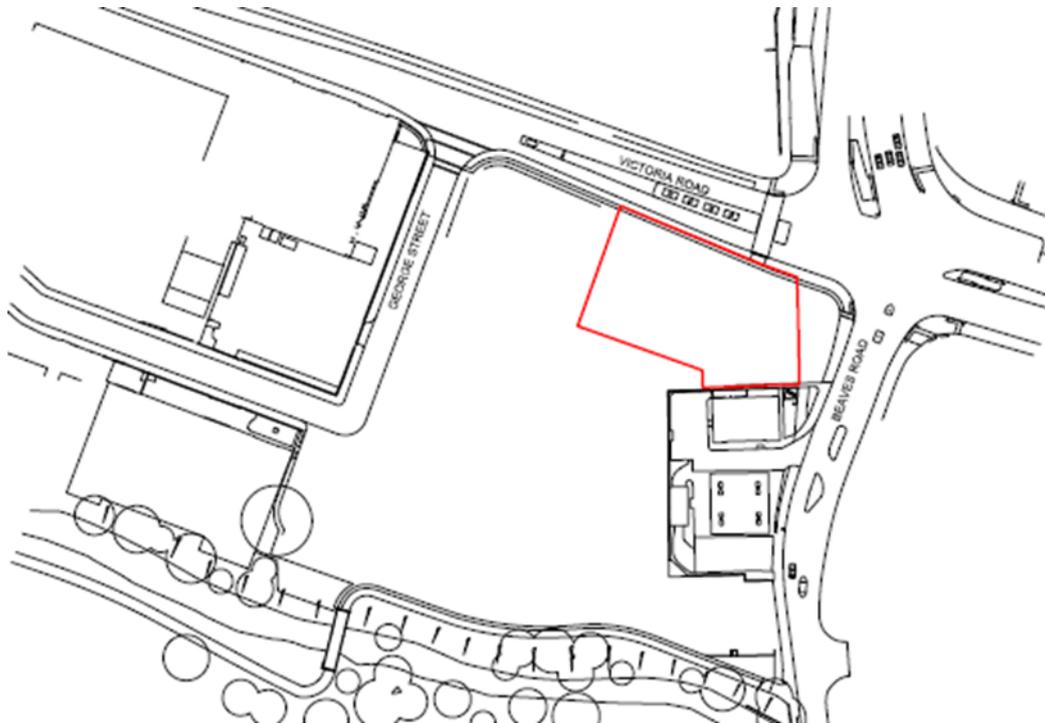


Figure 1: Location

15. Please refer to the November 2016 Planning Committee report on application 16/01164/AS. The site and surroundings remain unchanged from that report.

Proposal

16. The proposal is for minor changes to the layout, the provision of an additional storey with related elevational changes with associated parking, landscaping and access works.

Layout changes

17. The key relationship of seating to the kitchen and seating would be altered so that kitchen facilities would be located on the southern side of the ground floor. This allows for seating to be provided in a variety of forms in the adjacent space with the building retaining a strongly glazed frontage to Victoria Road.
18. The entrance from Victoria Road would remain on the junction corner as before. An entrance reception with bar facility – the Hub - would be provided south of the seating areas with a secondary entrance from the rear car parking area. The ground floor of the wing return to Beaver Road would provide for work and gathering zones with a variety of seating, again with a strongly glazed street frontage. **Figure 2** below shows the proposal.

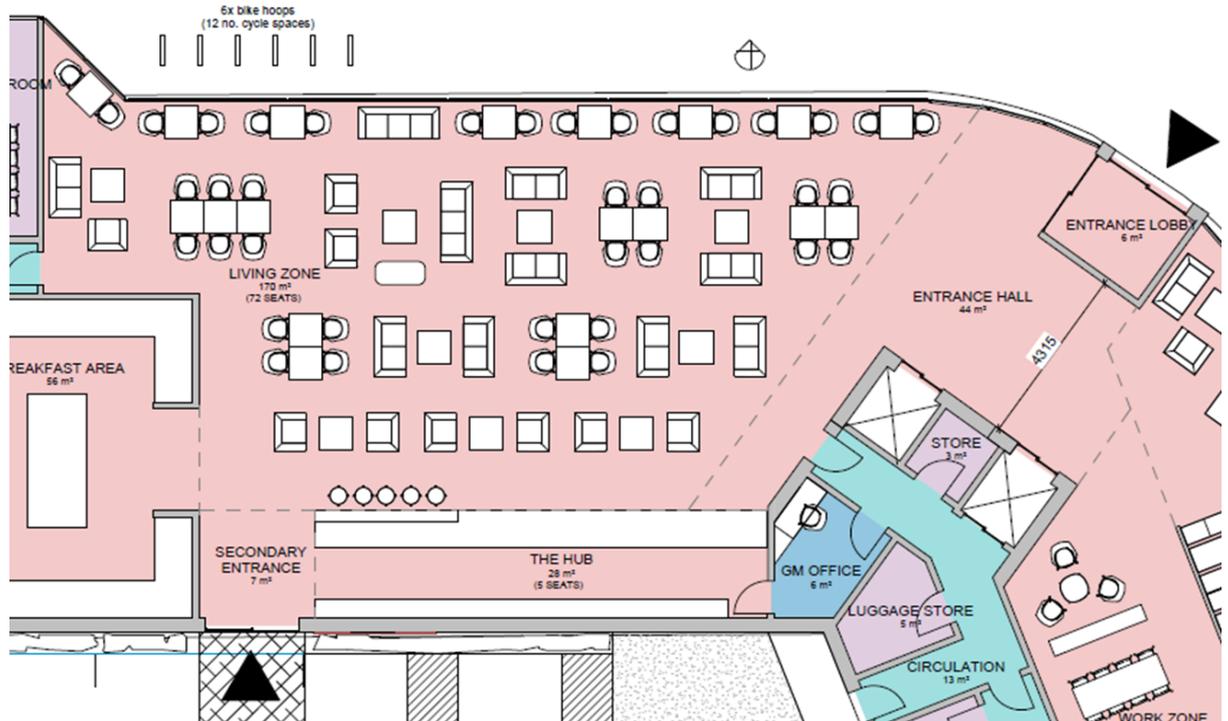


Figure 2: Ground floor seating near entrance and 'Hub'

19. On upper floors, x 2 rooms catering for visitors with disabilities would be provided (10 rooms in total).
20. The increases to bedroom sizes mean that the corner by the lifts would not have an atrium down to the ground floor. The corner would, however, be glazed out giving views out as well as daylight in. At night, the approach would allow light from the interior to help illuminate the corner features of the building. **Figure 3** below shows an extract from the layout and the CGIs supplied to illustrate.



Figure 3: Upper floors

21. Parking spaces would remain to the rear of the building as before with minor adjustments with x 2 larger parking spaces catering for visitors with disabilities located closest to the secondary entrance. A total of 49 spaces would be provided as previously approved.

Elevations

22. The colour scheme and materials would remain as before (gold coloured cladding, gold vertical louvres serving as an accent to the side of windows and providing a different visual texture, glazing in gold frames and ground floor grey render with feature gold vertical strips). The horizontal beans separating the upper floors would remain as per the previous scheme. CGI's have been supplied which put the elevations in 3D context. **Figure 4** below shows the frontage to the public realm with **Figure 5** showing the rear.



Figure 4: Frontage to the public realm



Figure 5: The rear

23. The amended layout provides for changes in location of back of house facilities for staff. The roof layout would not change with continued use of a sedum roof and lift overruns that would be screened from view.

Supporting documents

24. The proposed redevelopment of the site as a hotel in the 2016 planning application included a comprehensive suite of supporting documents that remain relevant to the amended design and additional storey. Please refer to the November 2016 Planning Committee report on application 16/01164/AS for summarised details of those supporting documents.

Planning History

- | | |
|-------------|--|
| 98/01373/AS | Outline Application for mixed use development comprising an hotel, associated A3 and leisure uses, offices, housing and car parking and new access road

<i>(this application was granted 15/03/99 and was not implemented)</i> |
| 04/02195/AS | Outline application (with all matters reserved) for mixed use development incorporating up to 355 residential units (of which up to 261 dwellings will be provided on Block C) comprising a mix of 1 and 2 bed units, retail food and drink (A1, A2, A3, A4, A5) up to 1731m ² , business or education - 19285m ² , with an additional 1595m ² of business/leisure floor space, and hotel/leisure up to 119 bedroom hotel with facilities (6169m ²)

<i>(this application was granted 16/04/2008 and was not implemented)</i> |
| 08/01122/AS | Erection of 261 dwellings together with 6 commercial ground floor units, related car parking and landscaping

<i>(this application was disposed of as undetermined in November 2011)</i> |
| 16/01157/AS | Full planning application for development of a brewery, with shop, bar and restaurant (Use Classes B2/A1/A3/A4), three commercial units (Use Classes A1/A2/B1) and 216 residential units with associated parking, substations, landscaping and access works

<i>(application granted subject to a s.106 agreement)</i> |

17/01759/AS Proposed minor material amendments to planning permission 16/01157/AS involving design changes to Phase A2 (X3 commercial uses (Use Classes A1/A2/B1) & Phase A3 (216 residential units) with associated parking, substations, landscaping and access works relating to land south of Victoria Road ONLY with no design changes to the approved development of land north of Victoria Road for the purposes of a brewery with shop, bar and restaurant (use classes B2/A1/A3/A4).

(application granted and development now under construction)

Consultations

Ward Members: No comments received. Cllr Farrell and Cllr Suddards are not Members of the Planning Committee.

Kent Highways & Transportation: Enter an objection to the proposal in respect of the need for relocated cycle spaces to be provided with a cover – a glass shelter is suggested. Raise a minor issue in respect of parking and turning dimensions.

{HoDM&SS: The cycle parking issue can be dealt with by expanding the cycle parking condition to ensure an appropriate cover is provided that would fit in with the frontage to the building to Victoria Road. The dimensional issue is a minor one: I have put this to the applicant to address and take this into account in my Recommendation].

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

River Stour Inland Drainage Board: No objection provided the proposals are agreed by KCC Flooding and any floodplain issue are agreed with the Environment Agency.

Environment Agency: no response.

Natural England: No comment.

Neighbours / residents: 2 objections received. The main points of objection are summarised as follows:-

- the height and massing increase is inappropriate and the originally approved height was beyond that which local residents were happy with: the proposal would make the situation 'even worse'.

- the side extension changes bring this wing closer towards the boundary with the Petrol Filling Station are not 'minor' in nature and so may have been missed/overlooked by persons wishing to object or comment on the application.
- assorted references made in objection to the plans approved by the Council for redevelopment of the wider area beyond the application site

Planning Policy

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

Ashford Borough Local Plan 2000

EN13 – Green Corridors

EN14 – Land adjoining the Green Corridors

EN31 – Important habitats

EN32 – Important trees and woodland

TP6 – Cycle parking

CF6 – Standard of construction of sewerage systems

CF8 – Renewable energy

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS2 – The Borough Wide Strategy

CS3 – Ashford Town Centre

CS7 – The Economy and Employment Development

CS8 – Infrastructure contributions

CS9 – Design Quality

CS10 – Sustainable Design & Construction

CS11 – Biodiversity and Geological Conservation

CS15 – Transport

CS17 - Tourism

CS18 – Meeting the Community's Needs

CS19 – Development and Flood Risk

CS20 – Sustainable Drainage

CS21 – Water Supply and Treatment

Ashford Town Centre Area Action Plan 2010

TC1 – Guiding Principles

TC2 – The Town Centre Core

TC10 – The Southern Expansion Quarter

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

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

proposals shall ensure that the width of the street shall be based on the scale of building heights proposed along either side of the street.

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

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

A replacement footbridge / cycleway shall be delivered to provide an improved crossing of the railway lines and link between Victoria Square and Elwick Square. Development adjacent to the footbridge / cycleway must demonstrate how it would respond to the change of levels between Victoria Square and the footbridge in a way that assists in the delivery of a high quality public realm along any resultant ramped, terraced or stepped solution.

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

TC11 – Victoria Way East

TC22 – Office, Retail and Leisure Parking Standards

TC24 – Town Centre Cycle Parking Standards

TC 25 – Commuted Parking

TC26 – Green Corridors in the Town Centre

Urban Sites Development Plan Document 2012

U24 – Infrastructure provision to serve the needs of new development

27. The new Ashford Local Plan to 2030 – currently be examined - should now be given considerable weight. The following policies are therefore material considerations in determination of the application;-

Ashford Local Plan to 2030

SP1 – Strategic objectives

SP2 – Strategic approach to housing delivery

SP5 – Ashford Town Centre

SP6 – Promoting high quality design

EMP1 – New employment sites

EMP6 – Fibre to the Premises

EMP11 – Tourism

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

TRA4 – Promoting the local bus network

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

TRA7 – Road network and development

TRA8 – Travel plans, assessments and statements

ENV1 – Biodiversity

ENV6 – Flood risk

ENV7 – Water efficiency

ENV8 – Water quality, supply and treatment

ENV9 – Sustainable drainage

ENV12 – Air quality

ENV15 – Archaeology

COM1 – Meeting the community's needs

COM2 – Recreation, sport, play and open spaces

IMP1 – Infrastructure provision

IMP2 – Deferred contributions

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Government Advice

National Planning Policy Framework (NPPF) 2012

29. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF.

30. The NPPF is designed to facilitate positive growth – making economic, environmental and social progress for this and future generations and delivering sustainable development without delay. It sets out a 'pro-growth' agenda. Paragraph 21 of the NPPF highlights some crucial points in this respect, including:

(i) investment in business should not be over-burdened by the combined requirements of planning policy expectations,

(ii) policies should be flexible enough to accommodate needs not anticipated in the plan and allow a rapid response to changes in economic circumstances, and

(iii) local plans should identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.

31. Paragraph 23 of the NPPF requires that planning policies should be positive and promotes competitive town centre environments. It identifies that town centres lie at the heart of their communities and that they should provide customer choice and a diverse retail offer and reflect the individuality of town centres.
32. Paragraph 24 of the NPPF sets out the 'town centre first' approach which is crucial in achieving these aspirations.
33. The key theme of Government policy is one of promoting sustainable development with the planning system defined as a key mechanism of achieving its delivery. There are three accepted dimensions to sustainable development;-
 - (a) an economic role – contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure,
 - (b) a social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being, and
 - (c) an environmental role – contributing to protecting and enhancing the natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving towards a low carbon economy.
34. Government policy attaches great importance to the design of the built environment as set out in paragraph 56 of the NPPF. Good design is a key component of sustainable development ('indivisible from good planning') and contributes positively to making places better for people.
35. Paragraphs 173 to 177 deal with 'ensuring viability and deliverability' and are pivotal in seeking to ensure that the scale of obligations and policy burdens included in local plans does not threaten the viability of potential development sites that would contribute towards planned housing delivery targets and this prevent otherwise sustainable development from being carried out.
36. Of note in regard to development viability is the second half of paragraph 173, that states:-

‘To ensure viability, the costs of any requirements likely to be applied to development, such requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.’

37. Optimising locally appropriate outcomes is a consistent theme throughout policy. The NPPG provides a general overview but focuses on viability in the context of both plan making and individual application sites. The site specific guidance covers a number of areas including different development types, brownfield sites, considering planning obligations in terms of viability, values, costs and land value. In particular, it expands upon paragraph 173 of the NPPF in regards to ‘competitive returns to developers and landowners’.
38. Paragraph 24 of the NPPF states;-

‘A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the landowner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy.’
39. Paragraph 173 of the NPPF (and the NPPG thereafter) introduces financial viability into Government planning policy and guidance including the concept of a competitive return as a material consideration in the determination of planning applications.
40. Paragraph 173 of the NPPF highlights that local plans should be deliverable. Therefore, the scale of development identified in the Development Plan through policies and site allocations should not be subject to a scale of obligations and policy burdens that threatens viability and prevents delivery. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. In light of this, the Council therefore has to be mindful that that application site specific policy and other related policies in the Development Plan were developed prior to the financial crash of 2008 and as such the deliverability of this site and any obligations need to be considered in light of current market conditions.

41. In terms of design, Central Government advocates that local planning authorities should not seek to dictate architectural style particular tastes and should not seek to stifle innovation, originality. Decisions should focus on the overall scale, density, massing, height, landscape, layout, materials. Decisions should also seek to promote or reinforce local distinctiveness wherever possible.

National Planning Policy Guidance (NPPG)

42. Paragraphs 23 – 28 set out those aspects of design that local authorities should consider as a minimum. These are:
- layout – the way in which buildings and spaces relate to each other
 - form – the shape of buildings
 - scale – the size of buildings
 - detailing – the important smaller elements of building and spaces
 - materials – what a building is made from
43. Government advice goes on to highlight that the quality of new development can be spoilt by poor attention to detail. In terms of materials, these should be practical, durable, affordable and attractive. It is noted that choosing the right materials can greatly help new development to fit harmoniously with its surroundings. The advice remains that they do not have to match, but colour, texture, grain and reflectivity can all support the creation of harmony in the townscape and reinforce local distinctiveness.

Assessment

44. The scheme remains substantially the same as that which the Council has already permitted. There have been no material changes to the nature of the surroundings as they exist and as agreed to change through redevelopment planning permissions in the interim that raise any fresh issues that need to be considered. The planning policy basis for consideration of the application remains as before and there are no fresh issues that require consideration. The status of the ALP 2030 remains that of a material consideration but given the passage of the Plan through the Examination process the only change is that the policies in the Plan can now be afforded far greater weight in the decision making process. I have taken those policies into account and weighted them accordingly.
45. The layout, scale, massing, appearance and design style are to all intents and purposes as previously approved. I note the comments of the two objectors to the proposed amendments but I consider that the additional storey would be acceptable. In reaching that conclusion I take into account that the building would be 6-storeys in total with a full 7th storey building located to the south-

west as a result of application 17/01759/AS (6-storeys over a lower ground floor undercroft car parking area). Thus, the storey heights would have a similar local and skyline impact. The adjacent building on the Victoria Road frontage would be 5-storeys (4-storeys of apartments over a ground floor commercial storey) and so the hotel would be slightly higher. Together with the distinctive architectural treatment setting it apart from its new neighbours, I consider that the height increase can be accommodated and would help create the aspired to landmark at this important junction.

46. In terms of the changes to the Beaver Road wing, I have no objection to the change that is proposed which would move the southern end of the wing closer to the boundary with the Petrol Filling Station and take the approved external staircase inside the building resulting in a cleaner external appearance to the end of the wing. **Figure 6** below shows the approved footprint in black and grey with the proposed footprint shown by the hatched red line.

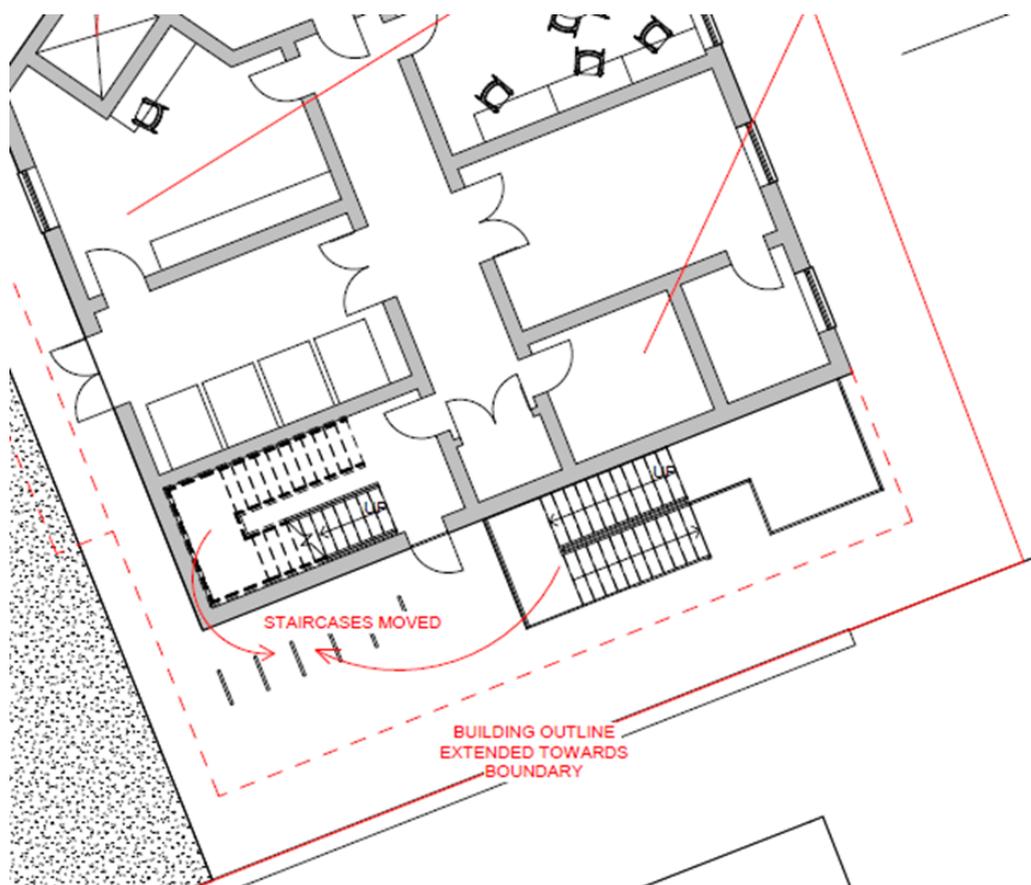


Figure 6: Beaver Road 'wing' change

47. In my opinion, the change would have no impact on residents and would not impact on the continued functioning of the Filling Station. There is no planning

policy or street scene requirement for the previously approved gap to be maintained.

48. Please refer to the November 2016 Planning Committee report on application 16/01164/AS for my assessment of the merits of a hotel for this site. The issues remain unchanged from that report. An agreement pursuant to s.106 has, in any event, been negotiated and completed for substantially the same development as is now proposed.
49. The fact that the hotel market is seeking to move forward - evidenced by the current application and the minor changes sought - suggests that the previously negotiated permission has provided the necessary ground work for delivery of the aspired to development at this important site in the expanding town centre. There are no matters that, in my opinion, need to be revisited and the existing s.106 agreement would equally apply to the current proposal.
50. I note the objection raised by KH&T. I consider that covered cycling facilities can be addressed by expanding planning condition 12. I propose to address the other minor issue raised by KH&T through Recommendation (A) which delegates concluding the dimensional matters in relation to the off-site parking facility to me. I have, in the meantime, alerted the applicant to the matter raised by KH&T.
51. The planning conditions set out in this report take the form as ultimately agreed under my delegated powers in relation to application 16/01164/AS. The conditions set out in my Recommendation have been revisited where necessary in discussion with the current applicant so as to agree minor requested changes to the following development triggers:-
 - (i) Condition 15 – Soft and Hard Landscaping – requested change from pre-commencement to above ground works
 - (ii) Condition 17 - Landscape Management Plan - requested change from pre-commencement to above ground works
 - (iii) Condition 18 – Submission of a scheme for upgrading Beaver Road / Victoria Road corner highway land - requested change from pre-commencement to above ground works
 - (iv) Condition 24 (remaining) – Ecology – the condition has already been partially discharged in relation to translocation of reptiles (and related timetable and arrangements for overseeing the works) – requested change for the remaining issues concerning invertebrates and any on-site habitat to be submitted to an above ground works trigger rather than pre-commencement.

52. In respect of condition 24, the wording also needs to be changed to build in the partial approval already issued related to application 16/01164/CONA/AS. This prevents unnecessary resubmission and follows government advice.
53. The conditions set out in the Recommendation address all of these issues.
54. At the time of finalising this report, application 16/01164/CONB/AS to partially discharge conditions 5 and 8 as well as discharge conditions 20 and 22 has not been determined. If any progress has been made, I will provide an update to the Committee and identify any consequential changes to condition wordings to take into account any decisions that might have been issued. Notwithstanding that, I have reworded the conditions concerned to take into account the live applications and thus avoid 'doubling up'. My Recommendation also provides for post-Committee changes to conditions should that prove necessary.

Planning Obligations

55. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
56. The planning obligations contained within the existing s.106 agreement issues in relation to 16/01164/AS were assessed against Regulation 122 and were previously accepted as being all necessary to make the development acceptable in planning terms, were;-
 - (a) directly related to the development and
 - (b) fairly and reasonably related in scale and kind to the development.
57. The s.106 agreement for application 16/01164/AS was concluded. The current applicant is not seeking to reopen negotiation in respect of the obligations. The wording of the extant agreement enables the obligations to be carried forward in relation to the current scheme.

Human Rights Issues

58. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the

Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

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

Conclusion

1. As per the previously approved scheme, the reconfigured hotel proposal would involve the redevelopment of a key brown-field site at the eastern entrance to Victoria Road known as Victoria Way East, forming part of the Southern Expansion Quarter. The redevelopment of this area for a mixture of uses, including non-residential and commercial, forms an important part of the Council's TCAAP 2010. Policies TC10 and TC11 of the TCAAP indicate that an urban development appropriate to the upgraded and enhanced Victoria Road is appropriate with an emphasis on strong urban enclosure to the street.
2. I consider that the vertical scale of the reconfigured hotel through the additional of an additional storey and its design quality remain acceptable and would accord with development plan policies identifying the importance of high quality design and place making and, in particular Policies CS1 and CS9 of the Core Strategy 2008, Policies TC1, TC10, TC11 and TC 26 of the TCAAP 2010. To all intents and purposes, the scheme is a 'close-cousin' to that already granted planning permission.
3. The revised scale of the reconfigured hotel would be acceptable in my opinion. The massing and appearance remain substantially as previously approved and so I have no objection to the design approach taken. The approach would sit comfortably with the scale, massing and appearance of the x 16 residential over commercial floorspace block proposed in application 16/01157/AS and approved by the Council in October 2016 as being appropriate to front Victoria Road on its southern side as well as the scale of the x 200 residential block south of that. Furthermore, that x 200 residential block was approved by the Council in 2018 as being able to now be developed with a full 7th storey. The 6-storey height of the reconfigured hotel would sit comfortably with that context to the south-west of the site and the greater height of a hotel at the street junction would help reinforce its role as a

building with landmark characteristics and so is supported. The proposal would help create a strong urban frontage to Victoria Road with good natural surveillance from upper floors and a ground floor with a strongly glazed approach helping create a vibrant street edge.

4. The approach to the street corner - with glazing, views out from upper floors over the ground floor entrance and through the external expressed 'bands' - would work well in maximising the opportunities presented by the street corner and would create a building with landmark qualities. Together with the striking architecture approved for the new brewery on the opposite side of the street, the pair of buildings has the potential to create a sense of visual gateway into Victoria Road that is appropriate to the range of development opportunities in the Southern Expansion Quarter.
5. As per the previous scheme, the Victoria Road/Beaver Road street corner junction would still need improving to create a hinterland to the hotel entrance that would be visually appropriate and support investment in a high quality building. An improvement scheme can, again, be the subject of a planning condition requiring approval prior to commencement of development.
6. The reconfigured proposal is acceptable in relation to ecology, contamination, sustainable urban drainage and flooding. In respect of the latter, the reconfigured hotel would have the same sedum roof detail which would help slow roof run-off and provide biodiversity benefits.
7. The proposal has the ability to perform acceptably in relation to the Council's Sustainable Design and Construction requirements for non-residential uses and the obligation set out in the s.106 agreement.
8. The proposal provides for on-site parking which I consider is acceptable in quantum: 49 parking spaces were previously approved and 49 spaces are proposed in the current application. The on-site location of parking remains at the rear as previously proposed and so would ensure that its visual impact on the qualities of the street scene would be minimised. As before, that approach allows for the hotel building to strongly enclose the public realm in the manner envisaged in the TCAAP. Any required minor changes to dimensions in the car park can be dealt with under delegated powers.
9. The proposals would not have any adverse impacts on the amenities enjoyed by residents of Victoria Crescent. Planning conditions can be used to agree any night-time servicing and the detail of any CHP plant.
10. The traffic impacts of the proposal have been considered by the local highway authority and have been found to be acceptable. Improvements to the local highway network in terms of capacity have since been carried out since the

previous hotel application was considered in 2016. Associated improvements to the public realm have also been carried out. The enhancement of the Beaver Road corner adjacent to the main entrance into the hotel can be dealt with via discussions with KH&T and the applicant entering into a maintenance agreement for that area of land forming the public highway.

Recommendation

(A) Subject to the applicant resolving the issue raised by KH&T in respect of minor changes to car parking dimensions in the on-site car park to the satisfaction of the Head of Development Management and Strategic Sites with delegated authority to the Head of Development Management and Strategic Sites to delete, amend and add to planning conditions as she sees fit,

(B) Permit

Subject to the following conditions and notes:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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

Materials

- 2 Written details including source/ manufacturer, and samples of bricks, render, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to any construction above ground level commencing and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

Compliance with approved plans

- 3 Unless any variation to the plans is agreed in writing with the Local Planning Authority pursuant to the conditions attached to this permission, the development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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

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

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

Contamination

- 5 (A) Prior to the commencement of development, a detailed remediation scheme to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols. The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation. The development shall thereafter be carried out in accordance with the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority.

(B) Following completion of the remediation scheme and prior to occupation of any building, a verification report, that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

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

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local

Planning Authority for, a remediation detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To ensure the protection of controlled waters.

Protecting nearby rail infrastructure

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

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

SUDS

- 8 (A) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site and in accordance with the requirements of Ashford Borough Council's Sustainable Drainage SPD 2010.

(B) The hotel shall not be opened for use until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall thereafter be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

(i) a timetable for its implementation, and

(ii) a management and maintenance plan of the scheme for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

Fine detail

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

(a) full details of glazing (clear/tinted/obscured/opaque), decorative feature louvres/panels, and external doors, including all external joinery and framing methods and external colour and proposed position within the reveals to openings through use of cross sections (1:20),

(b) external rainwater goods and guttering (1:20 to show detail)

(c) external horizontal feature channels between storeys (1:20)

(d) jointing of cladding panels and feature panels (1:20)

(e) full details and colour finish of any vents / louvres / grilles on the exterior of the building (1:20 to show detail and 1:100 to show context)

(f) the location of any proposed plant /machinery to be attached to the exterior of the building including methods of support and shields and finish colour (1:20 to show detail and 1:100 to show context),

(g) the sedum roof/roof top parapet detail (1:50)

(h) screens to rooftop lift overruns / service riser penetrations / rooftop air source heat pumps, including precise location, materials and final finish (1:50)

Reason: Further details are required to ensure that the external appearance and fine detailing are of an appropriately high quality given the locational importance of the site.

Parking/Highway

- 10 The access details shown on the approved plans and all visibility splays shall be completed prior to the occupation of any building hereby approved/the use of the site being commenced, and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the adjacent footway.

Reason: In the interests of highway safety.

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

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

- 12 The hotel use shall not be commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked and be provided with a cover so as to provide protection from wet weather and so encourage usage.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety.

Use

- 13 The premises/site shall be used for Use Class C1 (hotel) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended 2005) and not for any other purposes whether or not in the same use class of any subsequent Order amending, revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

- 14 (A) Prior to any night time servicing (defined as between the hours of 23:00 - 07:00) of the permitted use taking place the following details shall have been submitted to and agreed in writing by the Local Planning Authority;-
- (a) the days of the week that night time servicing will take place,
 - (b) the duration of the night time servicing,
 - (c) details of the nature of the night time servicing and the location of the servicing activity on the land, and
 - (d) the proposed measures to mitigate noise from such night time servicing including location, form, size, materials, appearance and any required adjustments to any previously approved hard and soft landscaping located within the premises/site.
- (B) Thereafter, the permitted use shall only be serviced at night time in accordance with such approvals unless the Local Planning Authority has agreed to any subsequent proposed variation in writing. Any measures agreed to mitigate noise pursuant to (d) above shall be implemented in full prior to any night time servicing taking place and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending/revoking or re-enacting that Order, shall be retained and maintained in full effective working order.

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

Soft and hard landscaping within the application site & upgrading scheme for the highway corner outside of the application site

- 15 Prior to above ground works taking place, full details of the soft and hard landscape works within the application site have been submitted to and approved in writing by the Local Planning Authority.
- (a) The full details of the soft landscape works to be submitted to the Local Planning Authority for its approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of the planting that is designed to create year round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term survival; guards and any other measures necessary to protect trees

in locations adjacent to parking bays and an implementation and planting programme/timetable to ensure that all soft landscaping and planting on land to be retained and maintained as private land is completed within 6 months of the completion of the development. The plans shall identify the status of the soft landscape works within the application site in terms of land to be retained and maintained as private land and land to be offered for adoption as public highway.

(b) The full details of hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate, drawings to scale to show lighting columns and lighting bollards, other bollards (including those located to the west of parking space P5 on Drawing 006 Rev A or any agreed variant to that drawing), any proposed means of demarcating public realm forming part of the highway from privately owned and maintained land and any walls/gates/fences and any proposed car park barrier mechanisms together with a timetable for implementation of all hard landscaping works on land to be retained and maintained as private land. The plans shall identify the status of the hard landscape works within the application site in terms of land to be retained and maintained as private land and land to be offered for adoption as public highway.

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

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

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

Reason: In the interests of the amenity of the area

- 17 Prior to above ground works taking place, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for the landscape areas and the timing of provision of management and maintenance of such areas shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the landscape management plan shall be carried out in accordance with the details approved by the Local Planning Authority unless previously agreed otherwise in writing by the Local Planning Authority.

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

- 18 Prior to above ground works taking place, a landscaping scheme for the upgrading of the Beaver Road/Victoria Road corner highways land outside of the application site (including specification and plans and cross sections of proposed upgrades together with documentation identifying how and when the scheme will be implemented and subsequently maintained) shall be submitted to and, following prior consultation with the local highways authority and any undertaker under the Street Works Act 1991 or any telecommunications operator whose apparatus are on or under the land, be approved by the Local Planning Authority in writing. Thereafter, the scheme shall be implemented in accordance with the approved details and timetable agreed with the Local Planning Authority unless any variation has been agreed in writing.

Reason: In order to improve the visual quality of the public realm at an important entrance to the town centre and Victoria Road and provide an appropriate hinterland to the hotel lobby entrance.

Sustainable construction

- 19 The development hereby approved shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' standard comprising the following minimum credit requirements:-

'Excellent' standard in respect of energy credits,

'Excellent standard in respect of water credits,

'Excellent standard in respect of materials credits, and

under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 20%

reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 3 months of work commencing:-

□ A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements), Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed and the specification of any Combined Heat and Power plant to be installed within the building such as to prevent pollution and ensure acceptable noise levels in operation and,

Within 6 months of work commencing, the following shall be submitted to and approved in writing by the Local Planning Authority;

□ A BREEAM 'Design Stage' report and related certification produced by a registered assessor

Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, within six months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts (i) and (ii) below by the Local Planning Authority for that building:

SBEM calculations from a competent person stating:-

(i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and

(ii) the actual amount of residual carbon emissions, and a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

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

Code of construction practice & air quality

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

The code shall include,

- A construction logistics plan
- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Full details of the provision of off road parking for all site Operatives

- Full details of measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works including a programme for community consultation/communication setting out how the developers intend to liaise with and keep members of the public informed about the development for the duration of the construction period.

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

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

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

Archaeology

- 22 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - (ii) any further archaeological investigation, recording and reporting, determined by the results of the evaluation, shall be undertaken in accordance with the specification and timetable which has been agreed under 22i).

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

Fibre broadband to the premises

- 23 Prior to the first occupation of the premises, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved.

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

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

Ecological Works & Management Strategy

- 24 (A) Prior to any above ground works taking place, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include;-

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

(ii) Not used.

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

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

(B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in part (A) as well as the approval previously issued by the Local Planning Authority under reference 16/01164/CONA/AS (in respect of Condition 24 of that permission and relating solely to reptiles) above unless the Local Planning Authority has agreed to any other variation in writing.

Reason: (A) In order to ensure that any ecological works to be carried out are justified, accord with good practice and appropriately mitigate the impacts of the development and to ensure that an appropriate management strategy is put in place to properly monitor the success of the ecological works carried out for an agreed period of time and (B) to co-ordinate the required details to be approved with those already approved in detail pursuant to application 16/01164/CONA/AS.

Substation on George Street frontage

- 25 Prior to installation full scale drawing details of the substation (including associated fencing/ enclosure/gates, colour finish and screen landscaping) shall be submitted to and approved by the Local Planning Authority in writing and thereafter the substation shall only be implemented and thereafter maintained in accordance with such details unless agreed in writing by the Local Planning Authority.

Reason: Full final details of the substation have not yet been provided and require approval in order to ensure that the development is appropriate and acceptably integrated into the frontage treatment of new development on the northern side of Victoria Road.

- 26 Prior to its installation on private land, full details of any proposed public art, including appearance, height, width, depth, location and long term management shall be submitted to and approved in writing by the Local Planning Authority and thereafter the public art shall only be installed and maintained in accordance with such approved details unless the Local Planning Authority has agreed to any subsequent variation in writing.

Reason: In the interests of visual amenity as details of any public art proposed to be installed have not been submitted.

Green wall/screen to Beaver Road petrol filling station

- 27 (A) Prior to first occupation of the hotel;-

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

and supporting structures, and

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

(iii) a timetable for the green wall/screen construction within the application site shall have been submitted to and been approved in writing by the Local Planning Authority.

(B) Thereafter, the green wall shall be installed in accordance with the approved details and to the agreed timetable unless any variation has been subsequently agreed in writing by the Local Planning Authority.

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

Note to Applicant

1. Working with the Applicant

Working with the Applicant

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

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

In this instance

- the applicant/agent was provided with pre-application advice,
 - the applicant was provided the opportunity to submit amendments to the scheme to address any issues raised.
 - The application was dealt with/approved without delay.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. The scale, massing, appearance and architectural style of the hotel have been specifically designed to be appropriate to an important entrance into the Council's Southern Expansion Quarter wherein high quality design and place-making is required as part of town centre regeneration. As per the previous approval issued under reference 16/01164/AS, the proposal is expected to take;-
- (i) an approach that achieves acceptable upgrading of the highways land at the corner of the Beaver Road/Victoria Road junction located to the east of the proposed hotel lobby entrance, and
- (ii) an approach that minimises external ducts and grilles as part of ventilation to rooms and adopts a centralised ducted system with any air handling units located appropriately with a preference for an inset roof top location surrounded by screens of appropriate design.
3. The applicant should note that the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.
4. Any works to the public highway will require separate approval from Kent County Council as the local highway authority through a s.278 agreement.
5. The obligations set out in the s.106 agreement in respect of planning permission 16/01164/AS apply to this permission issued pursuant to s.73 of the 1990 Act for the same building development.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00724/AS.

Contact Officer: Roland Mills

Telephone: (01233) 330 334

Email: roland.mills @ashford.gov.uk