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|--------------------------------|--|-----|--|
| Application Number | 18/00584/AS | | |
| Location | Site of former Klondyke Works, Newtown Road, Ashford, Kent | | |
| Grid Reference | 01548/41597 | | |
| Parish Council | None | | |
| Ward | Aylesford Green (Ashford) | | |
| Application Description | The erection of 93 dwellings with associated highways, parking and landscaping | | |
| Applicant | East Street Homes (South East) Ltd | | |
| Agent | Miss Emma Mounsey, PRP, 10 Lindsey Street, London, EC1A 9HP | | |
| Site Area | 0.9ha | | |
| (a) / 1S, 1R | (b) - | (c) | ABC Env P. X, ABC Parking X, ABC Project Office (Drainage) X, ABC Refuse X, EA X, HE X, KCC (Arch) X, KH&T X, KCC (Flooding) X, SGN X, S. Eastern X, SACF X, S. Water X, Stagecoach X, |

Introduction

1. This application is reported to the Planning Committee because it involves major development and is therefore required to be determined by the Planning Committee under the Council's current scheme of delegation.
2. Members' will recall that the application site, the former Klondyke Works – forming part of the wider Ashford Railway Works site located on the opposite side of Newtown Road – was previously the subject of a redevelopment proposal by the Ashford International Model Railway Exhibition Centre (AIMREC).

3. Although the Planning Committee resolved to grant planning permission for the AIMREC development in March 2016, the applicant subsequently decided not to purchase the site and therefore did not progress the s.106 agreement with the application then being withdrawn. As a consequence, the site was re-marketed and was then purchased by the current applicant.
4. Policy S6 of the Ashford Local Plan (ALP) 2030 – a material consideration in the determination of the application, proposes that as a brownfield site close to the town centre and a short walk from Ashford International, a high density residential development would be an appropriate alternative development to AIMREC or similar tourism generating development.
5. The application is accompanied by a Viability Assessment. The applicant's case is that the costs of bringing forward the aspired to high density redevelopment in the ALP 2030 are such that the development would not be able to make policy compliant s.106 contributions. No affordable housing is proposed: it is not required at this site pursuant to the provisions of emerging Policy HOU1 in the ALP 2030 and as that policy accords with current government guidance I give it considerable weight. The applicant considers that only a relatively small s.106 contribution could be afforded alongside a proportionate contribution to proposed off-site highway improvements at the Crowbridge Road bridge located further to the east. The need for such a contribution is identified in Policy S6 of the ALP 2030.
6. In the usual manner, the applicant has underwritten the full cost of an expert review of the Viability Assessment by the Council's consultants Bespoke PC. The advice from Bespoke is that the development would not be viable with policy compliant contributions and only minimal contributions could be sustained if the development is to be delivered. I set out my conclusions on the planning balance in the Assessment section of this report.

Site and Surroundings

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

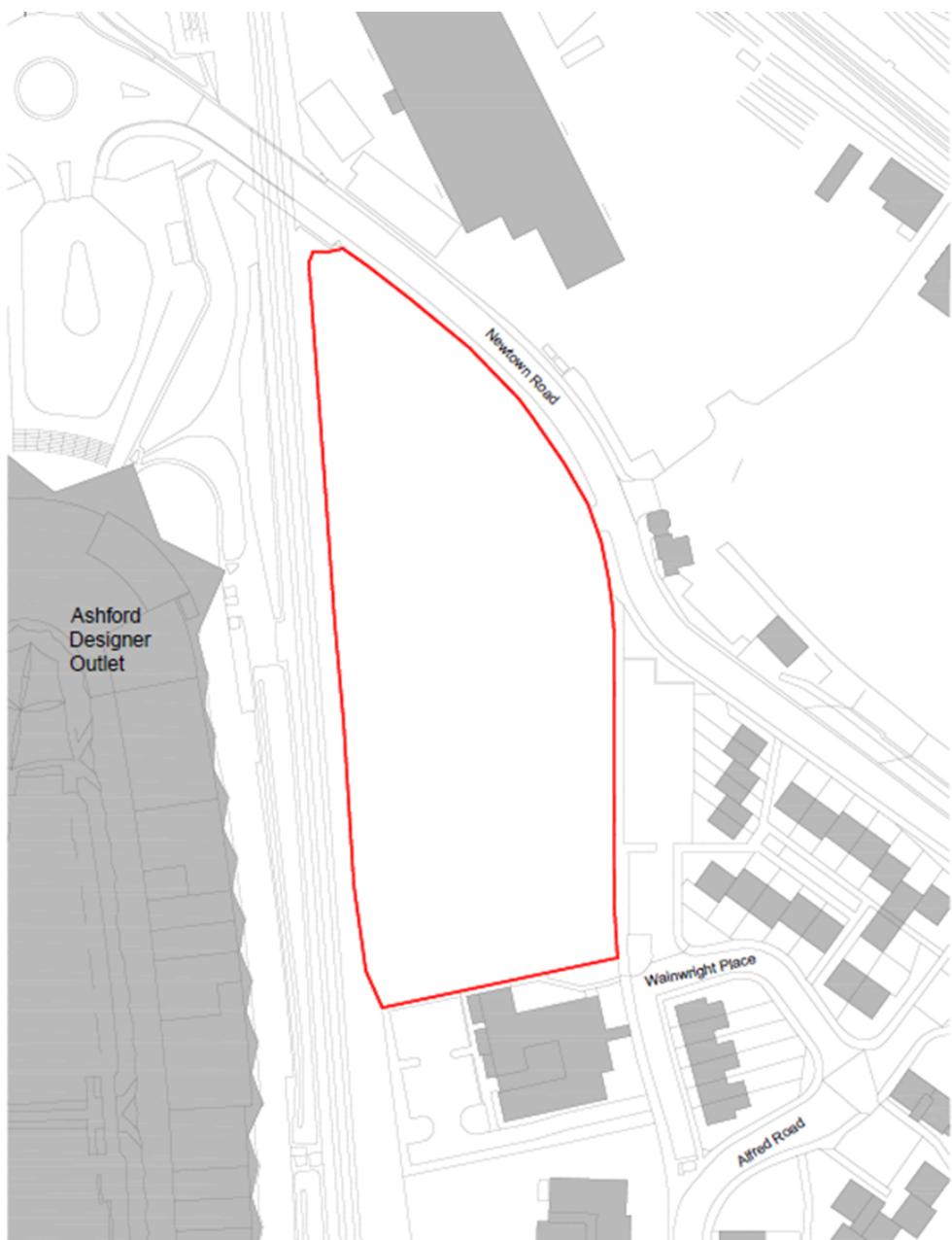


Figure 1: Site plan

8. To the north of the site is the former Newtown Railway works site. There are a number of Grade II listed buildings at that site but closest to the application site are the gatehouse/clock-house building and a larger building that is used for offices by Network Rail. Both of these buildings have a frontage and skyline presence to Newtown Road with a vehicular access located between the two.
9. To the east of the site is Newtown Road and a parking court alongside which a north-south path runs. East of the parking court are 2-storey homes, the

majority of which have rears backing on to the parking court. South of those properties, 2-storey homes face towards Wainright Place.

10. Directly south of the application site is The Old School on Wainright Place, a former school converted into a number of homes. This building is Grade II listed.
11. The southern boundary to the application site includes a bank with a number of mature trees that wrap around to the eastern boundary and gradually thin out moving northwards along that boundary. The southern end of the application site also sits lower than the adjacent path to the east and Wainright Place to the south.
12. Immediately to the west of the application site is the Ashford-Hastings railway line and to the west of that is the service yard rear of the Designer Outlet Centre (DOC).
13. The application site is not located within a conservation area.

Proposal

14. The proposal is for the erection of 93 dwellings with associated highways, parking and landscaping. The proposed accommodation mix is shown in **Figure 2** below.

| Unit Type | No. of Units |
|------------------------------|--------------|
| 1 Bedroom 1 Person Apartment | 41 |
| 2 Bedroom 3 Person Apartment | 52 |
| Unit Total | 93 |

Figure 2: Accommodation mix

15. Each home would be provided with either a private balcony or a terrace. On-site public open space is also proposed comprising x 3 landscaped areas in addition to incidental open spaces.
16. A landscaped avenue would link the entrance from Newtown Road to the southern end of the site. The on-site landscaped public open space near Blocks B and E would be on the eastern side of this avenue which is shown running through the centre of the CGI forming **Figure 3** below.



Figure 3: Landscaped avenue

17. The facades enclosing the space between Blocks B & E would have primary living spaces, balconies and communal entrances therefore ensuring natural surveillance. The applicant considers that this space would allow visual permeability through the site rather than creating a harsh edge to the development. It would have a character mixing landscaping with car parking as per **Figure 4** below. This space would be opposite to the listed gatehouse/clock-tower.



Figure 4: Courtyard to Block E

18. The avenue would terminate at the southern end of the site with a soft and hard landscaped square framed by Blocks F and G located on two sides only. Car parking would be provided around the edge of this space and to the edge of the site bordering the boundary towards the railway line. This arrangement is shown in **Figure 5** below.



Figure 5: landscaped square at southern end of the site

19. The layout plan showing the apartment blocks and the spaces between the blocks is shown below as **Figure 6**. The western edge to car parking and blocks of apartments is separated from the site boundary with the railway line by a green corridor which is intended to provide on-site habitat to mitigate the impact of the development as well as facilitate reptile movement to the habitat that will remain on the southern bank of the site as well as beyond.



Figure 6: Site layout

20. Trees

21. The proposal involves proposed soft landscaping including tree-planting to public open spaces, the avenue and parking courts and the proposal would not involve the felling of any important trees. The existing trees to be removed and retained are set out in the summaries of the supporting documents elsewhere in this report.

Access

22. A single vehicular access is proposed. It would be located close to the existing access point into the site and is designed to be a priority T-junction.

This access would also serve cyclists and pedestrians and larger delivery / refuse vehicles. A secondary/emergency access is not required due to the scale of the development: this has been confirmed by Kent Highways & Transportation (KH&T). KH&T do not proposed to adopt the street system created with the development although it would be designed to adoptable standards. The street system will therefore be privately maintained. The applicant is aware that if a Council refuse collection service is to be provided then an Indemnity Agreement will need to be put in place.

23. Additional non-vehicular access would be available along the eastern boundary from one of the three landscaped areas: the applicant cites this as helping to provide links to Newtown and beyond. This access has been provided as part of minor amendments seeking to overcome relatively minor layout matters raised by KH&T: it would form a set of steps up from the site to the adjacent pedestrian path network.
24. A total of 95 parking spaces would be provided located either at surface level or in undercroft arrangements at proposed Blocks A, C and D. A total of 6 spaces are designed to be of a width accessible by wheelchair users. A total of 6 motorcycle parking spaces and 112 cycle parking spaces would be provided. A number of electric vehicle charging points would be provided in undercroft parking areas.
25. Proposed Policy S6 identifies the need for a development of the site to make an appropriate contribution to off-site works to the local highway network east of the site at the Crowbridge Road Bridge ‘pinch point’. The applicant states that this has been discussed with KH&T and that the contribution can be secured by legal agreement.

Supporting documents

26. The applicant has provided a Viability Assessment (VA). This contains commercial sensitive confidential data and so is not a public document. The applicant has underwritten the full cost to the Borough Council of the VA being reviewed by the Council’s expert viability consultant. I set out the conclusions reached in respect of the VA in the Recommendation of this report.
27. Together with a space standards checklist and information on utilities, the applicant has provided the following supporting documents (with brief summarises then provided further below);
 - (a) Planning and Affordable Housing Statement
 - (b) Design & Access Statement
 - (c) Cultural Heritage Statement
 - (d) Floor Risk Assessment (including Sustainable Urban Drainage)

- (e) Walkover Survey / Reptile Mitigation Strategy
- (f) Ground Investigation Report
- (g) Noise & Vibration Assessment
- (h) Draft Heads of Terms for a s.106 agreement
- (i) Transport Assessment
- (j) Tree Survey / Root Protection Plan

(a) Planning and Affordable Housing Statement (PAH)

PAH 1 – The application was the subject of pre-application discussions and this has shaped the proposals in terms of increasing on-site parking to 1 space per home, the greater use of undercroft areas to allow for increased on-site public realm, creation of x3 soft landscaped squares at the site entrance, opposite the listed clock-tower and at the southern end of the site, the provision of a balcony or terrace to every home and strengthened enclosure at the entrance from Newtown Road.

PAH 2 – At pre-application stage there was no objection to the proposed storey heights, massing and accommodation mix. The scheme has been discussed with Kent Highways & Transportation (KH&T).

PAH 3 – At pre-application stage, there was no objection to the site coming forward independently of the Newtown Works Site subject of Proposed Policy S6.

PAH 4 – The scheme was the subject of pre-submission community involvement. A letter drop exercise to 45 nearby homes (1-18 The Old School, Wainright Place and 1-27 Wainright Place) contained an overview of the proposals, site layout and imagery together with developer contact details: no responses were received.

PAH 5 – There is a marked change in levels at the southern end of the site which provides for the containment of the development from homes further to the south. The site currently has a vehicular access point located on the north-eastern boundary with Newtown Road. A small section of the northern end of the site nearest to the railway bridge falls within Flood Zone 2 from mapping information.

PAH 6 – The nearest listed buildings are the former Newtown Primary School to the south and buildings on the Ashford Railway Works.

PAH 7 – The Council's Ashford Local Plan Policy HOU1 identifies that in this location –Ashford Town which at para 5.7 is identified as including Aylesford Green – flatted development will not be required to provide any form of affordable housing.

PAH 8 – An acoustic assessment has identified that in the context of the existing noise climate (including the railway line) and concludes that the site can be redeveloped for residential use so as to provide a good noise climate for future residents both inside and outside and significant harm or adverse impacts on the quality of life for future residents.

PAH 9 – Suitable reptile habitat can be located along the western and southern site boundaries. The approach taken in the application therefore seeks to retain the western boundary as an ecological buffer zone and a green corridor on site for reptiles to access any habitat south of the site. A 0.2ha area in the north-western corner would be retained.

(b) Design & Access Statement (D&A)

D&A 1 - See the proposal section further above for the main points.

D & A 2 – Section C-C shows the southern-most Block G sitting at a lower level within the site compared with The Old School further to the south. An extract is shown as **Figure 6** below.



Figure 6: Section through Block G to The Old School

(c) Cultural Heritage Statement (CH)

CH1 – No Scheduled Monuments, Historic Battlefield or Historic Wreck sites

are identified within the study site or its immediate vicinity. The site is currently located within an Area of Archaeological Potential related to the site of the New Town Railway works. Six Built Heritage Assets are identified within the vicinity of the Site, all of which are Grade II listed.

CH2 - The site is identified as having a low archaeological potential relating to remains of 19th and 20th Century railway infrastructure due to its previous demolition. Negligible archaeological potential is identified for all other periods of human activity as a result of severe, widespread and cumulative impacts relating to 19th and 20th Century phases of development.

CH3 - Limited potential is identified for evidence of the 19th and 20th Century Rail infrastructure to remain in situ through the impact of past demolitions. Past-post depositional impacts throughout the site are considered to have been severe and cumulative as a result of several previous phases of development and demolition.

CH4 - The proposed development is considered unlikely to affect the setting or significance of the Built Heritage assets located within the vicinity of the site due to the demolition that has already taken place. It is considered that the proposed development would be unlikely to have any archaeological effect.

(d) Floor Risk Assessment (including Sustainable Urban Drainage) (FRA)

FRA1 – The development is partially located in Flood Zone 2 but the sequential approach has been taken into account and no buildings or roads are proposed to be built in that Zone. The development would be at low risk from fluvial, tidal, groundwater, surface water/overland flow, infrastructure failure flooding.

FRA2 – Surface water from the development will discharge into the Southern Water Surface Water sewer in Newtown Road at a peak discharge rate of 5/ltr./s. Capacity exists to accommodate this. The SUDs proposal – including attenuation tank, hydro-brake, pipes and permeable paving - will ensure that excess water can be safely contained within the site up to and including the 1 in 100 yr. event plus 40% allowance for climate change.

FRA3 – The SUDs system will remain in private ownership.

(e) Walkover Survey / Reptile Mitigation Strategy (RMS)

RMS1 - Mitigation for impacts on reptiles can be achieved by the preferred method of mitigation on-site to the south and west as well as in the north-west corner closest to the railway line bridge over Newtown Road as the majority of reptiles already found in these locations.

RMS2 – The existing site is dominated by bare earth/hard standing, with some short perennial and ruderal vegetation growth along the site boundaries. There are linear groups of trees on the southern and western boundaries and an area of semi-improved grassland to the northwest of the site. The current proposals seek to retain 0.25ha of habitat, which would include an enhanced grassland/scrub mosaic in the north-western area as well as incorporation of ecological planting and reptile enhancements along the western and southern boundaries.

RMS3 - Although the receptor site is smaller than the habitat that would be lost as a result of the development, the receptor site would be enhanced to encourage foraging, basking and shelter opportunities for reptiles and would be managed and maintained post-development. It is considered that these enhancements would create habitat of a higher quality than currently exists helping to support reptiles.

RMS4 - The receptor site has been designed to support a low population of slow worm and common lizard already present. The habitat would be managed to create a suitable grassland/scrub mosaic, which the site does not currently benefit from, but is the preferred habitat for reptiles. The on-site nature of the receptor site delivers the preferred method when moving reptiles in terms of minimising disturbance and avoiding translocation wherever possible. It would increase the suitable reptile habitat features for the reptile population. It is not considered likely that any reptiles other than the low population of slow worm and common lizard are present.

RMS5 - The majority of the suitable reptile habitat is still located along the north-western and western site boundaries. The proposals seek to retain the western boundary as an ‘ecological buffer zone’ and as a ‘green corridor’ for reptiles to access any suitable habitat located further south of the site. In addition, the tree bank along the southern boundary would be thinned where appropriate to improve the quality of reptile habitat and to incorporate it into a reptile receptor.

RMS6 – The receptor site creation would need to be completed in advance of the development and managed post-development in order to ensure long-term conservation and habitat status is maintained.

(f) Ground Investigation Report (GIR)

GIR1 There is evidence of ground contamination and potential pollutant linkages on the site in relation to the proposed end use. In summary this has included:

(i) Elevated concentrations of lead and various PAHs within the made ground, which pose a risk to the health of future users, via direct contact and

inhalation pathways;

- (ii) ACMs identified within the shallow made ground soils during the previous site investigation works;
- (iii) Elevated concentrations of cadmium, copper, lead, nickel, mercury and zinc within the made ground, which pose a phytotoxic risk, via root uptake;
- (iv) Detectable concentrations of petroleum hydrocarbons, which pose a risk to potable water supplies, via chemical attack; and
- (v) Potentially elevated concentrations of carbon dioxide.

GIR2 - In addition taking into consideration the anthropogenic content of the underlying made ground alone, these shallow soils are unlikely to be considered suitable for reuse within areas of future soft landscaping.

GIR3 – A detailed remediation strategy will need to be prepared for the site, based on the currently available information, the following measures are considered likely:

- (a) Incorporation of clean capping layer (600mm thick) within all areas of proposed soft landscaping to protect future users from contaminants recorded within the made ground soils – likely to involve removal of excavated soils off site;
- (b) An allowance should be made for the removal of localised soils which have been significantly impacted by hydrocarbons;
- (c) The clean capping should also provide an appropriate growth medium for future planting; and
- (d) Protection of potable water supplies to prevent chemical attack from petroleum hydrocarbons recorded within the made ground soils.

GIR4 - With regards the assessment of the ground gas regime it is recommended that new ground gas wells are installed in strategic locations across the site and that the monitoring is undertaken in line with current guidance and best practice. It is recommended also that a suitably competent person undertakes a watching brief for ACMs during the ground works phase. More generally, if during the development stage any works encounter any visual or olfactory indication or suspicion of unforeseen contamination, construction works should be halted pending further investigation by the environmental consultant. In the first instance it is recommended that this report be issued to the local authority at the earliest opportunity to agree to

the recommendations.

GIR5 - Made ground soils are largely not-hazardous with the exception of TP15 (0.2 m to 0.4 m) and SP1 due to carcinogenic and ecotoxic properties and the presence of asbestos within the stockpiled soils. Further waste classification is recommended during the early construction phases of work to ensure that any waste soils are disposed of in accordance with current waste regulations.

GIR6 - The soils within the vicinity of TP15 at 0.2 m to 0.4 m were noted to be dark brown in colour and contain frequent anthropogenic fragments including brick, slate and clinker. Should other soils be encountered across the site that are visually similar to these, it would be prudent to excavate stockpile these separately from the surrounding soils.

GIR7 - The exploratory holes indicate that the site is underlain by a variable thickness of made ground over Alluvium. The findings of the site investigation indicate a shallow unconfined groundwater table in the Alluvium at a depth of between 0.65 m and 3.3 m bgl. Given the variable but generally loose density of the near surface soils, combined with a relatively high groundwater table and the proposed development, it is considered that recourse to piled foundations would provide the most suitable foundation solution. A deep borehole investigation would be required to provide information for pile design and construction.

GIR8 - Given the fact that the site is generally underlain by more than 600 mm of made ground, the ground floor slabs should be constructed as suspended.

(g) Noise & Vibration Assessment (NVA)

NVA1 – There is an existing noise climate as a result of road traffic on Newtown Road and from the railway line to the east. The study considers noise levels against current national and local guidelines and where appropriate recommendations are made on mitigation measures necessary to ensure an acceptable noise environment for future residents.

NVA2 - Mitigation consists of the apartment blocks being used to screen amenity areas, and by arranging internal layouts to minimise the number of rooms overlooking Newtown Road. However, due to the site constraints it would still be necessary to use the new building 'envelope' to help control noise levels.

NVA3 - For all properties, thermal double glazing would be provided as a matter of course to meet the thermal requirements of the Building Regulations. This would be sufficient to ensure internal noise levels are compliant with guideline values. To avoid resonance issues, the Assessment

recommends that no two panes of glass should be of the same thickness.

NVA4 - For new homes closest to Newtown Road, an open window would result in noise levels above the internal criteria. Normal ventilation would therefore have to be provided by alternative means. Normal ventilation to comply with the requirements of Building Regulations can be achieved through the use of acoustically treated trickle ventilation system.

NVA5 - New residents are likely to choose the site based on its location and proximity to Ashford International. As such they would reasonably expect a certain level of noise from road and rail. There would therefore be an element of 'caveat emptor' (buyer beware) in relation to noise for anyone choosing to live in the new housing development.

NVA6 - Levels of vibration are not considered an issue at this site. In terms of noise, the location of the site restricts the opportunities to reduce the impact of noise through the use of noise barriers and also in the interests of an acceptably designed scheme.

NVA7 – The proposed development would not cause significant adverse impacts to either future residents or existing noise sensitive properties in line with the policy aims contained within paragraph 123 of NPPF.

NVA8 – In the light of points raised by the Council's Environmental Protection Officer, an additional Technical Note has been provided.

(h) Draft Heads of Terms (HOT)

HOT1 – The applicant has identified that an allowance of £46,500 for off-site contributions is proposed that could go towards any contributions towards the following matters:-

- Adult Social Care
- Libraries
- Allotments
- Outdoor Sports Pitches
- Cemeteries
- Primary Schools
- Children's and Young People's Play Space
- Public Art
- Community Learning
- Secondary Schools
- Controlled Parking Zone
- Strategic Parks
- Health Care
- Town Centre Commuted Parking

- Informal/Natural Green Space
- Voluntary Sector
- Junction 10A
- Youth Services
- Legal Costs

HOT2 – The applicant also agrees to enter into a s.278 agreement for off-site highway works. The applicant wishes to pursue all of these matters by making a unilateral undertaking.

HOT3 – The proposal includes the provision, retention and maintenance of electric vehicle charging points and an on-site ecological area.

(i) Transport Assessment (TA)

TA1 – In terms of road safety, 22 accidents have been recorded, 4 being ‘serious’ and the remainder being ‘slight’. There are no patterns in the location or causes of the ‘serious’ accidents. A small cluster of accidents have occurred at the junction of Alfred Road with Newtown Road. Overall, there is no reason to assume road safety concerns would be exacerbated by the proposals.

TA2 – In terms of parking, the site would fall within a suburban location which has a corresponding higher car parking requirement. The site is within walking distance to amenities. There are no highway safety concerns or injudicious overspill parking. The site is within a sustainable location and car trips would account for less than 50% commuter journeys. There is a high propensity for commuter journeys to be made on foot, cycle or via public transport. The site is located very close to Ashford International and local bus services. At pre-application stage KCC accepted a potential reduction and confirmed an average of 1 space per dwelling and the acceptability of a total of 95 parking spaces. Cycle parking would be for 112 cycles in excess of KCC agreed provision. Electric vehicle charging points would be provided. 6 motorbike/scooter parking spaces would be provided in line with the Council’s SPD.

TA3 - The proposed vehicular access would be by means of a priority T-junction from the north eastern site boundary, agreed with KCC. Visibility splays are considered appropriate. KCC stated visibility splays must allow uninterrupted vision from a height of 0.9m. Refuse has been tracked with an 11.4m refuse vehicle and this suggests an initial access road width of 6.5m. 2m pedestrian footways on both sides have been agreed with KCC. The internal road within the site would remain private.

TA4 – In terms of buses, services E and G are available from bus stops on Newtown Road located 150m from the site access. Service 666 operates from

the Designer Outlet located 220m from the site access.

TA5 – In terms of access to railway services, Ashford International would be 650m walking distance from the proposed site access.

TA6 - Newtown Road has footways on its southern side. The applicant's safety auditor has confirmed these do not require amendment. Good footway links to the Designer Outlet, Ashford International and the town centre. There is good accessibility to the local and strategic cycle route network.

TA7 – The site is considered highly sustainable in terms of access to retail, transport and education within walking distances.

(j) Tree Survey / Root Protection (TSRP)

TSRP1 - Four trees and one group are categorised as class B, twenty-six trees and nine groups categorised as class C and three trees categorised as class U would be removed to facilitate the proposed development. The loss of these predominantly poor quality pioneer species would be mitigated by extensive new tree and shrub planting, which should significantly improve the quality of the tree stock at the site in the long term.

TSRP2 - Two proposed parking bays would partially encroach the root protection area of tree T17. These can be constructed sensitively without having a major impact on the tree roots or its rooting medium. All remaining areas of hard standing, buildings and other hard landscaping would occur outside the root protection areas of retained trees.

TSRP3 - Tree removals would occur either as a result of direct conflict with the proposed construction works or the poor condition of the trees to create either an ecological mitigation zone or to improve the condition of adjacent better quality trees. Extensive new tree planting is included within the proposed.

TSRP4 – In respect of works within root protection areas, all proposed buildings would be located outside the root protection areas of retained trees and therefore the use of specialist foundations for root protection is not deemed to be necessary. NHBC guidelines on foundation depth in proximity to trees would be followed. This would be determined by a structural engineer but be guided by information in the report and appropriate sampling in order to determine soil profiles at the site.

TSRP5 - Trees recommended for retention can be protected during the proposed construction works and successfully integrated into the site post-development.

TSRP6 - Tree removals listed in the arboricultural impact assessment would need to be carried out as the first stage of any redevelopment. Tree stumps and vegetation located within the root protection areas of retained trees would be cleared with controlled hand tools (e.g. stump grinder/brush cutter). Plant machinery would not be used to scrape vegetation/grub out tree stumps within root protection areas, or access the site until tree protection barriers have been installed.

TSRP7 - Necessary measures would be undertaken to mitigate harm to protected species and potential for bonfires. Relevant remedial measures would be followed in relation to storage and handling of harmful chemicals, new parking bays within root protection area of T17, excavation of block D foundations and soft landscaping within root protection areas.

Planning History

| | |
|-------------|---|
| 88/01990/AS | Use for industrial, storage and office purposes ancillary to the trade of a timer and building suppliers - <i>granted March 1989</i> . |
| 91/00992/AS | Erection of industrial units - <i>disposed of undetermined October 1992</i> |
| 97/00248/AS | Part refurbishment of existing and part new build to create a 2-storey museum to house the channel tunnel collection of construction equipment exhibition space café shop offices archives educational and conference facilities together with alteration of existing access car parking and landscaping - <i>disposed of undetermined September 2000</i> |
| 15/01575/AS | Model Railway Visitors' Centre for the display and heritage of model railway models including new highways junction and associated parking – <i>resolved to be granted March 2016 but subsequently withdrawn</i> |
| | Existing noise climate - road traffic on Newtown Road to the north east and rail activity to the west. |

Consultations

Ward Members: No comments received. Cllr Howard is not a Member of the Planning Committee.

ABC Environmental Protection: Following the receipt of the applicant's Technical Note, raises no objection subject to planning conditions in respect of ventilation and protection against noise, the need for a construction management plan, site remediation, sewage disposal and provision of electric vehicle charging points. It is

recommended that the applicant completes an air quality assessment (including damage cost analysis in accordance with DEFRA guidance) and apply mitigation based on calculated cost and that a condition be attached requiring details of localised screening/barriers to help reduce noise impacts on ground floors and amenity spaces as far as practicable with other layout considerations.

[HoDM&SS comment: I note the recommendation in respect of air quality but the outcome of the Viability Review is set out in my Assessment further below and, in summary, the development could only be carried out with minimal financial contributions. Accordingly, an air quality assessment has not been pursued. In respect of barriers, I consider that whilst the Newtown Road boundary cannot support their provision and retain an acceptable layout, there is scope to provide a stronger barrier along the western boundary to the railway line – I propose to take this forward by planning condition]

ABC Parking: No objection and note the intention for the internal road to be privately maintained but comment that there could be potential for overspill parking by new residents into nearby streets.

ABC Project Office (Drainage): Reference the review by KCC as the LLFA. Indicate that the outline principles for the management of surface water volumes and run-off rates are acceptable. Raise no objection subject to planning condition.

ABC Refuse Collection: No objection. Confirm the maximum pull-distances cited in the Council's Informal Design Guidance Notes in relation to 1100ltr containers. Identify that if the street system is to remain private then an indemnity would need to be put in place prior to the commencement of any Council waste collection.

[HoDM&SS: The street system is proposed to be designed and constructed to adoptable standards but would remain privately maintained space. The need for an indemnity arrangement is accepted by the applicant]

ABC Cultural Services (Open Space/Play): For 93 apartments request the following approach to provision of sports, informal / natural space, play facilities, allotments, strategic parks and cemeteries (including commuted maintenance);-

| | Capital contribution for off site provision £/dwelling | Total capital contribution for off site provision | Commuted maintenance sums per dwelling | Total commuted maintenance sum for the development | TOTAL CONTRIBUTION |
|------------------|--|---|--|--|--------------------|
| Sport - outdoors | 1589.00 | 107754.06 | 326.00 | 22106.88 | 129860.94 |
| Informal/natural | 434.00 | 29430.63 | 325.00 | 22039.06 | 51469.69 |
| Play | 649.00 | 44010.31 | 663.00 | 44959.69 | 88970.00 |
| Allotments | 258.00 | 17495.63 | 66.00 | 4475.63 | 21971.25 |
| Strategic Parks | 146.00 | 9900.63 | 47.00 | 3187.19 | 13087.81 |
| Cemeteries | 284.00 | 19258.75 | 176.00 | 11935.00 | 31193.75 |
| Totals | 3360.00 | 227850.00 | 1603.00 | 108703.44 | 336553.44 |

Environment Agency: No objection subject to planning conditions.

Highways England: No objection and indicate satisfaction that SPG6 does not apply and confirm that the development would not materially affect the safety, reliability and / or operation of the Strategic Highway Network as per DfT advice and paragraph 32 of the NPPF.

KCC (Heritage): No objection and comment as follows;:-

'The site of the application proposes the redevelopment of the Klondyke Works site, a historic post medieval railway industrial site. The railway industrial heritage is a key part of the identity and historic character of Ashford. Although much of the industrial workshops, sheds, tracks and fixtures and fittings, including turntables, have been gradually removed, there is still some potential for structural remains associated especially with the Klondyke Works themselves to survive.'

The application is supported by a Desk-based Assessment by CgMs. This DBA is rather dismissive of railway heritage on this site and I do not entirely agree with their assessment and recommendations. An earlier DBA for this site (Trust for Thanet Archaeology) does highlight the importance of Ashford's railway heritage and the potential for some remains to survive on this site. Formal archaeological investigations in the adjacent Newtown Railway Works site did locate some complete turntables and below ground structures. There needs to be provision for locating similar structures in the Klondyke Works and preserving them in situ if possible. I appreciate the level of disturbance on this site, but the adjacent redevelopment schemes demonstrate how substantial archaeological remains can survive below ground.

I would also like to encourage consideration of railway heritage of Ashford and the opportunities this redevelopment scheme offers for interpretation. Although it is residential, heritage interpretation should be integrated into the scheme. The current landscaping proposals are natural environment and ecological focused. In view of the historic character of this site I would encourage more of a focus on heritage. This would ensure the new communities have the opportunity to become aware, understand and enjoy the special railway heritage of this area of Ashford. Appropriate interpretation measures would provide a distinct sense of place and would be a significant contribution to the uniqueness and quality of this particular scheme.'

Recommends the following conditions;:-

- (i) Archaeological field evaluation works to an agreed specification,
- (ii) Safeguarding measures to ensure preservation in situ of important remains and/ or further investigation recording, and
- (iii) the implementation of an agreed programme for archaeological interpretation.

Kent Highways & Transportation: as a result of minor amendments made to the site layout in relation to dimensions of some parking spaces, clarification on cycle parking and the provision of a pedestrian set of steps enhancing linkages eastwards to Newtown's post-office and public house, no objection is raised subject to:-

- (a) planning conditions, and
- (b) subject to the applicant entering into an agreement under s.278 of the Highways Act to make a proportionate contribution (£62,980) to an off-site highway improvement involving signalisation of the narrow Crowbridge Road Bridge.

KCC Flooding (Lead Local Flood Authority): No objection subject to planning condition.

Southern Gas Networks: No objection raised. Contact and safety information provided for those taking forward a development.

Southeastern Rail: comment as follows:-

'The proposed development is adjacent to the railway and the Designer Outlet. We would request that S106 funding or CIL be considered to improve the transport interchange at the front of Ashford Station (domestic side) and improve the facilities for bus interchange. In addition to this we would like to see the footpath/cycle path under the railway track between New Town Road and Southeastern car park B be improved to encourage local people to walk and cycle to the station and the town. We would also request that additional quality cycle parking with CCTV be provided on the international side of the station to encourage people out of their cars and to use more sustainable transport'

[HoDM&SS comment: the scale of the development concerned is one where I do not consider that it would be appropriate to seek to require a financial contribution to the improvement of the routes. Members will be aware that the Designer Outlet Centre (DOC) is already obligated to make a contribution towards route enhancement between Ashford International and the DOC and so an enhanced route would be of indirect benefit to the occupiers of Klondyke Works. In any event, the applicant has made a viability case that has been independently expertly reviewed for the Council: the outcome is that the proposed development can sustain only limited s.106 contributions.

I have no objection to, and indeed would actively support South Eastern assisting financially in relation to route enhancements between this part of the town and the station. Discussions with Network Rail are progressing in respect of opportunities in respect of the tunnel and the issues relating to the existing poor lighting and a programme to resolve lighting to an acceptable baseline level beyond which the route interventions might build upon. Discussions are also taking place with HS1 in respect of the type of route enhancements that they would agree to on their land via

a licence (such as new planting blending with the living wall theme to the expansion of the DOC).

The request for the development to assist with cycle parking and CCTV at Ashford International is not CIL complaint as it is not fairly and reasonably related to the proposed development: moreover, I consider that these matters fall to HS1/Network Rail and South-Eastern to work together on and fund as appropriate.]

South Ashford Community Forum: Comment as follows:-

'South Ashford Community Forum has viewed the documents related to the above application. We note the withdrawal of the previous application for this site, following the Planning Committee resolution to permit the development, but before prior conditions had been resolved. We acknowledge that Draft Local Plan currently being examined proposes residential development, as an alternative to the tourism/visitor attraction use, and states that the location of the site makes it suitable for a relatively high density development with a building scale of 3-4 storeys.

We are concerned that the proposed location development access offers poor visibility of and for traffic on Newtown Road, due to its proximity to the bends in Newtown Road. We believe the existing site access point should be retained and that a signal controlled junction, similar to that proposed for the previous application, should be provided.'

Southern Water: No objection. Make comments in relation to the need to determine the exact position of sewers on-site and ensure new development and tree planting is appropriately distant. Request this and other matters are the subject of a note attached to any grant of permission.

Stagecoach: no objection and comment as follows;

'The Transport Assessment (Paragraph 4.1) rather overstates the level of bus service currently provided. Route E runs every 20 minutes Mondays to Saturdays, with no service on Sundays. Route G only serves Newtown with 2 journeys on Saturday evenings. Route 666 does not serve Newtown Road.

From 3 June 2018, Route E will be replaced by Route G running every 30 minutes on Mondays to Saturdays, but with higher capacity buses.

A new pair of bus stops is due to be provided in Newtown Road at the northern end of the proposed development, as part of the redevelopment of the Designer Outlet. These will provide good access to the proposed development. At the southern end, Route G will serve the existing bus stops in Alfred Road, adjacent and opposite Wainwright Place. Neither of these stops are DDA compliant or have shelters. We would recommend that developer contributions be sought to bring these stops up to full DDA standards, provide a shelter, and to upgrade pedestrian access to these

stops. We do not expect the proposed development to generate additional demand for bus use that cannot be accommodated on the level of service that will be provided after 3 June 2018.'

[HoDM & SS comment: The context of the site is such that it has good walking and cycling links to Ashford International and onward bus-services from that location. The outcome of the Viability Review is set out in my Assessment further below and, in summary, the development could only be carried out with minimal financial contributions and so this request from Stagecoach for developer upgrades has not been pursued]

Neighbours / residents: Two responses received. 1 comment received in support of the proposal as follows:-

'I have lived in the Ashford area for nearly 40 years and have commuted to London and other areas in the South East and also worked locally. I support this application for the following reasons; Ashford has a lot of vacant, brownfield, unused land in and around the town centre which has remained vacant for many years. While this land remains unused over the years I have seen more and more housing estates being built on more and more green-field and countryside around Ashford. This application bucks this trend and should be supported by all those who wish to see derelict land bought back into use and the town centre regenerated and its vitality restored. The proposal is on brownfield land near to shopping, the town centre and excellent transport facilities and is therefore, I feel, highly sustainable.

The design of the scheme is modern and complements the innovative adjacent modern growing shopping outlet. The 3 and 4 storey design is at an appropriate scale for a site in this location. Like many local people, I am concerned about future housing for my children and their ability to get onto the housing ladder. This scheme could provide an opportunity for local young people to buy their first home, being ideally located near to a range of facilities. Please approve this application rather than yet more green-field developments.'

1 objection also received as follows;-

'There is no need for more housing on Newtown, small retail units would be much more beneficial to the area and to the town with the expansion of the outlet, Newtown requires no more housing it needs businesses or something along the lines of a museum on the former works to acknowledge Ashford's huge railway history other than a set of wheels on Newtown Green there is nothing in this town to show for the he railway heritage! My family has lived on Newtown for over 100ys so have seen the decline of the area adding more housing will turn a once lovely community into just another "commuter" area.'

Planning Policy

28. 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.
29. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 216 of the NPPF, this Note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
30. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

EN31 – Important habitats

EN32 – Important trees and woodland

TP6 – Cycle parking

LE5 – Equipped public open space

LE6 – Off-site provision of public open space

LE7 – Play facilities

LE8 – Play facilities

LE9 – Maintenance of equipped public open space

CF6 – Standard of construction of sewerage systems

S36. Klondyke Works

'The railway buildings at Klondyke Works are capable of re-use. Conversion for tourist, leisure or light industrial purposes is preferred. If it is demonstrated that re-use of the buildings is impractical then the redevelopment of part or the whole site would be acceptable for these uses, or residential development.

Particular care should be taken in the design and layout of the development to protect the character of residential property in Newtown and the setting of nearby Listed Buildings.

Proposals for light industrial development which generates additional commercial vehicle traffic will require access improvements at the site entrance and the completion of the route via Crowbridge Road to the Southern Orbital Road.'

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS2 – The Borough Wide Strategy

CS3 – Ashford Town Centre

CS8 – Infrastructure contributions

CS9 – Design Quality

CS10 – Sustainable Design & Construction

CS11 – Biodiversity and Geological Conservation

CS 12 – Affordable Housing

CS 13 – Range of dwelling types and sizes

CS15 – Transport

CS18 – Meeting the Community's Needs

CS19 – Development and Flood Risk

CS20 – Sustainable Drainage

CS21 – Water Supply and Treatment

Urban Sites & Infrastructure Development Plan Document 2012

U24 – Infrastructure provision to serve the needs of new development

31. The following is material to the consideration of the application.

Ashford Local Plan to 2030

The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight. The following policies are material in consideration of the application;:-

Policy S7 – Former Klondyke Works

'The site of the former Klondyke Railway Works is proposed for a tourism/visitor attraction use such as the Ashford International Model Railway Centre. A suitable alternative use would be for residential development.'

A comprehensive masterplan / development brief for the site and the adjoining Newtown Works site should be prepared.

Development proposals for this site shall be in accordance with the agreed masterplan / development brief and:-

- a) provide a sensitively designed access to the sites from Newtown Road;
- b) be based on a parking strategy that provides adequate public and on-street parking to best meet the needs of residents and visitors;
- c) fund the signalisation of the Crowbridge Road bridge, and traffic management works required as a result of the development;
- d) deliver excellent and comprehensively planned public realm as part of the development, including a detailed range of materials, proposals for outdoor lighting and street furniture, signage, bus shelters, public art and landscaping;
- e) provide new pedestrian routes and cycle-ways and convenient links to existing routes to areas around the site and local services and the town centre;
- f) retain important trees and be based on a site-wide landscaping plan;
- g) provide details that deal with contamination of land and/or groundwater, building recording and archaeology.

Only development that would generate no more traffic than would have been generated by the equivalent of the previous lawful uses of the site, shall be built and occupied in advance of the granting of a Development Consent order for the construction of the proposed M20 Junction 10a and until additional capacity has been provided at the Orbital Park A2070 junction.'

SP1 – Strategic objectives

SP2 – Strategic approach to housing delivery

SP3 – Strategic approach to economic development

SP6 – Promoting high quality design

HOU1 – Affordable housing

HOU3 – Residential development in Ashford urban area

HOU12 – Residential space standards (internal)

HOU14 – Accessibility standards

HOU15 – Private external open space

EMP6 – Fibre to the Premises

TRA3(a) – Parking standards for 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

ENV13 – Conservation and Enhancement of Heritage Assets

ENV15 – Archaeology

COM1 – Meeting the community's needs

COM2 – Recreation, sport, play and open spaces

IMP1 – Infrastructure provision

IMP2 – Deferred contributions

IMP4 - Governance of public community space and facilities

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Informal Design Guidance

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

Government Advice

National Planning Policy Framework (NPFF) 2012

33. 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.
34. 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.
35. Paragraph 47 of the NPPF states that local planning authorities should use their evidence base to ensure that any Local Plan produced meets the full, objectively assessed needs for market and affordable housing in the housing market area in order to significantly boost the supply of housing.
36. Paragraph 50 of the NPPF states that local planning authorities should seek to deliver a wide choice of high quality homes with the specific aim of widening opportunities for home ownership. Where local planning authorities identify that affordable housing is needed, they should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.
37. 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.

38. 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.
39. 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.
40. 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.'

41. 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'.
42. 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.'

43. 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.
44. 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.
45. 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.
46. Other key points are as follows:-
 - (a) the presumption in favour of sustainable development (para 14)
 - (b) promoting sustainable transport (para 29-41)
 - (c) delivering a wide choice of high quality homes (para 47-55)
 - (d) requiring good design (para 56-68)
 - (e) promoting healthy communities (para 69-78)
 - (f) meeting the challenge of climate change and flooding (para 97-98 and 100-104)
 - (g) conserving and enhancing the natural environment (para 109)
 - (h) conserving and enhancing the historic environment (para 126)
 - (i) facilitating the sustainable use of minerals (para 142-149)
 - (j) use of planning conditions and obligations (para 203-206)

National Planning Policy Guidance (NPPG)

47. 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
48. Government advice goes on to highlight that the quality of new development can be spoilt by poor attention to detail. Careful consideration should be given to items such as doors, windows, porches, lighting, flues and ventilation, gutters, pipes and other rain water details, ironmongery and decorative features. It is vital not only to view these (and other) elements in isolation, but also to consider how they come together to form the whole and to examine carefully the ‘joins’ between the elements.
49. 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

50. The main issues for consideration are as follows;–
- (a) The principle of the proposals i.e. how the redevelopment of the site would fit with both existing local and national planning policies (and emerging local policy) in terms of the proposed uses
 - (b) The ability to master plan Site S7 independent to the master planning of the wider Site S6: Ashford Railway Works site
 - (c) The acceptability of the proposal in terms of its scale, massing, layout, residential and tenure mix and design quality
 - (d) The acceptability of the proposal in terms of the proposed relationships with listed buildings and non-residential uses
 - (e) The impact of the development on the amenities enjoyed by existing residents
 - (f) Whether the development would provide sufficient on-site public open space to meet the needs of occupiers and relationship to noise producing elements
 - (g) Whether the proposal is acceptable in terms of contamination, flooding, approach to managing surface water drainage and ecology
 - (h) The acceptability of the traffic impacts arising from the development on the local and strategic highway network

(i) Mitigating the impacts of the development: the policy starting point for contributions secured by s.106 agreement

(j) The applicant's viability case

(k) Viability: conclusion and proposed s.106 contributions

51. I deal with these in each of the sub-sections below.

(a) The principle of the proposals i.e. how the redevelopment of the site would fit with both existing local and national planning policies (and emerging local policy) in terms of the proposed uses

52. The approaches in the NPPF in respect of the importance of sustainable development in urban areas, the need to facilitate growth through delivering necessary new homes are all mirrored in the Council's planning policy documents dealing with the area in which the application falls.

53. Saved policy S.36 from the Ashford Borough Local Plan 2000 provides for residential development at this site should industrial redevelopment not come forward. There are no longer any buildings to reuse as part of that policy approach but for nearly two decades it has established in policy terms that a residential redevelopment of this brown-field site would be acceptable.

54. Core Strategy 2008 Policy CS1 (Guiding Principles) seeks to creates sustainable development by making the best use of previously developed land and create new places to live that are of high quality and attractive design with a strong sense of place and are well located to allow movement by a variety of means. Policy CS2 (Borough Wide Strategy) advocates appropriate use of brown-field sites to create new homes. Policy CS4 (Ashford Urban Area) identifies priority to be given to brownfield sites for development including for new homes. Clearly, the proposal would comply with all of those policies.

55. Policy CS8 (Infrastructure) requires site specific issues to be dealt with by s.106 agreement. Community needs generated by new development need to be met by on-site or off-site facilities pursuant to policy CS18 and so that also can be a matter for a s.106 agreement .I deal with this issue specifically further below in relation to the outcome of the applicant's viability case.

56. Policy CS9 requires a high standard of design. Policy CS11 requires avoidance of harm to biodiversity and geological conservation interests. Policy CS12 in respect of affordable housing is now out of date, including with the NPPF and so considerable weight has to be afforded, instead, to HOU1 in the emerging ALP 2030. Policy CS13 requires the delivery of a range of dwelling types and sizes.

57. Policy CS15 requires schemes to be acceptable in transport terms – both local and strategic highway network – as well as be designed to facilitate non-car based movement and be accessible by public transport. Policy CS19 requires development to avoid inappropriate risks from flooding, or contribute to flooding elsewhere through Flood Risk considerations. Policy CS20 requires sustainable drainage to assist adding to flood risk on-site or downstream.
58. U24 of the Urban Sites and Infrastructure DPD 2012 effectively repeats the approach set out in CS8 and CS18 in terms of the mitigation of the impacts of development through direct provision and s.106 agreement contributions.
59. In conclusion, I consider that the re-use of the site would accord with the provisions of the existing development plan in terms of the approach to its residential redevelopment and subject to the assessment of application proposals should be able to meet the requirements dealing with specific topics. The issue of the financial mitigation that the development can sustain is a matter that I address elsewhere in this report.
60. Turning to the emerging development plan – the ALP 2030 (submission version 2017) - proposed policies, this is a material consideration that given the passage of the plan through the Examination process has to be given considerable weight. The ALP 2030 continues with the approach to topic detail set out in the Core Strategy. In summary, key general policies require:-
 - (i) making the best use of land for the delivery of housing (SP2) and residential development in the Ashford urban area
 - (ii) promoting high quality design (SP6) that respects heritage assets ENV13), archaeology (ENV15), the natural environment (ENV1)
 - (iii) providing affordable housing in specific amounts in specific locations (HOU1)
 - (iv) making appropriate provision for parking (TRA3a) and ensuring that development can be accommodated by the road network (TRA7),
 - (v) ensuing development does not suffer from or lead to flood risk (ENV6) and provides sustainable drainage for surface water (ENV9),
 - (vi) meets community needs (COM1 & 2) through the provision of infrastructure and/or contributions thereto (IMP1) unless a fully justified case is advanced as to why this cannot be the case in viability terms and the planning balance tips in favour of the wider benefits that a scheme would bring to a sub-optimal approach to contributions (IMP2), and
 - (vii) appropriate governance of community space and facilities is put in place (IMP4).

61. Furthermore, Policy S7 of the ALP 2030 also seeks to allocate the site for development with a high density approach identified should a tourism style use not come forward. Key issues identified in that policy are:-
 - a master plan approach
 - provision of adequate parking
 - funding for off-site highway improvements
 - delivery of good public realm
 - provision of good connections to help meet every-day needs
 - retention of important trees
62. In conclusion, I consider that the re-use of the site would accord with the general provisions of the emerging development plan in terms of the approach to its residential redevelopment and subject to the assessment of the application proposals the development should be able to meet the requirements dealing with specific topics.
63. The issue of the financial mitigation that the development can sustain and remain a development that could be delivered is set out further below. Policy IMP2 of the ALP 2030 is particularly important here because it establishes a policy approach as to how the Council will treat cases where a viability case is made.

(b) The ability to master plan Site S7 independent to the master planning of the wider Site S6: Ashford Railway Works site

64. My discussions with the Council's Planning Policy Manager indicate that the thought process underpinning the approach to Site S6 and S7 was not that both had to be master planned at the same time and, furthermore, an applicant with an interest in only one site was not intended to have to attempt master plan the other site. Moreover, the approach is one of ensuring that any approach to one site does not then prejudice a good layout and approach to the other i.e. the need for cognisance of proposed actions beyond the red-line application site.
65. The applicant has approached the development of Site S7 in that manner. There is only one boundary that can support a vehicular access to Newtown Road and that is on the northern boundary. An existing access point exists here but, working with KH&T, the proposed new access is considered acceptable in highway safety and capacity terms with appropriate visibility. Furthermore, the location of the access point is not considered to be likely to adversely impact upon the ability for Site S6's existing access here to be retained/amended/widened as might be necessary in the future if that site come forward for a greater redevelopment than has happened to date.

66. I therefore conclude that Site S7 could proceed in advance of Site S6 and would not need to wait for proposals for that site to come forward in order to be properly planned.

(c) The acceptability of the proposal in terms of its scale, massing, layout, residential and tenure mix and design quality

67. The proposed buildings would have a contemporary architectural style picking up the warm brick tones that predominate at the former Newtown Railway Works with the contrasting use of white cladding panels for top storeys as well as means of helping visually break up the elevations. The use of white cladding panels would also pick up the colour palette of the Richard Rogers' 'tented' roof to the Designer Outlet Centre west of the railway line.
68. The massing of the buildings would have a consistent form save for top storeys that would be set back from the edge of the floor below in order to give a generous private terrace with a parapet wall. Other apartments would be provided with balconies and ground floor private terraces with boundaries to demarcate between public and private space. The expressed balconies serving the middle floors of the buildings would further help break up and articulate the elevations: the plans shown glazed balustrades but I would wish to see the use for some areas as obscured / frosted glass to ensure that users are afforded visual privacy. This would also help screen objects on balconies from full public view. This can be dealt with by planning conditions.
69. The layout is acceptable and within the planning parameters shaping the development (higher density redevelopment and provision of 1 parking space per apartment), I am satisfied that the development is broken up with pocket soft landscaped spaces principally on the eastern and southern boundaries. The retention of the existing bank on those same boundaries is acceptable: it works with the existing site characteristics, would help retain an appropriate tree screen as well as minimising disruption of habitat and creates a softer transition between new development and Victorian development to the south.
70. The weighting of the accommodation mix is slightly towards 2-bed apartments but overall seeks to provide accommodation appropriate to a higher density development located close to the town centre and Ashford International. I support the mix and consider it appropriate pursuant to policy CS13 of the Core Strategy 2008.
71. Overall, I conclude that the approach taken is appropriate and pays due regard to the character of the neighbourhood through the proposed choice of materials and colours and the adoption of 'blocky' building forms as well as providing a layout that responds to opportunities to create pocket green spaces. By not wrapping the southern landscape space entirely by buildings,

the layout should help create a space with good sunlight penetration from the afternoon onwards. I deal with issues of relationship to noise producing infrastructure and how the layout could better deal with in sub-section (f) further below.

72. I consider the approach would be high quality design. Furthermore, the scheme has scope to be enhanced further: public art could enliven the pocket spaces and bring to life the importance of the railway works to Ashford's development as could simply acts such as well researched naming strategy or subtle decorative motifs to brickwork. I note and support the comments from KCC Archaeology in this respect: archaeological finds could provide further ways of creating a meaningful identity.
73. In conclusion, and subject to the matters I raise in (f) below, I consider that the design of the apartments and the proposed layout are acceptable against the provision of the development plan and, in particular, Policies CS9 and CS13 of the Core Strategy as well as the intent of Policy S7 for creation of a comprehensively planned public realm as well as Policies SP6 and HOU15 of the emerging ALP 2030.

(d) The acceptability of the proposal in terms of the proposed relationships with listed buildings and non-residential uses

74. The approach taken to the frontage to Newtown Road would be appropriately deferential to the setting of the heritage assets on the opposite side of the street through a combination of limiting the scale of new buildings and setting them back in landscaping as opposed to attempting to create a hard edge. I conclude that the settings of the heritage assets would not be harmed by the subtle approach that is proposed: I support this approach
75. In terms of The Old School to the south of the site, the 4-storey approach to the adjacent blocks would be, de facto, equivalent to 3-storey development due to the lower level of this part of the site related to The Old School. The Old School has Victorian architecture with a dominating pitched tiled roof. The effectively 3-storey nature of the proposed nearest building would create an acceptable scale relationship between the two eras of building. The retention of the bank and the best of existing trees on it would help visually soften the transition between different building forms and different architecture and so is supported.
76. In conclusion, I conclude that the approach taken would accord with the provisions of policy S36 of the ABLP 2000, policies CS1 and CS9 of the Core Strategy 2008 as well as policies S7, ENV13 and SP6 of the emerging ALP 2030 as well as discharge the statutory duty to consider the impact on the setting of heritage assets.

(e) The impact of the development on the amenities enjoyed by existing residents

77. Block G, the southern-most apartment block, would be located 10-14m from the side elevation of The Old School. Block G and Block E (to its north) would be located c.27m from the nearest elevations and garden areas of properties on Wainright Place located further to the east beyond a parking court. **Figure 7** below shows these relationships with an aerial view.

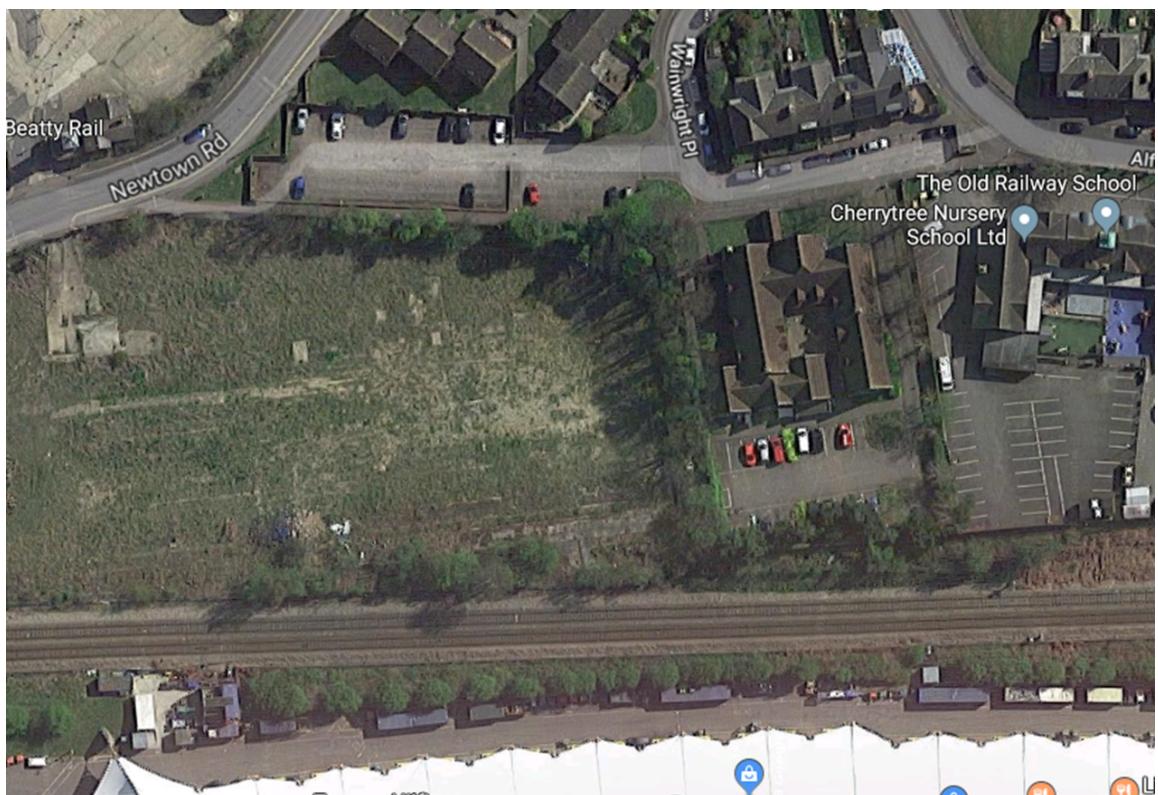


Figure 7: aerial view to show relationships

78. The layout approach taken to Block G would assist creation of a harmonious relationship with The Old School by providing ground floor level terraces, balconies to upper storeys and private terraces to top floor apartments on the northern side of the building and placing private rooms such as bedrooms and bathrooms on the southern elevation. Together with the retention of a tree planted bank on the boundary of the site and the fact that the western side of The Old School is a residents' parking court, I am satisfied that the development would not have an unacceptable impact on the amenities enjoyed by the existing residents of this converted building and would be appropriate given the proposed allocation of the site for an intensive form of residential redevelopment.

79. The approach taken to Block E provides for a mixture of room types on the facing east together with some expressed balconies. The separation distance to properties further to the east beyond the parking court is such that the layout approach that is proposed would not in my opinion lead to a reduction in residential amenity.
80. In conclusion, the proposals would perform acceptably in residential amenity impact terms and so would accord with the provisions of policies CS1 and CS9 of the Core Strategy 2008 as well as emerging policies SP1 and SP6 of the ALP 2030.

(f) Whether the development would provide sufficient on-site public open space to meet the needs of occupiers and relationship to noise producing elements
81. The proposal is a high density redevelopment of the site as envisaged in emerging policy S7 of the ALP 2030. The proposed layout balances this approach with space for undercroft and surface level parking sufficient to meet the requirements of emerging policy TRA3a of the ALP 2030 as well as the need to keep storey heights to a scale that ensures settings of heritage assets beyond the site would not be harmed as per emerging policy ENV13 of the ALP 2030. As a consequence, on-site public open space meeting the needs of residents is limited and takes the form of small pocket green spaces. Nevertheless, larger public open spaces are within a reasonable walk from the site and so open space needs – including play facilities in open space – would be able to be satisfactorily met. The issue of viability discussed further below is a factor as to how far the development could make a s.106 contribution to off-site provision of public open space and play facilities.
82. In respect of noise, the applicant's analysis that the proposal would be able to create an acceptable living environment is accepted although any dwellings that require closed windows should be subject to thermal comfort assessment and suitable 'acoustic' ventilation specified accordingly to meet thermal and acoustic needs: this can be the subject of a planning condition.
83. I suggest that through a planning condition, details of localised screening / barriers are secured in order to reduce noise impacts on ground floors and amenity spaces as far as is practicable. I would accept that on the Newtown Road frontage and to the space opposite the clock-tower screening / barriers that would not be acceptable from a place-making perspective. On the western boundary adjacent to the railway line, however, consider that a noise barrier should be provided. I would suggest that the parking courts here are contained by hedges at their western edge and then beyond that tree planting, climbing plants and shrubs forms part of a treatment to help screen a barrier beyond. I consider that this approach would help create a visually attractive edge.

84. In conclusion, and subject to the caveat concerning viability and ability to make off-site contributions, I conclude that the proposal would generally accord with the provisions of policy LE5 of the ABLP 2000, policies CS1, CS9 and CS18 of the Core Strategy 2008 and policies SP6, HOU15, COM1 and COM2 of the emerging ALP 2030.

(g) Whether the proposal is acceptable in terms of contamination, flooding, approach to managing surface water drainage and ecology

85. The applicant's supporting documents identify that the site has contamination issues that will need to be addressed in terms of producing a remediation scheme to leave the site acceptable for human habitation as well as the approach to top soil for new landscaping and foundation design. These matters can be addressed through planning condition.
86. In terms of flooding and SUDs, the applicant's proposed scheme responds to the context of the site and is acceptable to KCC and the Council's Project Office Delivery Engineer. This matter can also be considered in detail through a planning condition.
87. The applicant's proposed ecological mitigation is acceptable and retains habitat on-site with good connectivity. The fine detail of the scheme and its long term management can be secured through planning condition.
88. In conclusion, the proposal would accord with the provisions of policy EN31 of the ABLP 2000, policies CS9, CS11, CS19 and CS20 of the Core Strategy 2008 and policies SP1, SP2, SP6, ENV1, ENV6 and ENV9 of the emerging ALP 2030.

(h) The acceptability of the traffic impacts arising from the development on the local and strategy highway network

89. KH&T, the highway authority looking after the local highway network, accept that the development would not give rise to problems of highway safety and can be accommodated in terms of highway capacity. The approach to a development contributions towards the Crowbridge Road bridge signalisation improvement has been discussed with the applicant and a pro-rata contribution is proposed to be made.
90. In respect of the strategic highway network, Highways England (HE) raise no objection to the proposal: it is not required to make a contribution to J10A and it can be accommodated by the strategic road network. A requirement to prevent occupation of any apartments prior to the so-called 'Bellamy-Gurner' upgrade to the existing A2070 Orbital junction is not made by HE.
91. I therefore conclude that the development would be acceptable in highway safety and capacity terms and so would accord with the provisions of policies

CS1, CS2, CS8, CS15 and CS18 of the Core Strategy 2008, policy U24 of the Urban Sites and Infrastructure DPD 2012 and policies S7, SP1, SP2, TRA7, COM1 and IMP1 of the emerging ALP 2030.

(i) Mitigating the impacts of the development: the policy starting point for contributions secured by s.106 agreement

92. Policies CS8 and CS18 of the Core Strategy require that infrastructure and facilities to meet the needs generated by the development should be provided. The same approach is taken in proposed policies IMP1, IMP2 and COM1 of the 2017 submission version Ashford Local Plan 2030.
93. Prior to deposit of the application the applicant identified that the development would be unable to bear the costs of contributions likely to be sought by the Council.
94. The starting point in terms of s.106 contribution requests pursuant to development plan policy is as follows (ranked in magnitude per organisation);-
 - KCC – primary education (£43,160)
 - KCC - secondary education (£53,508)
 - KCC – library book-stock (£4,465.47)
 - KCC – social care (£4,376.58)
 - KCC – community learning (£3,204.00)
 - KCC – youth service (£2,595.47)
 - ABC – off site sports/informal natural space/play/allotments/strategic parks/cemeteries (including commuted maintenance) (c.£336,553)
 - ABC – s.106 monitoring (£1,000 p.a. for the duration of the build)

(o) Viability: conclusion & the proposed s.106 contributions

95. The applicant has submitted a viability case in relation to s.106 contributions and has funded its independent expert review. The applicant's position is that the development could sustain only minimal contributions and still be a deliverable development. A total of £46,500 is proposed as a s.106 contribution with flexibility as to how that sum might be used / apportioned in respect of financial mitigation of development impact.
96. An additional £63,000 sum is proposed to assist mitigation of an off-site highway safety improvement by KH&T in respect of the Crowbridge Road Bridge pinch point: that improvement would be dealt through an obligation to enter into a s.278 with Kent Highways & Transportation. Dealing with that off-site pinch point is highlighted as an issue that both developers of Klondyke Works (Policy S7) and the former Newtown Works (Policy S6) would need to help facilitate. The sum has been calculated by an apportionment between the two sites related to traffic generation.

97. The advice received from the Council's viability consultant, Bespoke PC, is that the applicant's viability case is accepted and the development could not meet the normal range of contributions to fully mitigate its impacts and still be taken forward.
98. The advice from Bespoke is that a viability review is not recommended through a s.106 obligation as, even if savings could be made in respect of the build costs identified in the Assessment and sales values exceed those assumed, the value of the land would still be below the 'benchmark' value and so, effectively, the scheme would be one that would still be incapable of being taken forward as a commercial proposition. Expeditious delivery can, however, be assisted by requiring commencement within a short time period and this is the approach that include in my Recommendation.
99. Emerging policy IMP2 of the Ashford Local Plan 2030 identifies that proposals that cannot meet all of policy and infrastructure mitigation should not be permitted unless supported by extensive viability evidence that establishes why that is the case and, if accepted, there are considered to be wider planning benefits for the development to proceed with sub-optimal or zero contributions.
100. There are similarities with this site and others close-by in terms of the imperative for regeneration schemes of brownfield sites in the town centre (and close to its boundaries) in coming forward. I am mindful of the Head of Planning and Development's Report to the Council's Cabinet 10/09/2015 ('Helping to deliver key investments in the town centre').
101. A way of increasing the amount of money spent in the town centre is to increase the number of people using it and living within it and close to it. The application site, with pedestrian strong pedestrian and cycle access into the town centre core and Ashford International can, through residential redevelopment, help improve spend in the town centre and thus attract further inward investment. Spending by town centre and nearby residents will help to boost the town centre and the range of attractions that it offers. To date, new housing development in the town centre (and close to it) has been slow to come forward but the continuation of housing growth is a significant material consideration particularly given the guidance in the NPPF.
102. Furthermore, as I have identified elsewhere in this report, the Council has allocated the site for nearly two decades as one having potential for residential redevelopment and the proposal in the emerging Ashford Local Plan 2030 provides for a high density residential redevelopment. Development of the site will assist with the supply of deliverable housing development in a good location close to the town centre.
103. Discussions with KCC (Development Contributions) has identified that,
 - (a) There is both a Primary & Secondary Education need arising amounting to

£43,160 for Primary & £53,508 for Secondary. Whilst KCC Education would wish to ensure this is mitigated through appropriate contributions, due to the CIL Reg 123 pooling restrictions, because of other larger strategic site demands, KCC Education would not, in the circumstances wish to pursue a contribution from this site.

(b) KCC would, however, wish to pursue the following:-

| | |
|--------------------|---|
| Community learning | £ 3,204.00 (Reconfiguration of Ashford Gateway) |
| Youth Service | £ 2,595.47 (Ashford North Youth Centre) |
| Libraries | £ 4,465.47 (Book stock Ashford Library) |
| Social Care | £ 4,376.58 (towards social care equipment) |
| Social Care | (x1 wheelchair adaptable home) |
| Broadband | |
| Total | £14,641.52 |

104. KCC requested figures are index-linked by the BCIS General Building Cost Index from October 2016 to the date of payment (Oct-16 index 328.3) and identify that the figures are valid for 3months from 17/05/2018 and that after that they might be subject to change.
105. Accordingly, that would leave £31,858.48. Having discussed the matter with ABC Cultural Services, given the viability case that is accepted and acknowledging that some small pocket type spaces are proposed on-site giving some benefits to future occupants, in lieu of the matters identified the £31,858.48 is requested towards public art improvements that could be on-site, off-site in the locality or a combination of the two. This approach will help improve the quality of public open space and given that this potential mitigation is cited in the applicant's Head of Terms submitted with the application I am happy to support its provision. I am mindful that this area of the town played an important role in its development and it would be pleasing if the public art could reflect and celebrate that historic association.
106. The s.106 agreement will, however, need monitoring in the normal manner and I therefore propose a small reduction – a one off £750 – to be subtracted and used for this purpose leaving £31,108.48. The proposed Heads of Terms are set out in Table 1 of this report. I have not included Broadband as an obligation: this can form a planning condition.
107. My recommendation therefore includes a planning condition that, defacto, requires early commencement of the development by limiting the time period for implementation. The conditions in this report are a first draft given time constraints and the need for a discussion on wordings with the applicant in accordance with good practice: Recommendation (A) provides for amendments, deletions and additions in any event.

Planning Obligations

108. 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

I recommend the planning obligations in **Table 1** be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

| | Planning Obligation | | | Regulation 122 Assessment |
|----|---|-----------|---|--|
| | Detail | Amount(s) | Trigger Point(s) | |
| 1. | Community learning Reconfiguration of Ashford Gateway to facilitate additional learners | £3,204.00 | Upon occupation of 75% of the dwellings | Necessary as the development will generate additional demands on the facilities at Ashford Gateway to cater for additional learners and Core Strategy policies CS8 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Local Plan 2030 submission version policies COM1 and IMP1, Ashford KCC Guide to Development |

| | Planning Obligation | | | Regulation 122 Assessment |
|----|--|-----------|---|--|
| | Detail | Amount(s) | Trigger Point(s) | |
| | | | | <p>Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers of the development will use Ashford Gateway 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 amount calculated based on the number of dwellings.</p> |
| 2. | Youth service Improvements to Ashford North Youth Centre through improvements including the provision of additional equipment to meet the needs of new attendees | £2,595.47 | Upon occupation of 75% of the dwellings | <p>Necessary as the development will generate additional demands on the facilities at Ashford North Youth Centre and Core Strategy policies CS8 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Local Plan 2030 submission version</p> |

| | Planning Obligation | | | Regulation 122 Assessment |
|----|---|------------|---|---|
| | Detail | Amount(s) | Trigger Point(s) | |
| | | | | <p>policies COM1 and IMP1, Ashford KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers of the development will use Ashford North Youth Centre 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 amount calculated based on the number of dwellings.</p> |
| 3. | Libraries Increased book stock at Ashford Library to meet the demands of additional borrowers from this development | £4, 465.47 | Upon occupation of 75% of the dwellings | Necessary as no spare book stock available to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Local Plan 2030 |

| | Planning Obligation | | | Regulation 122 Assessment |
|----|--|------------------|---|---|
| | Detail | Amount(s) | Trigger Point(s) | |
| | | | | <p>submission version policies COM1 and IMP1, Ashford KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library 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 amount calculated based on the number of dwellings.</p> |
| 4. | Social care Towards additional social care equipment | £4,376.58 | Upon occupation of 75% of the dwellings | <p>Necessary in order to meet the demand generated by occupiers of the development in terms of improved youth services.</p> <p>Directly related as occupiers of the development will generate demand for improved youth</p> |

| | Planning Obligation | | | Regulation 122 Assessment |
|----|--|------------------------|--|--|
| | Detail | Amount(s) | Trigger Point(s) | |
| | | | | <p>services.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers.</p> |
| 5. | <p>Social care Provision on-site of x 1 wheelchair adaptable apartment</p> | N/A – direct provision | N/A – direct provision | <p>Necessary in order to provide a socially inclusive development that responds to the need for provision for persons with wheelchair user needs.</p> <p>Directly related as the intended wheelchair occupiers of</p> |
| 6. | <p>Public art Provision of public art either on-site OR off-site in the locality OR a combination of the two as a result of a proposal to be agreed</p> | £31,108.48 | <p>Agreement prior to 50% occupation of new homes.</p> <p>Any on-site provision to be completed prior to 75% occupation of new homes.</p> <p>Any agreed off-site provision to be provided within 4 years of the first anniversary of</p> | <p>Necessary as an alternative to the provision of informal/natural green space on-site at an acceptable size or off-site by meeting the demands generated for improved quality of open spaces through public art interventions (and would need to be maintained in order to continue to meet that demand) pursuant to Core Strategy policies</p> |

| | Planning Obligation | | | Regulation 122 Assessment |
|----|--|------------------|----------------------------|---|
| | Detail | Amount(s) | Trigger Point(s) | |
| | | | 100% occupation. | <p>CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Local Plan 2030 Submission Version policies COM1, COM2 and IMP1, 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 so improvements to the quality of such space through interventions such as public art 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 intervention(s) to be provided and maintained.</p> |
| 7. | Highways agreement for off-site works | £63,000 | Prior to first occupation. | Necessary in order to mitigate the impact of the development in |

| | Planning Obligation | | | Regulation 122 Assessment |
|----|---|-----------|------------------|--|
| | Detail | Amount(s) | Trigger Point(s) | |
| | Entering into a s.278 agreement relating to the funding towards the Crowbridge Road Bridge (CRB) improvement scheme | | | <p>terms of additional traffic on the local highway network given the restrictions arising from CRB in its present form.</p> <p>Directly related as occupiers of the development will cause additional traffic on the local highway network to the east of the application site and will benefit from an improved CRB through reduced delays.</p> <p>Fairly and reasonably related in scale and kind considering only proportionate costs arising from the traffic generated by the development are being sought in connection with KCC's planned improvements to CRB.</p> |
| 8. | s.106 monitoring | £750 | On commencement | <p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and</p> |

| | Planning Obligation | | | Regulation 122 Assessment |
|--|---------------------|-----------|------------------|---|
| | Detail | Amount(s) | Trigger Point(s) | |
| | | | | <p>these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored</p> <p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked (normally from the date of the Committee's resolution) in order to ensure the value is not reduced over time. The costs, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.</p> |

Human Rights Issues

109. 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

110. 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. I consider that the re-use of the site would accord with the general provisions of the existing and emerging development plan in terms of the approach to its residential redevelopment. The issue of the financial mitigation that the development can sustain and remain a development that could be delivered is an issue. Policy IMP2 of the ALP 2030 is particularly important because it establishes a policy approach as to how the Council will treat cases where a viability case is made.
2. I conclude that Site S7 could proceed in advance of Site S6 and would not need to wait for proposals for that site to come forward in order to be properly planned.
3. I consider that the design of the apartments and the proposed layout are acceptable against the provision of the development plan and, in particular, Policies CS9 and CS13 of the Core Strategy as well as the intent of Policy S7 for creation of a comprehensively planned public realm as well as Policies SP6 and HOU15 of the emerging ALP 2030.
4. In terms of relationships with the settings of heritage assets beyond the site I conclude that the approach taken would accord with the provisions of policy S36 of the ABLP 2000, policies CS1 and CS9 of the Core Strategy 2008 as well as policies S7, ENV13 and SP6 of the emerging ALP 2030 as well as discharge the statutory duty in the Act.
5. I consider that the proposals would perform acceptably in residential amenity impact terms and would accord with the provisions of policies CS1 and CS9 of

the Core Strategy 2008 as well as emerging policies SP1 and SP6 of the ALP 2030.

6. In terms of public open space I conclude that the proposal would generally accord with the provisions of policy LE5 of the ABLP 2000, policies CS1, CS9 and CS18 of the Core Strategy 2008 and policies SP6, HOU15, COM1 and COM2 of the emerging ALP 2030 should viability matters dictate that contributions to off-site provision/enhancement cannot be sustained. I also conclude that subject to matters to be dealt with by planning condition, occupiers of the proposed homes would be provided with an acceptable living environment in terms of noise and thermal comfort/ventilation.
7. In terms of contamination, flooding, ecology and managing surface water I conclude that the proposal would accord with the provisions of policy EN31 of the ABLP 2000, policies CS9, CS11, CS19 and CS20 of the Core Strategy 2008 and policies SP1, SP2, SP6, ENV1, ENV6 and ENV9 of the emerging ALP 2030.
8. Subject to a contribution towards an off-site local highway improvement, I conclude that the traffic impacts of the proposal would be able to be accommodated in terms of safety and capacity on the local and strategic highway network.
9. The applicant has made a viability case that a policy compliant level of s.106 contributions cannot be sustained if the redevelopment of the site is to proceed. This case has been reviewed and is accepted. Limited contributions can, however, be provided and this has been discussed with KCC and Council colleagues with the suggested split identified in Table 1 of the report. I conclude that the planning benefits of the redevelopment of this well-located brownfield site – allocated for redevelopment for nearly two decades – would outweigh a refusal of permission based on inability to make policy compliant contributions and so the proposed approach would accord with emerging policy IMP2 of the ALP 2030.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement /undertaking in respect of the planning obligations related to:

- a. Community learning**
- b. Youth service**
- c. Libraries**
- d. Social care - equipment**
- e. Social care – provision of x 1 wheelchair adaptable apartment**

f. Public art

g. Entering into a s 278 agreement with KCC for the agreed funding towards the Crowbridge Road Bridge highway improvement

h. S.106 monitoring

as detailed in Table 1, in terms agreeable to the Head of Development Management and Strategic Sites or the Development Control Managers in consultation with either Director of Law and Governance or the Head of Legal and Democracy, with delegated authority to either the Head of Development Management and Strategic Sites or the Development Control Managers to make or approve changes to the planning obligations and planning conditions (and for the avoidance of doubt including adding additional planning conditions/obligations, amending conditions/obligations or deleting conditions/obligations) 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 2 years from the date of this decision.

Reason: (A) 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 and (B) to ensure the early delivery of the development and the planning benefits that it would bring that outweigh its inability to full mitigate its impact.

- 2 The development of land shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision 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.

- 3 The development of land 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.

Materials

- 4 Prior to installation written details including source/ manufacturer, and samples of bricks, tiles, and other cladding materials (including details of jointing) to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

Reason: In the interests of visual amenity and to give clarity on jointing of panels.

Contamination

- 5 (A) The development of land shall only be carried out in accordance with a remediation and mitigation scheme to be submitted to an approved by the Local Planning authority unless otherwise agreed in writing by the Local Planning Authority.
- (B) Following completion of the approved remediation and prior to the first occupation of any dwelling, a verification report that demonstrates the effectiveness of the remediation measures and mitigation that have been carried out shall have been submitted to, and approved 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 will not qualify as ‘contaminated land’ under Part 2A of the Environmental Protection Act 1990 and is development that can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- 6 If, during development of the site, contamination not previously identified is found to be present at the site then no further development within the affected plot (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 strategy for the land 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.

Fine detail

- 7 Prior to usage in any building, 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:-

- (a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- (b) rainwater goods, eaves (1:20/1:50)
- (c) details of vents, louvres, extractor vents together with locations,
- (d) 1:20 scale details of any roof top screens to any roof top plant and equipment to be installed

Reason: Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

Vehicle and Cycle Parking/Highways

- 8 Provision shall be made within the land for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of highway safety and convenience.

- 9 The access details shown on the approved plans including off-site footway works to replace the redundant vehicle access and all visibility splays, shall be completed prior to the occupation of any buildings 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 level.

Reasons: In the interests of highway safety.

- 10 The area shown on the approved layout as vehicle parking or turning space serving the development 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.

- 11 No home shall be occupied until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked. The approved facilities shall thereafter be retained available for use.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to promote movement choice for occupiers and their visitors.

Hard and Soft Landscaping

- 17 No development shall commence above ground level until full details of the hard and soft landscape works 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 approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of planting that is designed to create year round colour; details of vertical planting alongside noise barriers; 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 immediately adjacent to parking bays and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.
- (b) The full details of the 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, the continuous linear planter feature facilitating vertical planting along the colonnade to the building, external seating, any elements of the site's historic past to be retained either in situ or relocated and/or commemorated.
- (c) The hard and soft 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 population 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 boundary treatments are appropriate to the context of the site and are of acceptable design quality.

- 18 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.

- 19 Prior to the occupation of the development, a landscape management plan including long term design objectives, any hard surfaced areas to be offered to the public authorities for adoption, 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.

Sustainable drainage

- 24 No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

The submitted system shall be designed to

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010, and
- (iv) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and

arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

If the proposed surface water discharge point is to be the existing public sewer the applicant must provide written confirmation from Southern Water of their agreement to the proposals.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20

Code of construction practice

- 25 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,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- 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.

- 26 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.

- 27 No construction activities shall take place until a dust management plan for the construction phase has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

Reason: In order to ensure that appropriate measures are put in place during construction to mitigate the impact of dust arising from construction works on local air quality.

- 28 No construction works shall take place on the land until a construction logistics plan for the construction has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the construction logistics plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

Reason: In order to ensure that appropriate measures are put in place during construction to mitigate impacts on local air quality.

Archaeology

- 29 Prior to the commencement of development of land 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) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority
 - (iii) safeguarding measures to ensure preservation in situ of important remains

and/or further investigation/recording, and

- (iv) the implementation of an agreed programme for archaeological interpretation.

Reason: To ensure that features of archaeological interest are properly Examined, recorded and interpreted.

Ecological Works & Management Strategy

- 30 (A) Prior to commencement of development on the land, 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) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.
 - (iii) a timetable for implementation, demonstrating that the proposed on-site habitat ecological works and other measures and any off-site reptile mitigation strategy are aligned with the proposed phasing of construction,
 - (iv) the persons responsible for implementing the on and off-site works, 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 (A) above unless the Local Planning Authority has agreed to any other variation in writing.

Reason: 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.

Fibre broadband To The Premises

- 31 Prior to the first occupation of the land, 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.

Noise

32. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from Newtown Road and the Ashford-Hastings railway shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be incorporated into the hard and soft landscaping proposals for the site and the elevations to the approved buildings in accordance with the approval and shall then completed before the approved dwellings are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

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 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. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called ‘highway land’. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have ‘highway rights’ over the topsoil. Information about how to clarify the highway boundary can be found at

<http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3. The developer/applicant must ensure that the proposal, both during construction and after completion of works on site, does not:
 - encroach onto Network Rail land
 - affect the safety, operation or integrity of the company’s railway and its infrastructure
 - undermine its support zone
 - damage the company’s infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer must comply with the requirements of Network Rail by entering into Basic Asset Protection Agreement.

4. The applicant should note that an Ashford Borough Council refuse freighter would not normally pass onto private land as part of refuse collection of waste from homes and so Council collection cannot be assumed unless an Indemnity Agreement is completed. The applicant is invited to discuss such issues further with the Council.

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 18/00584/AS.

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