

Application Number	17/01589/AS
Location	Land adj and rear of 5 and 7, Kings Avenue, Ashford, Kent
Grid Reference	600132 / 143019
Parish Council	None
Ward	Godinton Ashford
Application Description	Full Planning Application for Construction of Seven 2 bedroom apartments and a 2 bay car port
Applicant	Mr Simon Ross
Agent	John Harmer, JPD Architecture Ltd, Tower Farm House, Faversham Road, Ashford, Kent. TN25 4HT
Site Area	0.1706 hectares

1st Consultation

(a) 51/8R	(b) - -	(c) KF&R-X, HS1-X, SW X, KCCH&T-O, KCCEAS-O, KCCFRO-X, – EHP(ABC)- O, PDE(ABC) O,, TO(ABC)- X,
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2nd Consultation

(a) 51/8R	(b) -	(c) KF&R-X, KCCH&T-X, KCCBO-X, KCCFRO-X, ECE(ABC) – EHP(ABC) X, PDE(ABC) X,
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Introduction

1. This application is reported to the Planning Committee because it has been called in by Councillor Peter Feacey one of the Ward Members.

Site and Surroundings

2. The site lies approximately 600m from the town centre. Kings Avenue is a short street leading to the former Ashford Hospital site that was recently

redeveloped with 63 residential units. The site lies close to where Kings Avenue merges with Sackville Crescent on a street corner. Also close to this corner is a bus and taxi lane over a traffic controlled bridge leading over the railway into Carlton Road and the Carlton Road industrial estate. No other vehicles are authorised to use this link.



Site Location

3. The street scene is characterised by a mixture of two storey terraces and semi detached properties although there are some 3 storey properties close by. These mixed style dwellings are generally evenly spaced and set back similar distances from the road with a variety of roof forms and a mix of brick and render materials.
4. The application site is 92 metres long. It is 20m wide at the entrance and narrows to just 11m halfway back from the frontage. The site widens again towards the rear and varies between 23 and 26metres in width.

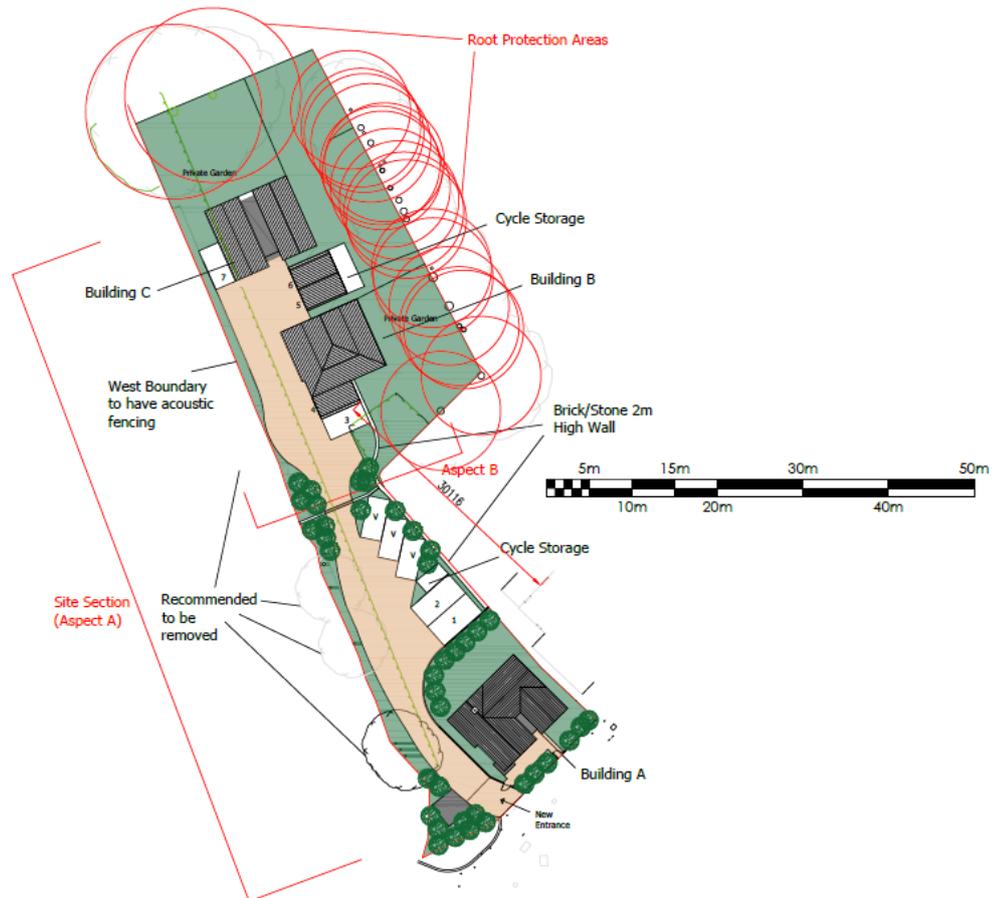
5. The site comprises an area of land to the south west of 5 and 7 Kings Avenue close to the entrance to Kings Avenue. These properties are a pair of semi detached dwellings. Along the western boundary of the site is the railway line set lower down an embankment.



6. To the north beyond a band of mature trees is an area of unused overgrown land with heavy tree cover to the rear of the houses fronting Chart Road. These houses are approximately 75 metres from the application site boundary.
7. The site slopes towards the rear of the site and it has been subjected to various works including some earth moving and what appears to be partly constructed foundations. A considerable amount of hard-core and debris is scattered across the site. Wild vegetation has started to colonise the site.
8. A considerable cluster of significant mature trees is situated along the north east and north west boundaries towards the rear of site. The majority of these trees are subject to Tree Preservation Orders. The canopies of these trees, largely on adjoining land physically extend across a significant part of the site and beyond its boundary. Mature planting continues strongly further north of the site, providing a wooded area to the south of rear gardens of properties facing Chart Road.
9. Along the south-west boundary adjoining the railway embankment a number of semi mature trees exist. Much of this vegetation is within the land controlled by Network rail and overhangs the site boundary but in some instances some trees encroach into the site. None of these trees are protected by TPO's.

Proposal

- Initially the plans proposed 9 units in two buildings with integral parking spaces and a double car port.



Proposed Site Layout

- Concerns over the scale, form, massing design and overlooking of private rear gardens meant that the scheme was amended to include two fewer residential units. The layout was also improved by breaking the massing down into 3 buildings rather than two with more external car parking.
- Full planning permission is sought for the erection of 3 separate main buildings. Fronting onto Kings Avenue is a pair of flats in a two storey building (building A).



Building A Elevations



Streetscene Building A

13. Then set back 36-37m behind this is a 2 storey detached property (building B) forming 2 x two bedroom flats.



14. Building C is set a further 7m behind building B that and is a 3 storey property consisting of a self-contained flat on each level.



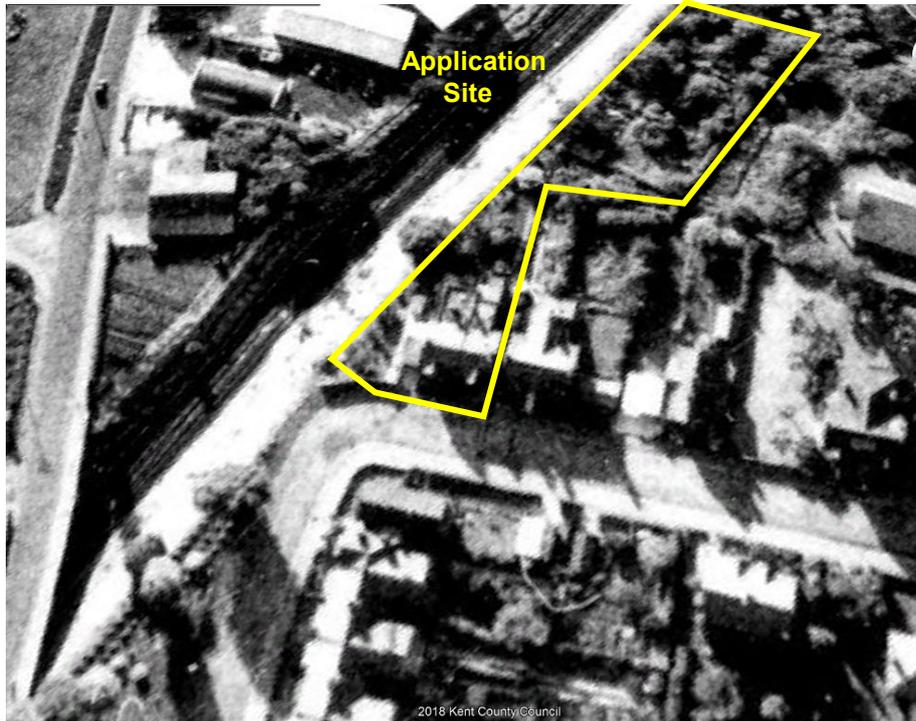
Buildings B and C



15. A linked and free standing car ports are proposed close to buildings B and C. The car port proposed to serve building A is to be replaced with 2 parking bays after concerns were expressed from a neighbouring resident over its proximity to rear windows.
16. The scheme includes proposals for an access road off which a total of 7 resident parking spaces are proposed in car ports as well as open bays. 3 visitor parking bays are proposed with a bin stores close to Kings Avenue. The site is proposed to be enclosed by boundary walls, acoustic fences and landscaping.

Planning History

Aerial photography from around 1960 appear to show a pair of dwellings with gardens containing various smaller structures at the front of this site and many trees to the rear part of the site (see photo 1 below)



This pair of homes still appear to be on the site in 1990 (see photograph 2 below) but were demolished around 2000 as part of the land acquisition associated with construction works for the Channel Tunnel Rail Link.



The recent planning history of the site is a key factor in that it clearly it sets parameters for consideration of the application.

In 2001 an Outline application ref; 01/01297/AS was submitted for a residential development of 4 dwellings. This application was withdrawn by the applicant.

The principle of residential development on the land is already accepted through the grant of outline planning permission 02/01272/AS for a residential development. A condition (3) was attached which restricted new buildings on the site only to the frontage to Kings Avenue.

This lead in 2002 to the submission of an application for the removal of a condition 3 restricting the position of new buildings (02/01840/AS). This was initially refused and subsequently subject of a planning appeal. The Inspector upheld the appeal and granted planning permission without compliance with Condition 3.

In 2005 Planning permission granted (allowed on appeal) for the erection of 9 dwellings including 1, three bedroom house, 7, two bedroom apartments and 1, one bedroom apartment with ancillary car parking and new access (05/00698/AS). This scheme was not built.

2006 - Planning permission granted for the erection of 2 dwellings (06/01158/AS). This was a two storey building comprising 2 two bedroom apartments with ancillary car parking and new access (land adjacent only).

In 2012 an application for Lawful Development Certificate was submitted (12/01297/AS) This application was seeking existing use operational development and lawful commencement of the erection of 9 dwellings comprising a one 3 bedroom house, seven 2 bedroom apartments & one bedroom apartment permitted under application 05/00698/AS. This was refused in 2015 and it was determined that the outline application had lapsed and the carrying out of operations on the site was unlawful in planning terms.

In 2016 planning permission was granted for the erection of 4 dwellings including a pair of two storey semi-detached houses, two 2 bedroomed flats, four garages, parking spaces, bin store and access road (12/00016/AS)

Consultations

17. Two rounds of consultation carried out to take account of the amended plans received.

Ward Members:

Councillor Heyes is a member of the Planning Committee but has commented as a local resident. His comments have been set out in the Consultees section below

along with the comments of other residents and the issues raised have been address in the assessment section.

Councillor Feacey has commented that he is concerned that the development is not in keeping with the area; it is an over intensive back land development and will have an impact on the amenity of existing residents. I have addressed these points in the Assessment section.

Councillor Feacey has also stated that he considers the parking provision to be inadequate and that it will impact on the neighbouring properties. There is a risk to the current trees and the TPO in force on the site. I have also addressed all these points in detail in my assessment report.

Councillor Feacey has highlighted that the closing date for comments on the website is the 25th October which would precludes going to the Planning Committee this month. This date was in error as it was an automatic default timescale of 28 days rather than 14 days for amendments. The correct date for comments was amended when this mistake was noticed. Councillor Feacey has pointed out that it was less than 10 days ago that the application was described incorrectly. The description of the application (reducing proposals from 9 to 7 residential units) was amended on 1st October. Any further comments received from residents will be included in an update Committee Report

Councillor Feacey felt that as far as he could ascertain that only the people who responded last time have been contacted for further consultation. Having checked our records all 51 people on the neighbours list contacted in October 2017 were reconsulted when amendments were submitted.

Councillor Feacey questioned whether the amendments should have been included in the weekly planning applications, but we do not list any amendments to live planning applications in the weekly list.

First round of consultation:

Neighbours - 8 objection letters were received which raised the following strong concerns

- Layout
 - trying to fit in to many units into what is a really small site
 - The scheme is far to large for such a small site
 - Hugely over developed.
 - Application 12/00016/AS 2 x 2 bedroom flats and a pair of semidetached houses with garages was more suitable for a plot of this size.
 - Constitutes backland development

- The density of 9 x 2 bedroom flats on this relatively small piece of land is excessive and would be highly detrimental to the amenity of the adjoining properties
- Please don't leave us with the fallout of squeezing homes into every spare plot
- Residential Amenity
 - object to balcony overlooking properties which is intrusive and covenants on the land may prevent this
 - flats will overlook neighbouring gardens.
 - height and topography of the flats means many of its windows will overlook neighbouring gardens.
 - The 2 flats at the front of the site stretch some way back along the Western Boundary and as a consequence are highly intrusive to adjacent existing properties
- Architecture
 - detailed a mish mash of materials not in keeping with other properties
 - there are no measurements of Building size and bulk and position on the site relative to my boundary
 - 2 and 3 storey flats it is out of keeping with the existing dwellings in the local area
 - there are no 3 storey dwellings in the vicinity
 - low quality design out of keeping
 - we do not need more flats near the town centre
- Access
 - entrance to the property is a hazard
 - The access road to the site is on a blind bend between Kings Avenue and Sackville Crescent together with the junction to the Godinton Road bus gate. This is most certainly a dangerous location to have such an access road.
- Parking
 - Abbey homes development has increased the traffic flow immensely
 - Increase from vehicles belonging to five houses to over SIXTY houses already in local area
 - parking for scheme is inadequate
 - local on street parking is already close to maximum.
 - plans to rework the old hospital in Kings avenue into flats will add more cars and work vans!
 - car parking spaces allocated will not be sufficient.
 - no visitor parking included
 - Another eighteen vehicles(in reality two cars per household)to enter and leave on such a dangerous bend is madness.
 - Will add to the traffic problems building up in the area especially as all the traffic from the estate on the old Ashford Hospital site converges onto an already congested Godington Road.

- Only one vehicle a time can pass along most of Godington Road due to parked cars. Therefore more dwellings and the extra flats, when the old hospital is completed will cause even more problems.
- Traffic safety problems during peak times when double decker buses are crossing the skinny bridge and on refuse collection days.
- Parked cars cause obstructions to buses
- No provision for refuse vehicles to enter and turn (which is already a problem on Kings Avenue
- An extremely dangerous entrance and exit on an a virtually blind Right angled corner and road junction, the traffic levels have increased
- A total of 9 off-road parking spaces provided for 9 x 2 bedroom flats is grossly inadequate.
- This site is not in the Town centre but is in rather more of a suburban location. This low level of parking provision will cause overspill parking in an area which already has chronic parking problems due to the lack of off-road parking.
- Completely wrong for this no through road.
- There is a strong likelihood that the proposals would increase difficulties for Parking and the flow of traffic on Sackville Crescent and Kings Avenue. Road Markings should be put in to slow down traffic moving from Kings Avenue into Sackville Crescent.
- Please maximise opportunities to create additional visitor parking on the proposed site. Perhaps next to bay 3?
- Are there any opportunities to create additional parking space on Kings Avenue and Sackville. Please don't leave us with the fallout of squeezing homes into every spare plot.
- Landscaping
 - no mention of tree protection for my trees on my boundary which are covered by preservation orders ie root protection and any pruning required,
 - No details of boundary fencing or screening.
 - excessive size of the block of 7 flats proposed on the rear of the plot means they are very close in proximity to the North, East and South boundaries which will compromise the viability of the protected trees
 - an arboreal report has not been submitted which is completely unacceptable when one considers the amount of trees on this site.
- Contaminated land
 - Japanese knotweed in existence
- Construction
 - construction will be obstructive to residents on Kings Avenue (and progress will be slow if Abbey Homes are doing the building.) More building so close by is dangerous, and too disruptive to the residents.
- Reliability of applicants
 - Carried out unauthorised works on site

- Have left excavated soil on root protected zones of protected trees.
- Owner tried to build without party wall planning agreement
- Unlikely to build within the planning guidelines from previous experience

Kent Highways & Transportation

Raised objections to proposals that could be addressed by amendments. Their concerns were;

- Lack of visibility splays marked on the plan.
- Lack of information on size of access road and pinch points.
- Does a refuse truck need to enter the site.
- Can a fire and rescue truck access the site.
- Need a fixed bound surface for first 5 metres of the site
- Need details of measures to prevent the discharge of surface water onto the highway
- Size of the car parking spaces.
- Size of the car ports
- Lack of 6m reversing spaces
- Lack of cycle parking storage

Kent County Council – Ecological Advice Service Biodiversity Officer

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development.

Habitats and features, including trees, rough grassland and scrub, are present on and around the site that could offer opportunities for protected species. As such, a preliminary ecological appraisal must be undertaken, along with any recommended specific species surveys. All surveys must be carried out with the results and any necessary mitigation proposals submitted to inform the determination of the application.

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. In addition to securing any necessary mitigation measures, we advise that Ashford Borough Council should seek to ensure that ecological enhancement measures are incorporated into the landscaping proposals.

High Speed One - No comments to make on the application.

Southern Water – Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. They requested an informative be added relating to this.

They suggest a condition is added to any approval for the scheme seeking the approval from the LPA and Southern Water in writing of a foul and surface water sewerage disposal before construction commences.

Advice on what to do if an existing public sewer was found on the site during construction was set out along with a request to discuss any such matters with them directly.

KCC Flood Risk Officer, Flood and Water Management – No comments.

ABC Environmental Health Practitioner

Contaminated land – (Nov 2017) – I have looked at some of the history of the site and note that a Desk Top Study in terms of potential contamination was undertaken under Planning Ref: 12/00016.

At this stage I would also wish to recommend conditions E023 and E026 are applied to any permission granted in regards to contaminated land investigation. I acknowledge that the Desk Top Study part of condition E023 has been satisfied by the report submitted under 12/00016 should the applicant wish to use this. The Desk Study identifies that the site is adjacent to, and formed part of the historic brick works, which has subsequently been infilled. It also mentions the use of the site for the storage of vehicles. As such; recommendations are made for further investigation, which would be necessary in order to fully satisfy condition E023.

Noise Assessment - The boundary of the site is 7m from the railway line. As such; I would recommend that, in regards to both noise and vibration, a comprehensive noise and vibration assessment(s) is conducted by a competent acoustic consultant(s) to assess the suitability of the site for residential development and to subsequently advise on design for the construction of the new proposed building. This will enable me to make informed comments in terms of the impact of noise and vibration on the proposed development.

It is unclear how an acoustic barrier is the mitigation needed without carrying out a noise assessment first? Was a noise assessment that was submitted earlier that was missed? If so, I'd recommend they submit it under this ref. for consideration. (In order to determine the suitability of an acoustic barrier there would need to be some sort of noise assessment at some point down the line). If they have not, I would recommend that they submit an assessment in accordance with BS 8233:2014.

ABC Project Delivery Engineer

A 'holding objection' is requested on the above application with further information requested from the applicant with respect to the management of surface water for the site, there currently appears to be no information submitted.

The site is currently undeveloped, given the potential constraints surrounding the site, number of dwellings proposed and expected ground conditions (which typically

do not favour infiltration to ground) a conceptual surface water management plan / drainage strategy is expected to be submitted to conclude there is a viable, policy compliant solution prior to determination. This is requested to confirm that surface water flood risk will not be exacerbated as a result of the proposed development, thus ensuring there is no increase in flood risk on, or off site.

The existing site is undeveloped and therefore an increase in surface water runoff will occur from the site unless appropriately managed, this should be based upon the principles of the Ashford Borough Council Sustainable Drainage SPD (Policy CS20). Given that the site is currently undeveloped within the proximity of the Town Centre it is expected that the discharge rate for the site does not exceed 4l/s/ha, due to the size of the development this is likely to be limited to the 'small sites' rate of 2l/s (as defined within Ashford Borough Council's Sustainable Drainage SPD).

Ground conditions in the area appear to be "Hythe Formation", which typically has variable rates of infiltration, there also appears to be a surface water sewer on the corner of King's Avenue & Sackville Crescent (Should this method of disposal be chosen then permission would be required from the statutory undertaker). In accordance with the Ashford Borough Council Sustainable Drainage SPD discharging to ground is preferable where viable. It is recommended that should infiltration methods be proposed for discharging surface to ground that sizing of any soakaways are determined (at least at a sound conceptual stage) before determination of the application, this can have an impact on layout if not considered adequately at this stage. Where infiltration to ground is proposed evidence supporting the design should be provided, any on site infiltration testing should be undertaken to BRE Digest 365 methodologies. Due consideration should also be given to water treatment whenever discharging to ground, best practice should be used as per the CIRIA SuDS Manual (C753) guidance.

It is recommended that the application is not determined until a viable, policy compliant (CS20) sustainable surface water drainage strategy has been proposed for the site.

Please re-consult once further information is submitted.

ABC Tree Officer – It was felt that the development is of a density that the tree-related concerns are not an objection issue. Using drawing JPD/280116/002 Rev C, I note that the RPAs are not impinged by the development and there is enough separation to provide for useable garden spaces. We would require a Tree Protection Plan which we can condition if you wish.

Second round of consultation:

Neighbours

7 representations were received objecting to the scheme. The following additional reasons for objecting were submitted;

- Layout - it seems the buildings at the rear of the site have been placed more towards the railway and it is still over development of a relatively small area.
- Layout – site is over developed
- Residential Amenity – this is sensible and sensitive for the site and its neighbours.
- Residential Amenity
 - the house adjacent to my property severely overhangs and takes away my right of natural light
 - The 2 flats at the front of the site stretch some way back along the Western Boundary and as a consequence are highly intrusive to adjacent existing properties.
 - why we should have to put up with the noise and fumes that this would cause which runs alongside my property or move the carport further down where it does not impact with noise and fumes directly outside our bedrooms and our wetroom
- Architecture - the houses are definitely not in keeping
- Highways
 - if a waste lorry can't access the site then nor can a fire engine.
 - there have been various accidents or near misses when the cars turn into Kings Avenue
 - The access road to the site is a dangerous situation on a blind bend between Kings Avenue and Sackville Crescent together with the junction to the Godinton Road bus gate, where buses plus taxies converge with local traffic This is a very dangerous location to have such an access road.
- Parking
 - concern is that people will be parking on Kings Avenue adding to the problems of parking already on our road Car barn - the carport is now located opposite our wet room window
 - A total of 7 off-road parking spaces provided for 7 x 2 bedroom flats is grossly inadequate.
 - This site is not in the Town centre but is in rather more of a suburban location. This low level of parking provision will cause overspill parking in an area which already has chronic parking problems due to the lack of off-road parking.
 - I do not see why that the cars cannot park out on the street the same as we have to.
- Refuse collection – If the collection vehicle can't access the site then all the bins will be left outside the site for collection causing more congestion.
- Contamination - Japanese knot weed problem is getting worse with no attempt to keep the site clear
- Tree Protection
 - Due to the excessive of amount of development proposed on the rear of the plot there are serious issues in connection with the development's close proximity to the North, East and Southern boundaries. Consequently

the viability of the numerous trees which have Tree Preservation Orders on the North and East boundaries would certainly be compromised.

- The arboreal report mentions how the TPO trees T7 and T8 could be damaged. Although the most significant threat is to the TPO trees G9.
- I quote from the arboreal report –

“ 2.2.1 G9 The Root Protection Area for these trees can be visualised as a straight line running parallel with the eastern boundary of the plot. For tree protection, it would be sensible to work on the largest of the trees, meaning an area should be protected that measures 7 metres wide from the centre line of the largest tree stems. This clearly has implications for the design of the buildings, as they would fall within the protected area. Techniques such as pile and beam foundations must be used. Digging with machinery must be avoided within the Root Protection Area. Any digging that is unavoidable should be done by hand, and no roots over 25mm diameter should be severed. An arborist should be on site to ensure any root pruning that is unavoidable is done correctly. Access around the footprint of the building and within the Root Protection Area should only be permitted if a 100mm compressible layer of wood chippings, covered by 50mm thick boards is installed. A temporary incursion into the RPA will be permitted for piling machinery only, with the machinery supported on boards over a 100mm layer of woodchip. After this stage, the fencing should be reinstated as close to the 7 metre RPA as possible, whilst also allowing for pedestrian work access. Tree protection fencing should be carried out to BS 5837. Figure 3- G9, the line of Hornbeam and Ash trees. If the above measures are taken, then the only direct work that is required to the trees would be to crown lift to 10 metres to allow space for the roof ridge. Any arisings produced by this process should be offered back to the owner of the trees. Permission would be required from the owner of the trees to access their property in order that the trees can be climbed for this process. In the long term, this line of trees in its current form will require regular inspections and maintenance owing to current congested branch structure that has been a result of the management techniques used in the past. Crown lifting alone would allow the development to physically fit in the proposed area along with the tree line. However, there would be ongoing issues with leaves blocking gutters, and the requirement for regular pruning of regrowth. Subject to local authority approval and from the owner of the land, it may be decided that returning the line of trees back to a hedge of 1.8 metres high would be a better option for management in the long term.”

- To reduce the height of the crown of these trees is bad enough but to cut down the G9 line of protected trees to make a hedge is totally unacceptable.
 - These trees are very important to the amenity of this area as they have the effect of screening the garden of no 9 and the back of the new part of Kings Avenue from this proposed development.
 - Consultation - To date this application hasn't gone out to full public consultation as it has not been published in the Weekly Planning Applications. The only residents that have informed are ones who made representations on last application in 2017. This omission should be rectified and the consultation period should be extended accordingly
-
- Concerned where the adjacent property will overhang my property which will take away our right to light ,
 - Officer has declined to visit site for again (complaint registered)
 - the plans measurements are incorrect which you can clearly see
 - the measurements have been amended since the last application but I cannot see how this is and have no confidence in the plans considering they conveniently have not measured from the end of my property
 - I assumed your service was not biased and have doubts whether this is true especially as you have had input of the design.
 - I asked you about the access which majority of residents all confirm is a danger but you chose to not respond which I find a little disturbing considering the volume of cars that you are trying to shoe horn into this development and tight turn on a bend which is an accident waiting to happen, I would like to know as to how you can support this and why you do not take this into consideration?

Consultees

Kent Fire & Rescue

From the submitted plans it appears that the access to the site for the Fire & Rescue Service is inadequate.

- Due to the length of travel distance on the access road (approx..75m) and the dead-end conditions a turning circle needs to be available for the pump appliance with a minimum radius of 16.8m.
- The access road to the proposed development requires a minimum width of 3.7m and no less than 3.1 in width at any pinch point on route so our appliance can access the building site. Trees derailed on the plan may encroach the access and are only highlighted as recommended for removal not confirmed.
- The road base (hard standing) must also meet the minimum weight load capacity requirement for our appliances. See point 4 attached below.

- Alternatively the installation of a domestic sprinkler system in the dwelling will increase the distance of Fire Service access to 90 metres.

If both the proposed buildings B and C on the plan are provided with domestic sprinkler systems then the access for Kent Fire and Rescue Service under the County of Kent act 1981 Section 53 would be considered satisfactory.

Kent Highways & Transportation

Following confirmation from Kent Fire & Rescue that they are ok with sprinkler system rather than rescue vehicles driving onto the site and provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Parking and turning areas for construction and delivery vehicles and site personnel
 - (b) Provision of wheel washing facilities
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Provision and maintenance of the visibility splays shown on the submitted plans JPD/280116/002S Rev F with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces and car ports shown on the submitted plans JPD/280116/002M Rev C and JPD/280116/09 Rev E prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

High Speed One - No further comments received.

ABC Environmental Contracts & Enforcement

A bin store would be required at the spot highlighted in the plan presented to me (close to site access). This would achieve maximum bin haulage requirements for 1100L wheelie bins. The RCV will be able to service from the front of the premises assuming vehicles are not blocking access.

The bin store will need to be able to house at least 2 x 1100L bins. We would use one for refuse and one for recycle. We would also provide a 140L wheelie bin for food waste collection and provide small silver caddies to each unit. The bin store needs ramped access to facilitate easy movement of the bins. Doors need be wide

enough to ensure manoeuvring is without risk of pinching or crushing the handler. Bin dimensions do vary but are fairly consistent in dimensions, so recommend the designer observe this.

ABC Environmental Health Practitioner

Contamination - Regarding contamination the “phase 1 or Desk top study” is fine and indicates that further investigation is necessary. So the earlier condition is redundant as the desk top study is complete and I don’t disagree with it, E023 and E026 should now be applied acknowledging that point 1 of E023 has been addressed by the earlier desk studies submitted i.e. they can move onto the intrusive investigation. This can be covered by condition.

Noise Assessment –

I have had a look and would make the following observations:

- The monitoring was undertaken over a 24hr, weekday period only. A longer period of monitoring would have been preferable to increase confidence in the results being representative of the noise conditions at the site.
- Glazing has been specified, on the basis of the survey, which provides a reasonable level of attenuation generally.
- Recommendations have been made that the noise barrier should be at least 1.8m high, but as the external areas are reported to be subject to levels of 55dB without the barrier – the upper recommended level for external amenity space – no further details have been included. 50dB is the desirable level for external amenity space, and given the limited monitoring undertaken, and the inherent uncertainty this creates, I would wish to see the noise barrier installed as proposed (I believe the product details were also supplied previously).
- It is unclear whether the weather conditions were measured for the entire monitoring period or only at the beginning/end, which again could increase uncertainty in the results.
- Having visited the site I noted that it was generally quite quiet. The trains passes and buses using the adjacent bridge are notable noise sources above the general background.
- Meeting the noise criteria on 3 of the 4 facades, is reliant on closed windows, where opening windows will result in exceedances of the criteria, this is not unusual for busy/town centre locations and is not usually an issue for purge ventilation. As such some detail of potential acoustic ventilation has been provided.
- In summary, the proposals appear reasonable, however the outlined uncertainties with the data collected remain. The applicant must ensure that the ventilation scheme provided ensures that occupants can achieve “thermal comfort” (which is beyond the requirements of the building regulations) without the need to open windows for extended periods of time which would then expose them to potentially harmful levels of noise. I would ask that the barrier is installed as proposed.

We note that the proposed development and its future occupants may be affected by noise from the railway. As such we would request the application of condition and a scheme to protect the development from those noise sources.

Kent County Council – Ecological Advice Service Biodiversity –Officer

I've re-reviewed the information we have available to us and there is a need for ecological information to be provided. The ecological information will enable us to fully understand the ecological interest of the site and what mitigation is required and therefore understand what the ecological impact of the proposed development is.

As I'm sure you are aware all surveys should be carried out prior to determination of the planning application to ensure that ABC can fully consider the impact on protected species when determining the planning application. This is supported by paragraph 99 of the OPDM circular 06/2005 which states:

“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

We highlight that the paragraph does continue and state the following:

The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

We advise that the decision to condition ecological surveys is a planning matter and not an ecology matter.

However to enable you to fully consider the impact on protected species while making your decision we provide the following information:

The 2017 aerial photos indicate that the site is a mixture of short grassland/scrub and mature trees – as such there is potential for protected/notable species to be present including (but not limited to) reptiles and breeding birds.

A review of previous aerial photos indicate that the management of the site has varied over the years and during a 10 year period it has been completely cleared, densely overgrown with scrub and a mixture of bare ground/scrub. Therefore over the period the habitat has not remained continuously optimal for reptiles but due to the connectivity to the surrounding area there will have been opportunities for reptiles to re-establish within the site. This view is supported by ecology scoping surveys carried out within the surrounding area which have identified that the wider area has potential to be utilised by reptiles. We highlight that until the relevant surveys have been carried out it is unknown if reptiles are present and therefore what the reptile populations will be.

Therefore we advise that if ABC are considering granting planning permission they must acknowledge that it is very likely that protected/notable species are present on site and due to the site layout it is unlikely that any onsite mitigation can be implemented.

There will be a need for the following condition to be included if you are considering granting planning permission:

Prior to works commencing a detailed ecological mitigation strategy is submitted to the LPA for written approval. It must include the following information:

- Preliminary Ecological Appraisal;
- Recommended specific species surveys
- Overview of the mitigation required
- Detailed methodology to implement the mitigation
- Maps showing off site receptor site – including agreement with landowner
- Timing of the proposed works
- On going monitoring

The mitigation must be implemented as detailed within the approved bat mitigation strategy.

KCC Flood Risk Project Officer, Flood and Water Management – No comments.

ABC Project Delivery Engineer

Whilst the additional information provided would not be considered acceptable against the either current national (NPPF) or local (Ashford Borough Council Sustainable Drainage SPD) policy, given the layout of the site, it is considered that a policy compliant solution is likely to be achievable without increasing on or offsite flood risk, therefore the holding objection is removed.

It should be noted that the design standard should be to the 1:100+20% climate change critical storm, with a test at 40% (as per national policy), or to the 1:100+30%CC as per the Ashford SPD. Pumped solutions are only ever considered as a 'very last resort' where it has been categorically proven that a gravity solution is unable to be provided. It is acknowledged that the site falls away from King's Avenue, however it is recommended that at detailed design (DoC stage, should permission be granted) that a gravity solution is sought, which may be achieved by investigating other recent development within this area where new infrastructure has recently been constructed.

Surface water attenuation solely reliant on tanks and pipes is against core policy requirements (CS20) of the SPD and it would be expected that an alternative form of storage is sought at the detailed design stage; it is noted that no permeable surfaces / storage beneath the access road is currently being proposed within the design and this may be a method the applicant would wish to consider at detailed design.

Should the application be granted permission is it recommended that a surface water drainage condition is attached.

Planning Policy

18. 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.
19. 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.
20. On 13 September the Council commenced consultation on the main modifications to the draft plan.
21. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

EN31	Important Habitats
EN32	Important trees and woodland
HG5	Housing
TP6	Cycle parking
LE9	Maintenance of Open Spaces

CF6 Standard of Construction

CF8 Renewable energy

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

U10 Former Ashford Hospital

U24 Infrastructure Provision to Serve the Needs of New Development

22. The following are also material considerations to the determination of this application.

Ashford Local Plan to 2030 (Submission Version December 2017)

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
HOU3a	Residential windfall development within settlements
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
HOU18	Providing a Range and Mix of Dwelling Types and Sizes
EMP6	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

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

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

23. 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:-
24. 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)”

25. 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

26. The key planning issues in this case are

- 5 Year Housing Land Supply and status of the emerging development plan.
- Is the principle of the proposed development acceptable?

- Is the scale, siting and design of the development suitable for this site and does it preserve the visual amenities of the street scene.
- What is the impact of the development on the residential amenities of the nearby dwellings?
- Does the development make adequate provision for the parking of vehicles within the application site?
- Do the proposals adversely impact on highway safety and does the development makes adequate provision for the parking of vehicles within the application site.
- What is the impact on the trees on the site?
- What is the effect on other significant planning issues relating to refuse, ecology, contamination and noise?

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

27. At the time of submission of this application, the Council recognised that it was unable to demonstrate a 5 year supply of housing.
28. 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 Councils 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.
29. 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.
30. 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.

31. 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.
32. The emerging Local Plan policies should now be afforded weight in the planning balance.

Is the principle of the proposed development acceptable?

33. The development is located within the confines of Ashford where the principle of new housing development is acceptable in broad policy terms. It is a brownfield site that has previously been partly developed and contained what seems to be a pair of semi-detached dwellings with large rear gardens until they were demolished in the late 1990's or early 2000's.
34. 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 wind-fall 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."

35. The new dwellings would be within walking distance of the town centre and rail station and located close to existing bus stops and other local amenities. The homes will therefore be accessible to other forms of transport other than

just private vehicles and the site would therefore represent a sustainable location suitable for this type of housing.

36. 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.
37. Furthermore given the planning history for this site it has been previously considered that a residential use of this site would be acceptable in principle for up to 9 residential properties.
38. The proposed layout is a sensible and efficient use of land at a comfortable density estimated at approximately 35-40 dwellings per hectare. The density of the housing block to the north adjacent to the site is estimated at approximately 35-40 dwellings per hectare. The block opposite the site defined by Kings Avenue, Sackville Crescent and Western Avenue is also estimated at approximately 35-40 dwellings per hectare. I am satisfied the density of the scheme is appropriate to the local area.
39. I am satisfied that there have been no further significant changes in Development Plan policy since 2012 approved scheme on the site that would otherwise make the development unacceptable in principle.
40. The site is not designated in the emerging draft Local Plan 2030 but the draft emerging policy HOU3a (Residential windfall development within settlements) 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 I consider it makes a positive contribution to the local character of the area.
41. I regard the principle of the use of the site for residential to be acceptable in policy and design terms. The principle of this high quality development in a sustainable urban location is therefore supported

Visual Amenity - Is the scale, siting and design of the development suitable for this site and does it preserve the visual amenities of the street scene?

42. The layout of building A at the front of the site has been designed to reflect the layout and pattern of development of the adjoining area which is largely characterised by semi-detached or terraced dwellings with small front gardens and rear gardens. This building politely fronts onto Kings Avenue and would follow the pattern and existing building line which would be entirely appropriate for the streetscene.

43. Buildings B and C are located to the rear part of the site and would have a more of a rear courtyard or mews style appearance which typical of many more established urban parts of Ashford. I consider that this will create a new place with and strong identity which will add to the distinctive character of the place.
44. I am satisfied that the design and appearance of building A at the front of the site would be in keeping with the housing in Kings Avenue. It would be a strong asset to the streetscene on this prominent corner. I am satisfied that Building A has a general appearance of a 'corner' detached house character and turns the corner well.
45. The detailing of the building appears to gain inspiration from the character of other residential development fronting Kings Avenue which mainly comprises Victorian and Edwardian detached and semi-detached houses in a variety of styles. The design proposes to interpret this traditional appearance skilfully in a contemporary 21st century style with interesting front gables, decoration and external detailing and quality brick and render materials. I welcome this approach and commend the architect for it.
46. I do not a consider pastiche traditional design to be acceptable on this site. Modern buildings of this nature have to be built to modern building requirements, construction techniques and internal space standards which inevitably means the fine detailing is extremely difficult to match or replicate and the end result often looks clumsy and unconvincing.
47. Buildings B and C are clustered in a group lying much further back from the road in a discrete setting on lower falling ground. Being to the rear of the site the form and appearance of these buildings are designed to be more subservient and simpler than main frontage.
48. This is a traditional characteristic and typically these type of rear buildings consisted of simpler and less decorative detailing to their facades. The proposals involve more weatherboard style cladding and brickwork with contemporary glass and metal balcony detailing. This design approach is strongly supported and in this setting I consider it very acceptable for the proposed development to create its own internal sense of place around a semi-enclosed semi private courtyard mews of 2 and 3 storey buildings. It is very pleasing to see the proposals include a striking building style and form that is intending to use high a quality palette of materials and I have no doubt this will create a high quality place to live with a very distinctive character.

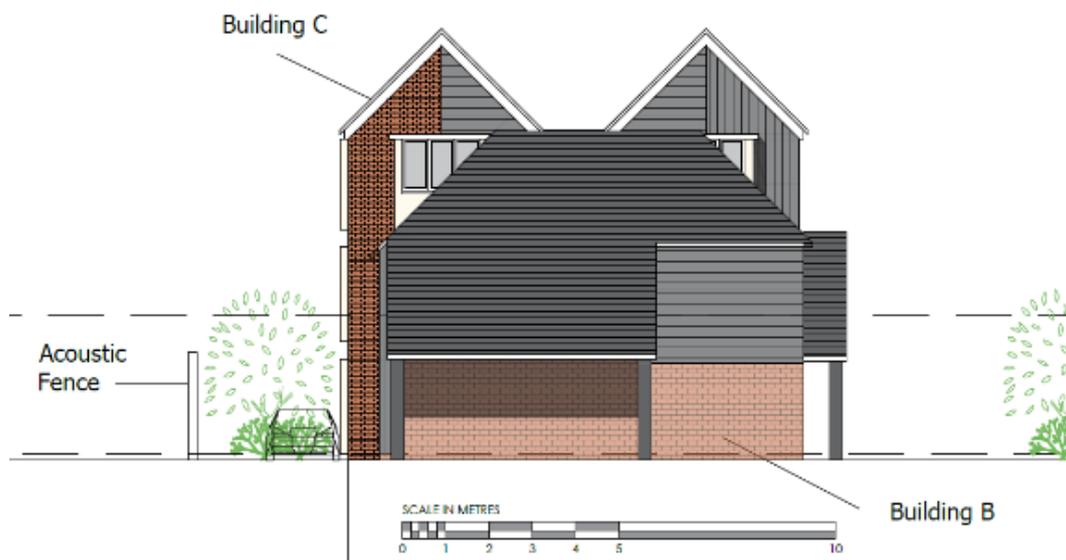
49. Building B is 2 storeys and building C is 3 storeys. The scale of the buildings at a mix of 2 and 3 storeys would not be out of scale with the streetscene and rest of the neighbourhood. I consider that building A conforms with the height and scale of the neighbouring buildings fronting this part of Kings Avenue. I am comfortable with the principle of Building C having a 3 storey form in this location as it does not harm the residential or visual amenities of the locality. 3 storey buildings are found in many parts of the town and especially in areas close to the town centre.
50. The design and detailing of all buildings is of a high quality and would use a coherent and consistent palette of materials appropriate for the area. including red bricks, render and a slate based material.
51. The siting of these buildings properties are rather similar to previous proposed schemes on the site and would provide a suitable sized private garden area for the occupiers and would not represent an overdevelopment of the site
52. The proposed garages and car barns would represent subservient outbuildings to the dwellings that they would serve, would not be significantly different from those previously approved in terms of design and siting and would be constructed from appropriate materials that would be in keeping with the context of the area.
53. In light of the above, I am satisfied that the design and form of the development would reflect the character of the existing street scene and would not be harmful to the visual amenity of the area. The design of the buildings are of a high quality and I fully support the architecture and its detailing.
54. I therefore consider that the scheme would be in accordance with the aims of policies HG5, CS1, CS9 SP1, SP6 and HOU3 and emerging local plan policies SP1, SP6, ENV13 and ENV14, that require good design and state that all development should seek to create a distinct character, with a strong sense of place and identity. The proposals are also consistent with the NPPF which highlights the importance of the design of the built environment.

Residential Amenity - What is the impact of the development on the residential amenities of the nearby dwellings?

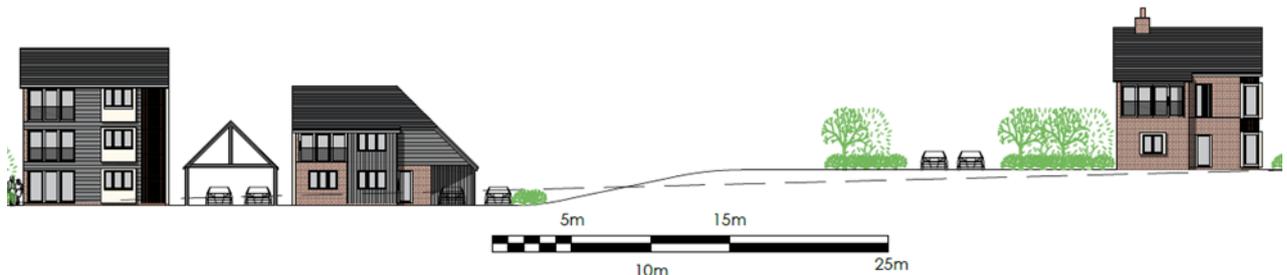
55. The two flats proposed in building A would be located adjacent to number 5 Kings Avenue. The depth of the footprint of this building would closely match the depth of the existing dwelling at number 5. I have visited this neighbouring property to look at the position of windows to habitable rooms and I am

satisfied that building A will not have a detrimental impact on sunlight, daylight outlook or privacy of the residential amenity in the two storey section of No 5 of the dwelling or its rear projecting wing. There could be some very limited, angled views from the first floor rear habitable rooms towards the rear wing and garden patio area at No 5 but this situation would not be untypical of what is commonly found in urban areas.

56. Following comments from the neighbour at 5 Kings Avenue, a double car port to the rear of building A has been omitted as the residents were concerned by its relationship to an extended part of their property which they used as a room for the dedicated care of their disabled son. The applicant was willing to comply with this suggestion and has subsequently amended the plans to replace the double car barn with 2 car parking spaces.
57. Despite initial concerns with balconies in the original scheme for building B and C amendments have been secured to ensure sure no first floor balconies are proposed to the flats.
58. The proposed flats in building B would be located approximately 30 metres away from the neighbouring dwellings at the closest point. The entire side elevation of unit B deliberately contains no side windows facing south eastwards towards.



59. The proposed windows in the south west elevation of Building C, are orientated towards the rear of properties 5, 7 and 9. However the distance between the properties and building C is over 45m. Building B lies in-between and almost totally obscures any views between the existing neighbouring properties and the south east elevation of building B. Some of the protected trees also lie between these dwellings. The back section of the site is stepped and set considerably lower than the houses.
60. Given the distances, the levels, the landscaping and only a minimum number of windows I am therefore satisfied that buildings B and C will not result in any privacy or overlooking of the properties 5, 7 or 9 Kings Avenue.
61. Windows to the first floor in the rear north east elevation of building B and the first and second floors of building C look towards the very far end of a very long extended rear garden serving 9 Kings Avenue. However, given the protected trees, other landscaping lying between these areas, and the very generous size of the garden of this property, I am satisfied there will be no detrimental impact on the residential amenity of this far garden area of no. 9 Kings Avenue.



62. The recently built dwellings on the former hospital site are over 30 metres away from buildings B and C and there will be no detrimental impact on the privacy of these dwellings.
63. A 1.8 metre high close boarded fence or wall with further landscaping would obscure the ground floor windows to building A, B and C proposed facing the boundaries to the gardens 5, 7 and 9 Kings Avenue.
64. The proposals feature 5 resident and visitor parking spaces close to the rear boundary of 5 Kings Avenue. The proposals include a 1.8m high brick wall and landscaping along this edge to prevent any potential disruption from lights, noise or fumes from vehicles being parked in these spaces. I am satisfied that the parking arrangements will have no significant adverse impact on the residential amenity of this garden area of no, 5 Kings Avenue.

65. Along the entire west boundary that adjoins the railway line cutting, a substantial acoustic fence is proposed to protect the residential amenity of the residents of the proposed dwellings. This was required by previous applications on the site and I support the principle of its inclusion. The details of the height and appearance of the acoustic fence will be dealt with by condition in response to the issues raised in the noise survey.
66. I am satisfied that the ground floor residents will have access to private gardens but some communal garden space is required for the other flats in blocks B and C. I intend to deal with the segregation of the garden areas by condition. Parts of the garden areas would be shaded by the nearby trees but these trees act as a pleasant leafy backdrop and views from the flats as well as screening to recent development slightly elevated on the former hospital site. It would be a matter of choice for future potential residents whether or not to live with these conditions (and in such proximity to the railway line) and in my view these drawbacks do not represent sufficient grounds for rejecting a scheme which is otherwise acceptable.
67. In light of the above and taking into account the aforementioned distances between buildings, I am satisfied that the proposed development would not result in overbearing development or harmful overlooking and as such would not be harmful to the residential amenity of the occupiers of the neighbouring dwellings.
68. Turning to the future occupiers of the dwellings themselves, the room sizes and accommodation to be provided would comply with the essential and advocated residential space standards.
69. Whilst the development would be close to the railway line, a 3 metre high acoustic fence is proposed along the railway boundary which should assist in reducing noise and disturbance from the railway for the occupiers of the new dwellings as well as improving the situation for the occupiers of the existing nearby properties.
70. In conclusion the proposed buildings in the scheme either lack windows facing nearby dwellings or are too far away from those houses to cause any significant overlooking or loss of privacy. The walls and landscaping close to the parking spaces are sufficiently protect against any disruption and the acoustic fences will mitigate any noise form the railway. Overall, I do not consider that the proposals would have any materially adverse effect on the living conditions of residents at Nos 5, 7 and 9 Kings Avenue.
71. My initial calculations of the scheme indicate that the proposed flats are in accordance with the national space standards. However without specific

breakdown of internal room spaces it is not precisely clear. These details are awaited to confirm the internal accommodation complies with the National Space Standards. The application will be subject to the provision and agreement of this information.

72. Balconies and generous amounts of glazing will provide residents with plenty of natural daylight and sunlight into the buildings internally. The size of the balconies are compact but adequate given the amount of private or communal amenity space that is available.
73. Based on the above I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers and that it is in accordance with the aims of paragraph 127 of the NPPF which states that planning decisions should seek to create a high standard of amenity for existing and future users.

Highways & Parking – Do the proposals adversely impact on highway safety and does the development make adequate provision for the parking of vehicles within the application site?

74. A number of highway issues required discussion and the provision of more information to ensure they were to the satisfaction of Kent Highways & Transportation.
75. The proposed access has good visibility in both directions along Kings Avenue and Sackville Crescent. The proximity of the proposed new access near to the bus bridge leading into Carlton Road is not considered to be a safety issue as this junction benefits from traffic lights and users of Kings Avenue have priority at this junction.
76. Confirmation was secured to ensure the provision and maintenance of visibility splays measuring 43metres x 2.4metres x 43metres at the access with no obstructions over 0.6metres above carriageway level within the splays. These will be covered by condition and will help ensure they will be provided prior to use of the site commencing. The design of the development keeps the visibility splays free from obstruction. The internal shared surface access road width is generally a minimum of 3.7m wide is acceptable and will allow vehicles to pass comfortably at low speeds. The pinch-points will not be less than 3.1m acting as natural traffic calming features. This is good practice in terms of balancing the needs of road users with the aim of creating an attractive place.

77. However overall I consider that the proposals are in accordance with the views of Kent Highways & Transportation and I am satisfied that the development would not be harmful to highway safety.
78. The provision of 7 dedicated resident car parking spaces with 3 dedicated visitor parking spaces proposed would be sufficient to serve a development of this size and is in accordance with the Council's adopted parking standards. In my view the provision of 9 spaces is compatible with the national approach to parking provision in a suburban area reasonably close to the town centre with public transport nearby. There is no concern from Kent Highways over the loss of one on street parking bay In Kings Avenue
79. Car barn sizes and parking bay sizes have been amended to ensure they meet ABC Parking standards with 6m reversing spaces also secured for all these areas.
80. Adequate cycle stores with clear 1m wide access to the entrances are proposed and these routes will be safeguarded to ensure the cycle stores are easy to use.
81. A condition will require a bound surface for the first 5 metres of the access from the edge of the highway along with measures to prevent the discharge of surface water onto the highway.
82. Due to the site constraints preventing the option for a turning space for large refuse vehicles a kerb side refuse service within easy pull distance of the bin store at the front of the site has been agreed with ABC Environment Services team.
83. Kent Fire and Rescue service initially raised concerns over the tight access road and difficulty in reaching buildings B and C. As the proposals cannot provide the turning circle their vehicles require to enter the site, it has been agreed with Kent Fire & Rescue that the development will have to ensure the installation of a domestic sprinkler system.
84. I am satisfied with the proposed highways and parking arrangements on the site. In light of the amendments and clarifications sought by Kent Highways I have recommended some highway and parking conditions to ensure the development does not result in harm to highway safety.
85. I am satisfied the proposals are in accordance with policy CS15 of the Core Strategy relating to traffic and highways. Kent Highways and Transportation have been consulted and they raise no objection to the proposed development since Kent Fire & Rescue have confirmed they are happy with a

sprinkler system to each residential unit and distances involved. A suitable condition has been submitted.

Trees - What is the impact on the trees on the site?

86. The site contains a number of mature trees which are covered by a series of Tree Preservation Orders. The siting and levels in the proposed development have been carefully considered in terms of whether or not the development encroaches into the root protection areas, and it is concluded that it does not. On the whole the works proposed would not be harmful to the trees although some tree maybe be lost along the edge of the railway line boundary.
87. The remainder of the trees are to be retained. Any further works to trees could be required by a planning condition in order to mitigate concerns and protect the trees. A detailed landscaping scheme will be required to ensure new planting is provided in the correct places and of sufficient quality to enhance the visual amenities and character of the place.

Other Planning Issues - What is the effect on other significant planning issues relating to refuse, ecology, contamination and noise.

88. **Refuse** – The principle of the kerbside collection point is acceptable and further details will be covered by condition to ensure the size and design is of a good quality and sufficiently well landscaped. Following consultation with ABC Environmental Services the bin store will need to be able to accommodate the following -
- 2 x 1100L bins (one for refuse and one for recycling).
 - a 140L wheelie bin for food waste collection
 - a small silver caddies to each unit.
 - The bin store needs ramped access to facilitate easy movement of the bins.
 - Doors need be wide enough to ensure manoeuvring is without risk of pinching or crushing the handler.
 - Bin dimensions do vary but are fairly consistent in dimensions, so recommend the designer observe this.

I fully support the proposed approach to waste and refuse for this development subject to the further approval of details by condition.

89. **Ecology**

90. No significant biodiversity/wildlife issues were raised on previous applications for the site. KCC Biodiversity team normally require ecological information to be provided prior to the determination of the Planning Condition. I requested this from the applicant some months ago but they were not inclined to provide this information as they felt this was not previously an issue on the site. The applicants have indicated the site has recently been stripped of all vegetation excluding the trees. Therefore it is my view that it is very unlikely any protected species will remain on the site other than bats.
91. KCC Biodiversity accept the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances.
92. There have been ongoing discussions with KCC Biodiversity Officer's, and although the site has been stripped and contains no buildings on it, no ecological surveys have been carried out and therefore it's unknown what species, if any, are present currently and what could be present by the time works commence). Therefore its unclear what the impacts the proposed development will have on protected/notable species I have concluded that a protected species mitigation condition is the best option to cover both the submission of the information and the implementation of any mitigation measures to be carried prior to the commencement of development.
93. **Noise from Railway Line** - An acoustic barrier was previously recommended through conditions on applications in 2012, 2006 and 2002 for the south-west boundary alongside the railway line. It is not apparent whether a noise survey was submitted on these applications as there are no copies evident on the case files. The previous schemes on the site indicate the acoustic fence would be close to the railway line boundary and they were required to either 2.4m up to 3 metre high. It seemed to have been required in reducing noise and disturbance from the railway for the occupiers of the new dwellings as well as improving the situation for the occupiers of the existing nearby properties.
94. The impact of noise has now been assessed for the proposed residential development. It concluded that the development site is exposed to moderate levels of external environmental noise during both the daytime and the night-time periods .A noise mitigation scheme has been recommended for the new dwellings which it is considered will provide sufficient noise attenuation to meet the required internal acoustic standards outlined in BS 8233 : 2014.
95. On balance the site is generally quite quiet and the proposals appear reasonable. Whilst there are some minor uncertainties with the data collected

provided a 1.8m acoustic barrier is installed and an acoustic ventilation scheme to ensure occupants can achieve “thermal comfort” is installed then the development is considered acceptable in close proximity to the railway.

96. A condition is therefore proposed requiring details of a scheme for protecting any approved dwellings from noise from the railway. The condition will cover the precise location, size, and appearance of the fence and need for landscaping of this fence will therefore be conditioned. The fence details will need to be agreed with Environmental Health. It is also important to ensure it is in keeping with the area and adds distinctiveness to the scheme.
97. There is also a need for an acoustic ventilation scheme and any necessary changes to the specification of windows on the development can be covered by condition if necessary.
98. **Contaminated land** - This is a brownfield land and there is mention from residents of there being Japanese Knotweed on site. Following discussions with ABC's Environmental Practitioner based on the planning history and previous survey work a condition will be attached to cover further contamination issues and will require the agreement of further details of surveys prior to the commencement of development.
99. **Sustainability & Drainage Issues**- 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.

The drainage has been subject to consultation with Ashford Borough Council (ABC) Drainage Engineer who is satisfied with the arrangements. It is acknowledged that a gravity solution to surface water drainage is appropriate, which may be achieved by investigating other recent development within this area. An alternative form of attenuation storage is to be sought at the detailed design stage; and permeable surfaces is a method the applicant should consider at detailed design. Surface water drainage conditions are attached. I am satisfied that a surface water drainage option can be agreed in accordance with the requirements set out in the Council's adopted SPD. Based upon the strategy submitted it's clear that the proposal will not worsen flooding on the site or on adjacent land to ensure it accords with the provisions of Policy CS20 of the core Strategy.

Southern Water have raised no objection to the proposed development subject to a condition to secure their approval of the final details of the proposed means of foul and surface water sewage.

Human Rights Issues

100. 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

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

Conclusion

102. The scheme is acceptable in principle providing 7 new homes in an attractive environment with an acceptable level of parking provision.
103. The original proposed development was amended to ensure the layout, form, scale and appearance was well designed and in order to secure a high quality distinctive contemporary development on a previously developed brownfield site.
104. There would be no adverse impact on neighbouring or future occupier’s residential amenity, or highway safety.
105. The proposals accord with the Development Plan as a whole and the emerging policies in Draft Local Plan and the NPPF which are material considerations. Conditions are set out in detail in this are required to ensure the development fully complies with policy and in accordance with the NPPG.
106. I recommend that planning permission should be granted.

Recommendation

(A) Subject to the receipt of gross internal space information from the applicant to comply with National Standards to the satisfaction of the Local Planning Authority, approve 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 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, unless otherwise agreed by the Local Planning Authority.

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 approved 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 land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

Materials

4. Samples of all materials shall be provided on site for discussion with the Local Planning Authority. Thereafter written details including source/ manufacturer, and samples of bricks, roof tiles and cladding materials to be used externally, including details of final surface finish of areas of hardstanding, shall be submitted to and approved in writing by the Local Planning Authority before the development reaches slab level and the development 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;
 - a. Lighting
 - b. Signage
 - c. Intercom System
 - d. Security, alarms or CCTV cameras
 - e. Post collection
 - f. Gas
 - g. Electricity
 - h. Water
 - i. Telecommunications
 - j. Cables & Pipework
 - k. Vents, grilles, extractor fans, stacks or flues
 - l. Meter boxes

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

Reason: In the interests of visual amenity and to ensure a high design standard that would enhance the appearance of the area and 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, fascia's, chimney and roof details
 - b. Details of any external rainwater goods.
 - c. All boundary wall details including materials and detailing
 - d. All proposed gates, including style, detailing and final finish colour
 - e. Brick or stone laying patterns, mortar joint specification and colour
 - f. All decorative brickwork
 - g. 1:10 and 1:20 details and sections of the windows showing frames and depth of reveals including all projecting bay window sections
 - h. (h)..1:20 details of the balconies including materials, balustrade, railings fixings and soffit's.
 - i. (j) External doors including to flats, cycle store and bin store.
 - j. (k) 1:20 details of the location, set back, colour and specification of any expansion joints or weep holes
 - k. (l) 1:20 details of all joins between cladding, brickwork, render, tile hanging and decorative brickwork

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.

8. The carports/carbarns hereby permitted shall remain open to the front elevation and no means of enclosure or doors shall be erected / inserted without the prior approval of the local planning authority in writing.

Reason: In the interest of visual amenity and highway safety.

Residential Amenity

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no further windows shall be created at first or second floor level in the south-east facing elevation of Building B or Building C whether or not permitted by Article 3, Schedule 2, Part 1 of that Order without the prior permission of the local planning authority in writing.

Reasons – In the interest of residential amenities.

11. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from the Railway Line 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.

12. Prior to the commencement of the development hereby approved, full details of an acoustic fence barrier, to be erected along the entire south west

boundary of the development site adjacent to the railway, including details of its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority and once approved this shall thereafter be installed and permanently retained.

Reason: In the interests of preserving the residential amenity of the locality.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other Order or any subsequent Order revoking or re-enacting that Order, no further development whether or not permitted by Article 3 and Schedule 2 Classes A and E of that Order shall be carried out without the prior permission of the Local Planning Authority in writing.

Reason: Further development, either by extension or a new building within the residential curtilage may conflict with development plan policies.

14. A plan showing the segregation of the two dedicated garden areas to ensure all properties have access to either a large shared communal garden or a dedicated private garden area of no less than 25sq metres per unit shall be submitted to and agreed in writing with the Local Planning Authority within 3 months of the start of construction. The plan should demonstrate that access to the gardens from the flats is convenient and of a good standard and must ensure not impact on the privacy of the ground floor flats by respecting the windows to these dwellings.

Reason: In the interests of privacy and residential amenity

15. The details of the automatic sprinkler systems required by Kent Fire & Rescue Unit to be fitted in all 7 flats shall be submitted to and agreed in writing to the Local Planning Authority and shall be installed before the first occupation. The sprinkler system shall thereafter be retained and maintained unless previously agreed in writing by the Local Planning Authority.

Reasons – In the interest of safety of the occupiers of the buildings.

Cleaning & Maintenance Strategy

16. 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. .

17. 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:

- a. The Right to Manage (for leaseholders)
- b. Residents' rights under a management company
- c. Challenging a management company's mechanisms
- d. Challenging service charge levels
- e. 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

18. 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

19. The visibility splays shown on drawing number JPD/280116/002S Revision F, shall be kept free of obstruction in excess of 0.6metres in height above the carriageway edge and shall be provided at the access before the development commences and the splays shall be so maintained at all times.

Reason: In the interests of highway safety.

20. The proposed access roads foundations/substructure, surface materials, kerbs, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, carriageway gradients, and street furniture shall be laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority before construction begins. The access should demonstrate its capable of accommodating the weight of a Fire & Rescue vehicle and the first 5metres of the site must consist of a fixed bound material.

For these purposes, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, and method of construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of consistency and to allow proper consideration of the impact in highway terms

Parking

21. The area shown on the drawing number JPD/280116/002 REV E as access, vehicle parking space and car ports shall be provided before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this designated parking spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

Construction

22. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

23. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The

approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

24. 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.

25. 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.

26. 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

27. Full details of the size, materials, designs of the storage facilities for cycle and refuse shall be submitted to and approved in writing, before any dwelling is occupied, and shall be retained and maintained available for use by the occupiers of the premises thereafter.

All stores will need level access from Kings Avenue and may need to be ramped up to the entrances if necessary to facilitate easy movement of the cycles and bins. Doors need be wide enough and to open to allow ease of movement.

The bin store will need to be house at least 2 x 1100L bins and a 140L wheelie bin for food waste collection. The size and design of the cycle stores needs to be in accordance with Kent Highways standards.

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

28. 1m wide access routes from the access road to both cycle store entrance doors shall be provided before the development is occupied and shall thereafter be kept free from any form of obstruction at all times.

Reason: To ensure the permanent retention of cycle parking in the interest of promoting sustainable modes of transport.+

29. 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.

Sustainability

30. 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.

31. 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

32. 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.

33. Within 6 months of the commencement of construction works the full details of soft landscape works required in condition **32** 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.

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.

Protected Trees

34. Prior to the commencement of the development the protective fencing and geotextile membrane shall be erected around the protected tree root protection areas and in accordance with the BS5837:2012 before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to prevent damage to the trees on the site.

35. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction

- (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) Digging with machinery must be avoided within the Root Protection Area. Any digging that is unavoidable should be done by hand, No roots over 25mm diameter shall be cut. An arborist should be on site to ensure any root pruning that is unavoidable is done correctly.
- (e) No buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- (f) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- (g) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.
- (h) Access around the footprint of the building and within the Root Protection Area should only be permitted if a 100mm compressible layer of wood chippings, covered by 50mm thick boards is installed.
- (i) A temporary incursion into the RPA will be permitted for piling machinery only, with the machinery supported on boards over a 100mm layer of woodchip.
- (j) Construction techniques of the properties should seek to use pile and beam foundations unless otherwise agreed in writing with the local planning Authority

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan. It is not considered to be reasonable to use conditions as an alternative to Tree Preservation Orders to secure long-term protection of trees.)

36. No development shall take place until a schedule of tree surgery has been submitted to and approved in writing by the Local Planning Authority. The tree works should be specified with reference to BS: 3998 – Recommendations for

Tree Work. The tree works approved shall then only be carried out in accordance with the approved specification unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of tree preservation and amenity.

Ecology

37. Prior to works commencing a detailed ecological survey and mitigation strategy for protected/notable species shall be submitted to the LPA for written approval. It must include the following information:

- Preliminary Ecological Appraisal;
- Recommended specific species surveys where necessary
- Overview of the mitigation required
- Detailed methodology to implement the mitigation
- Maps showing any off site receptor site – including agreement with landowner
- Timing of the proposed works
- On going monitoring

The mitigation must be implemented as detailed within the approved mitigation strategy.

Reason - To protect the existing population of any protected or notable species and to improve the habitat for such protected or notable species on the site.

Drainage

38. Prior to the commencement of the development, details of surface water drainage works shall be submitted to and accepted in writing by the Local Planning Authority, these shall be designed in accordance with the principles of sustainable drainage & the Ashford Borough Council Sustainable Drainage SPD. The works shall be carried out and maintained in accordance with these details.

No development shall commence until plans and particulars of a sustainable drainage system for the disposal of the site's surface water has been submitted and accepted by the Local Planning Authority. It must be demonstrated that the surface water generated by this development can be accommodated and disposed of without an increase in on, or off-site flood risk. The detailed drainage scheme shall 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 at 2l/s (Small sites rate) without an increase to flood risk on or off-site.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type, frequency and responsibility for maintenance). The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

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

39. No part of the buildings 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.

40. 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.

41. 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.

Land Contamination

42. The development hereby permitted shall not be begun until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency.

Following the satisfactory completion of a desk-top study identifying and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, the scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications based on the submitted desk top study.
- The requirements of the Local Planning Authority for site investigations have been fully established, and

- The extent and methodology have been agreed in writing with the Local Planning Authority.
- Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.
- A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person.
- No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.
- Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

Reason: To control pollution of land or water in the interests of the environment and public safety. Note: For further information and technical guidance regarding the requirements of this condition applicants should contact the Borough Council's Environmental Protection Team (01233 330227).

Reporting of Unexpected Contamination

43. 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 **33** (Land Contamination) and where remediation is necessary a remediation scheme must be prepared in accordance with requirements agreed in advance with the Local Planning Authority. 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

Broadband

44. 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

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required.

- add a brief statement as to how the applicant/ agent responded to our initial contact, and if appropriate, how we dealt with the case thereafter? ie. "...the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted/ the amended plans did not address all the outstanding issues, and permission was refused..."
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2 Public foul and surface (Southern Water)

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 .

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 .

3 Highways

INFORMATIVE: 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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries> 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.

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 17/01589/AS.

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