

Application Number	17/00264/AS
Location	Land adjoining 74, New Street, Ashford, Kent
Grid Reference	05046 44489
Parish Council	None
Ward	Victoria
Application Description	Erection of fourteen apartments with associated access, parking, landscape, refuse storage and bicycle storage.
Applicant	BTL Developments Ltd
Agent	Mr M Gomez, BTL Design Unit 1, New Street Farm, Chilmington Green Road, Great Chart, Ashford, Kent, TN23 3DL
Site Area	

1st Consultation

(a) 48/11R	(b) -	(c) KH&T X, KCC (Dev) X, EHM X, PO (Drainage) R, POS X, ABC (Housing) X, SW X, NHS -
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2nd Consultation

(a) 48/8R	(b) -	(c) KH&T X, KCC(Drainage) X, KCC (Dev) X, EHM X, PO (Drainage) X, POS X, ABC (Housing) -, SW X, NHS -
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Introduction

1. This application is reported to the Planning Committee because it is a major application.

Site and Surroundings

2. The application site comprises a 0.14 hectare parcel of land situated within the built confines of Ashford. The site is located in a very prominent position

on a main route into and out of the town (A292). The site is located adjacent to residential/commercial buildings fronting New Street and to the rear of the dwellings fronting Kent Avenue. The rear boundary of those properties fronting Kent Avenue and New Street adjoin a private road that accesses onto Kent Avenue between nos. 37 and 39. The access is unmade for the most part. This access is intended to serve the application site. The front of the site abuts the roundabout.

3. The site currently has an unkempt appearance although a large proportion of it is screened from public vantage points by fencing and advertising hoardings. Land levels rise by approximately one and a half metres across the site away from New Street.
4. The site lies in a mixed residential/commercial area. The dwellings along Kent Avenue comprise 19th/20th Century terraced housing. The development along New Street is predominantly 19th Century and again all two storeys with the exception of 74 New Street which is three storeys in height.
5. The site lies adjacent to the Queens Road conservation area and falls within the Residential Transition Quarter as defined in the Town Centre Area Action Plan. A plan showing the application site in its context is attached to this report as Annex 1.

Proposal

6. The application was submitted in 2017 and proposed 14 flats with 9 parking spaces and a communal garden to the rear. The form of development proposed was as illustrated below.



Figure 1 Proposed Front Elevation



Figure 2 Proposed Rear Elevation

7. That scheme was the subject of a design review by Design South East (DSE). The DSE review raised a number of concerns regarding the access arrangements (discussed under subheading 'Highway Impacts'), and were of the view that the proposed amenity space would have little value. The panel noted that the scale, mass and height of the building was not necessarily inappropriate but identified a lack of clarity about what constituted the front and back of the building and noted a general failure to respond to context. They considered that these problems arose from the imposition of a near-symmetrical arrangement of standardised apartments on the site without any apparent analysis of the site context, its history, topography, orientation and character. The panel considered that if this site were to be developed a more rigorous and sophisticated design approach would be needed with various options explored as to the form, scale, massing, position and orientation of the building.
8. The proposed design has evolved to reflect the DSE Panel review and continued discussions with Ashford Borough Council Officers.
9. The current proposal is also for the erection of fourteen apartments comprising one single bed studio flat, 5no. one bedroom two person flats and eight two bedroom flats. The two bedroom flats comprise 2no. two person, 2no. three person and 4no. four person units.
10. The amount of parking has increased and it is now proposed to provide 14 parking spaces to the rear of the building to serve each of the 14 flats. Bicycle parking would be provided within the buildings.

11. A single storey building to store refuse would be provided adjacent to the boundary with 74 New Street and a modest structure would be provided adjacent to the northern boundary for refuse collection to be utilised on the day.
12. Access to the development remains via Kent Avenue and along the private access road that is located to the rear of properties fronting both Kent Avenue and New Street. However, it is proposed to upgrade this access as part of the development proposals.
13. The apartment block occupies the frontage of the site and is arranged as a series of interconnecting blocks.
14. The proposed building takes the form of four blocks of accommodation, connected by communal circulation spaces. Unlike the flat roof building previously proposed the building uses pitched roofs, some with elements breaking and projecting beyond the ridge line to create a contemporary appearance and add considerable visual interest.
15. Red facing brick is proposed to form the primary material for the building elevations and is combined with detailing panels containing Flemish bond brick and open bonded brick sections together with slatted timber detailing.
16. The roof tiles and windows would be grey, with grey enamelled glass balconies provided to the building frontage.
17. The front boundary would comprise a ragstone wall with metal railing above and metal gates. The northern boundary would comprise a taller ragstone wall. The building would be set back within the site to allow landscape gardens to be provided to the front of the building.



Figure 3 Proposed Front Elevation

Ashford Borough Council - Report of Head of Development Management and Strategic Sites Planning Committee 17 October 2018

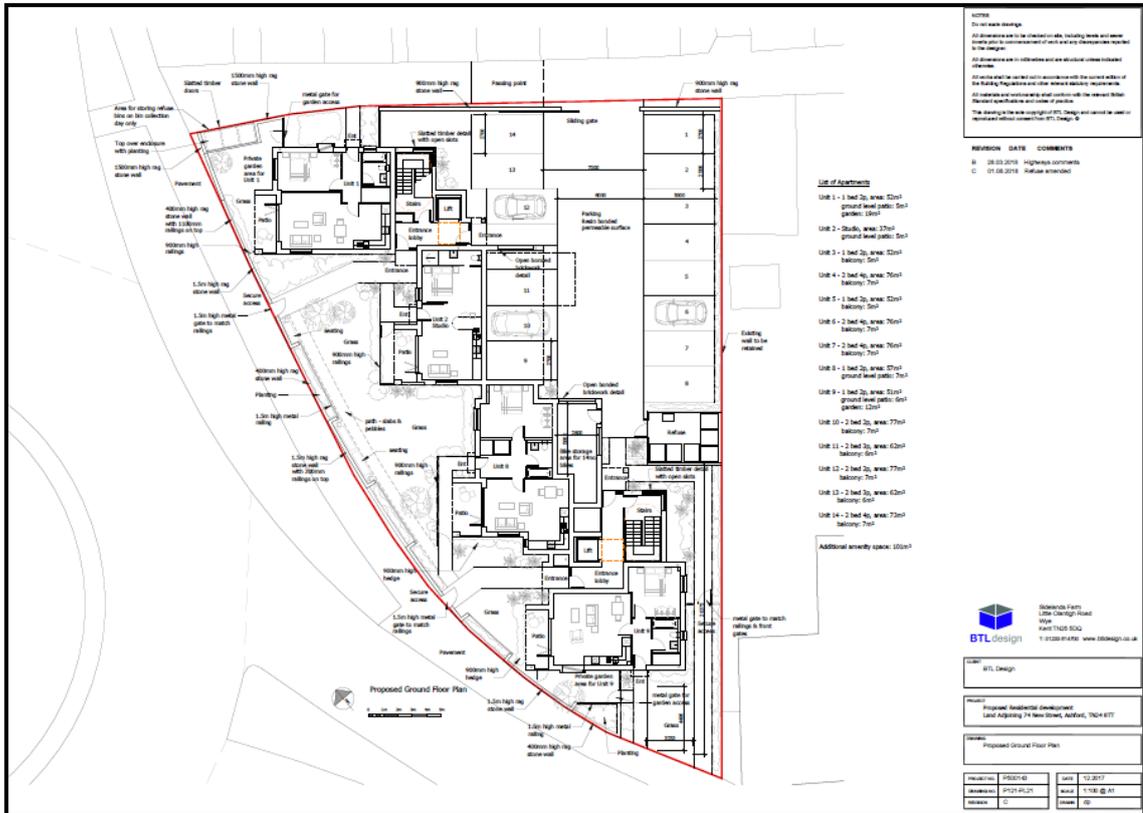


Figure 4 Proposed Layout



Figure 5 Proposed First and Second Floor Plans

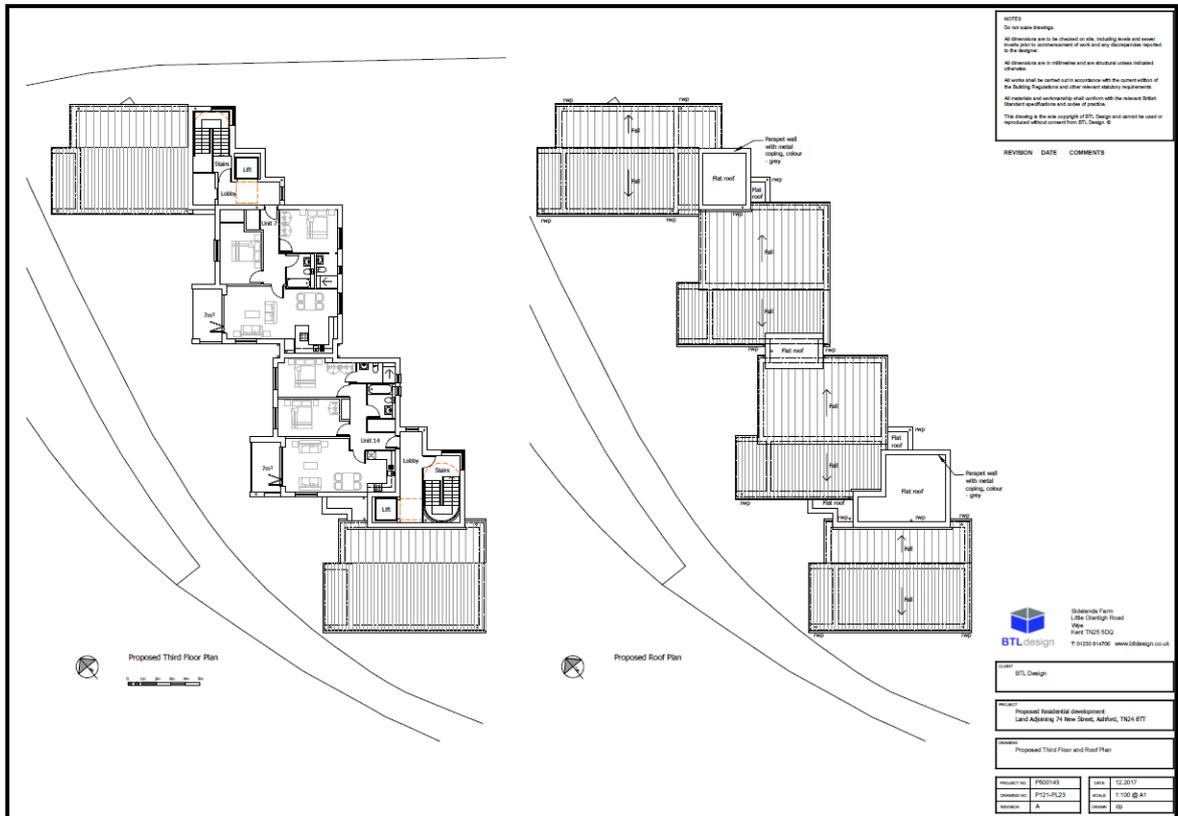


Figure 6 Proposed Third Floor and Roof Plan



Figure 7 Proposed Front and Rear Elevations

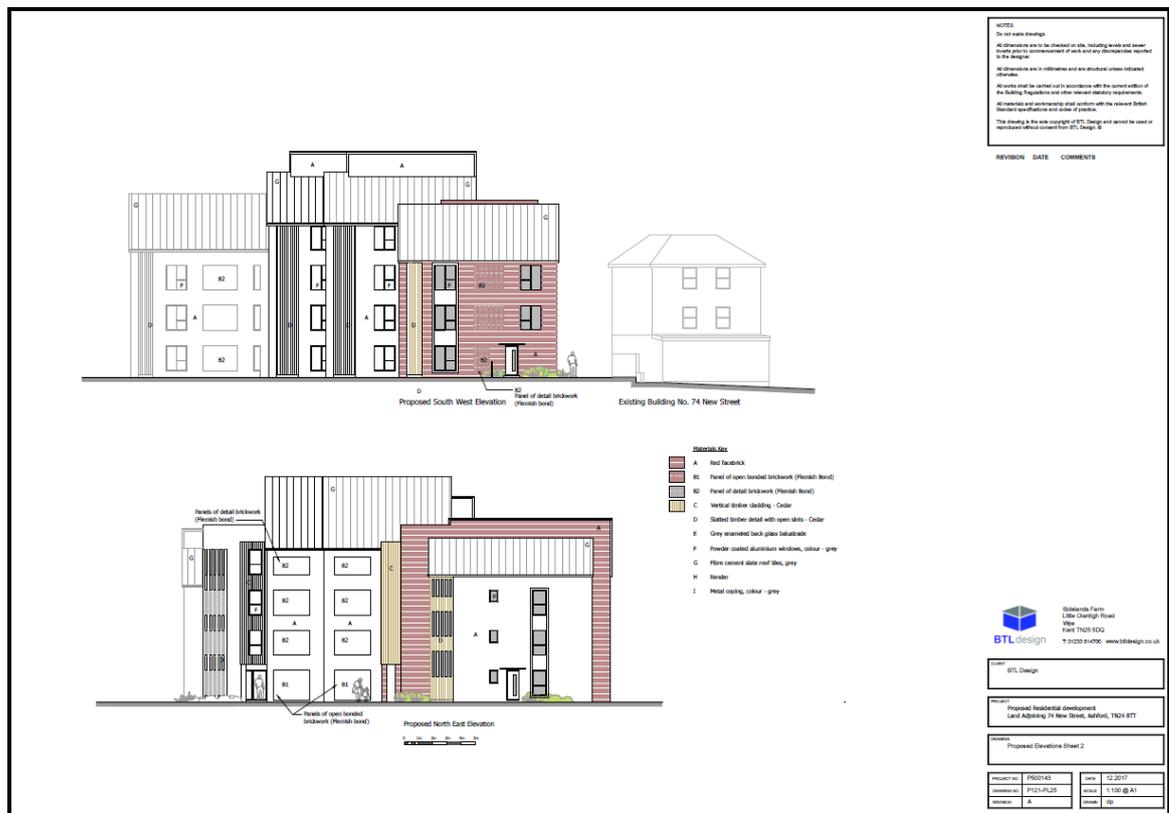


Figure 8 Proposed Side Elevations

18. The following supporting information has been submitted with the application:

Updated Planning Design and Access Statement

19. This statement:

- Describes and analyses the site context, including, describing the site and immediate surroundings.
- Describes the proposals in detail.
- Sets out the rationale behind the design and layout, explaining (amongst other things) how the local character, architecture and materials, have informed the overall design and layout.
- Discusses:
 - Character, Distinctiveness and Sense of Place,
 - Richness in detail
 - Permeability and ease of movement, legibility

- Flexibility, adaptability and liveability
- Efficient use of natural resources; and
- Space Standards
- Discusses relevant planning policies.
- Discusses density.
- Discusses the following technical matters:
 - Access
 - Parking
 - Ecology
 - Flooding and drainage Pedestrian and vehicular access;
 - Public and private landscaping proposals;
 - Fire prevention and rescue;
 - Refuse collection;
 - Ecology;
 - Drainages; and
 - Transport.

20. The statement concludes that:

The proposed scheme would make effective use of a vacant and unkempt site close to the town centre. The site has a prominent location beside one of the main routes into the town centre and the design proposed reflects a careful balance of ensuring a high quality built form is created which responds to the surrounding context, that the appearance of the immediate area is improved and that all technical standards relating to elements such as internal space standards and parking provision are met.

The proposed scheme is therefore considered to accord with the relevant policies within the development plan and to be appropriate in terms of access and design and on that basis, and for the reasons given above, we request that the Council grant planning permission subject to appropriate conditions.

Drainage Statement

21. The report states the following:

- Sustainable Urban Drainage (SuDS) techniques will be used to deal with the surface water drainage generated by the development. This will replicate the existing drainage regime by dealing with the surface water at source, so as not to increase the risk of downstream flooding.
- The surface water is to drain to a network of surface water sewers via gullies, rainwater pipes and channel drains before discharging into a new cellular attenuation tank located in the proposed car parking area. Flows from the attenuation basin are to be restricted to the a rate of 2l/s by a Hydrobrake flow control device before discharging into the existing sewer in New Street.
- It is proposed that the foul water from the development is collected in a system of gravity sewers discharging to the existing 225mm diameter foul water sewer in New Street
- A peak foul water flow of 0.65 l/s has been calculated for a development of up to 110 units based on the daily flow rate of 4000 litres given in Sewers for Adoption 7th Edition.
- There are no plans to construct treatment works on the site, nor to discharge any effluent treated or not, to ground water.

The report concludes:

- A Sustainable Urban Drainage system incorporating a detention basin and attenuation tank will be used to accommodate the 1 in 100 year rainfall event with a 40% allowance for climate change.

Relevant Planning History

10/00527/AS Residential development comprising the erection of 13 two bedroom apartments and 1 one bedroom apartment with associated parking and bicycle storage. Refused for the following reasons.

- i. The proposed development, in this prominent gateway location on a primary route into and out of the Town Centre represents an incongruous and unsympathetic form of development that poorly reflects the context of the surrounding area, adversely affects the street scene and consequently detracts from the visual amenity of the locality, because of its
- layout, form and design, combined with the constraints of the site
 - eclectic mix of architectural styles,
 - confused roof forms,
 - lack of rhythm,
 - lack of accentuation of entrances,
 - lack of detailing on the drawings with regards to location of rainwater
 - goods and downpipes and location of central heating flues and vents,
 - poor provision of external amenity space not relating to any of the dwellings and
 - failure to properly provide a comprehensive active street frontage
- ii. For the reasons set out in (i) above the proposal would fail to either preserve or enhance the character and appearance of the adjacent conservation area.

The final ground of refusal related to the failure to secure any planning obligations.

Also material to the consideration of this application is planning permission reference 17/01118/AS relating to the Prince Albert, 109 New Street, Ashford. The Prince Albert is located to the south west of the application site on the opposite side of the roundabout.

Planning permission 17/01118/AS relates to the following:

Demolition of existing public houses and associated buildings and erection of a five storey apartment building containing fourteen 2 bedroom units and 84m² of commercial space at ground floor level including 14 car parking spaces, refuse and cycle storage and a vehicle layby.

Consultations

Ward Members: The Ward Members are Cllr Farrell and Cllr Suddards, neither of whom are members of the Planning Committee. Neither Ward Member has made any formal representations.

1st Consultation

Kent Highways and Transportation: No objection subject to conditions.

Kent County Council Development Contributions: Require a financial contribution towards library book stock.

Southern Water Services: Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Southern Water state “the planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system”.

Southern Water request that should this application receive planning approval, a condition is attached to the consent requiring details of the means of foul and surface water sewerage disposal.

ABC Environmental Health: No objection subject to conditions.

ABC Environmental Services (Refuse): No comments received.

ABC Housing Services: No comments received.

ABC Cultural Services: No comments received.

ABC Drainage: A holding objection is requested on the above application subject to the submission of further information. There is currently no information determining how surface water is to be dealt with at this site to ensure that flood risk is not increased as a result of the development. Generally it is expected that a drainage strategy, supported by a conceptual surface water management plan and outline calculations are submitted to determine how surface water at the site is to be managed. This requirement is to ensure there is no increased risk in surface water flooding at the proposed site, or to surrounding land and properties.

NHS: No comments received.

2nd Consultation

Kent Highways and Transportation: New proposals have been submitted, which now include parking spaces for 14 vehicles, one space for each apartment.

The proposal represents an intensification in use of an existing poorly maintained private access road. The proposed vehicular access to the site is via a privately maintained length of Kent Avenue.

The surfacing of this section to the site access (approximately 70m) is unmade and in very poor condition. Although beyond the jurisdiction of KCC as the local highway authority, I would suggest that this should be upgraded to hard surfacing if it is within the legal powers of the developer to deliver.

The rear of the property adjacent to the bend in the unmade access road (to the rear of number 60 New Street and the rear of 37 Kent Avenue) has been fenced in. This makes the turn into the narrow section of unmade road tighter. Although passable with care, there is no forward visibility before making this turn and nowhere in the 70m length where drivers can pass each other if movements conflict. However in such a slow speed environment this should not cause a safety issue.

With regard to the refuse collection point, to service this many units the collection vehicle would be stationary for some time. In terms of highway safety this would be better located to the north of the site where the refuse vehicle can wait in the inside approach lane to the roundabout. This would be a slower speed environment rather than vehicles waiting at the exit from a roundabout which is both faster in free flow conditions or in peak time often queues back to this point, which in turn would cause an obstruction.

Due to the narrowness of the access road, any local deliveries using a van or larger (for example supermarket food deliveries, Amazon) would park on the public highway outside the nearest pedestrian access points to the development. In line with the above paragraph, this would present a highway safety issue. As such we would require the developer to fund amendments to the current TRO for waiting restrictions to include no loading/unloading restrictions for the site frontage.

With regards to the proposed parking area, parking space No 9 needs to be 2.7m wide, as it abutts a wall. The entrance to the parking area is 6m wide and whilst adequate, any additional width that can be provided would assist in the use of the parking area. In addition the proposed ragstone wall is too high, and should not exceed 0.9m in height as it blocks visibility when entering/exiting this area.

Further details are required on the type of bicycle storage to be used, with measurements, to ensure it fits in the proposed storage area.

In it's current form the proposal is unacceptable from a highway safety perspective.

Following submission of amended plans:

Having assessed the amendments, KCC have the following observations to make:-

- Parking spaces 1, 9 and 14 have been increased to 2.7m in width.
- Details of the bicycle storage area have been submitted and these are acceptable.
- A passing point has been added to the west of the entrance to the parking area.
- The ragstone wall has been reduced to 0.9m in height.
- Refuse collection - I note an additional area to the north of the site has been created for the storage of refuse bins on collection day. Can the applicant please clarify the size of bin proposed (i.e. will they be standard wheelie bins) and methodology for collection day: i.e. who will move the bins from the current proposed storage area next to parking space 8. I am aware that there is a pedestrian access adjacent to the south east bin location and am concerned that residents may take the closer easier option and leave them by the roadside adjacent to the south east of the site. This area, as you are aware, would not be acceptable as a refuse collection point due to highway safety issues.

Following receipt of further information:

No objection subject to conditions.

Following receipt of further information relating to refuse collection:

I note the proposed location area on the re-submitted ground floor plan for the collection area for refuse bins. This will require residents to drag their bins more than the recommended 30m distance to the communal collection point. It is important that future residents are made fully aware of the designated collection area on refuse collection days, and do not leave their bins on the kerbside to the south of the proposed building, which we have established would be detrimental to highway safety.

No objection subject to conditions.

Kent County Council Development Contributions: No further comments received.

Kent County Council Flood and Water Management: The proposed drainage scheme proposed within the Drainage Statement (July 2018) is sufficient for this development. We welcome the proposed use of a hydrobrake limiting the discharge into the surface water sewer of 2 litres a second.

As part of the detailed design stage we would expect confirmation of the cover level and invert level of the proposed cellular attenuation tank along with a full layout design of the drainage system.

Should your authority be minded to grant permission for the above development, we would recommend conditions are attached.

Southern Water Services: The comments in our response dated on 24/03/2017 remain unchanged and valid for the amended details.

ABC Environmental Health: No objection subject to conditions.

ABC Environmental Services (Refuse): Raise no objection based on the latest amended plans.

ABC Housing Services: As this site contains 14 units of accommodation and falls short of one hectare, there is no requirement for affordable housing on this development.

ABC Drainage: No objection subject to the imposition of conditions recommended by KCC Flood and Water Management.

NHS: No comments received.

Public Consultation

During the course of the application in excess of 40 neighbours have been consulted, site notices have been posted in Kent Avenue and at the application site, and the application has been advertised in the press:

A total of 11 representations were received in response to the original scheme, all of which raised objections and general comments.

A total of 8 representation were received in response to the amended scheme, all of which raised objections and general comments.

The grounds of objection include the following:

- Query whether Kent Highways have visited the site.
- The site is fenced to prevent cars parking on the land.
- Fly tipping has occurred at the site in the past.
- There are foxes and rats on site.
- The proposal would result in loss of light to neighbouring properties.
- Loss of privacy.
- Noise and disturbance.
- The amount of parking proposed is insufficient.
- The access is unsuitable.
- The access is narrow.
- The access incorporates a blind bend.
- Lack of turning space.
- Increase in traffic.
- The use of the access will result in damage to the neighbouring boundaries.
- Traffic associated with the development will cause congestion on the surrounding roads due to increased vehicle movements and on street parking.
- Highway and pedestrian safety.
- The access is too narrow to accommodate refuse vehicles, emergency vehicles and delivery vehicles.
- Disruption during construction.
- The scale and massing of development is inappropriate.
- Design - The architectural style is at odds with properties in New Street.
- The proposed building does not respond to the building line.
- Render will weather and appear unsightly.

- A smaller development would be better suited to this site.
- Overdevelopment of the site.
- The whole of Kent Avenue should have received letters.
- Large houses would be better suited to the site.
- Continued flat building in the Town Centre causes segregation and send the message that families are not welcome.
- Houses should be provided to help foster cohesive communities.
- Impact on water pressure locally.
- Development was refused on the site in 2010.

Planning Policy

22. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.
23. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
24. On 13 September the Council commenced consultation on the main modifications to the draft plan.
25. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

EN31	Important Habitats
EN16	Conservation Area
EN32	Important trees and woodland
HG5	Housing
TP6	Cycle parking
LE5	Equipped Public Open Space
LE6	Off-site provision of Public Open Space
LE7	Play Facilities
LE8	Leisure Facilities
LE9	Maintenance of Open Spaces
CF6	Standard of Construction
CF8	Renewable energy
CF21	School requirements for new housing development

Local Development Framework Core Strategy 2008

CS1	Guiding principles to development
CS2	The Borough wide strategy
CS3	Ashford Town Centre
CS8	Infrastructure Contributions
CS9	Design quality
CS10	Sustainable Design & Construction
CS11	Biodiversity and Geological Construction
CS12	Affordable Housing

CS13	Range of Dwelling Types and Sizes
CS15	Transport
CS18	Meeting the Community's needs
CS18a	Strategic Recreational Open Space
CS20	Sustainable Drainage
CS21	Water Supply and Treatment

Urban Sites Development Plan Document 2012

U0	Presumption in Favour of Sustainable Development
U24	Infrastructure Provision to Serve the Needs of New Development

Ashford Town Centre Area Action Plan 2010

TC1	Guiding Principles
TC18	The Residential Transition Quarter

26. The following are also material to the determination of this application:-

Ashford Local Plan to 2030

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
SP5	Ashford Town Centre
HOU3a	Residential windfall development within settlements
HOU5	Residential windfall development in the countryside
HOU12	Residential space standards internal
HOU14	Accessibility Standards

HOU15	Private external open space
HOU18	Providing a Range and Mix of Dwelling Types and Sizes
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
TRA4	Promoting the local bus network
TRA5	Pedestrians
TRA6	Cycling
TRA7	Road network and development
TRA8	Travel Plans, Assessments and Statements
ENV1	Biodiversity
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV14	Conservation Areas
COM1	Meeting the Communities Needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure Provision

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Residential Space and Layout SPD 2011 – External Space Standards Only

Public Green Spaces & Water Environment SPD 2012

Village Design Statements

N/A

Informal Design Guidance

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

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Government Advice

National Planning Policy Framework (NPPF) 2018

27. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
28. Paragraph 48 states in relation to the stages of preparing a Local Plan that:
- “Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.
29. The following chapters of the NPPF are relevant to this application:-
- Chapter 2 – Achieving sustainable development

- Chapter 4 – Decision-making
- Chapter 5 – delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Other Government Policy

Technical Housing Standards – Nationally described space standards

Assessment

30. The main issues for consideration are:
- 5 Year Housing Land Supply and status of the emerging development plan.
 - The principle of the development.
 - The visual impact of the development on the character of the surrounding area and nearby heritage assets.
 - The impact on residential amenity.
 - Highway Impact, including parking and refuse collection.
 - Sustainability issues including SUDs.
 - Contributions/Section 106 matters.

5 year housing land supply and status of the emerging development plan

31. At the time of submission of this application, the Council recognised that it was unable to demonstrate a 5 year supply of housing.
32. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 73 of the NPPF, and has recently had the opportunity to demonstrate this at the Local Plan Hearings. The Council's deliverable five year housing land supply is based on a robust assessment of the realistic prospects of housing delivery on a range of sites in the adopted Development Plan, the Submission Local Plan to 2030 and other unallocated sites taking account of recent case law, the respective deliverability tests and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan.
33. The Local Plan Inspectors' recent advice to the Council confirms that following the completion of the Local Plan Examination Hearing sessions on 13 June, they have concluded that there is a 5-year housing land supply.
34. On the 29th July 2018 the Council received the Local Plan Inspectors' post hearing advice (document reference ID/10). This document, in paragraphs 14-17 summarises the Local Plan Inspectors' conclusions on Housing Land Supply matters, following the completion of the Local Plan Examination Hearing sessions on 13th June. This confirms that the Inspectors have found that a 5-year housing land supply exists of 7,730 dwellings (after discounting various proposed allocations which they recommend omitting from the Local Plan), and they have concluded that there is a 5-year housing land supply in the Ashford Borough.
35. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para.11 of the NPPF (where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits) need not be applied.
36. The emerging Local Plan policies should now be afforded weight in the planning balance.

The Principle of Development

37. The site lies within the built confines of Ashford, in close proximity to the town centre and the amenities and public transport links contained within it.
38. Policy HG5 of the Adopted Ashford Borough Local Plan 2000 is a saved policy and states:

"Residential development (of five or more dwellings) will not be permitted on sites other than those shown on the proposals map, except on windfall sites which come forward for development within the confines of Ashford, Tenterden, Charing, Hamstreet and Wye where:

(a) the location of the site provides residents with easy opportunities to walk or cycle when travelling to work, school, shopping, community and leisure facilities;

(b) It does not result in the displacement of other uses such as employment, leisure or community uses for which there is need in the area;

(c) The proposal does not result in town or village cramming and is of good design."

39. The application site is located within easy walking distance of the town centre, schools, shops and local amenities. It is also located close to public transport links and public car parks. As such the site is sustainable in terms of its location and criterion (a) of policy HG5 is met.
40. The site is a vacant parcel of land and so the development would not result in the displacement of employment, leisure or community uses and as such criterion (b) of policy HG5 is met.
41. Criterion (c) is discussed in the following sections of this report.
42. The Town Centre Area Action Plan (TCAAP) identifies this part of the town centre as a Residential Transition Quarter. The TCAAP sets out a vision for this area focusing on the provision of housing as well as an intensification of development along New Street as part of an attractive landmark and gateway to emphasise the sense of arrival at the town centre. It encourages new homes to be provided and places importance on a quality public realm as a key aspiration.
43. Policy TC18 states the need for a careful transition from the town centre core to the existing residential areas and requires new development to be carefully integrated with its surroundings by respecting the scale of existing properties and the quality of life of the residents.
44. The TCAAP also sets an indicative target for the overall quantum of development for the Residential Transition Quarter, including the quantum of commercial floor space. This scheme however, is for residential use only. Located within the western boundary edge of the town centre, this is a heavily constrained, small and awkwardly shaped site. Although there are also some commercial premises close by, this site is predominantly surrounded by

residential properties. In light of this, I consider a residential use to be entirely appropriate for this site. Furthermore, given the challenging access arrangements, it appears to be the most practical means of developing the site.

45. The site is currently vacant, although historic mapping suggests that it was once occupied by buildings and so constitutes a brownfield site. With 14 units on such a small site (0.13 hectares) I regard the development as making a very efficient and effective sustainable use of previously developed land. This is in keeping with development plan policies CS1, CS2, CS4, SP1 and SP2 which advocate residential development in a strategic/allocated manner with brownfield sites being utilised first. I consider the principle of the use of the site for residential to be acceptable in policy terms. The principle of this development in a sustainable location is therefore accepted and compliant with the aforementioned policies.
46. The site is not designated in the emerging draft Local Plan 2030 but the draft emerging policy HOU3a (Residential windfall development within settlements) which I afford significant weight states that infilling of sites in the Ashford built up area for residential uses is acceptable subject to specific criteria. The proposed development conforms with this policy as the layout, design and appearance are acceptable and it makes a positive contribution to the local character of the area. It results in no detrimental impact on residents, and does not significantly harm heritage assets and is acceptable on traffic grounds. It does not need substantial infrastructure upgrades to support it. Lighting can be accommodate safely into the development without impact on neighbouring homes or impacting on this urban street scene. The proposals also do not displace an active use such as employment, leisure or community. I am satisfied that the proposed development is in compliance with policy HOU3a.

The visual impact of the development on the character of the surrounding area and nearby heritage assets

47. Following its original submission, the former development proposed on this site was presented to Design South East (DSE) for review. The response of the design review panel is summarised below.
48. The panel raised a number of concerns regarding the access arrangements (discussed under subheading 'Highway Impacts'), and were of the view that, the siting of the car parking was impractical and the proposed amenity space would have little value. The panel noted that the scale, mass and height of the building was not necessarily inappropriate. However, they identified a lack of clarity about what constituted the front and back of the building and noted a general failure to respond to context. They considered that these problems

arose from the imposition of a near-symmetrical arrangement of standardised apartments on the site without any apparent analysis of the site context, its history, topography, orientation and character. The panel considered that if this site were to be developed a more rigorous and sophisticated design approach would be needed with various options explored as to the form, scale, massing, position and orientation of the building.

49. Since receipt of the report from DSE, in July 2017, the agents have further analysed the site and surrounding context, and in doing so have worked closely with the Council to respond to the comments made by the DSE. The amended proposals currently being considered, and described in detail under the subheading 'Proposal' are the result of lengthy negotiations.
50. The impact of the development upon the visual amenity of the locality and on nearby heritage assets needs to be carefully considered. A key heritage related issue to consider is the impact on the setting of the adjacent conservation area and listed buildings in Barrow Hill/Western Avenue and whether there is any harm to their character, special architectural or historical significance.
51. Policies, HG5, CS1, CS9 SP1, SP6 and HOU3a require good design and state that all development should seek to create a distinct character, with a strong sense of place and identity.
52. The above policies are broadly consistent with the NPPF which attaches great importance to the design of the built environment and seeks to safeguard heritage assets.
53. Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out general duties of the LPA in respect of listed buildings and conservation areas in exercise of planning functions. In the case of Section 66, it seeks to ensure that where development affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In the case of Section 72, the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. This is reflected in adopted policies, EN16 and CS1 and emerging local plan policies ENV13 and ENV14 which I also afford significant weight.
54. As designated heritage assets, the impact on the setting of the conservation area and listed buildings has been taken into account. In keeping with the DCLG Planning Practice Guidance 2014 'Conserving and Enhancing The Historic Environment' the definition of a setting is ;

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

55. With this in mind the impact the proposals will have on the following;- views; local historic character; scale & height; architectural detailing and materials, have been carefully considered and are assessed in detail below.
56. The Ashford Queens Road conservation area boundary is located immediately to the north east of the application site. Listed buildings are located to the south west. The following historic maps of the area (see below) show how the application site and its relationship with its surroundings has evolved.

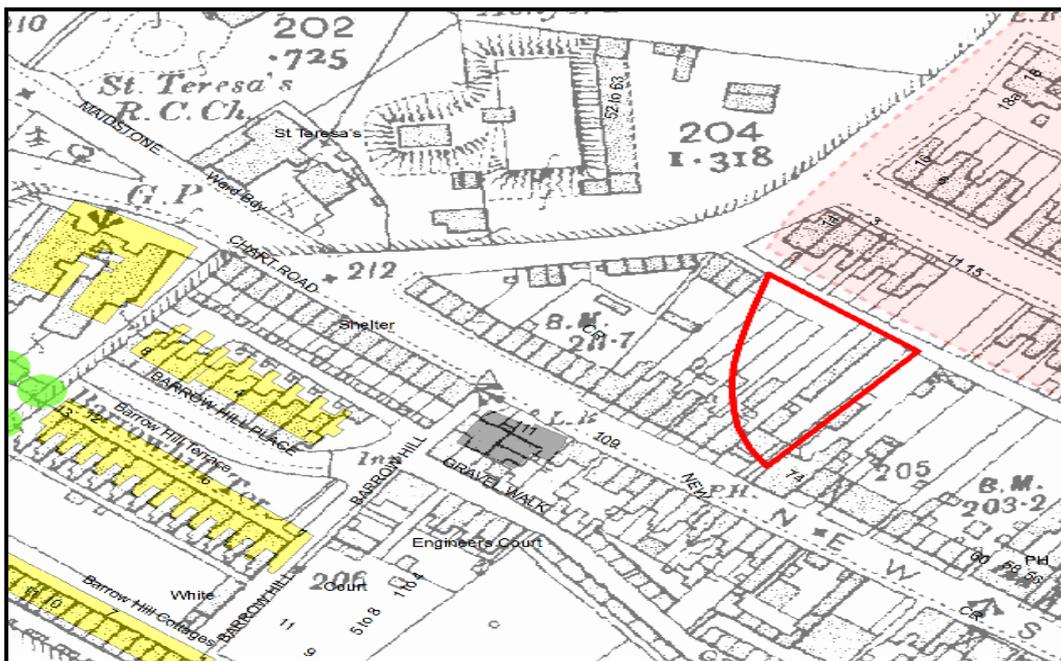


Figure 9 Historic Maps 1904-1939

57. The maps show that prior to the construction of the existing roundabout, the site was occupied by buildings that formed a continuation of part of the ribbon development fronting New Street. The maps also suggest that the roundabout replaced a number of either principal or ancillary buildings that faced onto Magazine Road. The maps also illustrate that buildings fronting Magazine Road are set back from the road. There are green verges between these properties and the road.

58. The site appears to have remained vacant since the construction of the new road layout. The site is bounded by fencing and advertisement hoardings, which fail to make any positive contribution to the setting of the conservation area. Whilst there are a number of trees on site that do make some positive contribution to the locality, these are not of significance and so their loss is not considered to cause demonstrable harm to the setting of the conservation area. Furthermore, as illustrated on the submitted amended plans, if planning permission is granted, there will be an opportunity to secure a robust landscaping scheme within the communal space to the front of the development, and this will include replacement trees. This can be secured through the imposition of a relevant planning condition.
59. Amongst others, the conservation area encompasses existing residential properties located in Kent Avenue and fronting Magazine Road. From a townscape perspective, the proposed development will re-establish a gap in the frontage where Magazine Road meets New Street. In this respect, the development would make a positive contribution to the setting of the conservation area by responding to the former historical layout as best it can, in light of the modern roundabout. The development will provide a strong façade and greater sense of enclosure to this part of New Street which, given it's a wide and rather over engineered highway, currently lacks sufficient frontage to mitigate the visual impact this infrastructure has.
60. As mentioned previously, this is a heavily constrained, small and awkwardly shaped brownfield site which is difficult to develop. The proposed layout and siting of the building has been amended to respond to comments made by the DSE and also to respond to this challenging environment.
61. The floor plan shows a staggered building line that has allowed the re-siting of the building further from the boundary to the road. This enables a higher quality communal space to be provided to the front of the development, where it will not be unduly overshadowed, and where the provision of landscaping will help soften the impact of the development and maintain a green frontage to reflect properties fronting Magazine Road.
62. Parking and servicing is provided to the rear of the building in the shadier part of site where it benefits from being hidden from view. I am content that in the interests of both visual amenity, and the amenity of future occupiers (see sub-section to follow) the siting of the building in its amended form, and consequently the overall layout of the building, is the correct approach for this site.
63. The approach to the proposed design is contemporary. One of the many constraints in achieving an appropriate contemporary scheme on this site has been addressing the scale and massing to ensure that it remains appropriate.

From the outset, the main feature of the contemporary design was to seek to break the building down into a series of interconnecting buildings. By working closely with the applicants agents, it is considered that the issue of scale and massing is successfully resolved, and that unlike the original scheme, the amended built form accommodates the concept of interconnecting buildings exceptionally well whilst responding to both the scale and form of buildings immediately surrounding the site, and other buildings in context with which this development will be read.

64. This urban area already features a varied mix of building types, and the existing and approved local building heights vary in scale with a height between 2 and 5 storeys. Existing roof forms are predominately pitched. In terms of buildings located immediately adjacent to this site, to the north, are two storey buildings in Kent Avenue and to the south east, the site lies adjacent to a relatively substantial 3 storey building fronting New Street. The proposed 4 storey building steps down to 3 storey elements on the edges of the site. This approach to the design ensures that the scale height and massing of the building responds to, and accommodates the two and three storey high buildings immediately adjacent. The staggered frontage and varying interconnecting building heights, serve to respond to the scale of surrounding development in its wider context. The repetition that exists in the roof form seeks to mimic and interpret the traditional roof pattern and form of local buildings in a modern manner. The proposed interlinked mono-pitch roof form with some partially hidden flat roof sections accommodating stairwells and lifts, will also add considerable interest and visual quality to the mixed roofscapes typically found across the outer fringe of the town centre.
65. These design features together with the recessed balconies that enrich the front elevation, help accentuate the buildings distinct contemporary design, enabling the development of this site to act as a landmark forming part of an attractive gateway that emphasises the sense of arrival at the town centre, in accordance with the aims and objectives of the Town Centre Area Action Plan.
66. In response to comments received from the DSE, the amendment to the scheme to introduce a front boundary wall with a number of gated access and pathways leading to main entrances and private front doors, ensures that there is a clear frontage to the building at street level with the main residential entrances clearly legible and distinct in accordance with the basic principles of good urban design.

67. In assessing the impact on the setting of the conservation area, the selection of materials is important. The local area combines a range of materials including red stock brick, render/stucco, ragstone and slate roofs, yellow stock bricks, clay tile hanging and clay tiled roofs. In terms of the original scheme, the selected palette of materials was based on other flatted developments elsewhere in Ashford and included nearly all render and some cedar cladding. The DSE questioned the rationale for the use of these as they do not predominate in the local area. However, following more analysis of the immediate context, the proposed design now features a well considered mix of appropriate materials. Overall the proposed materials palette responds well to the setting and has been selected in response to the texture and colour of traditional materials found in the local area. The proposed brick detailing and panelling illustrated below, provide relief to elevations that incorporate larger expanses of brickwork. This carefully considered detailing will add considerable visual richness.

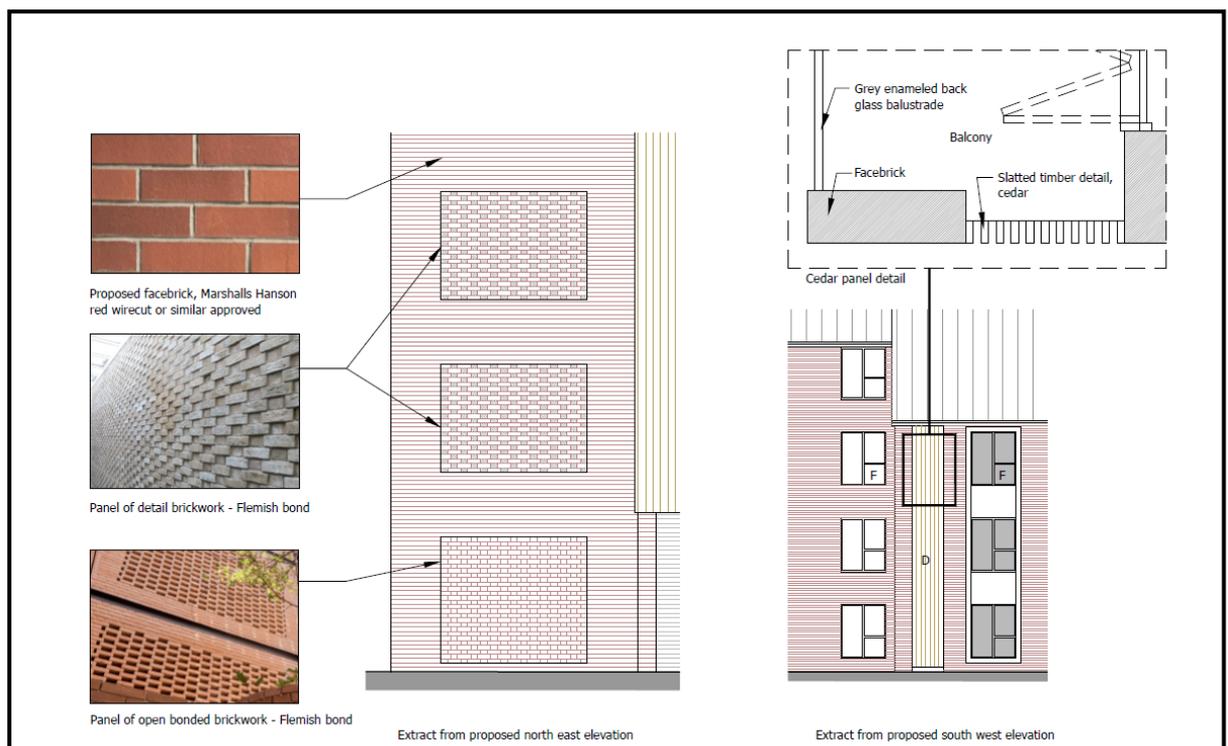


Figure 10 Proposed Materials and Details

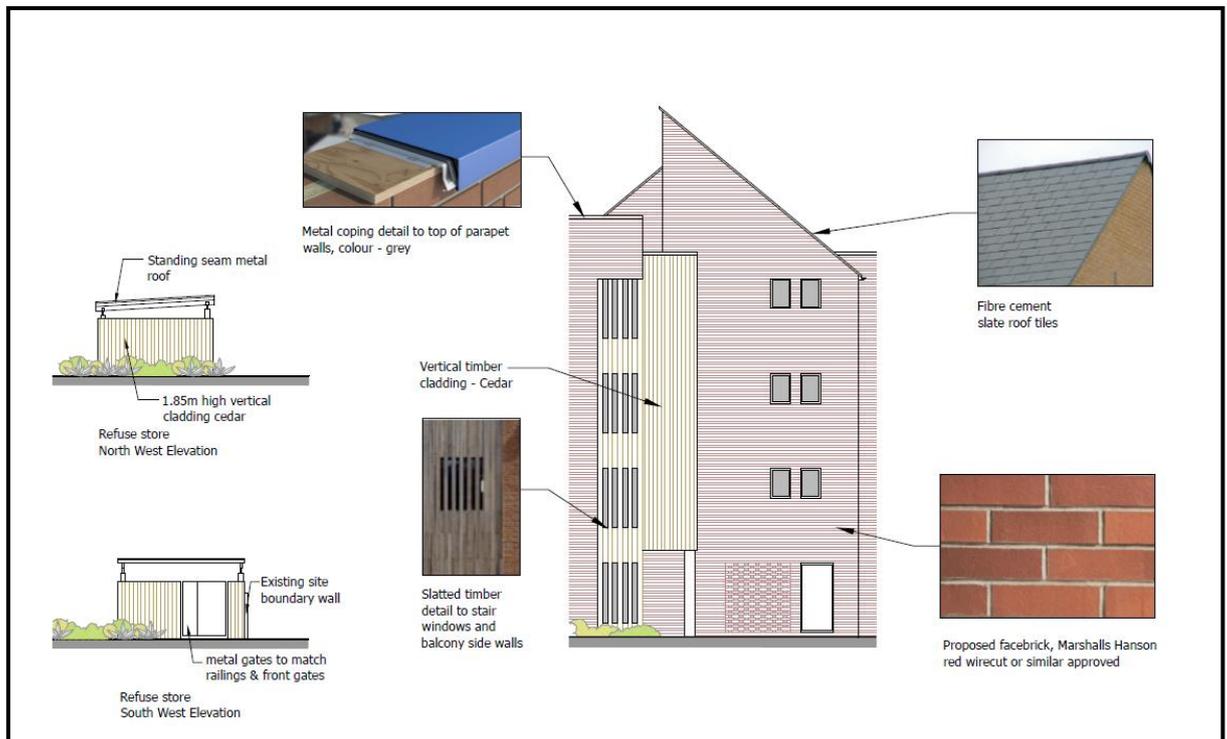


Figure 11 Proposed Materials and Details

68. Samples of materials have been submitted, however, given the highly prominent location of this site, it is recommended that should the scheme be supported, these materials should be assessed on site for suitability before construction to ensure the quality, colour, texture, finish and application is guaranteed to the very high qualities expected in the interest of the setting of the conservation area and visual amenity of the locality. This can be secured by condition.
69. Overall, I am satisfied the amended design responds skilfully to the scale and character of the area and will not have an adverse impact on the visual amenities of the local area. I am also satisfied that the amended design fully addresses the comments made by the DSE.
70. In terms of the impact upon the setting of the conservation area, the development would be prominent in views from Magazine Road on the approach to the roundabout from the north and also from Maidstone Road on the approach to the roundabout from the west. In these views, the development would be seen in the backdrop and forefront of the conservation area.
71. Where views of the development are visible in the backdrop of the conservation area, the development will be viewed in context with, (and screened to some extent) by buildings of a similar traditional form. The impact

in these views will be softened by the presence of existing street trees aligning Magazine Road.

72. Where views of the development are visible in the forefront of the conservation area, the development would sit against the backdrop of the rear of properties fronting Kent Avenue. With the exception of number 14, (which comprises decorative tile hanging, timber detailing and what appears to be traditional timber sash windows), the rear elevations of properties in Kent Avenue are simple and unremarkable and have a more functional appearance as they contain very little decoration. For the most part, their rear gardens are bounded by ordinary timber closed boarded fences. As a consequence, their contribution to the character and appearance of the conservation area from this aspect is fairly neutral. Whilst the views of the backs of these properties will be obscured by the siting of the new building, for the reasons that I have stated, these views are not considered to be important in terms of their contribution to the significance of the character and appearance of the conservation area, and so, I am satisfied that even though they will be lost to some extent, there would be no demonstrable harm to the setting of the conservation area as a result. Due to the staggered building line and set back from the front boundary, the attractive view of the rear of number 14 Kent Avenue will be maintained from most aspects on the approach, and will not be entirely obscured by the proposed building.
73. Turning to the impact of the development on the setting of the listed buildings to the south west in Barrow Hill/Western Avenue, these are located in excess of 70 metres from the application site. The application site is intersected from these buildings by the roundabout. The development would be set back within the site from the frontage and would not extend beyond the building line established by existing development fronting both Magazine Road and New Street. For these reasons the development would not obscure views of any of these listed buildings. It is also noteworthy, that this proposed development would be read in context development approved on the site of the former Prince Albert Public House. As illustrated below, this development comprises a five storey building located in closer proximity to these listed buildings than this proposed development. For the reasons, I am satisfied that the proposal would not result in harm to the setting character, special architectural or historical significance of nearby listed buildings.



Figure 12 & 13 Approved Scheme on the Site of the Former Prince Albert

74. Also pertinent is the impact on the Grade I Listed St Mary's church, which forms part of the key vista along New Street and as a consequence will be viewed in context with the proposed development. The proposed development would not interrupt this existing vista or obscure views of the church. Furthermore, due to its diminishing scale on the outer edges of the site, the development would not dominate in the forefront of the church. As such, I am satisfied that whilst this existing view would change, the proposed development can be accommodated within it without any demonstrable harm to the setting of the Grade I Listed church.
75. Overall, it is considered that in response to the DSE and officer concern, the architectural form has been carefully reconsidered and creatively and sensitively redesigned to respect the context of the site and the surrounding

homes, streets and spaces. The development will make a positive contribution to the place as it respects the local context and character of the area. The overall scale, massing density, height and mix of materials are in keeping with this urban area. I am confident that the building will be an attractive defining local landmark that enhances a main approach into the town centre.

76. In summary, the proposals would have an acceptable visual impact, and would not result in harm to either the setting of the conservation area or nearby Listed Buildings. I therefore conclude that the development would comply with adopted policies HG5, CS1 and CS9, and emerging local plan policies SP1, SP6, ENV13 and ENV14, and, that the approach to the design of the building is of a high quality and I fully support the architecture and its detailing.

Impact on residential amenity

77. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users.
78. The most notable impact arising from the proposed development will be upon residential dwellings located in Kent Avenue immediately to the north of the application site and on number 74 New Street. Number 74 New Street includes a commercial unit on the ground floor.
79. The proposed development will be located approximately 12 metres away from the rear of residential properties in Kent Avenue at its closest. The rear garden boundaries are closer, as these extend towards the application site terminating where they adjoin the private shared access. As stated in preceding paragraphs, the proposed development comprises interconnecting building blocks. The building line is staggered to the front and consequently the rear. The roof to the closet building block pitches away from the neighbouring properties. On the outer edges, the development is reduced in scale to three storeys. This is in order to respond to the scale of nearby neighbouring properties, and serves to help mitigate the impact of the development on the amenities of occupiers of neighbouring properties. Whilst the development will obstruct southerly views from the properties in Kent Avenue, the distance of the development from rear facing windows, together with the design features stated, will ensure that the development does not demonstrably harm the outlook from these properties, and is not unduly overbearing. The rear facing windows and rear gardens have a south orientation, and for this reason and for the reasons already stated in respect of layout, scale and design, whilst it is acknowledged that the development will cast some shadow, I am satisfied that the resulting impact is acceptable and will not result in any demonstrably harmful loss of light, so as to cause unacceptable detriment to the amenities of neighbouring occupiers.

80. The original scheme included balconies on the northern elevation. These have been removed to prevent any undue loss of privacy. The closest windows to properties in Kent Avenue are located in the northern elevation, and serve the stairwell, bathrooms and bedrooms. The bedroom windows are secondary bedroom windows that have been re-designed at an angle to alleviate the potential for unacceptable overlooking. Given that the windows in this north elevation serve non habitable rooms and that the secondary bedrooms windows are angled away from the majority of the terrace row, I am satisfied that the proposal will not cause any undue loss of privacy, and that the impact upon both the existing and future occupiers is acceptable. The distance of other windows from neighbouring dwellings is sufficient to maintain privacy.
81. The ground floor to number 74 New Street is a commercial unit. The former garden to number 74 is hard surfaced and comprises a number of outbuildings. Visits to the application site reveal that the rear of the premises is used from parking, and the presence of commercial vehicles suggests this area is also used to service the commercial unit. The rear of number 74 is north facing. The development will extend beyond number 74's rear building line, and will impact upon the neighbouring property. There are no windows in the side elevation of number 74 that face onto the development at close proximity. As such, I am satisfied that the development will not adversely impact upon outlook or be overbearing. Due to the fact that the ground floor of number 74 is in commercial use and that the former garden appears to be in use ancillary to this, and also due to the layout, scale and design of the proposed development, I am also satisfied that the shadow cast by the proposed building will not result in any loss of light that would be demonstrably harmful to neighbouring occupiers.
82. The ground floor unit in the block closest to number 74, includes windows in the ground floor that face directly onto the boundary wall between the application site and number 74. The first and second floor includes bathroom windows. Given the existing boundary treatment and the fact that the upper floor windows serve non habitable rooms, I am satisfied that the privacy of existing and future occupiers will be maintained. The distance of other windows from neighbouring dwellings is sufficient to maintain privacy.
83. Vehicular access to the application site is via a private access track/lane to the rear of properties on Kent Avenue. The track/lane is single width. The nature of the access is as such that very slow speeds are inevitable. Consequently, I am satisfied that vehicle activity associated with the proposed development will not cause any undue noise/disturbance.
84. The internal accommodation proposed complies with the National Space Standards. Balconies and generous amounts of glazing will provide residents

with plenty of natural daylight and sunlight into the buildings internal rooms. The size of the balconies comply with the Council's Residential Space and Layout SPD.

85. The well landscaped communal amenity space is sited behind the front boundary wall, which provides shelter from the busy roundabout and passing pedestrians. Unlike the former communal garden that was proposed to the rear of the development the amended proposals will ensure a fairly sunny orientation for the garden to benefit future occupiers.
86. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers.

Highway Impact and Refuse Collection

87. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.
88. Following Design Review, the DSE expressed strong reservations regarding the use of the existing access track to serve the development.
89. Vehicular access to the application site is via a poorly maintained private access track/lane to the rear of properties on Kent Avenue. The track/lane is single width. The track/lane is not adopted highway and therefore is beyond the jurisdiction of KCC Highways. The closest access to the maintainable public highway is in excess of 90 metres away where the track emerges onto Kent Avenue between No.s 39 and 37.
90. The rear of the property adjacent to the bend in the unmade access road (to the rear of number 60 New Street and the rear of 37 Kent Avenue) has been fenced. This restricts visibility at the turn into the narrow section of unmade road. However, in such a slow speed environment, KCC Highways confirm that this should not necessarily cause a safety issue. Further to this, due to its single width, there are no formal passing bays. However, it is possible to reverse in both a south easterly and north westerly direction to allow passage into the application site and to allow vehicles to navigate the bend to enable access onto Kent Avenue. The proposed pedestrian access points front the adopted highway which will discourage pedestrian activity along the unadopted route.

91. The applicant has stated that they intend to upgrade the access to accommodate the proposed development. Both the LPA and KCC Highways consider that this upgrade is essential. In order to satisfy the Local Planning Authority (LPA) that the upgrade would be achievable, the applicant was asked to provide evidence to demonstrate that they are able to undertake these works. In response, the LPA has been provided with correspondence from the applicants Solicitor confirming the following:
- The access track is not registered in anyone's ownership.
 - The applicant has a right of way over it, in accordance with their registered title.
 - A number of adjoining properties share similar rights of way over the land.
 - Where a road requires resurfacing, or either a private right of way requires re-surfacing, and the land owner will not carry out the works (or, as in this case cannot be found), then the owners of the land benefitting from the use of the access (whether singularly or as a group) do have the right to carry out these works.

Based on the above, officers are satisfied that in the event that planning permission is granted, the upgrade of this access could be secured by planning condition. Due to the present condition of the access, this condition should be in the form of a Grampian condition which prevents the start of the development until these off site works have been completed.

92. Due to the narrowness of the access road to the rear of Kent Avenue, deliveries to the site using larger vehicles, for example transit vans or supermarket delivery vans, would more than likely park on the public highway outside the nearest pedestrian access points to the development. This would present a highway safety issue. However, KCC Highways state that this can be mitigated by securing amendments to the current Traffic Regulation Order (TRO) for waiting restrictions, to include no loading/unloading restrictions for the site frontage. The developer has agreed to fund these and this can be secured by planning condition if permission is granted.
93. With regard to refuse collection, the collection vehicle would be stationary for some time. In terms of highway safety, KCC Highways advise that the refuse collection should occur to the north of the site where the refuse vehicle can wait in the inside approach lane to the roundabout. This is because this location would be a slower speed environment, and is least likely to cause obstruction. The refuse collection facility to serve the development has been positioned to the north of the site to accommodate this. The drag distance

from the refuse collection point to where the refuse vehicle will stop is within the required 10 metres.

94. The refuse collection point is located in excess of 30m of the refuse storage facility. This would result in a drag distance for residents of in excess of the 30m advocated by ABC's Design Guidance Note 1: Residential Layouts and Wheeled Bins. However, the agent/applicant has confirmed that the transfer of refuse from the storage facility to the refuse collection point will be the responsibility of the Management Company that will be established. In the interest of future residents, details relating to the establishment of this company can be secured by condition.
95. With regard to parking, each flat would benefit from one off street parking space each. This amount of parking would comply with the Council's Residential Parking SPD and emerging policy TRA3a of the Local Plan 2030. Cycle parking is also provided in accordance with policy TRA6.
96. As is evidenced in the preceding paragraphs, the application has been subject to consultation with Kent Highways and Transportation. In latest comments from KCC, they raise no objection to the proposed development subject to conditions.
97. Whilst it is noted that the DSE expressed reservations regarding the use of this access, for the reasons set out above, the proposed development is not considered to be harmful to highway safety and as a consequence, there are not considered to be any justifiable grounds for refusing planning permission on this basis. Furthermore, it is noteworthy that although development proposed under application reference 10/00527/AS, for a similar number of residential units (13) was refused, there were no grounds of refusal relating to highway safety or access issues.

Ecology

98. Policy EN31 of the adopted Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate.
99. Guiding Principles Policies CS1 (A) (D) and (K) of the Core Strategy identify objectives of ensuring protection of the natural environment and integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 of the Core Strategy specifically requires development proposals to avoid harm to biodiversity and geological conservation interests, and seek to maintain and, where practicable, enhance

and expand biodiversity. This is reflected also in policies HOU3a and ENV1 of the emerging Local Plan.

100. The site is previously developed land. However, the site does contain a number of trees suitable for breeding birds. All birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended). As such the developer is advised that the removal of any trees should be carried out outside of the breeding bird season (March to August Approx.) and if that is not possible an ecologist must examine the site prior to work commencing. If any breeding birds are recorded all works must cease until all young have fledged. An informative note can be added to any subsequent grant of planning permission to remind the developer of this.
101. In addition, since the original submission of this application, the ground foliage on site has matured and could support notable/protected species such as reptiles. That said, in terms of connectivity the site does not adjoin any habitats, buildings or land listed within Natural England's Standing Advice as being suitable for protected species. Consequently, I am satisfied that there is no requirement for survey's to be carried out prior to the determination of the planning application. However, in order to prevent any potential harm to notable/protected species, if planning permission is granted it is recommended that a condition is imposed requiring that a detailed precautionary mitigation strategy is produced by an experience ecologist. This can be secured by condition.
102. Subject to the recommended informative note and condition, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan, emerging plan and NPPF. In addition, and on this basis I am satisfied that the proposals can comply with the ecological criteria set out in adopted policy CS11 and emerging policies HOU3a (d) and ENV1.

Sustainability issues including SuDs

103. As of the 18th July 2016, the Council no longer requires planning applications for residential development to comply with Core Strategy Policy CS10 'Sustainable Design and Construction' (2008) or guidance contained in the Council's Sustainable Design and Construction SPD (2012). This position is primarily based on the Housing and Planning Act which received royal assent on Friday 13th May 2016. The Act brings an end to the aspiration to deliver

zero-carbon homes through the planning process, relying instead on building regulations to deliver energy efficient buildings.

104. The Council cannot propose planning policies that seek additional (to current building regulations) energy efficient or carbon reduction standards for new dwellings. It is therefore not intended to seek carbon off setting contributions through s106 negotiations.
105. However with regards to water efficiency the Council will require residential development to comply with emerging policy ENV7 'Water Efficiency' of the emerging Local Plan 2030 which sets out

'All new residential development must achieve, as a minimum, the optional requirement set through Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day'.

A condition will be imposed to deal with water efficiency.

106. The application is supported by a Drainage Statement (DS) dated 17 July 2018.
107. Based on the existing topography, the site drains overland towards New Street. Southern Water asset plans show there to be no public surface water sewers within the development site however there are a number in the surrounding area as follows;
- There is a 225mm diameter sewer running from the North to the South across the eastern part of the roundabout before connecting to a 300mm diameter sewer which drains to the East along New Street.
 - There is a 225mm diameter sewer running along Kent Avenue to the North of the site.
108. The DS confirms that the site is underlain by the Sandgate Formation made up of sandstone, siltstone and mudstone and as such it is not considered suitable for the use of infiltration.
109. The site has a total area of 0.12 hectares of which 0.07 hectares will be developed with impermeable area, with the remaining area being turned to green space. The Ashford Borough Council Sustainable Drainage SPD recognises the challenges of controlling runoff from small sites. If the standard run-off rate (4l/s/ha) is applied to small sites (< 0.25 ha) it can result in a very small discharge rate which is difficult to design for. Given the site is less than 0.25 hectares a maximum discharge rate of 2l/s has been applied.

110. The DS confirms that sustainable Urban Drainage (SuDS) techniques will be used to deal with the surface water drainage generated by the development. The DS states that this will replicate the existing drainage regime by dealing with the surface water at source, so as not to increase the risk of downstream flooding.
111. The DS states that surface water is to drain to a network of surface water sewers via gullies, rainwater pipes and channel drains before discharging into a new cellular attenuation tank located in the proposed car parking area. Flows from the attenuation basin are to be restricted to the a rate of 2l/s by a Hydrobrake flow control device before discharging into the existing sewer in New Street. The drainage system has been designed in Windes and has been designed to accommodate all storms up to and including the 1 in 100 year rainfall event plus a 40% allowance for climate change without flooding.
112. The proposed drainage scheme has been subject to consultation with Kent County Council (KCC). KCC state that the drainage scheme proposed within the Drainage Statement (17 July 2018) is sufficient for this development. KCC welcome the proposed use of a hydrobrake limiting the discharge into the surface water sewer of 2 litres a second. KCC state that as part of the detailed design stage they would expect confirmation of the cover level and invert level of the proposed cellular attenuation tank along with a full layout design of the drainage system. This detail can be secured by condition.
113. Overall, subject to conditions, I am satisfied that surface water can be managed in accordance with the requirements set out in the Council's adopted SPD. Based upon the strategy submitted I am also satisfied that the proposal will not worsen flooding on the site or on adjacent land. I therefore consider that the proposal would accord with the provisions of Policy CS20 of the core Strategy.
114. With regard to foul water, Southern Water asset plans show there to be no public foul sewers within the development site however there are a number in the surrounding area as follows;
 - There is a 225mm diameter sewer which drains to the East along New Street.
 - There is a 150mm diameter sewer running along Kent Avenue to the North of the site.
115. The DS proposes that the foul water from the development is collected in a system of gravity sewers discharging to the existing 225mm diameter foul water sewer in New Street. There are no plans to construct treatment works on the site, nor to discharge any effluent treated or not, to ground water. This

is considered to represent a reasonable approach and will ensure that adequate means of disposing of foul sewage is secured. The application has been subject to consultation with Southern Water who raise no objection to the proposed development subject to a condition to secure the final details of the proposed means of foul and surface water sewage.

Housing Mix and Affordable Housing

116. The application was received on 18 December 2017 prior to the Local Plan 2030 being submitted for examination. Consequently, for the purpose of assessing housing mix and requirements for affordable housing, greater weight is attached to policies CS12 and CS13 of the Core Strategy.
117. Policy CS12 of the Core Strategy states that affordable housing will be required on all sites where the scheme is for 15 units or more or has a site area in excess of 0.5 hectares. Neither criteria apply to this development, and so, there is no requirement for this scheme to deliver any on or off-site affordable housing contributions.
118. The tenure mix across the development comprises one studio flat, 5 x one bedroom flats and 8 x 2 bedroom flats. This represents a reasonable housing tenure mix for a town centre location and I consider it meets the requirements of policy CS13.

Planning Obligations

119. 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
120. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	<p><u>Children’s and Young People’s Play Space</u></p> <p>Project: Improvements towards Quantock Drive Play Area, : the provision of swings and safer surface.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as children’s and young people’s play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Ashford Local Plan 2030 Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children’s and young people’s play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2	<p><u>Informal/Natural Green Space</u></p> <p>Project: Improvements to the surfacing of the pedestrian entrances, at St Mary's Field: (including costs of the professional fees, for the design which is not infrastructure) . Including Professional fees</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
3	<p><u>Outdoor Sports</u></p> <p>Project: Contribution towards the costs of professional fees for the design of new/additional changing facilities for Courtside outdoor sports area at Stanhope, (which is not considered to be infrastructure)</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per C3 dwelling for future maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as sports facilities are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports facilities and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
4	<p><u>Strategic Parks</u></p> <p>Project: towards additional seating at (up to two benches) and necessary hard surfacing in Victoria Park.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
5	<p><u>Allotments</u></p> <p>Project: Improvements towards the parking area, security and access. at the allotments at Repton and Westrees,</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
6	<p><u>Libraries</u></p> <p>Contribution for additional bookstock at libraries in the borough.</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policy CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated based on the number of dwellings.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
7	<p><u>Health Care Provision</u></p> <p>Project: TBC</p>	TBC	Before completion of 75% of the dwellings	<p>Necessary to support the delivery of health services in order to continue to meet demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will increase demand on local primary and community health service and the local services would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
8	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p><u>£1000</u></p> <p>one-off payment</p>	<p>payment upon commencement of development</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>				

Human Rights Issues

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

Working with the applicant

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

Conclusion

123. The scheme is acceptable in principle providing 14 residential units and sufficient parking provision.
124. The original proposals have been amended and I consider the general layout and design is well designed and would result in a high quality development on a very small brownfield site.
125. I am satisfied that the proposals would not harm the setting of the adjacent conservation area and nearby listed buildings.
126. There would be no material harm to neighbouring or future occupier’s amenity, or highway safety. Any ecological impacts arising from the loss of habitat resulting from the re-development of this site can be mitigated through conditions imposed. In terms of flooding/drainage, I am satisfied that subject to conditions, the site can be developed in an acceptable way.
127. The proposed development accords with the Development Plan as a whole and the emerging policies in Draft Local Plan and the NPPF., which are both material considerations. In accordance with the NPPG a number of conditions detailed in the report above and below are required to ensure the development fully complies with policy. As such, I recommend that planning permission should be granted.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in table 1, in terms agreeable to the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit.

(B) Permit

Subject to the following conditions and notes:

Implementation

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

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

Compliance with approved plans

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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

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

Reason: In the interests of ensuring the proper planning of the locality and the protection of amenity and the environment, securing high-quality

development through adherence to the terms of planning approvals, and ensuring community confidence in the planning system.

Materials

4. Samples of all materials shall be provided on site for discussion with the Local Planning Authority. Thereafter written details of the agreed materials including source/ manufacturer and samples of all bricks, stone, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority within one month of the commencement of construction works and thereafter shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

External Fixtures & Equipment

5. Full details of the location, design, appearance and material of any external fixtures and equipment located on the building or sited within the car park shall be submitted to and approved in writing by the Local Planning Authority within three months of commencement of construction works. The details shall include anything above ground level including;
 - Lighting
 - Signage
 - Intercom System
 - Security, alarms or CCTV cameras
 - Post collection
 - Gas
 - Electricity
 - Water
 - Telecommunications
 - Cables & Pipework
 - Vents, grilles or flues

Thereafter the development shall be carried out in full accordance with these approved details.

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

6. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: In the interest of visual amenity and residential amenity.

Architectural Detailing

7. No development above ground floor slab level shall be commenced until the following details have been submitted to and approved by the Local Planning Authority in writing:-
 - (a) 1:20 scale details of eaves, coping and roof detail
 - (b) Details of any external rainwater goods.
 - (c) Boundary wall details including style, detailing and final finish colour of railings
 - (d) All proposed gates, including style, detailing and final finish colour
 - (e) Brick or stone laying patterns, mortar specification and colour
 - (f) All decorative brickwork
 - (g) Ragstone wall details to ground floor
 - (h) 1:10 and 1:20 details and sections of the window frames to residential units
 - (i) 1:20 details of the balconies including materials, balustrade, railings fixings and soffit's including the integral timber louvres act as privacy screens.

- (j) Details of the projecting section sufficient to show the frame and edges with confirmation that materials will neatly wrap continuously around the soffit/underside of the overhang, or details of a high quality alternative.
- (k) Depth of window reveals
- (l) External doors including to flats, cycle store and bin store.
- (m) 1:20 details of the location, set back, colour and specification of any expansion points or weep holes
- (n) Rooftop fixtures or equipment

Thereafter, the development shall only be constructed in accordance with the approved details and all approved details shall be retained unless any variations have been approved in writing by the Local Planning Authority.

Reason: Further details are required in order to ensure that the external fine detail of dwellings is of a high design quality.

Residential Amenity

8. The north facing bedroom and bathroom windows in units 3 and 5 and the east facing bathroom windows in units 11 and 13 shall be fitted with obscured glass (privacy level/grade 3 or higher) and shall be non-opening up to a minimum height of 1.7 m above internal floor level. This specification shall be complied with before the development is occupied and thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

9. No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) with no working activities on Saturday, Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with Policy CS1 of the Local Development Framework Core Strategy.

10. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from the A292 shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall thereafter be completed before the

approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

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

Cleaning & Maintenance Strategy

11. Before the development is occupied a cleaning maintenance strategy for all the external elements of the building shall be submitted to and agreed in writing with the Local Planning Authority. This shall include the different method and techniques of cleaning the different materials and frequency they are cleaned.

Reason: To ensure the building is maintained to a high standard.

12. Prior to the first occupation of any dwelling hereby permitted by any new owner(s)/occupier(s) the developer shall supply the new owner(s)/occupier(s) of that dwelling with comprehensive information on the management arrangements for the development. This information shall include:

- The Right to Manage (for leaseholders)
- Residents' rights under a management company
- Challenging a management company's mechanisms
- Challenging service charge levels
- The process for changing a management company

Reason: In the interest of the amenity of future occupiers and to ensure that the building and associated grounds are satisfactorily managed.

Community

13. Prior to any above ground construction commencing, details of how the developer intends to liaise with and keep local residents informed about the development for the duration of the construction period shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the details shall be implemented and maintained for the duration of the construction otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public engagement.

Highways and Construction

14. No development including any preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Management and Transport Plan shall include, but not be limited to the following:
- a) Routing of construction and delivery vehicles to / from site.
 - b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles including HGV's;
 - c) Details of areas for the storage of plant and materials;
 - d) Details of the form and location of any proposed temporary works compounds; and
 - e) a programme of works (including details of the timing of deliveries, measures for traffic management/signage);
 - f) details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;
 - g) details of proposed structures to be located within compounds and any proposed lighting (including measures to limit light spillage to the public any highway and to nearby residents),

The approved Management and Transport Plan shall be adhered to throughout the duration of the demolition and construction period.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interest of the amenity of local residents.

15. Before any construction commences a Scheme of Minimum Environmental Requirements for Construction (SMERFC) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall be implemented in accordance with the SMERFC. The matters to be addressed in the SMERFC shall include the following;-

- (i) Considerate Contractors / Code of Construction Practice,
- (ii) a method statement for any piling or other noisy construction activities, or the installation of any large static construction equipment such as cranes.

Reason: To ensure that the impacts of construction on adjoining areas are minimised for the benefit of the local environment and the amenities of nearby residents.

16. Vehicle parking spaces, shall be provided in accordance with details approved on drawing number P121-PL21 Rev C before any dwelling is occupied and shall thereafter be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenience to other road users, be detrimental to amenity and in order to compensate for the loss of existing on-road parking.

17. Prior to any works commencing on site (including vegetation clearance) a detailed design for the upgrade/resurfacing of the entire length of the vehicular access to the site shown hatched blue on drawing number P121-PL20 Rev A shall be submitted to and agreed in writing by the Local Planning Authority. No construction work shall commence on site until the vehicular access has been upgraded/resurfaced in accordance with the approved details. The vehicular access shall be maintained to a satisfactory standard thereafter.

Reason: In the interest of highway safety and the amenity of future occupiers and visitors.

18. Prior to the commencement of the development a detailed design for the provision of loading/unloading restrictions (Traffic Regulation Order) at the site frontage in a location and design to be agreed by the Local Planning Authority in consultation with Kent Highways and Transportation shall be submitted to and agreed in writing by the Local Planning Authority. Subject to the agreed design details obtaining formal approval from the Highway Authority no dwelling shall be occupied until the loading/unloading restrictions (Traffic Regulation Order) has been provided.

Reason: In the interests of Highway and pedestrian Safety.

Bin and Cycle Storage

19. The storage facilities for refuse shall be provided, in accordance with details approved on drawing number P121-PL21 Rev C before the use is commenced or any dwelling is occupied, and shall be retained and maintained available for use by the occupiers of the premises thereafter.

Reason: To ensure the permanent retention of cycle parking in the interest of promoting sustainable modes of transport, and to secure storage for refuse in the interest of visual amenity.

20. No development shall take place above foundation level until full details of the facilities to accommodate the storage of refuse on bin collection day has been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided prior to first occupation in accordance with the approved details and the facilities shall be retained and maintained thereafter and access thereto shall not be precluded.

Reason: To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

21. No dwelling shall be occupied until secure bicycle storage has been provided on site in accordance with details approved on drawing number P121-PL21 Rev C, P500143 P12-PL28. The secure bicycle storage shall be retained and maintained available for use by the occupiers of the premises thereafter.

Reason: To ensure the provision and retention of adequate storage facilities for bicycles to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

22. No apartment shall be occupied until the details identified below have been submitted to and approved by the Local Planning Authority in writing and subsequently provided (in accordance with the approval) available for use by the occupiers of the apartment block:-

- (a) details of secure access arrangements to the integral bin store, including opening / closing hardware (FB1 or FB2), stays or catches to lock double opening doors back in an open position at collection time, amenity lighting and hose down/cleaning facilities, and
- (b) details of secure access arrangements to the integral cycle store, nature of secure storage racks & anchoring points and amenity lighting.

Thereafter, unless the Local Planning Authority has given written approval to any variation, the approved arrangements in relation to (a) and (b) above shall be retained in working order.

Reason: No such fine details have been provided. The fine detail of these stores is important to ensure that the spaces are secure and safe for use.

Sustainability

23. Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

24. No dwelling shall be occupied, until it has been constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF.

Landscaping

25. Within 6 months of the commencement of construction works full details of both hard and soft landscape works on the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- proposed finished levels or contours;

- means of enclosure;
- car parking layouts;
- hard surfacing materials;
- areas of planting
- minor artefacts and structures (e.g. furniture, play equipment),
- lighting
- proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc);

Thereafter these works shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In order to protect and enhance the amenity of the area.

26. Within 6 months of the commencement of construction works the full details of soft landscape works required in condition **25** above shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) planting plans;
- b) written specifications (including cultivation and other operations associated with plant and grass establishment);
- c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- d) tree pits including root protection details
- e) an implementation programme.
- f) a landscape management plan

Thereafter these works shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area and to ensure its properly maintained in the interest of the amenity of the area.

27. All hard landscape works shall be carried out prior to the occupation of any part of the development and soft landscaping works shall be carried out within 6 months of the first occupation or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Ecology

28. Prior to any works commencing (including vegetation clearance) a detailed precautionary mitigation strategy and enhancement plan produced by an appropriately qualified ecologist must be submitted to and approved in writing by the Local Planning Authority. The submitted information must include the following:

- Details of species to be used within the enhancement planting
- Methodology to clear vegetation
- Time of year works are to be carried out.

The works must be implemented as detailed within the approved report

Reason: In the interest of ensuring the preservation of protected species and their habitat.

Drainage

29. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based on the principals within the Drainage Statement by DHA Environment dated 17th July 2018 and will demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme

shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within a timeframe agreed through an implementation schedule).

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

30. No part of the building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved in writing by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

31. No part of the building hereby permitted shall be occupied (or within an agreed implementation schedule) until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

32. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall then be carried out in strict accordance with the details approved and shall subsequently be maintained in accordance with these details.

Reason. To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

Contamination

33. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2.

Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (LDF Core Strategy Policy CS1 and CS4)

Note: For further information and technical guidance regarding the requirements of this condition applicants should contact the Borough Council's Environmental Protection Team (01233 331111).

Broadband

34. Prior to the first occupation, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

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

Note to Applicant

1. Working with the Applicant

Working with the Applicant

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

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

- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
 - The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
 3. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the

development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

5. The applicant is advised that due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
6. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.

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 17/00264/AS.

Contact Officer: Claire Marchant

Telephone: (01233) 330739

Email: claire.marchant@ashford.gov.uk

Annex 1

