

Application Number	22/01067/AS
Location	Former Houchin Playing fields, Canterbury Road, Kennington
Community Council	Kennington
Ward	Bybrook
Application Description	The erection of a Class E retail unit alongside access, car parking, landscaping and associated works
Applicant	Aldi Stores
Agent	Planning Potential Ltd
Site Area	1.67 hectares

Introduction

1. Under the Council's current scheme of delegation, planning applications seeking full planning permission for one or more buildings totalling 1,000 m² to 5,000 m² (inclusive) proposed for retail use require an Officer delegated assessment to be circulated to Planning Committee Members where the Recommendation is to grant permission. This application proposes a building of 1,803 m² which would be used for Class E (retail) purposes and therefore falls within that agreed process.
2. An assessment report was circulated to the Planning Committee Members on 26/02/24 and, as a result, by 17:00 on 29/02/2024 there was no requirement to elevate consideration of the application to a meeting of the Planning Committee because no Members of the Planning Committee had called the application in. However, on the evening of 01/03/24 a request was received by the Ward Member, Cllr Dean, requesting that the application be reported to the Planning Committee due to his concerns on highway issues.

Site and Surroundings

3. The application site (shown in **Figure 1** below) extends to approximately 1.67 hectares and is located off Canterbury Road in Kennington, to the north of Ashford. The site formerly comprised the Houchin's Sports and Social Club associated with this local company. It is understood that this use ceased at this site in approximately 1993.

4. The site currently comprises undeveloped scrubland and some areas of hardstanding, footings and parts of the walls of former buildings, previously in use as the Houchin Sports and Social Club. There are no actual buildings now on the site associated with the former use.

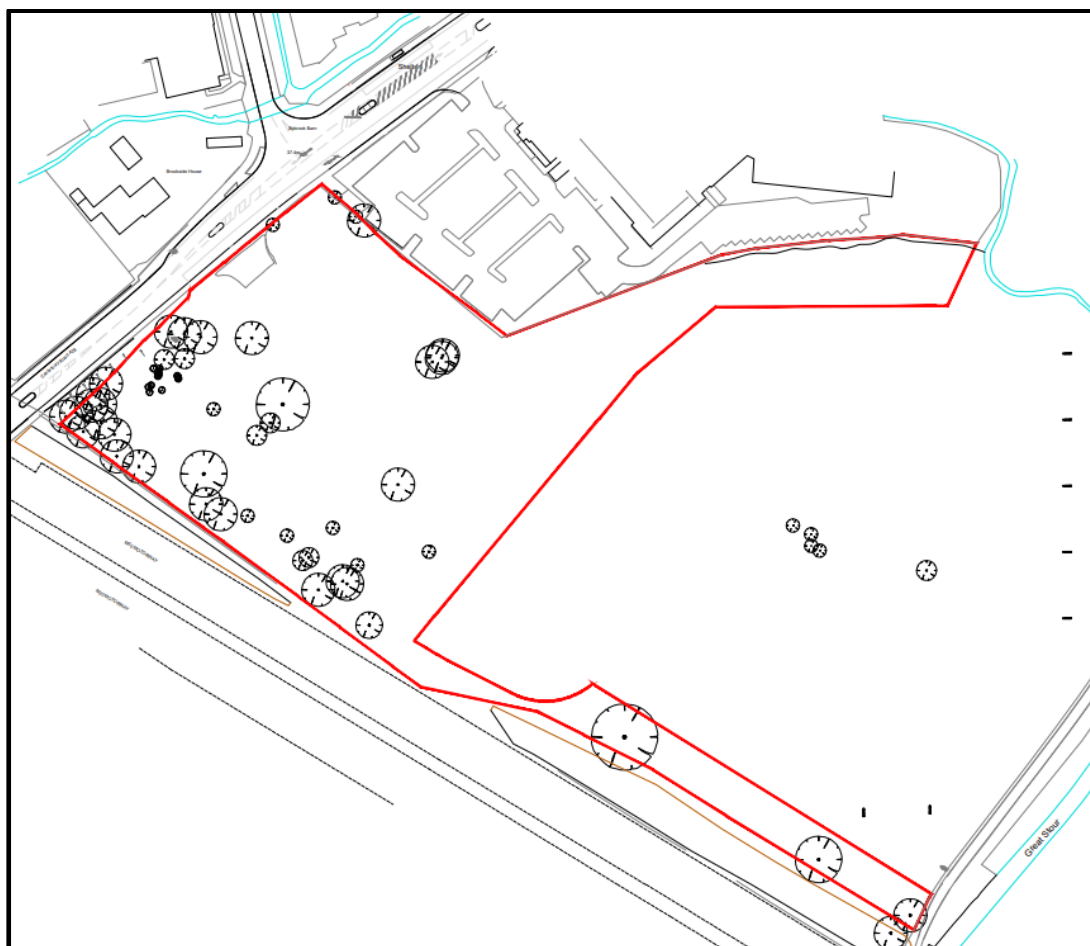


Figure 1 - Site location plan

5. As shown in **Figure 2** below, the site is situated within a built-up area of Ashford and close to existing retail/commercial uses. The site is bound by Canterbury Road to the north and the M20 to the southwest, the latter separated by well-established mature trees and planting.
6. Immediately to the north-east, is the Holiday Inn Ashford Central and beyond this are residential properties along Canterbury Road, with Ashford Rugby Club to the rear. Immediately to the north of the site on the other side of Canterbury Road is the Longacres Garden Centre, Dovecoat Health Centre, and Bybrook Barn; which comprises a number of smaller shops and services. Immediately to the east of this is a Harvester bar and restaurant. Further to the north-west of Canterbury Road is the Eureka Leisure Park and Warren Retail Park.



Figure 2 – The application site in its wider context

7. The site is not located within a conservation area, nor are there any Tree Preservation Orders (TPOs) within the site. There are five listed buildings in the locality, as shown in **Figure 3** below, but none are immediately adjacent to the site.



Figure 3 – Nearby listed buildings (application site shown by red dot)

8. The majority of the site is located within Flood Zone 1; however, the eastern part falls within Flood Zones 2 and 3. The site is also located within a designated Green Corridor (**Figures 4 and 5**), Mid Kent Greensand and Gault Biodiversity Opportunity Area and is a site of potential archaeological interest.

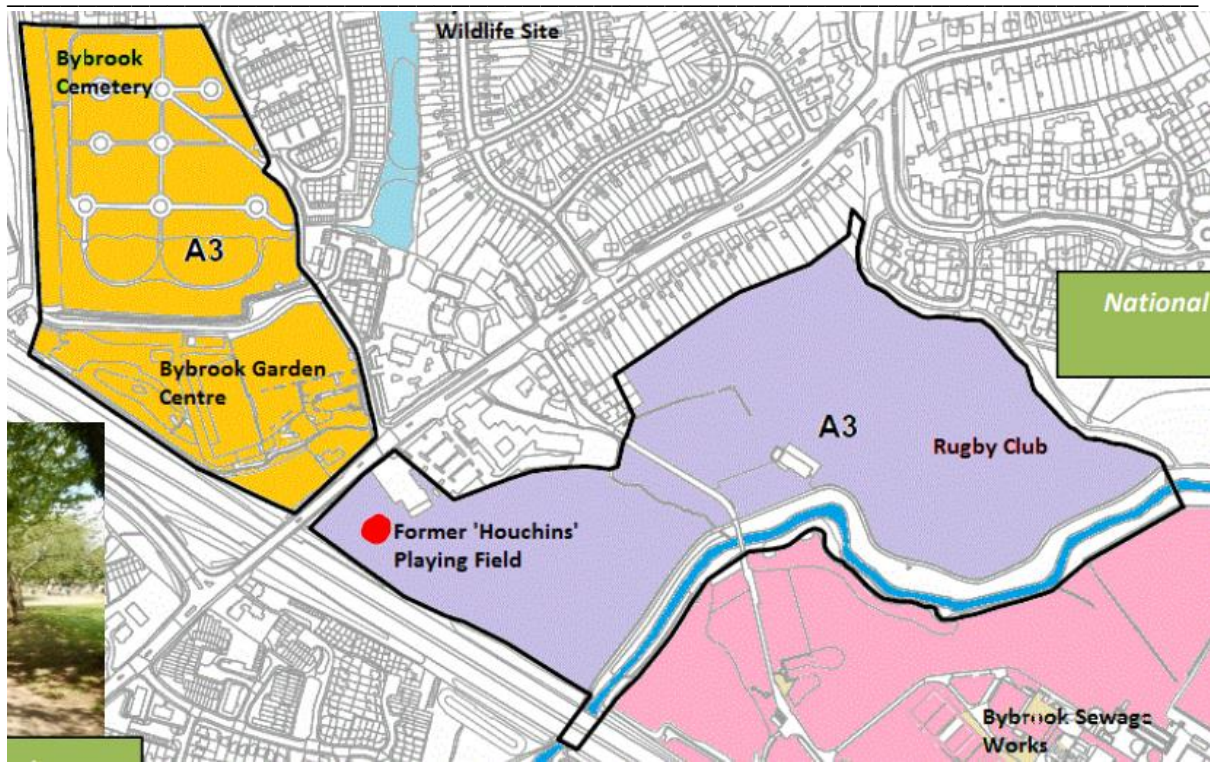


Figure 4 – Green Corridor designation (application site shown by red dot)



Figure 5 – Green Corridor in its wider context (application site shown by red dot)

The Proposal

9. The proposal seeks planning permission for a new food retail unit (Class E), associated car parking area and landscaping. It is proposed that the end user would be Aldi.
10. The proposed scheme would involve the removal of the existing structures on the site to facilitate its redevelopment. The proposals can be summarised as follows:
 - An Aldi foodstore of 1,803 sq m gross floorspace, offering 1,315 sq m of net retail sales;
 - A car park offering 116 spaces, seven of which would be DDA compliant and ten would be reserved for parents with children. Four electric charging spaces would be provided, with twenty passive spaces provided for future connection to increase charging provision.
 - Eighteen covered cycle parking spaces are proposed, including provision for cargo and similar bikes;
 - A new vehicular and pedestrian access from Canterbury Road;
 - An integrated service area to the rear of the site;
 - The retention of trees and enhancements to landscaping to the site boundaries; and
 - The provision of an ecological corridor.

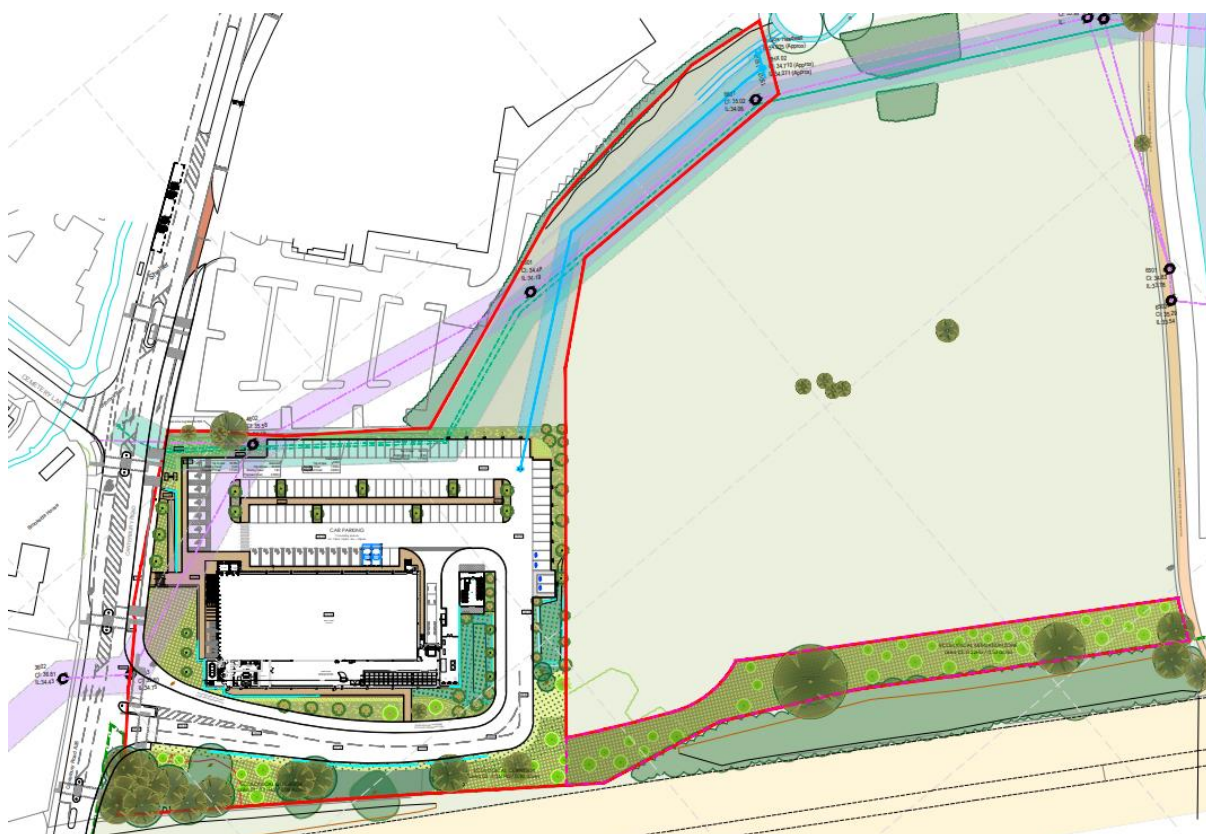


Figure 6 – Proposed site layout

11. The new store would be set fairly centrally within the site with the new access created to the south of the building and customer parking to the north and east. The servicing bay for deliveries would be at the eastern end of the building. **Figure 7** below shows the site layout, alongside the location of the previous Houchin Sports and Social Club pavilion and car parking (now demolished) shown as an overlay in light orange.



Figure 7 – Proposed site layout with overlay of previous development

12. The principle elevations of the building would face Canterbury Road and the car park. There would be a two-storey element at the most prominent corner of the building fronting both Canterbury Road and the car park. Materials would involve brick, black weatherboarding, glazing to the principle elevation fronting Canterbury Road and a bespoke wild meadow green roof. Elevations, including CGIs and floor plans are set out below.

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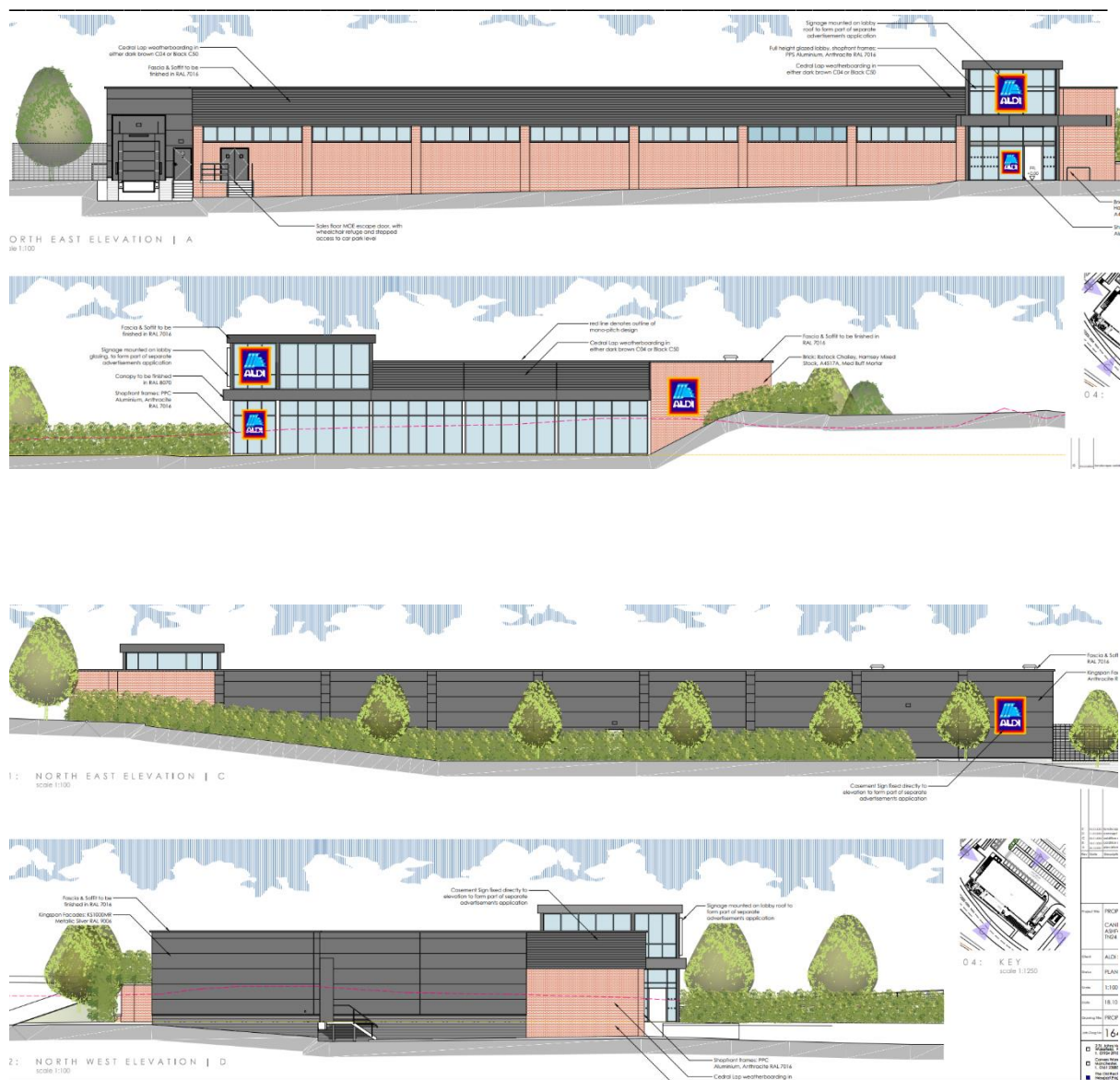


Figure 8 – Proposed elevations

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Figure 9 – Illustrative CGIs

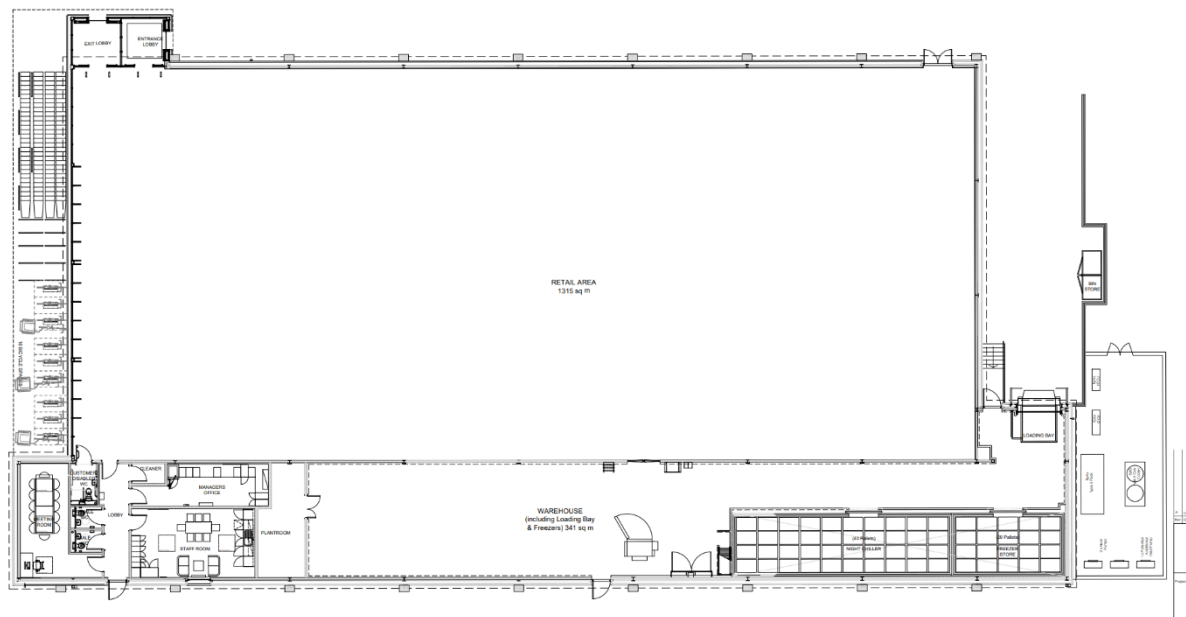


Figure 10 – Proposed floor plan

13. The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement (including Statement of Community Involvement)
- Transport Assessment
- Landscape & Visual Impact Assessment (LVIA)
- Environmental Noise Report
- Air Quality Assessment
- Contamination Assessment
- Archaeological Desk Based Assessment
- Heritage Statement
- Minerals Assessment
- Flood Risk Assessment & Drainage Strategy
- Renewable & Low Carbon Energy Statement
- Arboricultural Method Statement
- Arboricultural Impact Assessment and Tree Protection Plan
- BREEAM Pre-Assessment
- Ecological Assessment
- Travel Plan

Planning History

10/00372/AS - Improvement of former recreation land to provide a school of football development including temporary buildings for changing/showers etc, 2 training pitches, flood lighting, fences, new access and car parking – PERMIT

13//00800/AS – This permitted a further 3 years to implement the above 10/00372/AS application.

18/00161/AS - Erection of part single, part two storey Class A3 restaurant building together with associated access, parking and landscaping – PERMIT

14. In determining any planning application, planning history is a material consideration. Planning permission 18/00161/AS for a restaurant use on the site is of particular relevance to the current proposal. The application was determined in September 2019 and therefore was considered against the policies in the current Ashford Local Plan 2030. The approved layout of that scheme is shown in **Figure 11** below:



Figure 11 – Previously approved development

15. The development was largely on the same site as the proposal subject of the current application, although the amount of built development was less and the access was to be provided on the northern side of the site. The proposal showed an undeveloped area to the north for an ecological receptor site and a green area to the south.

16. In assessing the application it was considered that the site constituted an infill in an urban area and lay in a sustainable location well related to public transport and well served by roads, cycleways and footpaths.

17. The proposal was assessed under policy ENV2 as the site lies within the Green Corridor, which remains the same today. The assessment stated:

“Part of the site is covered by hardstanding and there is historical evidence of a structure previously on the site used in association with an outdoor recreation use on the site. The site has been vacant and un-used for a long time and can therefore be considered a brownfield site, in part. Given its location on the northeast side of Canterbury Road, the site/proposal could also be considered infill development in a sustainable urban location between the M20 and established built development along Canterbury Road. The proposal would therefore be considered the redevelopment of a brownfield site in a sustainable location.

In addition, the principle of development has previously been accepted on the site albeit for different scheme that would have been compatible with the principal open space use in accordance with green corridor policy.

It is also noted that only a small part of the Green Corridor would be developed as part of these proposals and part of the built development would be located on the previously development brownfield sections of the site. As a means of protecting and enhancing the Green Corridor the southern and western boundaries of the site would be retained and enhanced providing visual screening and ensuring continuity of the Green Corridor from Ashford town centre extending northwest beyond the site. The retention of the wooded area to the south would also ensure there remains a clear ‘green’ separation between Kennington and Ashford, as referred to in the Green Corridors Action Plan SPG - notwithstanding the separation provided by the M20 and further to the east.”

18. It was also acknowledged that the proposal would provide economic benefits in the construction and operational stages and that the proposal would be compatible with the surrounding commercial uses. The assessment concluded:

“On balance it is therefore considered that the proposal would be in accordance with policy ENV2 as an ‘other form of development’ as it relates to the redevelopment of a suitable and sustainable brownfield site (in part), there would be some economic benefits and there would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.”

19. This application was approved in August 2019 and has therefore now lapsed. At the time of the submission of the current application it remained extant, albeit only by just over a month.
20. The current application falls to be assessed in exactly the same manner and in respect of the impact on the Green Corridor, a key issue is therefore whether the additional land take would cause an unacceptable level of harm.

Consultations

Kent Highways – No objection

Summary of highway works

- The proposal would include a new signalised vehicular site access from A28 (Canterbury Road).
- The proposal would signalise the junction of A28 (Canterbury Road) and Cemetery Lane as the latter backs up for right-hand turns in peak times.
- Formal pedestrian crossings are proposed across Canterbury Road as part of the signalling upgrade making the store more accessible by foot and bicycle and access to National Cycle Routes 17&18.
- Improvements to the junction of A28 (Canterbury Road) & Simone Weil Avenue, as well as traffic signal upgrades along the A28 are due to be carried out as part of the Conningbrook development. If these do not come forward before the Aldi development then Aldi would need to carry out these highway improvements themselves.
- A new segregated cycleway and footway is proposed to the southern side of Canterbury Road involving the removal of the bus lane but this would be compensated for by the improvements at the junction of the A28 (Canterbury Road) & Simone Weil Avenue.
- Highway alterations to Canterbury Road have been subject to Stage 1 Road Safety Audit and no highway safety concerns have been found.
- The provision of 116 car parking spaces would be acceptable based on Aldi's modus operandi (4 EVCP (20 passive), 10 parent / child & 7 disabled).
- 18 cycle spaces is considered acceptable.

Transport Assessment (TA)

- The TA assesses 12 junctions:
 - 1) A28 Canterbury Road / Site Access Junction
 - 2) A28 Canterbury Road / Cemetery Lane Priority Junction
 - 3) A28 Canterbury Road / Holiday Inn Priority Junction
 - 4) A28 Canterbury Road / Kinney's Lane Priority Junction

- 5) A28 Canterbury Road / Bybrook Road Signal Junction (Install SCOOT)
- 6) A28 Canterbury Road / Faversham Road / George William Way Signal Junction (Install SCOOT)
- 7) A28 Canterbury Road / The Ridge Priority Junction.
- 8) A28 Canterbury Road / A2070 Willesborough Road / Conningbrook Hotel Roundabout Junction.
- 9) A28 Canterbury Road / Simone Weil Ave Signal Junction (Install SCOOT)
- 10) Simone Weil Ave / Sainsbury's and M&S Signal Junction
- 11) A28 Canterbury Road / Magazine Road Signal Junction (install SCOOT)
- 12) A2042 Canterbury Road / A292 Somerset Road / Edinburgh Road Signal Junction

- The highway capacity assessments also include two committed developments nearby with their permitted traffic flows as set out in their respective Transport Assessments:
 1. Conningbrook Park (19/00025/AS) – Located off the A2070 Willesborough Road (725 dwellings, local centre and two form entry primary school).
 2. Conningbrook Lakes (12/01245/AS) – Located off the A2070 Willesborough Road (300 dwellings and a country park).

TRICS for the Aldi Store

- AM peak – 65 movements (26 departures & 39 arrivals)
- PM peak – 150 movements (75 arrivals & 75 departures)
- Saturday peak – 255 (123 arrivals & 132 departures)
- KH&T are satisfied these trip rates are accurate.
- It is anticipated that only 30% of the above would be new trips as 30% would be pass-by, 20% linked (Sainsbury's & M&S) and 20% transferred from other retail stores)
- The greatest flows would be Saturday peak but the flows at this time along A28 would be a lot less than in the AM & PM peaks.

Most impacted junctions

- *A28 / site access / Cemetery Lane* – site access / A28 junction would operate within the Degree of Saturation (90%) being 83.3% (including committed developments). Queues do not extend further than adjacent junctions i.e. A28 / SWA and A28 / Bybrook Road.
- *A28 / Holiday inn* – Junction capacity assessment shows it would operate well within capacity (max delay 12 secs on Sat peak).

- *A28 / Kinney's Lane* – Junction capacity assessment shows it would operate well within capacity (max delay 10 secs on Sat peak).
- *A28 / Simone Weil Avenue* – Junction capacity assessment shows it would operate well within capacity (max delay 20 secs on Sat peak – not considered to be 'severe' as per the NPPF). This accounts for the highway improvements arising from Conningbrook.
- *A28 / Faversham Road / George William Way* – Junction would operate over capacity with committed developments however this would not build up to the Bybrook Road junction thus improving capacity. Mitigation for Conningbrook Park development includes improvements to the traffic signals on Canterbury Road. The impact of Aldi on the Bybrook Road junction is minimal therefore no further junction capacity tests are needed here. The situation is acceptable in highway terms.
- *A28 / Magazine Road* – Impact so minimal that junction capacity testing is not considered necessary.
- Impact upon the immediate junctions with the planned improvements is acceptable.

Travel Plan

- Needs to be secured through a S106 with a monitoring fee of £1,000 a year over 5 years so KCC can effectively monitor it.

Overall, no objection is raised, subject to conditions which critically include the following:

1) Completion and maintenance of the proposed site access and highway improvements (including signalisation of the Cemetery Lane junction) along the A28 corridor as shown on the submitted plan (19209 - 010 Revision H) prior to the opening of the retail unit hereby permitted.

These proposed highway works on plan reference 19209 - 010 Revision H are shown in **Figure 12** below.

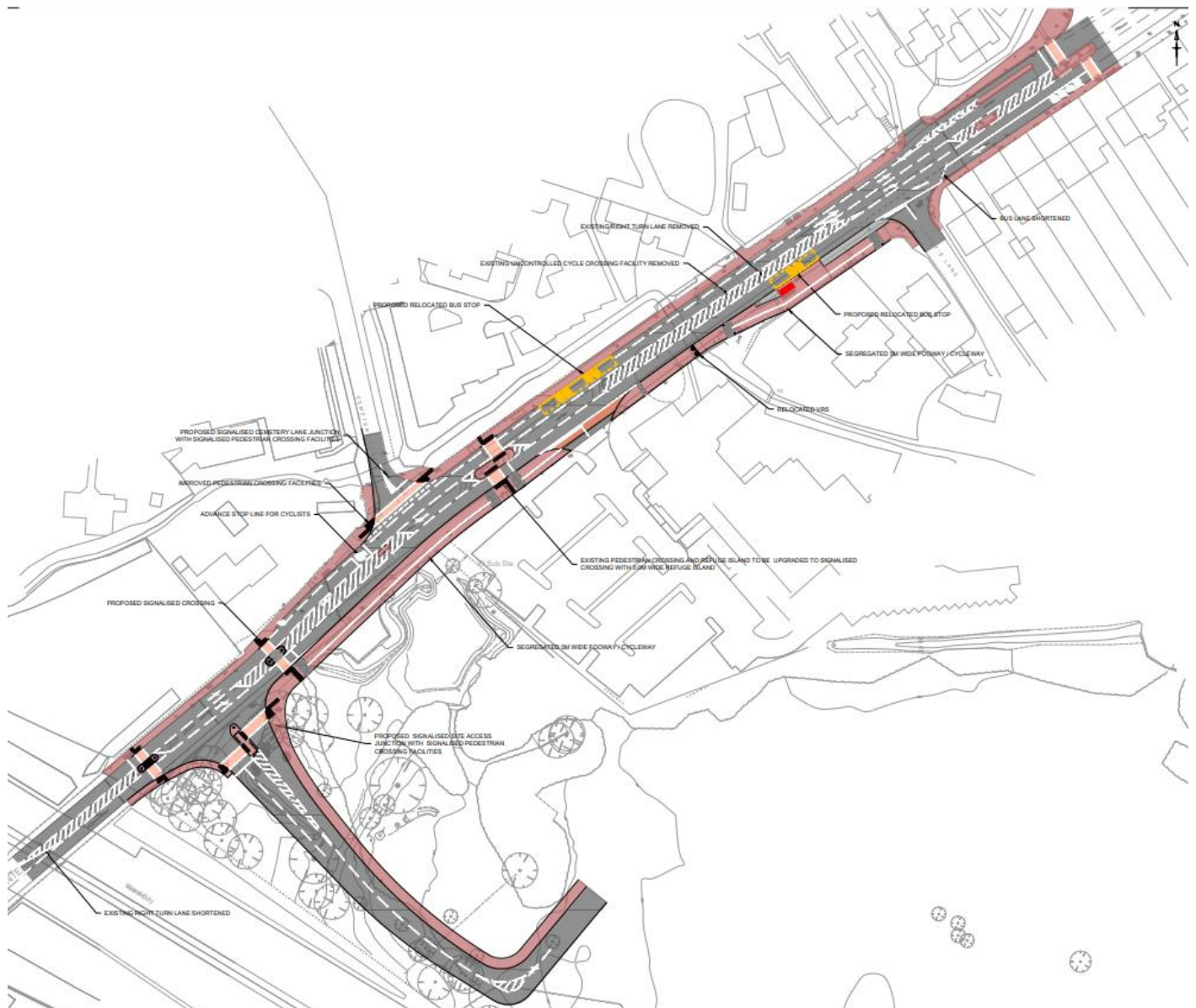


Figure 12 - Proposed site access & highway improvements along the A28

2) Completion and maintenance of the highway mitigation scheme for the junction of Simone Weil Avenue / A28 Canterbury Road as shown on drawing number (42499_5501_010 Revision D) of the Conningbrook Park development (19/00025/AS) prior to the opening of the retail unit hereby permitted.

The proposed highway works on plan reference 42499_5501_010 Revision D are shown in **Figure 13** below.

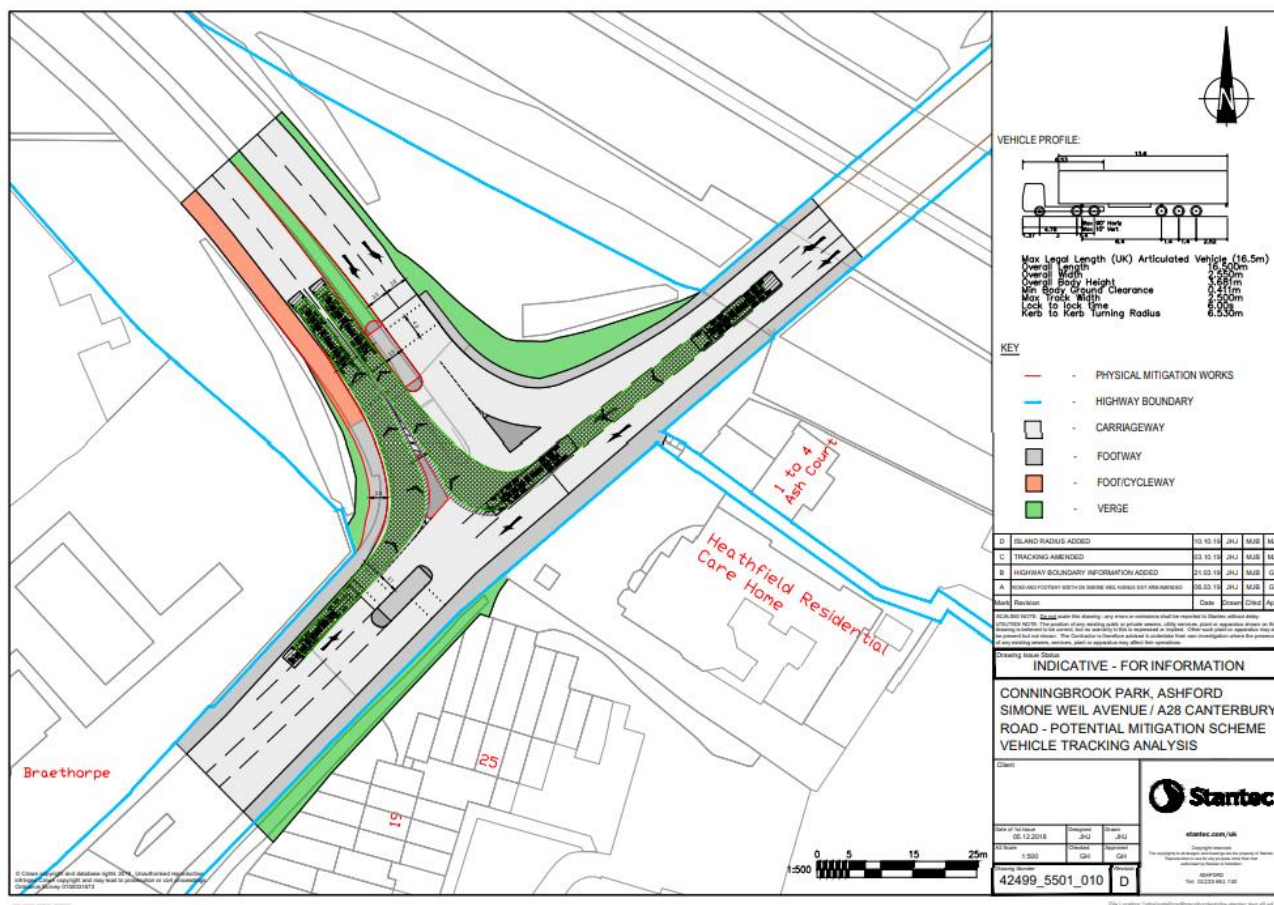


Figure 13 – works to junction of Simone Weil Avenue/A28 Canterbury Road

3) Installation of a SCOOT (Split Cycle Offset Optimisation Technique) system for the following traffic signal junctions:

- A28 Canterbury Road / Magazine Road
- A28 Canterbury Road / Simone Weil Avenue
- A28 Canterbury Road / Bybrook Road
- A28 Canterbury Road / Faversham Road / George William Way

prior to the occupation of the retail unit with details to be approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

KCC Flood and Water Management: No objection, subject to a condition requiring the approval of a detailed drainage scheme based on the principles in the submitted FRA prior to the commencement of the development, as well as a verification report demonstrating that what is installed on site complies with the approved detailed drainage scheme.

KCC Biodiversity – Raise no objection on the basis of additional information submitted by the applicant. Conditions recommended relating to a dormouse mitigation strategy, reptile translocation, a biodiversity method statement, a Construction Environment Management Plan (CEMP), a Landscape & Ecological

Management Plan (LEMP) and a bat sensitive lighting plan, along with the inclusion of mitigation for the loss of broad-leaved woodland in the S.106 Agreement.

Environment Agency – No objection, subject to conditions

KCC Heritage – No objection, subject to conditions.

Kent Wildlife Trust – No comments received.

Economic Development - 21% of jobs locally are within the wholesale and retail sector. The Sequential Assessment shows that Aldi has a very specific requirement for its stores making it hard to retrofit an existing unit and there are no vacant premises that could meet their requirements. Commercial sites within the Local Plan are largely taken up. The store would create between 40-50 jobs, although some of these are likely to be part-time.

River Stour Internal Drainage Board – The IDB's written consent will be needed for any works affecting a ditch or watercourse on or bordering the site. Surface water is to be discharged to the watercourse to the east of the site.

Environmental Protection – No objection. The submitted air quality assessment, noise assessment and contamination report/remediation strategies are acceptable. Recommend the addition of conditions and informatives covering a Construction Environment Management Plan and reporting of any unexpected contamination.

Kennington Community Council -

- The design of the new access will exacerbate traffic problems at Simone Weil Avenue junction.
- Inadequate space for the right hand turn to Simone Weil Avenue resulting in the A28 getting blocked.
- Inadequate space for the right-hand turn into Aldi.
- Traffic lights to control entry and exit from Aldi, coupled with new lights at Cemetery Road junction, will mean four sets of lights within 0.4 miles and three within 0.1 miles. This will cause tailbacks and disrupt the junction from Conningbrook to Mace Lane.
- The controlled crossing at Cemetery Lane is welcomed in terms of improving accessibility to the doctor's surgery opposite the site.
- Disruption during construction.

Neighbours: 39 representations received; 23 in support of the application; 14 objecting and 2 general comments;

Support

- An Aldi in Kennington would be a good thing.
- Discount food store needed in this part of Ashford. The store in the town centre is inconvenient to access and overcrowded.
- Creates jobs.
- Site needs redeveloping and no nearby residents are affected.
- Site is very unsightly.
- Highway improvements proposed will improve traffic flows and reduce congestion. It will alleviate congestion and waiting times at nearby road junctions.
- Aldi here will reduce /alleviate traffic in the town as people in the locality will not need to drive into the town centre store.
- Discount stores are needed with the cost of living crisis and needed in the north of Ashford / Kennington area.
- This is wasteland and redevelopment is welcomed.
- Store is needed with the expansion of Ashford in this area.
- The store will be a visual enhancement to what is there.
- North Ashford lack lacks retail provision/choice unlike south Ashford which has lots.
- Good location for people that cannot drive.
- Location encourages cycling and walking.
- 1000s of homes are being permitted and stores need to support that.
- Will reduce congestion at the right hand turn at Simone Weil Avenue as residents won't have to travel to Sainsbury's and M&S.

Objections

- Additional junction will exacerbate congestion on A28 (Canterbury Road) and nearby road junctions (with Simone Weil Avenue & at Penlee Point). Also the junction with Cemetery Lane, which is opposite the access to the site, is congested.
- New housing development at Conningbrook will already impact on traffic congestion.
- Increased traffic means increased pollution.
- Pollution during construction.
- Loss of part of the bus lane will slow down buses.
- No need for a further Aldi store in Ashford.
- Loss of green space in the Green Corridor.
- Building in the floodplain.
- Impact upon wildlife.
- Food provision in the area is already adequate (Sainsbury's, M&S and B&M).
- Light and noise pollution.
- No opportunity to widen Canterbury Road which was not built to serve a food store.
- The new junction would result in five set of traffic lights within 400m.

- Long Acres Garden Centre would suffer as a result of competition [*Officer Note: This is not a material planning consideration*].

General comments

- Issue of road traffic needs to be addressed as part of this application.
- Cycleway and footpath should not be combined.
- Seven disabled parking bays out of 16 is not sufficient.
- The application would benefit from the inclusion of a cycle link between the river front path and the supermarket to link this better to Little Burton Farm.

Planning Policy

The Development Plan

21. The Development Plan for Ashford Borough comprises;-
- (i) the Ashford Local Plan 2030 (adopted February 2019),
 - (ii) the Chilmington Green AAP (adopted July 2013),
 - (iii) the Wye Neighbourhood Plan (adopted March 2016),
 - (iv) the Pluckley Neighbourhood Plan (adopted April 2017),
 - (v) the Rolvenden Neighbourhood Plan (adopted December 2019),
 - (vi) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
 - (vii) the Egerton Neighbourhood Plan (adopted March 2022)
 - (viii) the Charing Neighbourhood Plan (adopted July 2023)
 - (ix) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).
22. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
- (i) Tenterden Neighbourhood Plan currently at Examination.
 - (ii) Pluckley Neighbourhood Plan Review currently at Examination.
 - (iii) Aldington & Bonnington Neighbourhood Plan currently at Examination.
23. The relevant policies from the Development Plan relating to this application are as follows:-
- SP1 – Strategic Objectives
 - SP3 – Strategic Approach to Economic Development
 - SP6 – Promoting High Quality Design
 - EMP1 – New Employment Uses
 - EMP6 – Promotion of Fibre to the Premises
 - EMP9 – Sequential Assessment * Impact Test

TRA3(b) – Parking Standards for Non-Residential Development
TRA5 – Planning for Pedestrians
TRA6 – Provision for Cycling
TRA7 – The Road Network and Development
TRA8 – Travel Plans, Assessments and Statements
ENV1 - Biodiversity
ENV2 – Ashford Green Corridor
ENV3a – Landscape Character and Design
ENV4 – Light Pollution and Dark Skies
ENV6 – Flood Risk
ENV8 – Water Quality, Supply and Treatment
ENV9 – Sustainable Drainage
ENV11 – Sustainable Design and Construction
ENV12 – Air Quality
ENV13 – Conservation & Enhancement of Heritage Assets
ENV15 – Archaeology
IMP1 - Infrastructure Provision

Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

DM7 - Safeguarding Mineral Resources

24. The following are also material considerations to the determination of this application.
- (i) Ashford Borough Council Climate Change Guidance for Development Management

Supplementary Planning Guidance/Documents

- Landscape Character Assessment SPD 2011
- Sustainable Drainage SPD 2010
- Public Green Spaces and Water Environment SPD 2012
- Dark Skies SPD 2014
- Fibre to the Premises SPD 2020

Government Advice

National Planning Policy Framework (NPPF) 2023

25. 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 NPPF. The NPPF states that less

weight should be given to the policies above if they are in conflict with the NPPF. The following chapters of the NPPF are relevant to this application:-

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 6 - Building a strong competitive economy
- Chapter 7 - Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 10 – Supporting high quality communications
- Chapter 11 - Making effective use of land
- Chapter 12 - Achieving well-designed and beautiful places
- Chapter 14 - Meeting the challenge of climate change, flooding & coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials

National Planning Policy Guidance (NPPG)

26. In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. The PPG contains a range of subject areas that are relevant to the consideration of this application, with each area containing several subtopics.

Assessment

27. The main issues for consideration are:
- a) Principle of development
 - b) Sequential test and retail impact assessment
 - c) Design and visual impact
 - d) Impact on the Green Corridor
 - e) Ecology and biodiversity
 - f) Landscape impact
 - g) Trees and landscaping
 - h) Highways and transportation
 - i) Residential amenity and living conditions
 - j) Ground conditions
 - k) Flood risk and drainage
 - l) Heritage/archaeology
 - m) Minerals safeguarding

n) Planning obligations

A) Principle of development

28. The NPPF requires all developments to be sustainable. It sets out the three aspects to sustainability being social, economic and environmental. Strategic policy SP1 of the Local Plan sets out the strategic objectives and guiding principles by which development proposals are required to adhere to, including the need to ensure that they are in accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities.
29. In this case, the proposal would utilise a partly previously developed site which forms an underutilised piece of land in the urban area. The site has good transport connections to the town centre and the surrounding area by road as well as cycle paths, footways and public transport. In terms of its location, the site can be considered sustainable.
30. The proposal has been submitted by Aldi in order to address an under-provision of food retail in the northern part of the Ashford Urban Area (north of the M20). There is currently an Aldi store within the town centre but the applicant argues that this is a different catchment area and that the proposal would reduce the need for residents in the northern part of Ashford to travel into the town centre to access the discounted food store, thereby reducing car journeys as well as congestion in and around the town centre. Furthermore, there are considerable residential areas in the vicinity and full planning permission has been granted for 288 dwellings at Conningbrook as part of the larger Ashford Local Plan site allocation policy S19 with construction of the 288 dwellings now underway.
31. In terms of the NPPF and the Development Plan, there are no strategic objections to the principle of a new food retail outlet in this location, subject to the material considerations below being satisfactorily addressed.

B) Sequential test and retail impact assessment

32. Policy EMP9 of the Local Plan accords with the requirements of the NPPF and states:

Policy EMP9 - Sequential Assessment and Impact Test

Proposals for retail development which are not located in the Primary Shopping Areas, or for other 'main town centre uses' which are not located within the boundaries of Ashford or Tenterden Town Centres (as defined in Policy SP4, EMP7 and EMP8 and set out on the Policies Map), and are not supported by other policies in this Plan, will only be permitted if all of the following criteria can be met:

- a) A sequential assessment has been carried out that demonstrates that no suitable sites are available, firstly in the primary shopping area for retail, or the town centre boundary for other town centre uses, then edge of centre locations. Only if no sites are available in these locations should out of centre locations be considered. Preference will be given to sites that are well connected to the town centre; and,**
- b) The proposal, either by itself, or in combination with other committed development proposals, will not have a significant adverse impact on investment or the vitality and viability of a town centre, or any significant adverse impact upon the town centres can be adequately mitigated. Proposals for retail development which are greater than 500 sqm, will be required to carry out an impact assessment. Other main town centre uses will be required to carry out impact assessments in line with the requirements of the NPPF.**

- 33. The Sequential and Retail Impact Assessments are required to be carried out because both Ashford and Tenterden town centres are potentially vulnerable to increasing competition from out of centre retailing and the growth of internet shopping. The concern is that existing retailers, particularly in Ashford, could choose to take space in a larger, more modern unit in an out of centre location. The loss of existing major retailers in the town centre would be significantly detrimental to the vitality and viability of the town centre.
- 34. With regard to criterion a) of policy EMP9, this requires development such as that proposed in this application to first look to be located at a town centre site, and then edge of centre sites. Only if no sites are available in these locations should out of centre locations be considered, with a preference given to sites that are well connected to the town centre. The NPPF advises that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 35. The Glossary of the NPPF defines an edge of centre location for retail purposes as “a location that is well connected to, and up to 300 metres from, the primary shopping area”. The application site is located approximately 700m from the designated Primary Shopping Area and would therefore be considered an out of centre location.
- 36. Criterion b) of policy EMP9 requires the submission of a Retail Impact Assessment for retail development greater than 500sq.m. in order to assess

the impact on the vitality and viability of the town centre. The NPPF/NPPG require that the level of detail to be included within the Sequential and Retail Impact Assessments should be proportionate to the scale and type of retail floor space proposed, and that this shall be determined on a case-by-case basis.

Sequential Assessment

37. The proposed development would comprise of 1,803 sq.m. Class E (retail) floorspace with 116 car parking spaces. Potential sites should be considered based on this requirement as the Aldi food provision is based on a homogenous approach to all of their stores. Cases such as Tesco v Dundee CC in the Supreme Court established that sequential site assessments should be assessed on whether “an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site”.
38. The case of the High Court Challenge (Mansfield) for an out of centre food retail provision is also relevant to the consideration of this application. This established what the terms ‘suitable’ and ‘available’ meant in relation to potential sites. It concluded that suitable and available need to relate to the nature of the development proposed in the application by approximate size, type and range of goods sold. It requires flexibility, but that does not mean the application should be transformed into something significantly different, and the test needs to reflect the real world and not an artificial one.
39. As stated above, Aldi follows a homogenous approach across all of its stores and has very specific requirements. This is relevant when considering alternative sites in this case. The applicant states that to seek to reduce the size of the development or disaggregate it would fail to deliver Aldi’s function. This is a material consideration in the application of the sequential test. Potential sites need to be assessed on the site’s availability, suitability and viability.
40. The applicant’s Sequential Assessment looked at vacant units that could meet Aldi’s needs and were available. Firstly, the town centre vacant sites of County Square, the Mecca Bingo and former Debenhams were looked at but these failed to meet Aldi’s needs or requirements based on the homogenous retail provision that they offer. They were also not available.
41. Secondly, allocated sites were looked at but these were also found not to be suitable or available. These included:
 - Within the town centre – Commercial Quarter & Gasworks Lane.

- Beyond the town centre – Newtown Phase 2, Former Klondyke Works, former Bombardier Works.

42. In terms of other sites, the Council's Economic Development Officer was approached but no suitable alternative sites in a town centre or edge of centre location were identified. I am therefore satisfied that a robust Sequential Assessment has been undertaken and that this is the most sequentially suitable site that is available, viable and meets the applicant's needs.

Retail Impact Assessment

43. The applicant's Retail Impact Assessment identifies that to the north of the M20 there is very limited retail provision. The current store serving the area is the Co-Op located on Faversham Road. The next closest stores are at Warren Retail Park where there is Sainsbury's and an M&S food hall. Aldi, however, offer a very different product to these stores. Aldi does not have a large selection of ranges, no kiosks and does not offer 'one stop shop' as it does not offer the complete food shop experience but instead, offers a limited range of goods at a discounted price. Its products regularly change as many are based on a 'when it's gone, it's gone' basis.

44. As a result of the different offer of an Aldi store, its users will still be likely to need to use other shops and it is considered to be more of an addition to the customer's shopping experience rather than a complete replacement of the need to use other shops. It is therefore not anticipated that this store would have any significant adverse impact on Ashford Town Centre.

45. A retail impact assessment has been submitted with the application. This states that the assessment had regard to the detailed guidance in the NPPG which states:

"As a guiding principle impact should be assessed on a like for like basis in respect of that particular sector (i.e. it is not appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would not normally compete directly). Retail uses tend to compete with their most comparable competitive facilities."

46. The NPPG emphasises that the impact assessment needs to be undertaken in a proportionate way. The applicant has undertaken such an assessment which identifies that that the Sainsbury's at Simone Weil Avenue is the principle destination for food shopping in this area. The assessment split up the food retail provision into zones, as per the map in **Figure 14** below.

Figure 7.2: Study Area

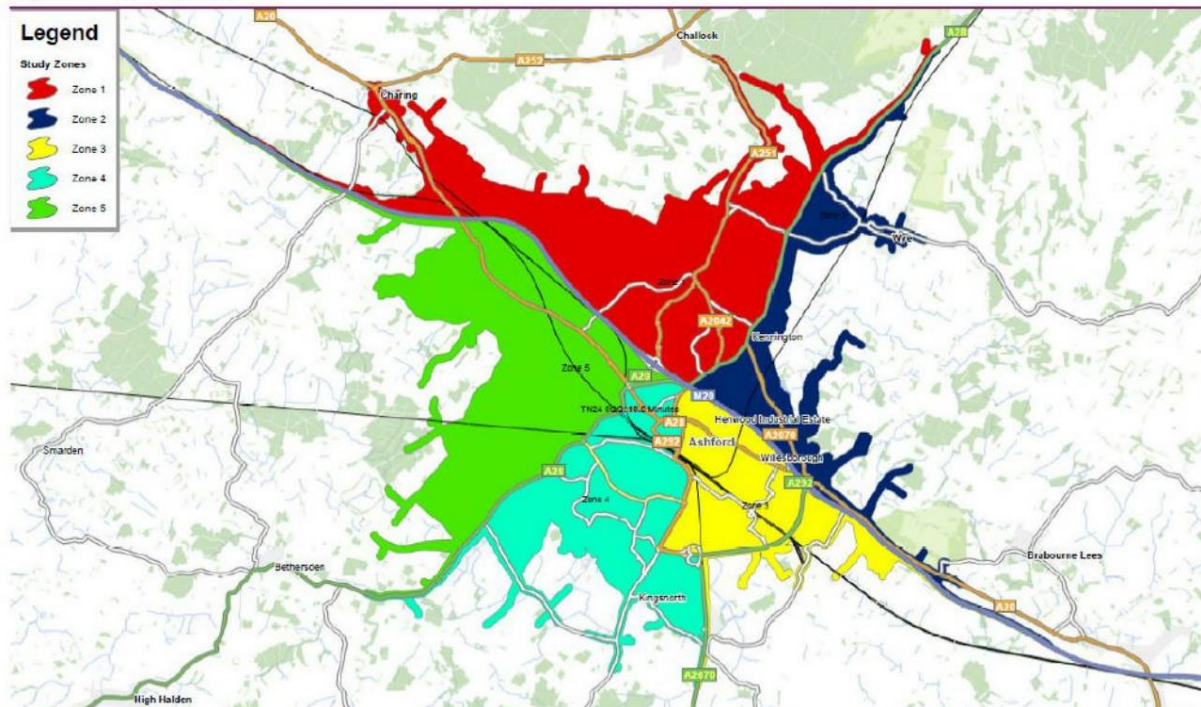


Figure 14 - Food retail provision zones

47. The results of the surveys / assessment are set out in **Figure 15** below:

Table 7.1: Main Stores by Zone (Primary main food shopping)

Zone	Store	Market share
Zone 1	Sainsbury's Superstore, Simone Weil Avenue	42.48%
	Aldi, Victoria Road	9.40%
	Tesco Extra, Hythe Road	8.17%
Zone 2	Sainsbury's Superstore, Simone Weil Avenue	31.57%
	Tesco Extra, Hythe Road	27.06%
	Aldi, Victoria Road	8.13%
Zone 3	Tesco Extra, Hythe Road	38.11%
	Sainsbury's Superstore, Simone Weil Avenue	20.15%
	Asda, Kimberley Way	11.95%
Zone 4	Tesco Extra, Moatfield Farm	51.73%
	Sainsbury's Superstore, Simone Weil Avenue	11.90%
	Asda, Kimberley Way, Ashford	11.10%
Zone 5	Sainsbury's Superstore, Simone Weil Avenue	53.37%
	Waitrose, Repton Park / Sir Bernard Paget Avenue	9.84%
	Aldi, Victoria Road, Ashford	8.62%

Figure 15 - Food retail stores by zones

48. All main food retailers, other than Aldi on Victoria Road (edge of centre) are in out of centre locations. The current Victoria Road Aldi store attracts almost 10% of main shopping food trade and based on the surveys was the second most popular food retail destination in zone 1.
49. The surveys identified that 41% considered proximity to home as the main reason for visiting a particular store and over 85% travelled to do their weekly shop by car.
50. The main/majority of food retailers are in out of centre locations and are not protected in planning policy terms. The proposed store is not expected to impact on the town centre given the convenience provision is limited and due to the edge of centre location of the existing Aldi store.
51. Ashford Town Centre is not reliant on convenience goods retailing to support its vitality and viability and therefore the proposal would not undermine or adversely impact the overall 'health' of the Ashford Town Centre.
52. In conclusion, I am satisfied that a robust sequential test and retail impact assessment have been undertaken and that this is the most sequentially suitable site that is both available, viable and meets the applicant's needs. It has also been demonstrated that the retail impact on the town centre's viability and vitality would be negligible. I am therefore satisfied that the proposal meets the requirements of the Local Plan policy EMP9 and the NPPF in this regard.

C) Design and visual impact

53. Local Plan Policy SP6 is consistent with Chapter 12 of the NPPF in seeking to achieve well-designed and beautiful places. The policy requires all development proposals to achieve high-quality design and demonstrate a careful consideration of and a positive response to the policy's design criteria.
54. The views of the site are localised, with the main vantage point being from Canterbury Road immediately outside of the site. The embankment and planting for the M20, and the neighbouring Holiday Inn provide substantial screening on approach from the south-west and from the north-east respectively.
55. The proposed building, layout and ecological corridor/landscaping are set out in the drawings and CGIs in the 'Proposal' section above. The design approach adopted responds to the bespoke needs of Aldi but has been significantly enhanced following pre-application advice in order to respond to the local context, to add visual interest when viewed from Canterbury Road

and to provide a two-storey glazed element at the corner containing the entrance to the building.

56. The levels across the site would drop down from Canterbury Road which would reduce the prominence of the development viewed from Canterbury Road. The design approach adopted results in a primarily single-storey building that would in keeping with, or lower than, the height of surrounding development in the vicinity of the site. The design ethos generally is for a simple contemporary building that would assimilate into the local context.
57. The front elevation which faces north-east towards the Holiday Inn, as well as the main area of the proposed customer car park, would be primarily visible from Canterbury Road when travelling in a south-westerly direction i.e. in the direction of the town centre. This elevation would be red brick with a ribbon of grey windows above and cedar lap weatherboarding above the windows. Pillars have been introduced to the brickwork to break up the massing and to provide visual interest. The elevation fronting Canterbury Road, which is arguably the most prominent elevation, would be predominantly glazed which would offer an attractive active shopfront. There would be a two-storey glazed corner defining this entrance which would provide visual interest. Above the glazing, the cedar lap boarding would continue.
58. The remaining elevations to the rear and side (facing towards the M20), which are not readily visible from any public vantage points would primarily be constructed from a combination of dark grey cladding and brickwork. The roof would be a bespoke wild meadow green roof to both reflect and be sympathetic to the Green Corridor location.
59. In terms of its layout, the building would set back from Canterbury Road but with its attractive frontage facing towards it. The car parking is sited to the north and the access road and ecological area to the south of the building. I consider the layout to work well, with a defined entrance and clear pedestrian and cycle routes.
60. Pedestrian and cycle entrances from Canterbury Road are proposed in addition to the vehicular access, whilst tree planting is also proposed to Canterbury Road which would further soften and integrate the development. Additional tree planting is proposed within the site, including to break up the expanse of car parking. The established tree planting to the south-west is proposed to be retained and enhanced by the addition of an ecological corridor.
61. Overall, I consider the design approach adopted for the proposed development to be of high quality and acceptable for the context of the site.

D) Impact on the Green Corridor

62. The site lies within a designated Green Corridor and as such, consideration needs to be given to Ashford Local Plan policies SP1 and ENV2, as well as the Green Corridor Action Plan 2017. The designated Green Corridor is a network of largely green open areas made up of recreation space and other green and blue spaces alongside the Great and East Stour rivers. These areas have remained largely undeveloped and provide a unique opportunity for improving the quality of the urban environment and for establishing green links between the town and the surrounding countryside.
63. Policy SP1 sets out a range of strategic objectives, including the conservation and enhancement of the Borough's natural environment which is consistent with the objectives of the NPPF. This includes designated and undesignated landscapes and the promotion of a connected green infrastructure network that should play a role in managing flood risk, delivering net gains in biodiversity and improving access to nature.
64. Policy ENV2 echoes the provisions in the NPPF which identifies the conservation and enhancement of the natural environment as a core planning principle of sustainable development. The policy deals specifically with the Ashford Green Corridor which states, as a key objective, the protection and enhancement of the Green Corridor. The policy does not preclude development within the Green Corridor but allows for development that is compatible or ancillary to the Green Corridor designation, or alternatively where it relates to the redevelopment of a suitable brownfield site, or where it delivers overriding benefits. In either scenario, it would need to be demonstrated that *"there would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor"*.
65. The Green Corridor is split into three parts in the Action Plan 2017, with each part split into lettered characteristic zones. Houchin's playing fields is located within character area A3, which also covers the adjacent rugby club as well as the garden centre, doctor's surgery and cemetery on the opposite site of Canterbury Road. The Action Plan identifies the site on the opposite side of Canterbury Road as mostly comprising buildings and car parking but acknowledges that it retains a degree of openness with the adjacent cemetery contributing towards this.
66. The Action Plan in respect of the former Houchin's Playing Field and Ashford Rugby Club area states:
- "This large area of flat, open flood plain is an important green break between Kennington and the rest of Ashford. The river, as it passes through this*

section, is winding and attractive, and also joins the Kennington Stream. The land is in private ownership but there is access across the site through Kinney's Lane which joins the National Cycle Path Route 18 and a footpath which is fenced. The Rugby Club have been located around this area since the 1970's and accessed from Kinney's Lane. The club is very active and the site is well used, even though the area is within flood zones 2 & 3."

67. The application site itself is privately owned and is therefore not publicly accessible. There are no Public Rights of Way (PROW) that either run through or adjoin the application site.
68. The Action Plan sets out the proposed key habitat enhancements for this site and the rugby club as follows:
- Invasive removal (Himalayan Balsam) and Japanese Knotweed
 - Tree thinning to control over-shading of river
 - River work to improve flow dynamics and water quality (EA consent required)
 - Replacing current fence along the footpath and cycle way with a hedge. Visually more appropriate but more importantly would allow greater movement for wildlife. Fencing will need to remain to ensure site security while hedge establishes. [*Officer note – this footpath/cycleway is within the rugby club land, not the application site*]
69. The Green Corridor Action Plan 2017 sets out the details and characteristics of the Green Corridor. It states that the Green Corridor is a key piece of the town's infrastructure that offers multi-functional uses offering a wide range of environmental and quality of life benefits to the local community. These overarching characteristics are set out below followed by a brief assessment regarding how the site currently performs:
- “• Providing valuable wildlife habitats and corridors and protecting nature conservation areas and the biodiversity within them, linking urban habitats to the countryside;”*
70. The site currently performs well against this criterion. The site, despite its unkempt appearance and lack of maintenance over time, is rich in biodiversity.
- “• Offering educational and play opportunities for all with a variety of open spaces both for active sports and more gentle recreation;”*
71. The site performs badly against this criterion. The site falls within private ownership and as such there is no public access and these opportunities are not provided by this site.

“• Providing natural drainage systems and flood plain and water storage which prevents flooding;”

72. The existing site assists in providing this function.

“• Adding to the visual attractions of the town and complementing other initiatives to regenerate urban areas and the economy and giving the areas a positive image and identity;”

73. The site in its current state performs badly against this criterion. The site has not been in any active use for decades. It is in part previously developed and overgrown and unmaintained.

“• Providing pedestrian and cycle routes through the town which are not just for recreational purposes but make a crucial contribution to day to day travel and transportation needs;”

74. The site performs badly against this criterion. The site falls within private ownership and as such there is no public access and these opportunities are not provided by this site.

“• Providing a tranquil atmosphere in contrast to the noise and congestion in other parts of the town, improving quality of life and enabling more sustainable lifestyles, creating health benefits for residents.”

75. The site performs badly against this criterion. The site falls within private ownership and as such there is no public access and these opportunities are not provided by this site. Further, the site abuts the M20 and A28 Canterbury Road and therefore is subject to a level background noise that is higher than that of the vast majority of the Green Corridor.

76. In view of the above, I consider the site as it currently exists fails to perform a number of the roles that the Green Corridor Action Plan identifies that, ideally, it should. However, it does provide ecological habitat and a visual break from development between Kennington and the rest of Ashford to the south.

77. Local Plan policy ENV2 states as follows:

Policy ENV2 - The Ashford Green Corridor

The protection and enhancement of Ashford's Green Corridor is a key objective.

Development proposals within the identified Corridor designation (and proposed extensions) will be permitted, providing that it is compatible with, or ancillary to, their principal open space use or other existing uses, and it can be demonstrated that the proposal would not cause significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.

Other forms of development proposals within the Green Corridor will not be permitted, unless it would be in accordance with a site specific policy in this Local Plan; or where it relates to a) the redevelopment of a suitable brownfield site or b) delivers overriding benefits, and in either scenario, that it can be demonstrated that there would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.

Development proposals on land adjoining the Green Corridor shall provide suitable access and links to the existing movement networks of the adjoining Green Corridor wherever possible. They must not cause significant harm to any of the key features and functions, and should make a positive contribution to the Green Corridor in respect of its environment, biodiversity, visual amenity, movement networks or functioning and its setting.

Development proposals must take into consideration the appraisals, projects and management recommendations set out for the specific areas in the Ashford Green Corridor Action Plan, including the identified proposed extension areas to the designation.

78. The first strand of Local Plan policy ENV2 states that development proposals that are compatible with or ancillary to their principle open space use or other existing uses will be permitted, providing it can be demonstrated that the proposal would not cause significant harm. I do not consider the proposed development to be compatible with, or ancillary to, the principle open space use of the site so the development would fail to comply with the first strand of ENV2.
79. The second strand of policy ENV2 states that other forms of development will not be permitted, unless it relates to the following:
- The redevelopment of a suitable brownfield site; or
 - Delivers overriding benefits; and
 - There would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.
80. In respect of the above three ENV2 criteria:

The redevelopment of a suitable brownfield site

81. The NPPF defines previously developed (brownfield) land as:

“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

82. Part of the site has previously contained both buildings and hardstanding (some of which remains on the site), as shown in **Figure 16** below:

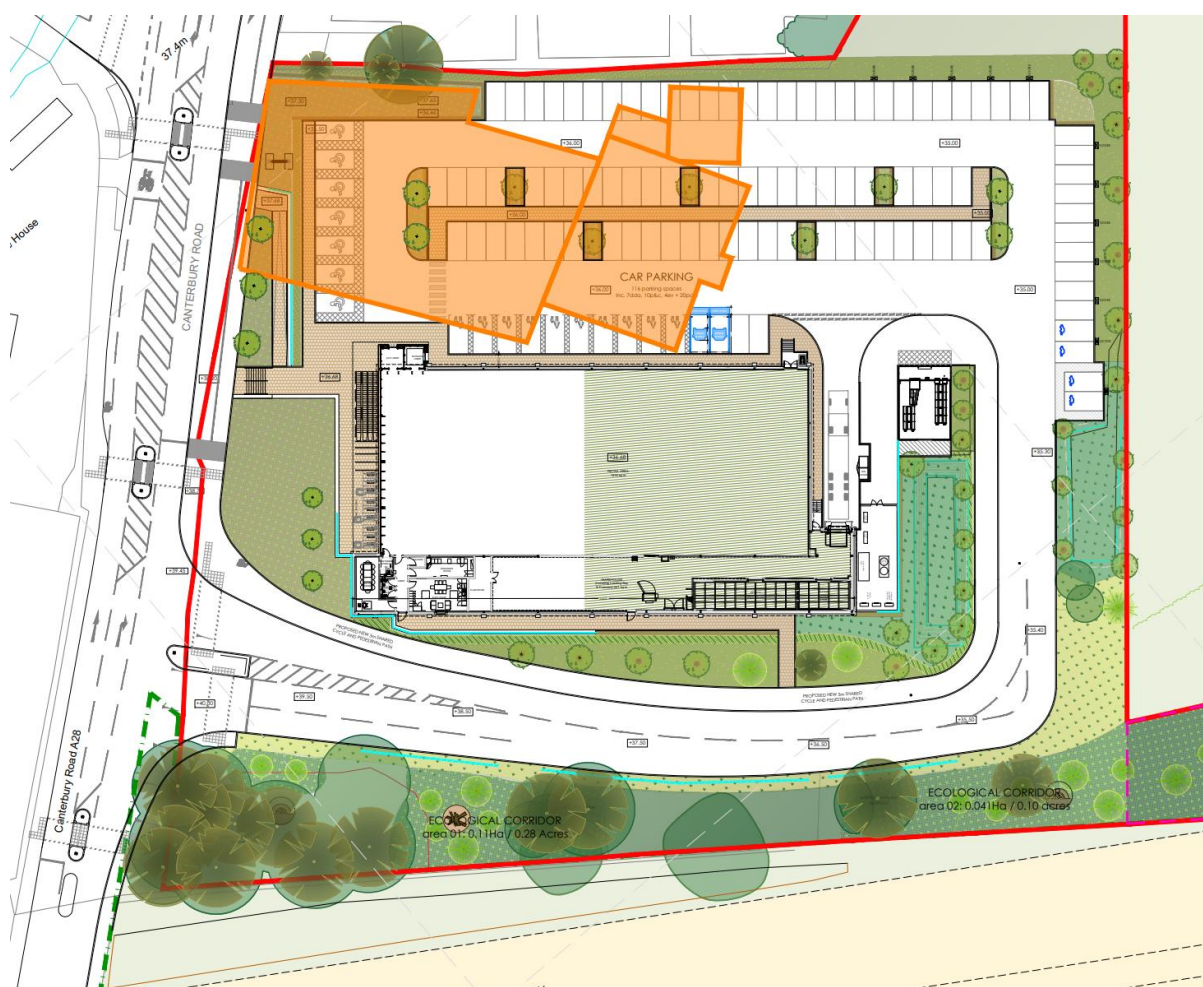


Figure 16 – Proposed site layout with overlay of previous development

83. Based on the NPPF definition, the site can be seen to constitute a previously developed (brownfield) site, although as stated above, it cannot be assumed

that the entire curtilage of those former elements should necessarily be developed.

84. The site represents an infill site within the Ashford urban area. The Green Corridor to the northern side of Canterbury Road is developed up until the cemetery to the north. In this context, the development of the site (which historically has had buildings and parking areas) would not, in my opinion, be intrusive in the wider setting of the Green Corridor.
85. I consider that the proposal can, therefore, at least partially be considered to comply with the first part of this ENV2 criterion.

Delivers overriding benefits

86. There are key benefits associated with this proposal that are material considerations in the assessment against policy ENV2.
87. The first key benefit would be the economic benefits of the development. The proposal would deliver significant further investment in Ashford. The proposed development would create jobs during the construction phase and approximately 50 jobs in the operational stage which are likely to mainly comprise Ashford residents. Further employees during both the construction and operational stages may use other businesses locally, further enhancing the economic benefits.
88. The site, whilst in the Green Corridor, is located adjacent to a group of commercial uses including the Holiday Inn, Harvester pub/restaurant, garden centre as well as a doctor's surgery/pharmacy. The site, at present, makes no economic contribution to that group.
89. Paragraph 81 of the NPPF requires that "*significant weight should be placed on the need to support economic growth and productivity*". The NPPF and policy SP3 are clear that a positive approach to economic development should be adopted to support job growth and economic prosperity.
90. The second key benefit would be access to a greater choice of affordable food for local residents. Para 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places with sub paragraph (C) stating that such decisions should support healthy lifestyles through amongst other things the provision of local shops and access to healthier foods.
91. The only retailer identified to the north of the M20 is the Co-Op on Faversham Road. This is a relatively small facility. There is no discount food retail store in this area and the demand is high, particularly as people are more conscious

of what they spend due to the higher cost of living. Currently, residents of Kennington have to travel south of the M20 to do a main food shop and into the town centre to access discount food retailers.

92. The third key benefit is that the development constitutes a sustainable location for this development. The site comprises an accessible infill site in the built-up urban area of Ashford. It is located well in terms of transport routes, public transport and cycling/footpaths. In accordance with the sequential test, it can be considered a sustainable out-of-town location for the proposed use.
93. Taken as a whole, given the current appearance of the partly previously developed (brownfield) site, how the site currently performs against many of the roles that the Green Corridor Action Plan sets out that it should and the proposed ecological mitigation (as discussed later in this report), I consider that there a reasonable case can be made in relation to the overriding benefits that would arise from the development. The proposal can, therefore, be considered to comply with the second part of this ENV2 criterion.

There would be no significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.

94. There is a clear argument that the proposal would comply in the main with the above two criteria. The third, however, requires an analysis of harm which is assessed in the subsequent sections of this report. Subject to none of these demonstrating 'significant harm', as set out in the policy, then the proposal can be considered to be compliant with policy ENV2 of the Local Plan. I shall return to the overall compliance with policy ENV2 in my conclusions.

E) Ecology and biodiversity

95. Local Plan policies SP1 and ENV1 seek to conserve or enhance biodiversity. Policy ENV1 states that development should avoid significant harm to biodiversity assets and that where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in accordance with an agreed timetable. Development proposals should seek opportunities to incorporate and enhance biodiversity, including taking opportunities to help connect and improve wider ecological networks.
96. Paragraph 186 of the NPPF states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".
97. The relevant 'former Houchin's playing field' section of the Green Corridor links the remainder of Green Corridor Parcel A3, as identified in the Green

Corridor Action Plan by connecting the Green Corridor area of Bybrook Garden Centre to the north with the rugby club to the north-east of the site. The Green Corridor Action Plan identifies habitat enhancements for this area of the Green Corridor, the majority of which relate to areas outside the application site. The key Action Plan enhancement relevant to this part of the site is the removal of invasive species.

98. The applicant's Ecological Assessment provides an assessment of the site 'as existing' as well as the impacts of the proposed development. It states that the site currently has invasive species 'Himalayan balsam' and invasive non-native 'Buddleia' growing within it, but that these would be removed as part of the development. The development would therefore deliver the relevant enhancement identified for the site in the Green Corridor Action Plan. In addition, the applicant's Assessment states that the proposal would provide 0.19 hectares of land specifically given over to ecological mitigation purposes, primarily through the creation of an ecological corridor to the south-western boundary.
99. The applicant's Ecological Assessment states the following in respect of protected species:
- Bats – the site provides suitable foraging habitat. Careful consideration has been given to the outdoor lighting and the proposed landscaping scheme proposes native species, attracting invertebrates and thus increasing foraging opportunities. Bat boxes are proposed to be installed and mature woodland trees are to be retained.
 - Badgers – no badger setts recorded.
 - Dormice – the survey undertaken in 2020 identified the presence of a breeding population on site and states that a European Protected Species license will be required to be obtained. The mitigation allows dormice to move from the habitat removed as part of the proposal to other habitats which will ensure no long-term effects on the dormice population.
 - Hedgehogs – no evidence recorded on site.
 - Birds – removal of suitable nesting habitat to be carried out outside of the nesting season and bird boxes to be installed in retained trees.
 - Reptiles – surveys in 2020 identified low populations on site. Retained habitat will be enhanced to accommodate reptiles.

- Amphibians – there are no waterbodies on the site. The only ponds within 500m of the site lie to the north of Canterbury Road which is a significant movement barrier in respect of this site.
 - Invertebrates - given the habitat, they are likely to use the site. New wildflower grassland is proposed to be provided for foraging opportunities on the site.
100. The applicant's Assessment concludes that there are no ecological reasons for the site not to be developed.
101. KCC Biodiversity raise no objection to the development and recommend that should permission be granted, planning conditions are attached relating to a dormouse mitigation strategy, reptile translocation, a Biodiversity Method Statement, a Construction Environment Management Plan (CEMP), a Landscape & Ecological Management Plan (LEMP) and a bat sensitive lighting plan.
102. KCC also recommend that mitigation is secured for the loss of broad-leafed woodland which is being lost to create a neutral grassland habitat for reptiles. The development would result in 0.07ha of the 0.25ha of broad-leafed woodland within the site being lost to the development, which cannot be replaced on site.
103. Whilst compliance with Biodiversity Net Gain (BNG) is not a requirement for this application because it was registered long before BNG came into effect, the applicant has carried out a BNG assessment which identifies a net gain of 16.39% in habitat units and 927.66% in hedgerow units through the provision of an ecological-led planting scheme, establishment of an 'ecological corridor' and use of a green roof design. This would exceed the 10% BNG requirement.
104. Despite this, the development would not meet the BNG trading rules because of the overall loss of broad-leafed woodland within the site. The applicant is therefore seeking to ensure that the development would exceed the notional BNG requirement through the provision of a financial contribution towards off-site replacement woodland. This would also ensure compliance with Local Plan policy ENV1. The applicant is proposing a contribution of £5,000 to be secured by S.106 Agreement towards the provision of off-site woodland creation by Kent Wildlife Trust. I consider this would meet the CIL Regulations tests for planning obligations and can be so secured.
105. Subject to the addition of planning conditions and the financial contribution, I consider there would be no harmful impact on protected species or habitats

resulting from the development and that the development would actually exceed the BNG requirements.

F) Landscape impact

106. A Landscape Visual Impact Assessment has been submitted in support of the application. The site lies within the urban area of Ashford and is abutted on three sides by infrastructure and buildings/a car park. The views of the site are localised from Canterbury Road and there are no public footpaths running through the site or in the vicinity of the site from which the development could be viewed.
107. In this context, and coupled with the fact that the existing site has an unsightly derelict appearance which has been the case for many years, I do not consider the proposal would cause harm in terms of its landscape impact.

G) Trees and landscaping

108. An Arboricultural Assessment and Method Statement was submitted with the application. This confirms that the trees to be removed within the site to make way for the development are generally low category trees due to their poor condition and small in size. Some moderate trees would require removal but these are either located well within the site or close to retained trees. No category A trees are to be removed and there are no trees within the site that are covered by a Tree Preservation Order (TPO). None of the trees to be removed are of a quality to warrant a TPO.
109. The primary focus of the landscaping strategy is the provision of landscaping to the boundaries of the site to soften the impact of the development. The retention of existing mature planting to the site boundaries is therefore proposed, with enhancements where necessary. Planting and landscaping is proposed within the site to further soften views, break up parking areas and provide an attractive environment on approach to the site.
110. I consider the impact upon existing trees to be acceptable and, subject to a condition regarding the implementation of the submitted landscaping plan, I consider the landscaping proposals to be acceptable in terms of mitigating the impact of the development and softening its appearance in what is an urban setting.

H) Highways and transportation

111. The application is supported by a Transport Statement. In terms of the highway works associated with the proposal, a new signalised access/junction is proposed to serve the store from the A28 Canterbury Road. This would

work in conjunction with the junction of Cemetery Lane to the north which would also become signalised. Cemetery Lane currently suffers from a significant back-up of traffic waiting to turn right (west) onto the A28 Canterbury Road.

112. The proposed site access and improvements to the Cemetery Lane junction form part of an overall programme of proposed highway improvements along this section of the A28 (Canterbury Road) which also include better pedestrian crossing points over the A28 and formalisation of cycling facilities along the southern side of the A28 through the provision of a segregated 5m wide footway/cycleway, as set out in **Figure 17** below. These highway improvements are proposed by the applicant to be carried out prior to the first opening of the proposed retail unit.



Figure 17: Proposed site access & highway improvements along the A28

113. The access arrangement has been the subject of a Stage 1 Road Safety Audit. The junctions have been tracked for HGVs and the service area within the Aldi site has also been tracked and demonstrates that all have been appropriately designed and are acceptable to KCC Highways and Transportation.

114. In terms of traffic movements and trips associated with the store, TRICS data has been used which is the widely accepted industry standard for predicting traffic flows based upon the use and location. The development is estimated to generate 65 movements during the weekday AM peak hour (07:45-08:45), 150 movements during the weekday PM peak hour (16:30-17:30) and 255 movements during the Saturday peak hour (12:00-13:00). It is anticipated that only 30% of the above would be new trips.
115. KCC Highways and Transportation have reviewed the submitted Transport Statement and are satisfied the trip rates are accurate. Whilst the greatest flows are on a Saturday, this is when there is greater capacity on Canterbury Road compared to the AM & PM weekday peak hours.
116. Detailed capacity analysis of nearby junctions has also been undertaken as part of the applicant's Transport Assessment and this, along with the views of KCC Highways and Transportation, are set out in the 'consultations' section above. Some of the assessed junctions are working well within capacity, however others will require upgrading. In assessing the junctions, the off-site improvement related to the two developments at Conningbrook have been included.
117. The proposed site access from the A28 Canterbury Road, as well as the highway improvements (including signalisation of the Cemetery Lane junction) along the A28 corridor shown in **Figure 17** above, will be required to be provided by the applicant via an agreement with KCC under S.278 of the Highways Act prior to the first opening of the proposed retail store. A negatively worded planning condition will be required to ensure this takes place.
118. In addition, should the retail store be opened in advance of the first residential occupation at the Conningbrook Park development (19/00025/AS) then the completion of the following highway works would also be required prior to the opening of the retail store in order for it to have an acceptable impact on the local highway network:
- i. Completion of the highway mitigation scheme for the junction of Simone Weil Avenue/A28 Canterbury Road (as shown on drawing number 42499_5501_010 Revision D of the Conningbrook Park development ref 19/00025/AS)
 - ii. Installation of a SCOOT (Split Cycle Offset Optimisation Technique) system for the following traffic signal junctions:
 - A28 Canterbury Road / Magazine Road
 - A28 Canterbury Road / Simone Weil Avenue
 - A28 Canterbury Road / Bybrook Road
 - A28 Canterbury Road / Faversham Road / George William Way

119. These measures would provide the necessary junction improvements to provide highway capacity to serve the development, whilst the SCOOT system would coordinate and control the sets of traffic signals along Canterbury Road in order to help improve the overall flow of traffic in this area. KCC Highways and Transportation consider these measures would ensure that the impact of the development on the highway network would be acceptable.
120. The site is well located to public transport with the nearest bus stops located approximately 50m and 250m north of the site. Eleven different bus services stop at these bus stops. The frequency of buses is high, making the site well served by public transport. Canterbury Road also benefits from on-carriageway bus lanes between the site and the Bybrook Road junction.
121. In terms of pedestrian/cycle access to the site, this again is good. The site is easily accessible for both pedestrians and cyclists due to a good network of footpaths and cycle lanes near to the site. There are footpaths on both sides of Canterbury Road and in addition to the new signalised junctions, there are pedestrian crossing refuges proposed along Canterbury Road further improving connectivity. A reasonable walking distance of 10mins or 800m is considered likely for users of the store and this would cover a reasonably sized catchment area of dwellings.
122. In terms of cycling, the likely catchment is approximately 5km. This captures a significant population both north and south of the M20. Adjacent to the site on both sides of Canterbury Road are on-carriage cycleways connecting to the local cycle network. Cemetery Lane forms part of National Cycle Route 17 connecting to Eureka Leisure Park and dwellings to the west of the site. The proposal seeks to formalise cycling facilities on the A28 adjacent to the site.
123. As part of discussions with the applicant, I have investigated whether a cycleway could be provided through the site to link to National Cycle Route 18 to the east which runs along the Great Stour. National Cycle Routes 17 & 18 are shown in **Figure 18** below.



Figure 18 – National Cycle Routes 17 and 18

124. The applicant has looked into this but the provision of a link through the site has not proved possible because a large section of land linking the application site to NCR 18 is outside of the control of the applicant. Further, any route would need to go through the ecological corridor to the south-west of the proposed development which is required for dormice habitat, and to compromise this would give rise to ecological harm.
125. Notwithstanding the above, the applicant has agreed to make a contribution of £33,000 towards improvements to National Cycle Route 18 towards Ashford town centre and/or Footpath AU32 in order to enhance pedestrian and cycle connectivity to the site. This figure has been based on construction costs of providing a tarmacked cycleway of a width of 3m for a length of 180m (that would have been required) which amounts to £60psm. This would meet the CIL Regulations tests for planning obligations and can be secured through a Section 106 Agreement. I consider this would represent a reasonable compromise in this case, particularly given the proximity of the site to the existing cycleway link (NCR 17) from Canterbury Road to NCR 18 to the north along Bybrook Lane.
126. A Travel Plan is also proposed by the applicant to encourage staff to use sustainable means of transport. It promotes walking as a healthy and cheap

mode of travel. To assist this, there would be liaison with the Highway Authority to raise issues with pedestrian routes, as well as improved signalised crossing points on Canterbury Road amongst other initiatives. Cycling would be encouraged with similar liaison with the Highway Authority as set out above, the promotion of initiatives such as the Cycle to Work scheme, measures such as cycle parking provision in appropriately secure form and location, as well as lockers being provided for staff. In terms of bus travel, up-to-date information on bus routes and times would be provided. Car sharing would be encouraged and EV charging points are proposed as part of the development.

127. The Travel Plan would be monitored and reviewed after six months of the store opening and then every year for five years. Updates would be submitted to the LPA. The monitoring of the Travel Plan can be secured over this period with an annual monitoring fee of £1,000 pa for Kent Highways and Transportation, to be secured through the S.106 Agreement. I consider that this would meet the CIL Regulations tests for planning obligations.
128. The development includes the provision of 116 car parking spaces which would be slightly below the standards set out in policy TRA3b. The policy requirements would require 135 spaces for a store of the floor area that is proposed. Although the parking provision would be slightly below the TRA3b requirement, it would meet Aldi's needs. Furthermore, the site lies in a sustainable and easily accessible location for other modes of transport as set out above. There is no opportunity for parking on Canterbury Road and therefore parking associated with the development would not interfere with the flow of traffic along Canterbury Road, or raise any highway safety issues. Of the 116 parking spaces, seven would be bays for disabled people, ten would be parent and child spaces, four would be active EV charging points and twenty would be passive EV charging bays. Eighteen cycle parking stands, sheltered by the store's canopy, would be provided close to the store entrance.
129. Servicing of the site would be from the proposed access and leading to a loading bay to the rear of the site. It is anticipated that four HGVs would visit the site per day and they would seek to arrive prior to the opening of the store.
130. The TA shows that the impacts of the development on the highway network are capable of being accommodated through existing capacity, as well as proposed highway improvements. The NPPF clearly states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". KCC Highways and Transportation consider the development to have an acceptable impact on highway safety and the highway network, subject to the conditions/obligations set out above.

131. Subject to the necessary conditions/obligations, I consider the development would have no unacceptable impact on the highway network or highway safety and the development would be in accordance with policies TRA3b, TRA6, TRA7 and TRA8 of the Local Plan, as well as the NPPF in this regard.

I) Residential amenity and living conditions

132. There are no residential properties immediately adjacent to the application site. The closest dwelling to the site is at Brookside House which lies on the opposite side of Canterbury Road, approximately 25 metres to the north-west. Other nearby dwellings are located approximately 100m from the site and the surrounding development in the vicinity is primarily commercial.
133. A Noise Impact Assessment has been provided by the applicant which confirms that the development would have no unacceptable impact on the residential amenity of the occupiers of the nearest dwellings. The Noise Assessment concludes:
- i. Construction impacts – There would be noise impacts during the construction phase but these would be temporary and reduced through mitigation measures such as a CEMP;
 - ii. Car park noise – This would be below daytime and night-time WHO guidelines;
 - iii. Mechanical plant – This would be below background noise levels and would have a negligible/no impact;
 - iv. Service yard noise – No noise would be generated that impacts upon the nearest residents. Aldi deliveries (as part of their business model) use an internal docking system. The goods are wheeled off in cages into the warehouse without the use of any lifting equipment. As a result, there would be no rolling of cages or lifting of pallets outside of the building which would reduce the noise levels.
134. The report concludes that the proposal would not result in any unacceptable levels of noise to nearby residents.
135. The applicant has also submitted an Air Quality Assessment which concludes that during the operational phase the development would have a minimal impact on air quality. There would be air quality impacts during the construction phase but again these would be temporary and reduced through mitigation measures such as a CEMP.
136. ABC Environmental Protection state that the submitted Air Quality Assessment and Noise Impact Assessment are acceptable. They raise no objection to the proposed development, subject to a planning condition

requiring the agreement of a CEMP prior to the commencement of the development. I concur with their view and consider the development to be acceptable in this regard.

J) Ground conditions

137. The applicant has submitted a land contamination report which investigates the presence of contaminants on the site. The report identifies no exceedances in contaminants for the proposed commercial use. ABC Environmental Protection consider the report to be acceptable and raise no objection to the proposed development, subject to a condition requiring the approval of a closing/verification report on completion of the groundworks. I concur with their view and consider the development to be acceptable in this regard.

K) Flood risk & drainage

138. A large proportion of the site (closest to the A28 Canterbury Road) falls within Flood Zone 1, with the eastern end (to the rear of the site) falling within Flood Zones 2 & 3, as shown in **Figure 19** below. The dark purple area shows the part of the site in Flood Zone 3 but the light purple indicates the extent of the flood zone that benefits from flood defences. The blue represents Flood Zone 2.

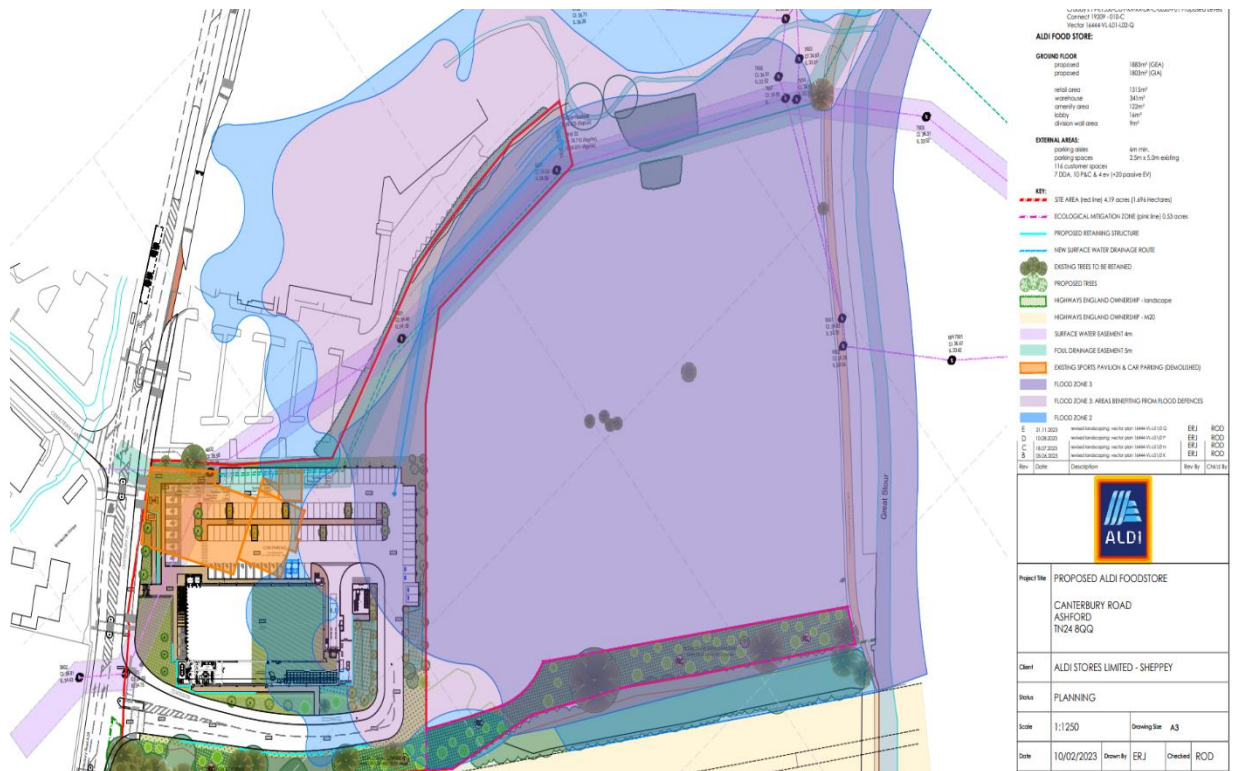


Figure 19 – Flood Zones

139. In accordance with policy ENV6 of the Local Plan and the NPPF, a Flood Risk Assessment (FRA) has been submitted by the applicant in order to assess the flood risk posed by the development and assess drainage proposals.
140. In terms of the sequential test, this is the starting point to see if there is a suitable site for the use proposed at lower risk of flooding (i.e. in Flood Zone 1). Potential alternative sites have been looked at as part of the sequential test including those set out earlier in the report when looking at the impact upon the town centre. Aldi is looking to serve the northern part of the borough with discounted food and locate as sustainably as possible. This has been the only identified site that can accommodate the development and meet these requirements. The site has, however, been designed to ensure the majority of the built development and hardsurfacing is in Flood Zone 1 and minimisation of the amount located in Flood Zone 3.
141. In terms of the development, the proposed floor level of the building is 36.68m AOD which is above the estimated 1 in 100 year plus 38% climate change fluvial flooding level. The site lies within an area covered by the EA flood warning service which would need to be subscribed to by the site operator.
142. Some areas of the vehicular access route, as well as some of the parking spaces towards the south-east of the site, could be affected in 1 in 50 and 1 in 100-year flood events, although this would be by relatively limited flooding depths up to and including the 1 in 100-year event. This would be a matter for the site operator to manage should such a flood event arise. A flood-free pedestrian access route from the store to Canterbury Road can be provided.
143. Geo-cellular tanks are proposed to provide below ground flood storage that would prevent above-ground flooding both at the site, as well as adjacent sites, during storm events. The water would then be discharged at the greenfield controlled rate, in accordance with the Council's Sustainable Drainage SPD, via a piped network to the nearest watercourse which in turn feeds into the Great Stour.
144. The EA raise no objection to the proposal and state that the proposal would satisfy the NPPF's requirements in respect of flooding, subject to a planning condition requiring the development to be carried out in accordance with the measures included within the submitted FRA and drainage strategy. This is particularly in respect of the finished floor level of the store, the finished level of the vehicular access and the compensatory flood storage (excavations from the floodplain).
145. KCC as the Local Lead Flood Authority has also raised no objection to the proposal, subject to a planning condition requiring the approval of a detailed drainage scheme based on the principles in the submitted FRA prior to the

commencement of the development, as well as a verification report demonstrating that what is installed on site complies with the approved detailed drainage scheme.

146. Foul water discharge would be to the main sewer that exists on the site, which will be subject to Southern Water approval. It is anticipated that a gravity connection from the store will be viable as the invert level of the sewer is at a lower level than the store. This, in turn, would negate the need for a pumping station.
147. In view of the above, I consider the proposed development would not be at an unacceptable risk of flooding, particularly given that the proposal is for a 'less vulnerable' retail use. Furthermore, I am satisfied that the development would not increase flood risk elsewhere given the appropriate surface water attenuation proposed within the site. Foul drainage can also be adequately provided. I conclude that the proposed development would therefore accord with Local Plan policy ENV6 and the NPPF in this regard.

L) Heritage/archaeology

148. The application has been accompanied by a Heritage Statement and an Archaeological Desk Based Assessment. This concludes as follows:

Listed buildings

149. The closest listed building is the Holiday Inn to the north of the site. The significance of this building and its setting have already been significantly impacted through a large extension to the rear which is significantly larger than the host building. The car parking for the Holiday Inn lies between the extended building and the application site. In this context, I consider that the proposal would not harm the setting of this listed building.
150. There are listed buildings opposite the site comprising the Harvester, Bybrook House and 1 & 2 Bybrook Cottages. These are divorced from the site by the A28 and are also well screened. I consider that the proposal would have no impact upon the settings of these buildings.

Archaeology

151. The application site lies partly within an area of archaeological potential as it is within the river valley of the Stour, with a high potential for remains associated with early prehistoric activity and related to the palaeoenvironment.

152. KCC Heritage do not object to the proposed development, subject to conditions requiring initial archaeological field evaluation works, along with any necessary follow-on investigations and subsequent evaluation works.
153. In view of the above, I am satisfied that the proposal would cause no harm to heritage assets or their settings, subject to the addition of planning conditions on any grant of permission.

M) Minerals safeguarding

154. The site is located within the Ashford Minerals Safeguarding Area for Superficial Sand and Gravel - River Terrace Deposits and Sub-alluvial River Terrace Deposits. Policy DM7 of the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020) is therefore relevant to the proposal. Kent Minerals and Waste Plan policy DM7 provides the scenarios where planning permission for non-mineral development that is incompatible with minerals safeguarding may be granted.
155. The applicant has submitted a Minerals Resource Assessment which concludes that the cost of extracting the sand and gravel from the site would not be viable due to its relatively small size. Other factors, such as land stability concerns for the adjacent motorway and the potential for contamination of the River Stour are also raised.
156. Given the above, I concur with the view that the extraction of the gravel and sand from this modestly-sized site would not be viable, in accordance with criterion 2 of Kent Minerals and Waste Plan policy DM7.

N) Planning Obligations

157. 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
158. I recommend the planning obligations in **Table 1** below 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.

Heads of Terms for Section 106 Agreement/Undertaking

The following planning obligations have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and for the reasons set out in the officer's report are considered to be **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. In the event of a planning appeal, the approved Table 1 derived shall form the Council's CIL Compliance Statement along with any necessary additions and clarifications as may be required for the Planning Inspectorate.

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
KCC Obligations			
1	<p><u>Public Rights of Way (PROW)</u></p> <p>Project detail:</p> <p>Improvements to National Cycle Route 18 towards Ashford town centre and/or Footpath AU32 in order to enhance pedestrian and cycle connectivity to the site.</p>	<p>£33,000</p> <p>Indexation:</p> <p>BCIS General Building Cost Index from Oct 2016</p>	<p>Prior to the commencement of development.</p>
2	<p><u>Travel Plan Monitoring Fee</u></p> <p>Project details:</p> <p>Contribution towards the cost of monitoring compliance with the Travel Plan.</p>	<p>£1,000 per annum for a period of five years (£5,000 total)</p> <p>Indexation:</p> <p>Indexation applied from the date of the resolution to grant permission.</p>	<p>First payment prior to first opening of the retail unit to the public, with four subsequent annual payments.</p>
Other Obligations			
3	<p><u>Off-site woodland habitat creation</u></p>	<p>£5,000</p> <p>Indexation:</p>	<p>Prior to the commencement of development.</p>

	<p>Project detail:</p> <p>Contribution towards the creation of replacement broadleaf woodland planting to mitigate the impact of the habitat loss resulting from the development.</p>	<p>Indexation applied from the date of the resolution to grant permission.</p>	
<p><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.</p> <p>PLEASE NOTE: If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported back to Planning Committee and subsequently refused. Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change.</p>			

Conclusion

159. The site is located within a sustainable urban location and the proposed development, including its scale and form, would be of a high-quality design that would be in-keeping with the surrounding area.
160. The proposed development would be located within the designated Green Corridor and I have found the proposal to not be compatible with or ancillary to the principal open space use. Nonetheless, policy ENV2 allows for other forms of development within the Green Corridor, subject to certain criteria.
161. Part of the site constitutes previously developed (brownfield) land and the site is currently an untidy parcel of land that does not enhance the character of the Green Corridor, or the locality as a whole. I consider the main function served by the site as part of the Green Corridor is the provision of biodiversity habitat and as a visual break between development in Kennington and the rest of Ashford to the south.
162. The site has been demonstrated to be the most sequentially suitable for this retail development. I consider the development of the site would bring economic benefits and enhance the retail offer in the vicinity, with no significant harm caused to the vitality and viability of the town centre. The site would constitute a sustainable location for this development which would be compatible with the commercial uses in the vicinity.
163. My assessment has found no unacceptable harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor. Instead, there would be net gains to biodiversity resulting from the development, in particular through the ecological corridor to the south-western boundary but also through the green roof design to the food store and provision of additional landscaping to the site boundaries. This would provide

enhanced biodiversity habitat and ensure the retention of a landscaped ecology corridor through the site, whilst also retaining a landscaped visual break between Kennington and the rest of Ashford to the south. I consider this would safeguard the functioning of the Green Corridor, whilst also accommodating the proposed development. In addition, the development would secure the habitat enhancement identified for the site in the Green Corridor Action Plan through the removal of invasive species. I therefore consider the proposal to comply with Local Plan policy ENV2 and the Green Corridor Action Plan.

164. Subject to the implementation of the identified highway improvements, the proposal would have an acceptable impact on highway safety and capacity, whilst there would be sufficient on-site parking, turning and servicing to serve the development. The proposal would provide sufficient covered cycle parking and secure improvements to the highway and PROW network which would help to enhance pedestrian and cycle connectivity to the site. This would help to promote sustainable methods of transport.
165. The proposal would not be at an unacceptable risk of flooding and would not increase flood risk elsewhere. Given the separation distances to residential properties and the adjacent hotel, there would be no unacceptable impact on neighbour amenity. The proposal would also preserve the setting of nearby listed buildings.
166. I consider the proposal would comply with the Development Plan taken as a whole, and would be in accordance with national planning guidance in the NPPF. I therefore recommend the application for approval, subject to conditions and the completion of a S.106 Agreement to secure the planning obligations identified in **Table 1**.

Working with the Applicant

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

Human Rights

168. I have taken into account the human rights issues relevant to this application. In my view the “Assessment” section above and the Recommendation below represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) and the wider

public interest.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Planning Applications & Building Control Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Planning Applications & Building Control Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(B) Permit

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any ‘pre-commencement’ based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.

Conditions

1. Standard time condition
2. Approved plans
3. Approval of materials above slab levels
4. Approval of architectural detailing
5. Approval of details of the green roof
6. Details of the management of unexpected contamination found during construction
7. Approval of contamination verification report
8. Approval of archaeological field evaluation, recording and post-excavation assessment and publication.
9. Compliance with the submitted Flood Risk Assessment or Approval of a detailed surface water drainage scheme, based on the submitted FRA.
10. Approval of a surface water drainage scheme verification report.
11. Approval of measures to ensure no discharge of surface water onto a public highway.
12. Approval of details of sewage disposal.
13. Approval of Construction Environment Management Plan
14. No occupation until the parking areas and cycle parking have been provided. Parking/cycle parking shall thereafter be retained.
15. All Electric Vehicle chargers to be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection)
16. No occupation until vehicle loading/unloading and turning facilities provided. Vehicle loading/unloading and turning facilities shall thereafter be retained.

17. No occupation until the highway improvements are in place (site access, signalisation of the Cemetery Lane junction, junction of Simone Weil Avenue/A28 Canterbury Road, installation of the identified SCOOT system along A28 Canterbury Road)
18. Lighting to be installed in accordance with the Lighting Plan.
19. Landscaping to be installed in accordance with the Landscaping Plan.
20. Approval of details of the management of deliveries to the site.
21. Hours of use restricted to between 07:00hrs and 22:00hrs Monday - Saturday and between 10:00 and 17:00 on Sundays and Bank Holidays.
22. Deliveries to the store to be made between 05:00hrs and 23:00 hrs Monday-Sunday.
23. No construction activities other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank/Public Holidays.
24. Ecology conditions relating to a dormouse mitigation strategy, reptile translocation, a Biodiversity Method Statement, a Construction Environment Management Plan (CEMP), a Landscape & Ecological Management Plan (LEMP) and a bat sensitive lighting plan.
25. Fibre to the premises
26. Restriction of sales of comparison goods
27. Restriction of the net internal sales area of the retail store
28. Restriction of the use of the unit for convenience/comparison food retail and ancillary non-food retail only.
29. Removal of permitted development rights.
30. Building to be constructed to BREEAM Very Good standard, including submission of post-completion assessment.
31. Approval of details of proposed land levels and earthworks

Informatives

1. In accordance with paragraph 38 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 updated of any issues after the initial site visit, was provided with pre-application advice, the application was acceptable as submitted and no further assistance was required. 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. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission

has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

3. The applicant is advised that Any work in, under, over or within 8 metres of the banks of a designated main river or the toe of a flood defence requires a Flood Risk Activity Permit (FRAP). As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

4. The applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

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 22/01067/AS)

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