

<b>Application Number</b>	18/01168/AS	
<b>Location</b>	Kent Wool Growers Ltd, Brundrett House, Tannery Lane, Ashford, Kent, TN23 1PN	
<b>Grid Reference</b>	01316/42484	
<b>Parish Council</b>	None	
<b>Ward</b>	Victoria (Ashford)	
<b>Application Description</b>	Demolition of existing buildings (except Whist House) and redevelopment to provide a total of 244 residential units including four apartment buildings and works associated with the restoration of Whist House to provide a 4-bed dwelling. All together with associated areas of new public realm, hard and soft landscaping, parking, plant and storage and access works.	
<b>Applicant</b>	U+I (Ashford) Limited c/o Agent	
<b>Agent</b>	Lichfields, 14 Regents Wharf, All Saints Street, Islington, London, N1 9RL	
<b>Site Area</b>	1.19 hectares	
(a) 31/1R	(b) -	(c) EA/X, KCCH&T/X, KCC-IED/X, ABC-EH/X, HE/X

## Introduction

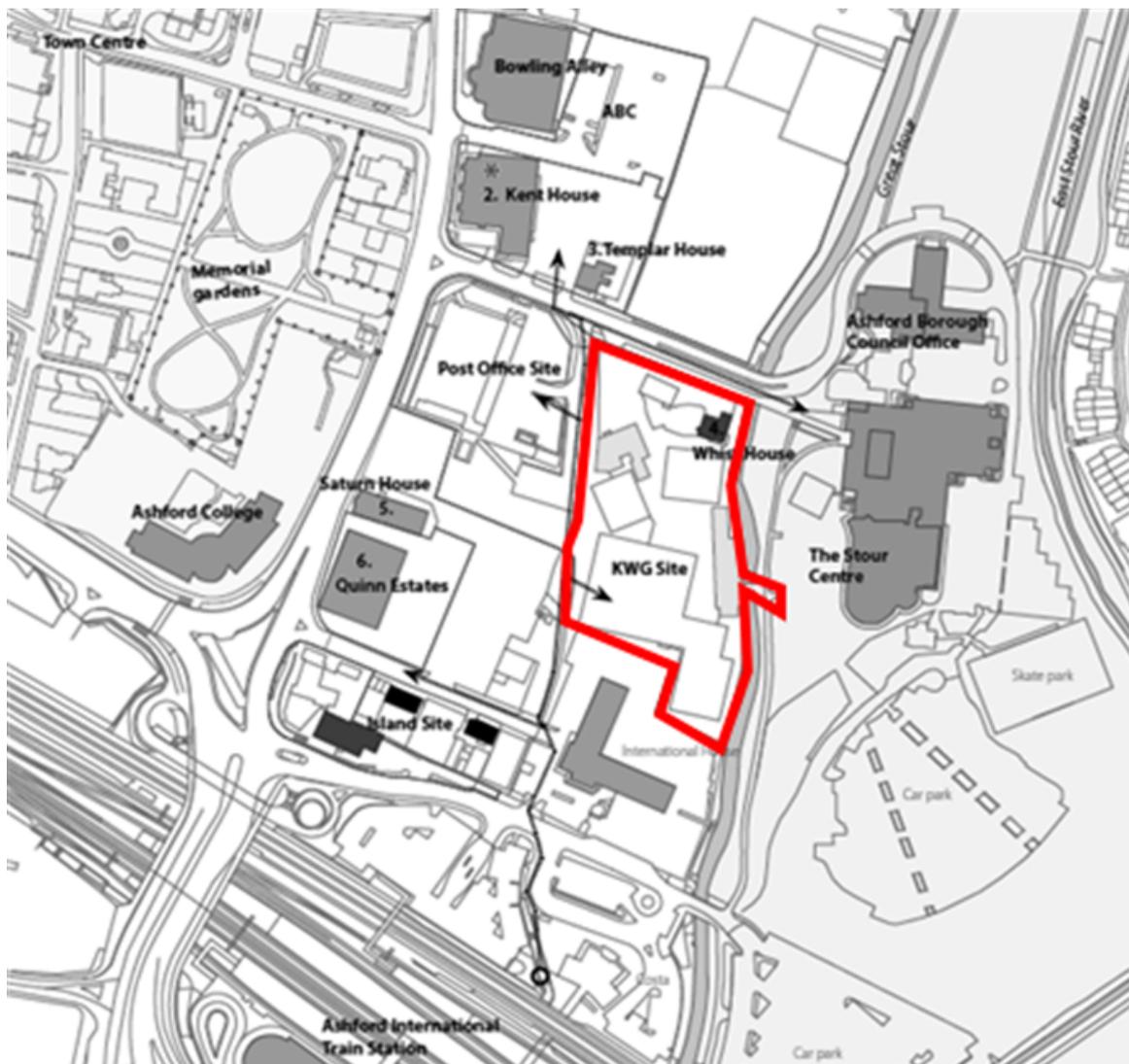
1. This application was reported to the January Planning Committee where it was deferred for Officers to seek amended plans to come back to Committee on the following grounds
  - reducing the density & size of the development
  - increasing parking provision,
  - further examination of the highway impact at the junction of Tannery Lane and Station Road.
2. A copy of the original report can viewed by clicking on the following link  
<https://ashford.moderngov.co.uk/documents/s4970/18-01168-AS-MC.pdf>

3. And the update report to that Committee is at <https://ashford.moderngov.co.uk/documents/b10270/Update%20Report%2016th-Jan-2019%2019.00%20Planning%20Committee.pdf?T=9>

The associated proposals for Whist House conversion was covered by the listed building application report (ref 18/01256/AS) which was also deferred. This application is reported back later on this agenda.

### Site and Surroundings

4. Please refer to original planning application report.



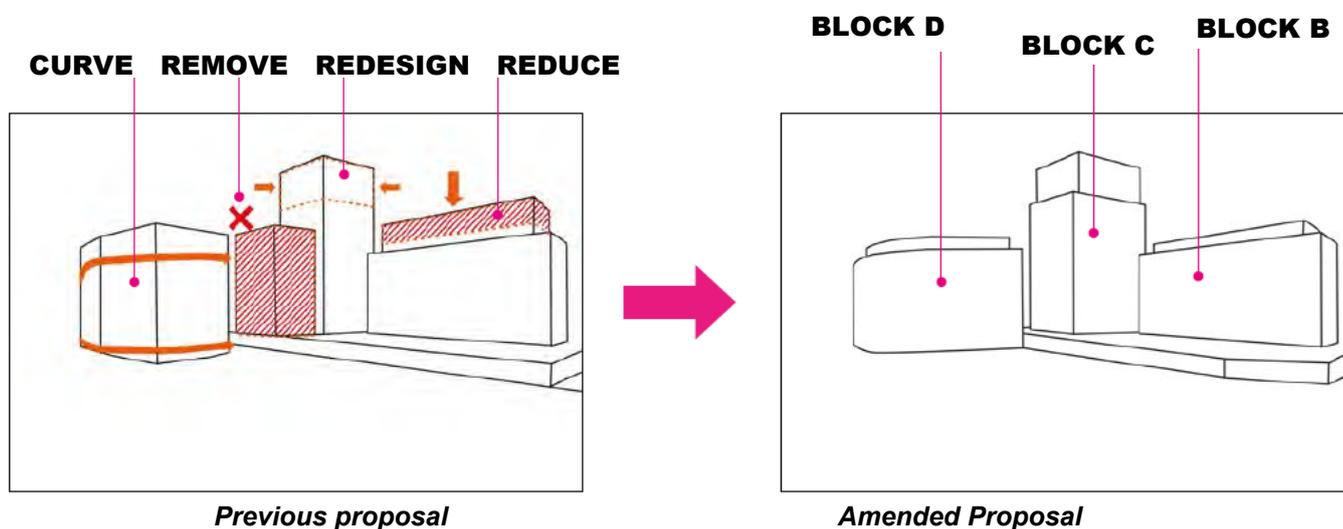
## Proposal

Amended plans and details have been submitted and the key design changes include:

- Reduced number of residential units (reduction 255 to 244 units, including Whist House). The residential mix has been amended to provide a higher proportion of 2-bedroom apartments. The revised mix comprises 28% 1 bedroom, 69% two bedroom and 3% three bedroom apartments. Whist House is proposed to be restored to provide a 4-bedroom house.
- The proposed changes to the number of units across the site are as follows;

<b>Block</b>	<b>Jan 2019</b> <i>(no of units)</i>	<b>Current Proposals</b> <i>(no of units)</i>	<b>Change</b> <i>(no of units)</i>
Block A	32	<b>32</b>	0
Block B	58	<b>54</b>	-4
Block C	80	<b>67</b>	-13
Block D	84	<b>90</b>	+6
<b>Total</b> (exc. Whist House)	254	<b>243</b>	-11

- Revised building heights and massing, to three of the four blocks
  - Block A - unchanged
  - Block B – Reduced by one storey in height, with a maintained set-back top storey. The range of materials have been simplified.
  - Block C – The form of Block C is proposed to be altered through the removal of the lower eight storey element to the east and set back of the upper three floors by 750mm. A typical lower floor will now provide five residential units. The upper three floors provide four units per floor.
  - Block D – The form has been altered by curving the north elevation and extending the building to the west. The top floor is proposed to be set-back approximately four metres from the north and east elevations and three metres from the south and west elevations. The stepped massing and revised form reduces the mass of the block. The distance between Block C and D has narrowed to approximately 9metres. Some of the materials and architectural detailing has changed.



**Proposed Change to Massing (Blocks B,C and D)- viewed from Stour Centre direction**

- Access and Parking – The revised proposals include for the provision of 17 additional car parking spaces thus increasing the number of parking spaces from 178 spaces to 195 spaces overall. This increases the car parking ratio from 0.70 to 0.80 car parking spaces per unit (including No. 8 visitor spaces and No. 2 spaces for Whist House). Access to the site remains from Tannery Lane but the access to undercroft parking areas has been amended to provide a continuous parking area beneath Blocks B, C and D.
- Open Space & landscaping - An increased amount of public open space and landscaping – The revised massing of Block B allows for a more generous riverside corridor to be created. The revised landscaped podium area will be better enclosed to the west and south, helping to create an attractive amenity space for residents and members of the public. Steps from riverside to the podium have been relocated next to block D. There is no longer direct access to the riverside between blocks C and D for residents of block D.

## Supporting Documents

### Design & Access Addendum

The attached amended package for the kent wool growers site has been thoroughly re-considered following deferral By members at committee in January 2019. As a professional consultant team, we feel that the revised proposal has addressed all major concerns, and brings forward a more balanced, smaller scale proposal for this important site in Ashford.

The combined reduction in scales of blocks B,C and D provide a more balanced scheme which fronts the landscaped public Realm more appropriately, whilst also offering a significantly Increased parking provision across the site and improved riverside corridor.

Alongside an increase in the number of parking spaces, the unit numbers have reduced by 11. Whilst amending the number of units, we have also re-visited the unit mix, ensuring that the revised proposal offers an increase in two bed units, and has less one bedroom units. The revised proposals offers 243 units, of which 28% are 1 bed, 69% are 2 bed, and 3% are 3 bed.

Finally, the revisions have focused on improving the aesthetic of the scheme, most notably re-visiting the architecture of Blocks c and d. both key buildings within the scheme, one acting as a wayfinding point, the other fronting the River Stour, these two blocks have been greatly improved from the initially considered scheme.

Overall, we feel that the design changes resulting from deferral at committee in January has resulted in more appropriate and Considered scheme.

#### Archaeological Assessment:

The Archaeological Assessment notes the requirement for post-demolition trenching and assessment. This requirement remains unchanged by the revised planning application and the assessment is unaffected by revised massing.

#### Ecological Assessments:

A number of reports and assessments have been undertaken, these include:

- Preliminary Ecological Assessment
- Bat Surveys
- Japanese knotweed Assessment
- Water Vole Survey

All of these reports and their recommendations cover the wider site S1 in the Local Plan 2030. Their outcomes and conclusions remain unaffected by the amended proposals.

Lighting proposals will need to be considered as part of the final design and these should minimise the potential for light spill into the river corridor.

This will be satisfied by suitably worded planning conditions, which have been agreed in principal with Ashford Borough Council.

#### Arboricultural Assessment:

An Arboricultural Impact Assessment and Method Statement have been produced for the project.

None of the trees to be retained are affected by the changes to the proposed development and the conclusions and recommendations made within the report remain unaltered.

Flood Risk Assessment:

It is our opinion that the existing Flood Risk Assessment remains valid for the proposed development. There is no additional construction within the flood plain itself and no flood accommodation space is lost.

The development has sought to provide an eight-metre buffer zone along the banks of the Great Stour. This has been achieved by removing existing buildings, which would, in the site's current arrangement, restrict both access and the flow of flood water. The proposed development therefore represents a significant enhancement to the existing conditions.

As a result, the proposed changes to the development do not represent a material change to our flood risk assessment. Whilst some of the pipework shown on the drainage strategy will require amendment; this can be addressed at the detailed design stage as the overall premise of the Drainage Strategy remains Unchanged.

Noise Assessment:

The changes to the design do not affect the noise assessment. As discussed and agreed with Ashford Borough Council, the principal of Planning Conditions related to noise and ventilation is accepted. The specific design of balconies and ventilation can therefore be agreed at the detailed design stage.

Air Quality:

The proposed changes do not increase vehicle trip generation and the size of any plant rooms will decrease. As a result the air quality assessment remains valid and represents a worst case scenario for the development.

In conclusion, none of the technical supporting documents listed above are materially affected by the proposed amendments to the planning application. As a result, no further, or updated reports are proposed and the existing documents are sufficient to support the revised planning application.

Heritage, Townscape and Visual Impact Assessment Addendum

The revised scheme reduces the perception of mass by stepping the upper storeys, redesigning the form and reducing the height of Block B. This will continue to have a

neutral/minor beneficial effect of the townscape and visuals, as assessed in the HTVIA of 2018, and will improve the appearance of the site.

The heritage impact remains as previously assessed. The design of the revised scheme will improve the immediate setting of Whist House, but the effects of the scheme remains as some minor 'less-than-substantial' harm to the Church and views to the Conservation Area and Whist House. This is balanced against the high-quality design and public benefits of the scheme.

As a result, the revised scheme complies with national and local policy:

1. According to paragraph 196 of the NPPF, proposals that result in 'less-than-substantial' harm should be weighed against the public benefits of a scheme. In this case, great weight has been given to conserving the heritage assets, as required by s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, by sensitively designing the scheme and demonstrating the significant public benefits offered.
2. The scheme complies with Policies SP1 and ENV13 of the Ashford Local Plan to 2030 (as with the August 2018 scheme) as the historic environment would be conserved and enhanced. The sensitive design of the scheme respects 'Policy S1 – Commercial Quarter'.

### Refuse Strategy

There is space to accommodate a total 84 1100L bins and 50 140L Food Waste bins across the site in four separate secure refuse stores. In accordance with Design Guidance Note 1: Residential Layouts and Wheeled Bins (<https://www.ashford.gov.uk/media/2417/design-guidance-note-1-residential-layouts-wheeled-bins.pdf>) 41 1100L refuse bins, 41 1100L recycling bins, and 49 140L Food Waste bins are required for the 243 units proposed.

The proposal for the KWG site exceeds these requirements. This allows excess capacity, so that exact bin layouts can be reconfigured, should it be required. Refuse Store A can be accessed by a refuse collection vehicle within less than the 10m drag distance required. A management system is proposed for Refuse Stores B, C, and D, so that bins are wheeled out of the refuse stores on collection days to ensure a 10m drag distance from the refuse collection vehicle.

Due to limitations on space, refuse management will be present at the time of collection to facilitate the return of all bins to the store room once they have been emptied. The management strategy will also ensure bins are rotated, cleaned, and maintained between collections, to avoid overflowing bins and inefficient use.

Proposed Development, Ashford KWG Site: Potential Highway Works Wellesley Road Two Lane Merge - Road Safety Audit Stage 1

Revised Development Proposals

- Construction of 243 residential apartments:-
  - 69 No.1 bedroom apartments.
  - 167 No.2 bedroom apartments.
  - 7 No.3 bedroom apartments.
- Whist House will be refurbished as a 4 bedroom residential house.
- 185 residential parking spaces for the proposed apartments and 2 spaces for Whist
- House. 8 visitor parking spaces are also proposed for the residential dwellings.
- - Access Arrangements
  - Access to the proposal site will be provided via a priority junction with Tannery Lane, similar to the existing access.
  - The development will be designed so as to be permeable to pedestrian and cycle access, as well as to be accessible to service vehicles, such as refuse collection vehicles.
  - Parking Standards
  - The proposed vehicle parking provision is lower than local standards however the census assessment has shown that 195 parking spaces will be adequate for the proposed residential units. 244 cycle parking spaces are proposed for the residential apartments.
  - Traffic Assessment
  - The traffic assessment included in this report identifies that when compared to the November 2018 submitted scheme (254 apartments + Whist House), the revised scheme (243 apartments + Whist House), will result in a reduction in trip generation.
  - The overall increase in traffic, as a result of the proposed development, will be modest.
  - Due to the reduction in trip generation, no further junction capacity tests or collision analysis have been undertaken. No further junction capacity tests are needed at the Tannery Lane / Station Road junction.

Conclusions

On the basis of the above, and considering that KCC have no objection to the submitted scheme, it is concluded that the development is acceptable from a transport perspective.

## Planning History

5. Please refer to original planning application report.
- 6.
7. A new planning application for a restaurant at Whist House has recently been submitted along with the listed building consent application. Both of

these applications remain undetermined.

## Consultations

The closing date for comments is 20<sup>th</sup> March. Any further comments received before Committee will be reported in the Update Report.

**Ward Members:** Cllr Dara Farrell and Cllr Charles Suddards are the Ward Members for this application and have made no comment on the application. Cllr Farrell is a member of the Planning Committee.

**Environment Agency –** Do not wish to make any further comments.

**Historic England –** Have reviewed the revised proposals for the above application and do not have any detailed comments to make.

### **ABC Environmental Services:**

ABC's Environmental Health Officer has asked for further detail on air quality, contaminated land and noise as the reports provided to date provide preliminary assessments only.

It has been determined that this may be dealt with by way of conditions, final wording for all to be finalised to ensure they fully and comprehensively cover those outstanding matters.

### **KCC Highways and Transportation:.**

*Thank you for the additional consultation on the Stage 1 Road Safety Audit and updated Transport Statement. The Stage 1 Road Safety Audit has not raised any highway concerns with the proposed Wellesley Road 2 lane merge as set out in drawing number 18002-SK190114.1. The Transport Statement does not raise any new issues with the impacts of the development on the Local Highway Network, including the impact of the development on the junction of Tannery Lane / Station Road.*

*I also note that the proposed number of apartments has been reduced from 254 to 243 units, a reduction of 11 units. This will reduce the impact on the local highway network compared to what KCC Highways and Transportation has previously considered. The proposals also increase the number of parking spaces to 185 spaces for the apartments, 2 for Whist House and 8 visitor spaces, giving a total of 195 spaces in total. This equates to a total of 0.8 spaces per dwelling, which is acceptable to the Local Highway Authority.*

*244 cycle parking spaces are now proposed for the apartments, which meets the requirement of 1 space per apartment. All cycle stores are proposed to be covered and Josta racks will be provided at 450mm centres.*

*I now have no objections to the application subject to the following conditions / Section 106 Legal Agreement being attached to any planning permission granted:*

- 1) Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - (a) Routing of construction and delivery vehicles to / from site*
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel*
  - (c) Timing of deliveries*
  - (d) Provision of wheel washing facilities*
  - (e) Temporary traffic management / signage**
- 2) Provision and permanent retention of the vehicle parking spaces shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.*
- 3) Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.*
- 4) Provision and permanent retention of the cycle parking facilities shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.*
- 5) Prior to the occupation of Whist House details shall be submitted to and approved by the Local Planning Authority showing the provision of 4 secure covered cycle parking spaces.*
- 6) Completion and maintenance of the access details shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.*
- 7) Completion of the Wellesley Road 2 lane merge as set out in drawing number 18002-SK190114.1 prior to the occupation of any of the apartment units hereby permitted.*

**Section 106 Agreement**

*The Travel Plan and measures in it should be secured through the proposed Section 106 Agreement together with a £5,000 monitoring fee (£1,000 per annum over a 5 year period) so that KCC Highways and Transportation can effectively monitor the travel plan.*

*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.*

**KCC Infrastructure - Economic Development** - *I have discussed the primary education contribution (which is £97k and due to go to the St Theresa's expansion) with KCC Education and he has asked for this allocation to now go to Finberry Phase 2. Finberry is programmed to come forward more quickly than St Theresa's, as well as the prospect of delivering an expansion at St Theresa's being less secure.*

*Following revisions to the total number and mix of dwellings for the above application, please find KCC's revised request for Education and Community Contributions.*

### **Development Contributions Assessment**

*The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.*

*The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:*

- 1. Necessary,*
- 2. Related to the development, and*
- 3. Reasonably related in scale and kind*

*These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).*

**Request Summary**

	<b>Per Applicable House (0)</b>	<b>Per applicable flat (175)</b>	<b>Total</b>	<b>Project</b>
<b>Primary Education</b>	£4,535.00	£1,134.00	<b>£198,450.00</b>	Contribution to be applied towards the provision of Phase 2 – additional 1FE at Finberry Primary School, Ashford
<b>Secondary Education</b>	£4,115.00	£1,029.00	<b>£180,075.00</b>	Contribution to be applied toward the Phase 1 expansion of Norton Knatchbull Secondary School, Ashford

*Applicable' excludes 1 bed units of less than 56 sqm GIA – Please confirm that the 68 one bed flats fall below this square meterage*

	<b>Per Dwelling (243)</b>	<b>Total</b>	<b>Project</b>
<b>Community Learning</b>	£34.45	£8,371.35	Contribution to be applied towards additional IT, equipment for the new learners from this development – at Ashford Gateway
<b>Youth Service</b>	£27.91	£6,782.13	Additional equipment at the Sk8side Youth Provision
<b>Library Bookstock</b>	£208.93	£50,769.99	Contribution towards Ashford Gateway Library for additional book stock.
<b>Social Care</b>	£47.06	£11,435.58	Towards the Ashford town centre Changing Place Facility
	<b>3 Wheelchair Adaptable Homes as part of the on site affordable homes delivery</b>		
<b>High Speed Fibre Optic Broadband connection:</b>	<b>INFORMATIVE:</b> Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide		

	<i>the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact <a href="mailto:broadband@kent.gov.uk">broadband@kent.gov.uk</a></i>
Highways	<i>Kent Highway Services will respond separately</i>

Please note that these figures:

- are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

*Justification for infrastructure provision/development contributions requested*  
 The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out in Appendices 1 (attached).

### **Primary Education**

*Based upon the housing mix provided in the planning application, this proposal gives rise to 12 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the implementation of Phase 2 at Finberry Primary School, provision of an additional 1FE.*

*This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.*

*The County Council requires a financial contribution towards construction of the new school at £3,324.00 per applicable house for each 'applicable' house and £831.00 per applicable flat for each applicable flat ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).*

*Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.*

*KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2019-23 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.*

.....  
**Secondary School Provision**

*The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1*

*A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.*

*The proposal is projected to give rise to 9 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision an extension at Norton Knatchbull Secondary School.*

*Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.*

*Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.*

**Community Learning**

*There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.*

*To accommodate the increased demand on KCC Adult Education service, the County Council requests **£34.45 per dwelling** towards the cost of providing IT, Equipment and Additional Services at an adult education centre local to the development.*

**Libraries**

*KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.*

*To mitigate the impact of this development, the County Council will need to provide additional library books to meet the additional demand to borrow library books which will be generated by the people residing in these Dwellings.*

*The County Council therefore requests £208.93 per household to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.*

**Youth Service**

*To accommodate the increased demand on KCC services the County Council requests £27.91 per dwelling towards additional equipment at the Sk8side Youth Facility.*

**Social Care**

*The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments.*

*To mitigate the impact of this development, KCC Social Care requires:*

- a proportionate monetary contribution of **£47.06 per household** (as set out in Appendix 3) towards the provision of a town centre Changing Place Facility*
- Ashford Borough Council to ensure the delivery of **3 Wheelchair Adaptable Homes** (as part of the affordable housing element on this site), with nomination rights given in consultation with KCC Social Care; need as evidenced below:*

<b>Local Authority</b>	<b>High priority applicants needing wheelchair accessible housing</b>	<b>Comments on waiting time</b>	<b>Any other observations (Kent Agency Assessment: KAA)</b>
Ashford BC	19	3 years	KAA

**Superfast Fibre Optic Broadband**

*Broadband Delivery UK (BDUK), part of the Department for Culture, Media and Sport, requires delivery of superfast broadband to all.*

*It is requested that Ashford Borough Council includes within any Planning Consent the requirement to provide ‘fibre to the premise’ (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings, as set out in the above Request Summary.*

.....

**Implementation**

*The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council’s legal costs, surveyors’ fees and expenses incurred in completing the Agreement.*

*Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available. If*

*you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulation 122, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.*

*Kent County Council confirms, in accordance with CIL Regulation 123, there are no more than 4 other obligations towards these projects.*

### **ABC Parking Services**

*The comments made in the response by Mr Leader, (Parking, Highways and Transportation Technical Officer at ABC) on 14.09.2018 are valid and indeed the parking ratio offered is aspirational. We are in a time where we are facing challenges to reduce traffic, congestion and improve air quality, all of which are important and require addressing and from this perspective the desire to reduce car ownership and dependency must be taken seriously.*

*Professional judgement shows that we are in a transitional period where certain demographics in society are choosing to use more sustainable modes of transport and are less reliant on cars. We cannot make assumptions that these individuals will be those purchasing these properties, however it is imperative that potential buyers are made aware of the parking provision offered.*

*Dependence on car ownership may push the designated number of spaces beyond its capacity once the development is fully constructed and inhabited. This could lead to a notable impact on the surrounding areas.*

*The boroughs roads are currently a resource which is shared for most part of the day by visitors, deliveries, shoppers, commuters, typically reverting to residents use at the end of the working day and this should be retained as far as possible as it operates successfully.*

*Though the notion of new Controlled Parking Zones (CPZ's) has been suggested there remains the need to approach parking with a flexible and proportionate view. The introduction of this new development does not mean that there will be a pressure elsewhere, it means there might be. The transport plans recommended and supported by ABC and KCC are there to help support the vision.*

*It would be naïve not to consider the need to monitor and investigate the impact on local parking, however I would caveat this with the following:*

*There must be an arguably demonstrable level of displacement that can be directly attributed to the development. In other words migration of parking from the development to local streets must be prevalent and supported by findings.*

*The request from Mr Leader for s106 funding to support investigations into parking*

*controls is quite correct. Though it is difficult to pre-empt any impact on local streets it would be prudent to have this option.*

*The introduction of parking controls is a lengthy, time consuming and expensive process and the decision to introduce a widespread scheme should not be taken lightly. For this reason it should be reasonably expected that should there become a necessity for new parking controls then there should be a future mechanism for ABC to recover the costs of doing so.*

### **ABC Housing**

We note the application but as this is in the town centre and the provision is all flatted development the newly adopted local plan states that there is no requirement for affordable housing as part of this application

### **Neighbours**

Royal Mail originally commented on the application as follows

- *The proximity of the residential use will give rise to amenity issues through the noise generated from the Royal Mail site.*
- *Concern is raised with regards to the provision of balconies in particularly along the rear elevation of these properties.*
- *The Noise Impact Assessment demonstrates that there will be unacceptable noise to future residents.*

Further comments on amendments were received just before the Planning Committee Meeting and were included in the update report –

- Objected to the statement which indicates that Royal Mail may be considering relocating from their current site. Royal Mail wish to clarify that this is incorrect and that Royal Mail has no intention of relocating their Delivery office to another location and therefore they still feel that future residents of this scheme could be negatively impacted by the continuously busy operations at the delivery office. Royal Mail requested this reference to their potential relocation to be removed from the Committee Report.
- Royal Mail do not consider that the objection to noise on most sensitive elevations has been addressed and they consider that Environmental Health Officer's expectations has not been met.

- The Environmental Health Officer has previously supported the inclusion of triple glazing and retention of balconies as paragraph 268 of the report confirms.

The Royal Mail then commented again on the planning committee report after the last planning committee.

- *Para 268 – States that all doors and windows upon the most sensitive elevations would be triple glazed – but there is no condition requiring this;*
- *Para 268 also states that the EHO has confirmed that further mitigation can be dealt with through the imposition of safeguarding conditions – there are no such conditions and no further mitigation;*
- *Returning to para 115 at which the EHO considers the noise assessment, at the second bullet point he notes that “many of the habitable rooms rely on closed windows to achieve acceptable internal noise levels”. This is clearly a reference to the EHO’s reading of the applicant’s noise assessment and he then refers to a “ventilation strategy and risk of summer over-heating” which he could not locate but which “...will be integral to ensuring residents are not frequently required to open windows for cooling thus exposing themselves to elevated levels of noise”. There is, however, no condition either requiring the submission of such a strategy (if it hasn’t already been submitted) or requiring its implementation if it has, notwithstanding it is integral to the scheme achieving acceptable internal noise standards. This requirement would seem to align with the further mitigation referred to at para 268*
- *Additionally, we are uncertain whether the EHO expected any further safeguarding conditions and request that, in addition to imposing conditions as above, you reconsult the EHO to see whether he had any further safeguards in mind. Otherwise we believe that conditions addressing the above issues should be imposed in order achieve acceptable safeguards, indeed the safeguards anticipated by the EHO.*
- *Please also note, conditions addressing the above points would not overcome my client’s fundamental objection to these proposals but simply seek to ensure that if permission is granted as measures of mitigation are included as possible to minimise future conflict*

A resident of Mill Court has objected saying they do not want this development to be built in this area.

Any further comments received from neighbours will be added to the Update Report.

## **Planning Policy**

8. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
9. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Local Plan to 2030**

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP5 Ashford Town Centre

SP6 Promoting High Quality Design

## S1 Commercial Quarter

### **Policy S1 - Commercial Quarter**

**The Commercial Quarter is proposed to become an important new office based district playing a key role in creating jobs for the town centre and growing the wider economy of the Borough. The site has the potential to deliver up to 55,000 sq m of new office floorspace.**

**In addition to offices, other secondary uses such as residential apartments, small scale retail and/ or leisure uses and a hotel would also be appropriate in this Quarter, providing they complement the wider objective to deliver the substantial commercial space envisaged here. The site also has the potential to deliver residential apartments. To the northern part of the site, a multi storey car park is envisaged to come forward.**

**The Quarter should be delivered in phases and this needs to be guided by a 'Design Framework' which may need revising as the Quarter is developed. The quality of the public realm linking the component parts of the Quarter and more widely to the stations and shopping heart of the town centre needs to be of an especially high quality and each phase will need to be designed and delivered with this in mind. Active uses will be needed to help animate key routes and important focal points at junctions.**

**Development in this Quarter should generally be an average of 5-6 storeys above ground level although slightly taller buildings may be appropriate towards the heart of the site. The riverside frontage should generally not exceed 4 storeys.**

**Non-residential development in the Commercial Quarter will be required to provide proportionate contributions towards the delivery of strategic parking provision in the town, such as the delivery of a Town Centre Multi-Storey Car Park and / or a Park and Ride site outside the Town Centre area.**

HOU1 Affordable Housing

HOU6 Self and Custom Built Development

HOU12 Residential space standards internal

HOU14 Accessibility standards

HOU18 Providing a range and mix of dwelling types and sizes

ENV1 Biodiversity

ENV2 The Ashford Green Corridor

ENV4 Light pollution and promoting dark skies

ENV6 Flood Risk

ENV7 Water Efficiency

ENV8 Water Quality, Supply and Treatment

ENV9 Sustainable Drainage

ENV10 Renewable and Low Carbon Energy

ENV12 Air Quality

ENV13 Conservation and Enhancement of Heritage Assets

ENV15 Archaeology

COM1 Meeting the Community's Needs

COM2 Recreation, Sport, Play and Open Spaces

IMP1 Infrastructure Provision

IMP2 Deferred Contributions

IMP4 Governance of public community space and facilities

### **Supplementary Planning Guidance/Documents**

Sustainable Drainage SPD 2010

Residential Parking & Design Guidance (2010)

Public Green Spaces & Water Environment SPD (2012)

Dark Skies SPD 2014

### **Informal Design Guidance**

No change see previous report.

### **Government Advice**

National Planning Policy Framework (NPPF) 2018

No change see previous report

National Planning Policy Guidance (NPPG)

No change see previous report

## **Assessment**

10. The main issues to consider in the determination of this application were set out in the previous report to Committee, to which reference should be made in determining this application.
11. In terms of the amended plans requested by Members at that meeting, the new or amended issues are:
  - Reducing the density and size of the development
  - Increasing parking provision
  - Highway impact at the junction of Tannery Lane and Station Road.
  - Other amended considerations including design modifications, housing tenure mix, internal space standards, open space provision, accessibility

### **Reducing the density and size of the development**

12. Overall the number of proposed units has reduced by 11 to 243 new build units, plus the conversion of Whist House to a single unit, giving a total of 244 units. The previous proposal was for 255 units.
13. The overall average site density has now been reduced from 214 dwellings per hectare to 205dph. This is an acceptable high residential density which is typical of town centre locations such as this. It is also considered to be an appropriate level of density for a site like this close to a major railway station where land is highly valuable and it makes sense for people to live within a short walking distance of the station. The level of density is in keeping with the themes of the Local Plan (para 2.154 and 2.155) given the Plan's aspirations to support relatively high densities typical of a town centre, as an increase in the number of residents living in the town centre, in turn helps to support town centre commercially and culturally and can animate the town. I support the proposed residential density in this location.
14. Block A includes 32 units, remains largely the same and the size and design is not proposed to change.



**BLOCK B – original proposal**



**BLOCK B – Amended proposal**

15. Block B involves a reduction in height of 1 storey from 9 to 8 storeys. This is achieved by now only having just the top floor section recessed from the main building rather than 2 storeys previously. The number of units has reduced by 4 in this block from 58 to 54.



18. I support the changes to the form of the design as it will have the appearance of a free standing tower with a relatively elegant appearance that will seem smaller than the original proposal and with the changes its bulk and size will appear to diminish slightly towards the top of the building. For this reason I recommend supporting the size and design of Block C.
19. The footprint, form, massing and design of Block D has been substantially amended. It is not proposed to be reduced in height but involves a substantial reduction in the massing of the uppermost storey which is set back more from the main building façade than before. The increase in footprint means the number of units here increases by 6 units from the original 84 units up to 90 units.



20. I am satisfied with the improvements to the form of the block D building which will have a smaller overall mass at the uppermost level giving the overall

impression that the building is smaller in height than the original scheme. The proposed curved form will be more elegant and overcomes previous concerns over the north elevation of the block. Whilst the overall height has not been reduced, the top storey is recessed which will give the impression of a smaller building at street level. Also the increased footprint, reconfigured siting, and curved building form collectively leads to other substantial benefits as it will help screen views of the large International House from the proposed riverside open space and Whist House much more successfully than the previous scheme. At present International House dominates the area and the amended form helps to disguise its visual dominance.

21. I am satisfied that the reduction in the height of block B and combined with changes to the massing and reduced footprints of Blocks C and D reduces the impression of the size and scale of the development and thus helps to bring this large scheme slightly closer in scale to that envisaged in Policy S1. The size of the development is supported in this urban location with a wider vision for a mixed use high density commercial and residential area near the station. I consider the reduction of the number of units by 11 to be acceptable on the grounds that it reduces the overall density whilst still meeting the Council's aspirations for compact scheme that can take advantage of its accessible location near the station and help support the vitality and viability of the town centre.

#### **Increasing parking provision**

22. The changes to the form, and massing of blocks C and D has resulted in a more rational parking layout beneath the buildings. 12 external car parking courtyard spaces near block C and D have been relocated beneath the extended parking podium. There is no increase in number of parking spaces along the main access street and in the parking courts near to blocks A and B. Overall there is an increase from 178 car parking spaces to 195 car parking spaces serving 11 fewer residential units.
23. The revised parking ratio of 0.8 spaces per unit overall represents an improvement from the original proposal with a ratio of 0.7 spaces per unit. With 80% of homes now having parking spaces this increase is supported as this is a highly sustainable location, close by to public transport nodes as well as a large number of services and facilities within walking distance. For these reasons in this location the ability for people to carry out day to day activities without owning a motor car is considerable.
24. Based on 2011 census data 33% of households in the Victoria Ward do not own a car with only 67% owning a vehicle. This demonstrates that people can comfortably live in the town centre without owning a car due to the good public transport and range of services and facilities within walking distance.

25. Policy TRA3a of the Local Plan requires a provision of 1 space per unit (on average) for larger developments within the town centre, with the provision to be made on site. Clearly this proposal would fail to comply with this emerging Policy, and a sound justification needs to be given as to why.
26. The Council's own Residential Parking SPD sets out that the provision of 1 space per unit in central locations should in any event be a maximum provision. Whilst it is understood that it is often desirable to provide 1 space per unit on developments, I am comfortable in supporting the scheme with 80% of units having access to a car parking space as this is comfortably above the average car ownership rates in the town centre and public transport alternatives within this location makes the development particularly sustainable and accessible.
27. It is also important to point out that there are a number of public car parks within a short walking distance of the site. These car parks are free to use at night and season tickets are possible for their use during the day.
28. As was set out in the previous report the existing junctions within the town centre are operating at capacity (or indeed beyond) and it is therefore important to seek to minimise the reliance upon the private motor car and reducing car parking provision is a way to achieve this.
29. The applicant has sought to ensure that as much provision can be made as possible, without a detrimental impact upon the riverside. Nevertheless whilst the provision falls short, in this instance on balance, it is considered to be acceptable, given the specific location of the site.
30. A revised travel plan has been submitted which states the developer is willing to provide residents with the option of a cycle voucher towards a new bicycle from a local bike shop or the choice of a 3 month free bus pass on the Stagecoach East Kent network, up to the value of £100 per dwelling. The developer is also willing to allocate up to 2 on-site car parking spaces for use by a car club and to facilitate its set up. Car club options are currently being investigated. Information on the regional car share website will be provided in the resident welcome pack and information on local taxi companies will be provided in a resident welcome pack. I am recommending that these be secured in conditions and s.106 obligations.
31. Kent Highways are satisfied with the level of parking provided on the site. Securing some of these range of options alongside the 0.8 ratio parking provision on site for residential units, and given the likely demand for car parking spaces in this town centre location, I am satisfied the proposed amended scheme is acceptable on the grounds of the level of car parking provision.

### **Highway impact at the junction of Tannery Lane and Station Road.**

32. Kent County Council have confirmed that the safety audits and updated Transport Statements commissioned by the applicant have not raised any further highway concerns or issues with the impact of the development on the local highway network or the junction of Tannery lane and Station Road. The Highway Authority are satisfied that despite the increase in parking spaces the reduction in the number of units will have less of a highways impact than the original scheme proposals for 11 more units.
33. I am therefore satisfied that the scheme is acceptable on traffic capacity and highway safety Highways grounds as the Highways Authority have clarified that there will not be an adverse impact on the junction of Tannery Lane and Station Road.

### **Other Planning Issues**

34. **Design** - The form and mass of blocks B, C and D has changed to reduce the size of the development and as assessed above is supported. Alongside the changes in form and mass the external appearance and materials have been amended to improve the facade treatment across the blocks. The buildings have more glazing and with more articulation and detailing that has improved the overall aesthetic design significantly. I consider it to be in keeping with the character of the area and the compact urban vision for the Commercial Quarter. I am satisfied the proposed designs will also complement the town centre aspirations for securing high quality designed buildings and places. I support these architectural changes and consider the design to be of an acceptable standard.
35. The material palette aims to ensure that the cluster of proposed buildings are more of a consistent theme whilst each offering its own distinctive and unique characteristics. I support this approach but the execution of this will be essential.
36. I have recommended design conditions to help test and refine the detailed palette of conditions on site using materials board containing the mix of all materials and architectural detailing for each individual block.

### **Typical Architectural Detailing**

**Block B**



**Block D**



**Block C**



37. **Change in tenure** - The revised unit mix is 28% 1 Bed apartments, 69% 2 bed apartments, and 3% 3 bed apartments, in comparison to the original scheme, which proposed 43% 1 bed units, 54% 2 bed units, and 3% 3 bed

units. I support the reduction in one bed units and increase in 2 bed room units on this development.

38. Policy HOU6 has now been adopted, but owing to the form of the proposed development (i.e. 4 large flatted blocks and one conversion of a listed building), it is not practical to require any of the site to be marketed as serviced dwelling plots to self- or custom-builders.
39. **Internal Space Standards** - The bedroom sizes all still meet national space standards and I therefore support the size of the residential units.
40. **Open space provision** - The changes to the layout and configuration of Blocks D and C result in an enlarged open green space within the centre of the site. The areas of publicly accessible space have increased by 290sqm (10.9%) from 2,670sqm to 2,960sqm which includes the riverside park area.
41. **Residential Amenity** - Royal Mail have stated that the development must seek to minimise the potential for noise disturbance for new residents living closest to their 24 hour operational site.

On balance the retention of balconies on the western elevations of the site is not considered likely to lead to complaints about unacceptable noise disturbance for residents as new residents would be aware when choosing to live here what the present situation is especially since the site is in a busy town centre location where noise and activity from established commercial uses is to be expected.

42. The design of the western elevation of units is very reliant on the inclusion of well designed balconies to enliven the appearance of the façade which will be very visible from the town centre. I consider removing the balconies would render the scheme unacceptable on design grounds. Also ABC's Residential Space SPD guidance requires all flats to have private amenity space. On a constrained site with challenging viability concerns it would be extremely difficult to achieve a layout without any balconies or flats close to the Royal Mail site on the western elevations without in some way overlooking the Royal Mail site and would effectively make this previously developed site extremely difficult to develop..
43. I do not consider noise to have a detrimental effect on users of the flats as negotiations following advice from The Council's Environmental Health Officer has suggested some further information and conditions will be attached to ensure these properties feature triple glazed windows and a closed windows ventilation system to achieve acceptable internal noise levels and thermal comfort. Also any further safeguards or mitigation that our Environmental Health team and I think are fair and reasonable will be covered by condition.

44. Whilst these measures will be unlikely to overcome the original fundamental concerns of Royal Mail, I consider the conditions addressing the above points and advice of our Environmental Health officer will be sufficient to ensure that if permission is granted measures of mitigation are included that will help avoid any future conflict and, importantly, ensure an acceptable standard of amenity for future residents.

**Accessibility** – The layout has changed with alterations to the siting of Blocks C and D. As a result the steps up to the podium from the riverside area have moved to an adjacent position immediately adjacent to Block D. A route through the internal car park to the riverside area has been negotiated to ensure residents from Block D can easily access the amenity space and wider footpath network. A small extra door will be provided next to the podium steps onto the riverside open space. I support this opening as it means the occupiers of Block D would be able to access the landscaped podium a little easier, as well as the open space, the footbridge and then wider riverside corridor.

45. **S106 Contributions** – There are no changes to the level of contributions previously approved are proposed which provide a total of £255, 000. A new Heads of Term table 1 is required however to reflect the newly adopted Local Plan below.

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	<p><b><u>Sustainable Travel</u></b></p> <p>The choice of a £100 cycle voucher towards a new bicycle from a local cycle shop or a 3 month free bus pass on the Stagecoach East Kent network.</p>	£100 cycle voucher/bus travel voucher per dwelling	Provide to occupier on Occupation of each dwelling	<p><b>Necessary</b> in order to meet the demand generated by the development, promote public transport and encourage a modal shift away from private car use pursuant to Policies SP1, SP2, TRA4, TRA5, TRA6, Kent Local Transport Plan and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will travel and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the scale of the development.</p>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Project: off-site contribution to enhance play facilities at the Stour Centre.</p>	<p>£112, 500 to be split between capital and maintenance at the Councils discretion (to be supplemented by any underspend on the bridge cost, as outlined below).</p>	<p>50% to be paid prior to occupation of 84<sup>th</sup> dwelling.                      Balance (remaining 50%) to be paid prior to occupation of the 152<sup>nd</sup> dwelling.</p>	<p><b>Necessary</b> as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
3	<p><b><u>Controlled Parking Zone</u></b></p> <p>Contribution towards the making and implementation of a traffic regulation order for the site/other roads in the vicinity if this proves necessary -in the event that a CPZ is not necessary, the contribution will to be added to Play contribution.</p>	£15, 000	<p>50% to be paid prior to occupation of 84<sup>th</sup> dwelling.                      Balance (remaining 50%) to be paid prior to occupation of the 152<sup>nd</sup> dwelling.</p>	<p><b>Necessary</b> in order to protect the residential amenity of future residents and in the interests of highway safety and convenience pursuant to Local Plan 2030 Policies SP1, TRA3, COM1, IMP1, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will be affected by use of the roads on the site and will use the roads.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
4	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's additional costs of monitoring compliance with the agreement or undertaking.</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
5	<p><b><u>Primary Schools</u></b></p> <p>Project:                      Contribution to be applied towards the provision of the Phase 1 Extension at St Theresa's Primary School, Ashford</p>	£98, 100	50% to be paid prior to occupation of 84 <sup>th</sup> dwelling. Balance (remaining 50%) to be paid prior to occupation of the 152 <sup>nd</sup> dwelling.	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places', Developer Contributions/Planning Obligations SPG, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
6	<p><b><u>Public Art</u></b></p> <p>Project: On-site provision of a bespoke bridge as outlined in the application linking the site to the land to the east to a detailed design and timetable to be agreed.</p>	<p>Obligation to construct and thereafter maintain. Should the construction of the bridge cost less than £250,000 then 50% of the cost reduction to be paid to the Council and added to the Children's and Young People's Play Space sum as above.</p>	<p>To be completed and opened for public use upon occupation of the 178<sup>th</sup> dwelling</p>	<p><b>Necessary</b> in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP5, SP6, COM1, IMP1 and IMP2 (if applicable and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> as would improve the design quality of the development and would be visible to occupiers.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
7	<p><b><u>Restoration and Conversion of Whist House</u></b></p> <p>To submit a scheme to be agreed to make Whist House wind and watertight</p> <p>Whist House to be made wind and watertight in accordance with the approved scheme.</p> <p>Whist House to be fully restored/converted in accordance with the plans approved for Listed Building Consent.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Within 6 months of the granting of planning permission and LBC.</p> <p>Within 1 year of the approval of the scheme.</p> <p>Prior to the occupation of the 224<sup>th</sup> unit</p>	<p><b>Necessary</b> as the building is a nationally-designated heritage asset currently in a state of disrepair and needs to be conserved and restored as part of the overall scheme.</p> <p><b>Directly related</b> as the building forms an integral part of the design approach for the wider development and this will provide the necessary funding.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the new-build development and its relationship with the building.</p>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
8	<p><b>Travel Plan Monitoring</b></p> <p>Funding to KCC to monitor the travel plan to be approved pursuant to condition.</p>	£5, 000	to be paid in instalments of £1000 for 5 years post occupation	<p><b>Necessary</b> in order to promote public transport and encourage a modal shift away from private car use pursuant to Policies SP1, SP2, TRA4, TRA5, TRA6, Kent Local Transport Plan and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will travel and the measures to be monitored will reduce reliance on the private car.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the scale of the development.</p>
9	<p><b>Accessible and Adaptable Housing</b></p> <p>Provision of 20% of the units as accessible and adaptable housing (Building Regs. M4(2) standard for construction and fit out)</p>	Details to be agreed.	To be provided before first occupation of each block.	<p><b>Necessary</b> as would provide housing for those with accessibility needs pursuant to Policies SP1, HOU1, Hou14 of Local Plan 2030 the guidance in the NPPF.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>

Table 1	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
<p><b>Regulation 123(3) compliance:</b> Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.</p> <p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				

## Human Rights Issues

46. 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

47. 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

I recommend approval of the revised development proposals on the following grounds

- The proposal, whilst not fully in accordance with policies S1 and TRA3(a), accords with the policies in Development Plan covering town centre vision (Vision and SP1), and the principle of commercial quarter residential apartments plus many other environmental and design policies. The development will not pay full contributions as set out in the per previous report
- The proposals have been reduced by 11 units which has meant it is possible to reduce the height of block B and the impression of massing of Blocks B, C and D. I support the scheme on feel reduces the impression of the size and scale of the development in an acceptable manner within the Commercial Quarter for what will become a much busier place.
- I am satisfied it is in keeping with the wider vision for regenerating this part of the town with an appropriate density residential areas to complement the growing commercial area near the station and to help support the vitality and viability of the town centre economy.
- The increased parking provision will be provide sufficient parking for residents who live on the scheme in such a highly sustainable central urban location served by excellent public transport, services and facilities. I consider this level to be acceptable as there are also clear alternatives for those who choose not to own a car through the travel plan package, car club, cycle

purchase scheme vouchers, and public transport voucher initiatives. The introduction of a Controlled Parking Zone on nearby residents streets will also discourage people parking beyond the site.

- I am satisfied that the Highway Authority has analysed the impact at the junction of Tannery Lane and Station Road and concluded there will be no adverse impact on safety or traffic flows.
- All other planning considerations are supported including the improved housing tenure and size mix (policy HOU1 does not require any affordable housing in flatted developments in town centre wards), the provision of adequate internal space standards, addressing noise matters to ensure residential amenity issues are preserved; a small increase in the open space provision; good accessibility for all residents to the open space; and the previously agreed level of s106 contributions has been retained.
- Although the applicant is not proposing to pay full s106 contributions the benefits of the redevelopment of this redundant site and the advantages of the scheme helping to regenerate the area outweigh this.

In light of this, it is considered by officers that the applicant has satisfactorily addressed the matters outlined in the resolution of the Planning Committee of 16 January 2019. For the reasons set out in my original report, as amended in this report to reflect the changes made to the scheme, I recommend that it be permitted unless any material matters not addressed in the previous report, this report, the Update report or at the meeting are raised in response to the outstanding public consultation on the amendments to the scheme. This can be covered by a delegated authority to officers.

## Recommendation

- (A) Subject to the expiry of the consultation on the amended plans and, in the opinion of the Head of Development Management and Strategic Sites or the Joint Development Control Managers, no further issues of significance being raised or, if any such are raised, their resolution to the satisfaction of the Head of Development Management and Strategic Sites or the Joint Development Control Managers, and**
- (B) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1, in terms agreeable to the Head of Development Management**

**and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

**(C) PERMIT**

**subject to the following planning conditions and notes, with any 'pre-commencement' planning conditions to have been the subject of the agreement process provisions (with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

Implementation

1. The development hereby permitted shall be begun before the expiration of two 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 and to reflect the fact that the viability of the scheme has been assessed at the point in time at which this permission was granted.

2. No development shall commence until a phasing plan and headline programme for the delivery of the site has been submitted to and approved in writing by the Local Planning Authority. This plan should identify the general phases of development (and also including the means of access, car parking and servicing arrangements) and their sequence of implementation, and identifying within each phase all areas to be developed or landscaped. This should aim to include;
  - a) The four main building blocks
  - b) The footbridge over the Great Stour River constructed before the occupation of the 178th residential unit.
  - c) Whist House fully restored and completed no later than the occupation of the 224th residential unit.
  - d) The riverside enhancement works shall be completed before the occupation of the last phase.

The development shall be carried out in accordance with the approved phasing plan and headline programme unless otherwise agreed in writing by the Local Planning Authority.

**Reasons** – to ensure a high-quality environment is established at an early stage for occupiers

#### Compliance with Approved Plans

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

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

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

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

#### Materials

5. External Materials – Within 3 months of the start of construction details of all external materials and detailing of all structures shall be submitted to and approved in writing by the Local Planning Authority including
  - source/ manufacturers,
  - material samples of bricks, tiles and cladding should be erected on a 1x1m panels located on site
  - samples of other external materials of architectural detailing such as balcony details, rainwater goods, roofing, eaves, doors, windows, canopies etc
  - External minor fixtures and fitting such as lighting, vents or flues etc.
  - Any associated utility paraphernalia such as cables, pipes,
  - For the brickwork details of mortar joints will be required including the mortar mix specification, colour, thickness, depth and the raked joint detail and method.
  - Any visible joins, gaps, vents, weep holes, expansion points etc.
  - Thereafter the development shall be carried out using the approved external materials.

This is to show the relationship of the materials and to inform discussion with the Local Planning Authority to assess the quality and suitability of the materials

**Reason:** In the interests of visual amenity.

### Archaeology

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The programme of building recording shall include proposals for recording the building interiors through measured drawings and/or photographs.

**Reason:** To ensure that historic building features are properly examined and recorded.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

8. No below ground works (excluding demolition) shall take place until details of foundations designs and any other construction works involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that due regard is had to the preservation in situ of important archaeological remains.

9. The developer shall give the local planning authority 28 days advance notice of the start of any works and, for a period of [e.g. 14 days] before any work begins, reasonable access to the building shall be given to a person/body nominated by the Local Planning Authority for the purpose of recording the building and interior by making measured drawings or taking photographs.

**Reason:** To safeguard the characteristics, fabric and appearance of the listed building.

### Crime

10. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development (excluding demolition and below ground works) shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through

Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

**Reason:** In the interest of security and crime prevention and to accord with Policies of Ashford Borough Council Core Strategy Plan, dated 2008, and also in the interests of crime prevention.

### Landscaping

11. Prior to occupation of the first residential unit full details of the public realm landscaping scheme for the surroundings of all buildings within the site, and the proposed public open space, together with a programme/mechanism for its implementation and future maintenance shall be submitted to and approved by the Local Planning in writing unless otherwise agreed in writing by the Local Planning Authority. The details to be submitted shall include:

- a) The full details of the hard landscape works shall be submitted to the Local Planning Authority for its approval shall include detailed information on the following including but not limited to;
  - i. Hard surfacing materials;
  - ii. Proposed finished levels or contours; including terraces, ramps, steps, (including a 1:50 scale drawing of step detail) levels detail, paving, cycleway, urban swales, kerbs, lighting, handrails (including illumination);
  - iii. minor artefacts and structures (e.g. furniture, bins, benches, bollards, , footbridges, tree guards, tree grills, signs, lighting, decked walkways, cycle racks, artwork, barriers, bird boxes etc.);
  - iv. Outdoor seating areas including details of layout and any other associated paraphernalia such as weather screens or patio heaters;
  - v. Means of enclosure to all boundaries including all fences, boundary wall details including style, detailing and final finish colour of railings.
  - vi. All proposed gates, including style, detailing and final finish colour.

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

12. If any trees and/or plants whether new or retained which form part of the soft landscape works approved by the Local Planning Authority, die are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 5 years from the completion of construction, such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

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

13. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall be prepared in line with the approved Arboricultural Impact Assessment . The tree works approved shall

then only be carried out in accordance with the approved Arboricultural Method Statement unless previously agreed otherwise in writing by the Local Planning Authority..

**Reason:** In the interests of tree preservation and amenity.

14. No trenches for underground services or foundations shall be commenced under the canopies of trees which are identified on the approved plans as being retained and within 5 metres of any hedgerows also shown to be retained without the prior written consent of the Local Planning Authority. Any trenches for underground services should be in accordance with the current NJUG guidelines.

**Reason:** To prevent damage to trees and hedgerows on the site.

### Bridge

15. Prior to occupation of the 178th unit a bridge design scheme shall have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Kent County Council. Details of the proposed footbridge bridge should include provision for the movement of wildlife together with details of its future maintenance shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development.

The approved bridge shall be installed prior to occupation of the 178<sup>th</sup> residential unit and maintained in accordance with the approved details.

**Reason:** In the interests of permeability and visual amenity and along the River Stour and in accordance with paragraphs 170 and 175 of the National Planning Policy Framework (NPPF)

### External Fixtures and Equipment

16. Full details of the location, design, appearance and material of any external fixtures and equipment located on the exterior of the buildings or sited within the car park shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant phase of development. The details shall include ;

- Signage
- Intercom System
- Security, alarms or CCTV cameras
- Post collection
- Gas, Electricity, Water, Telecommunications related equipment
- Cables & Pipework
- Vents, grilles or flues

Thereafter the development shall be carried out in full accordance with these approved details. No other flues, vents fixtures or equipment shall be located on any façade of the buildings hereby approved other than in accordance with the above details

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

17. Prior to the occupation of the relevant phase of development hereby approved details of any proposed CCTV scheme to provide coverage of the external spaces around the relevant phase, together with any signage shall be submitted to and approved by the Local Planning Authority in writing and shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of public safety and crime prevention.

18. Prior to occupation of the relevant phase of the development details of external lighting for the relevant phase shall be submitted to the local planning authority and agreed in writing. The details shall include:

- a. Details of external lighting fixtures and location
- b. Details of the colours of the light
- c. Hours of operation
- d. Any proposed colour phasing
- e. Details of compliance with the Institute of Lighting Engineers guidance notes for the reduction of light pollution

The approved lighting shall be installed prior to occupation of the relevant buildings and no other external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the visual amenity of the area, comply with the Council's adopted Dark Skies SPD and to protect the flight path and foraging of bats and birds.

19. Prior to occupation of the first dwelling a scheme for on site management shall be submitted and approved by the Local Planning Authority. This shall include details of refuse storage and the means of collection, CCTV coverage of the parking areas, secure access into the building and the western residential block, internal lobby and corridors, on-site security for the development in particular for the undercroft parking, the cycle storage area and vehicular access to the outside parking areas around the block. It should also include a maintenance regime for all external materials and surfaces of the building and car park, cycle store and refuse stores.

**Reason:** In the interests of the amenity and safety of the residents and users.

20. Within 3 months of the occupation of the relevant phase of development a Cleaning Strategy for the building's exterior shall be submitted and approved in writing by the Local Planning Authority including window cleaning methods and any associated paraphernalia or equipment that may require fixing to the building. The building's exterior shall only be cleaned in accordance with the approved Cleaning Strategy

**Reason:** In the interests of visual amenity.

### Architectural Detailing

21. No development above ground floor slab level of the relevant phase (except demolition) shall be commenced until the following details have been submitted to and approved by the Local Planning Authority in writing:

- a) 1:20 scale details of eaves, coping and roof detail
- b) Details of any external rainwater goods.
- c) All decorative brickwork.
- d) 1:10 and 1:20 details and sections of the window frames to residential units.
- e) 1:20 details of the balconies including materials, balustrade and railings fixings.
- f) Depth of window reveals.
- g) External doors including to flats, cycle store and bin store.
- h) Rooftop fixtures or equipment.

Thereafter, the relevant phase of 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.

### Air Quality

22. Before construction commences the following shall be submitted to and agreed in writing with the Local Planning Authority,

- a) An updated Air Quality Assessment including damage cost analysis in accordance with DEFRA guidance, setting out any suitable mitigation being applied to the development based on the calculated damage cost.
- b) An Air Quality Damage Cost Analysis in accordance with DEFRA guidance outlining any mitigation actions to be taken in response to the Air Quality Assessment

Thereafter any mitigation measures required for Air Quality during the demolition and construction phases of the project, supplied in AQA-19413B-18-109 REV C (Air Quality Assessment Report) document shall be adhered to.

**Reason:** In the interests of the residential amenities of dwellings

#### Residential Amenity

23. Before the start of construction, a finalised noise assessment and recommendations shall be carried out (based on the preliminary report ENA-19413b-18-232 dated August 2018) to inform the final design/mitigation for noise control and thermal comfort, and submitted to the Local Planning Authority. This will help confirm details of which units and windows on the west elevation of blocks A, B and C shall be fitted with triple glazing, and a closed window ventilation system capable of providing thermal comfort with the need to open windows. The assessment and mitigation works shall be submitted to and agreed in writing with the local planning authority, in consultation with ABC Environmental Health officers. Thereafter these agreed items shall be installed on the agreed units prior to the occupation of the relevant residential units.

**Reason:** In the interests of the residential amenities of dwellings

24. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from Station Road traffic and Royal Mail commercial site, shall be submitted to and approved in 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.

25. No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) 08:00 to 13:00 on Saturdays, with no working activities on Sunday or Bank Holidays.

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

26. Prior to the operation of the premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme

whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

**Reason:** To prevent the transmission of noise and vibration into any neighbouring properties to protect amenity

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

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the reuse of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

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

28. Before any construction works commence a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

- a) Routing of construction and delivery vehicles to / from site

- b) Parking and turning areas for construction and delivery vehicles and site personnel
- c) Provision to be made on site to accommodate construction vehicles loading off loading or turning on site and the parking of site operative vehicles
- d) Timing of deliveries
- e) Provision of wheel washing facilities or alternative measures to prevent the transfer of mud and extraneous material onto the public highway
- f) Temporary traffic management / signage

**Reason:** To minimise disruption to the local highway network and to ensure consistency of approach throughout the development of the site.

#### Sustainable Drainage

29. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals of the Flood Risk Assessment (Idom Merebrook, FRA-19852B-18-16-Rev B, August 2018) and 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 a rate not exceeding 4 litres per second be hectare and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

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

30. No building hereby permitted in any phase 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 shall subsequently be maintained in accordance with these approved details.

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

31. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system of that associated phase, carried out by a suitably qualified professional, has been submitted to and agreed in writing with the Local Planning Authority. It should demonstrate 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. This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

32. Construction of the relevant phase of the development (excluding demolition) shall not commence until details of the proposed means of foul and surface water disposal for the relevant phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

**Reason:** To ensure that the development can be adequately connected to the existing foul and surface water infrastructure.

33. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

### Highways Matters

34. No dwellings shall be occupied until the completion of the Wellesley Road 2 lane merge as set out in drawing number (ref 18002-SK190114.1) .

**Reason** - In the interests of highway safety

35. No dwellings shall be occupied until the completion and maintenance of the following details shown on the submitted plan (100.03 Revision P6).are provided

- access details shown on the submitted plan
- undercroft car park design and their two accesses, including details of the barriers, lighting, signing, security measures, signs and lining

**Reason** - In the interests of visual; amenities and highway safety

36. The approved bicycle storage facilities for the relevant phase shall be provided prior to the occupation of the relevant phase of development and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

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

37. Prior to the occupation of the dwellings hereby permitted a Car Parking Management Scheme including a plan showing all the allocated parking spaces on the site identifying which apartments have rights to which car parking spaces and details of a simple, unobtrusive method of identifying and demarcating the allocated private or visitor spaces shall have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any of the dwellings hereby permitted and continue to be complied with for so long as the development is occupied. An up to date plan shall be submitted to the LPA annually. No permanent security objects such as a collapsible bollard, gate barrier or similar object shall be used to prevent access to the parking spaces unless otherwise agreed in writing with the LPA.

**Reasons:** In the interest of highway safety and visual amenity.

38. Details of the street designs shown on the submitted plans shall be submitted to the LPA and agreed in writing prior to the occupation of the dwellings hereby permitted. These details should include the location and design of the following items;

- (i) Road, traffic and parking signs including any associated poles and fixings

(ii) Road markings

(iii) All materials including kerbs

**Reason:** In the interests of visual amenity.

39. No dwellings shall be occupied until the provision and permanent retention of the vehicle loading, unloading and turning facilities shown on the submitted plan (100.03 Revision P6) space has been laid out within the site so that vehicles can turn so that they may enter and leave the site in forward gear

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

40. No dwellings shall be occupied until the provision and permanent retention of the cycle parking facilities shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.

**Reason** – To support cycling provision facilities and promote the use of cycling as sustainable alternatives to the motor car.

41. Prior to the occupation of Whist House details shall be submitted to and approved by the Local Planning Authority showing the provision of 4 secure covered cycle parking spaces.

**Reason** – To support cycling provision facilities and promote the use of cycling as sustainable alternatives to the motor car

42. Before the occupation of the relevant phase the proposed design of the non-adopted private access roads and footpaths associated with each relevant phase shall be submitted to and agreed in writing in order to demonstrate they are to be constructed to an adoptable standard. These details must include;

- (i) Footways and/or footpaths shall be completed, with the exception of the wearing course including dropped kerbs and tactile paving
- (ii) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
  - highway drainage, including off-site works,
  - junction and visibility splays,
  - signing and lining
  - street lighting, street nameplates and highway structures if any.
- (iii) Sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients and drive gradients
- (iv) The final wearing course shall be applied within one year of any dwelling being occupied.

These access routes and pathways will be shown on a location plan and thereafter these roads, routes shall remain open to the public at all times roads and at no point shall a gate, fence, wall, railing or other means of enclosure be introduced unless otherwise agreed in writing.

**Reason:** In the interests of highway safety and maintaining wider public access through the site and to achieve functional but well-designed attractive streets.

43. The parking provision for the residential development shall be in accordance with the approved plans and parking spaces shall accord with KCC parking space standards unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interest of providing adequate designate parking on site in the interest of highway safety.

44. Before commencement of above ground construction works of the relevant phase, details of the undercroft car park design and their accesses, for that phase shall be agreed in writing shall be submitted to the LPA and agreed in writing. Details related to barriers, lighting, signing, security measures, signs and lining of the undercroft parking shall be submitted and approved prior to occupation of each relevant phase, where applicable.

**Reason:** In the interests of visual amenity and to ensure a safe form of development.

45. No dwelling shall be occupied until details of a residents' information pack in respect of;- the nature of the approved allocated parking and to promote alternative forms of transport has been submitted and approved by the Local Planning Authority in writing and shall comprise the following unless otherwise agreed in writing; :-

- confirmation of the location of any allocated parking facilities
- details of the car club
- details of bus voucher scheme and local bus timetables
- cycle voucher purchase scheme
- details of electric vehicle charging points
- details of the walking distances and times to the nearest community facilities and services
- Information on the regional car share website
- information on local taxi companies

**Reason:** In order to ensure that car parking arrangements and alternative local modes of transport is similarly understood.

46. No residential dwelling shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained within three months of the first occupation of the buildings hereby permitted. The Travel Plan should include the following:

- Details on facilitating a car club scheme including up to 2 on-site car parking spaces for use by residents including how it will be run for a period of 5 years from the date of the first occupation.
- setting objectives and targets measures to promote and facilitate public transport use,
- a range of walking and cycling measures to reduce car usage measures to reduce air pollution
- a residents optional cycle voucher towards a new bicycle from a local bike shop and/or a 3 month free bus pass on the Stagecoach East Kent network.
- a resident welcome pack and information on local public transport Information on the regional car share website
- 
- promotion of practices/facilities that reduce the need for travel monitoring and review mechanisms
- Travel Plan co-ordinators and associated support
- Provision of travel information
- Marketing

together with a timetable for the implementation of each element.

**Reason:** To allow those people without a vehicle the flexibility to use a car when they want one in the interests of a sustainable form of development.

47. The location of the two Car Club parking spaces shall be agreed with the Local Planning Authority before the use of the car park commences unless otherwise agreed in writing. Thereafter these spaces shall be preserved for car club parking spaces only unless otherwise agreed in writing with the Local Planning Authority.

**Reason :** To allow those people without a vehicle the flexibility to use a car when they want one in the interests of a sustainable form of development.

48. Within a month of the final occupation, a monitoring programme(s), to investigate the off site parking impact resulting from this development and the need for introducing a Controlled/Restricted Parking Zone in the area around Mill Court, shall be submitted to and agreed in writing with the Local Planning Authority. The monitoring programme shall set out the method, frequency and extent of the area being monitored monitoring area and shall focus on at the following streets; Linden Road; Star Road; Maplesden Avenue plus any other surrounding areas considered to be necessary by the Local Planning Authority. Thereafter if the Local Planning Authority decide the monitoring results demonstrate there is an adverse impact on parking in these local streets and an clear need introduce a Controlled/Restricted Parking Zone, then a process and timescale for its introduction shall be agreed in writing with the Local Planning Authority.

**Reason :** To ensure the development does not lead to off-site parking in nearby existing residential areas

49. Prior to the first occupation, details of the location of a minimum of 2 designated parking spaces featuring electric vehicle charging points shall be

provided and agreed in writing with the Local Planning Authority. The charging points should be a dedicated electric vehicle charging socket and the charging points and parking spaces shall be installed prior to the first occupation. Thereafter the parking spaces and the charging sockets shall be retained and maintained in a working order for the parking and charging of electric vehicles only.

**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.

### Demolition

50. The existing structures shown on the approved site plans as being demolished in their entirety and as part of the approved phasing plan, shall have all the resulting spoil, bricks or other associated materials which is not to be re-used in the construction of the replacement development, removed from the site before work starts on the relevant phase of the construction of the replacement development hereby permitted.

**Reason:** To enable the Local Planning Authority to regulate and control the development of the land; to preserve the residential and visual amenities of the locality and to secure a satisfactory standard of development having regard to Policy TC9 of the TCAAP.

### Flooding

51. Before first occupation a plan for the provision and landscape management of an 8 metre wide buffer zone alongside the Great Stour has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development unless otherwise shown on the approved drawings. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting, etc.

**Reason** Land alongside the Great Stour is particularly valuable for wildlife and it is essential this is protected. This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognises

that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

52. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

53. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

#### Contaminated land

54. No development (except some small scale demolition of hardstanding) approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- 1) A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This must include removal of parts of hardstandings to test soil below.
- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 170 of the National Planning Policy Framework.

55. If, during development, contamination (including gases) not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reason** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

### Ecology

56. All works to the river bank shall be in keeping with the natural character of the banks to ensure its wildlife habitats are protected.

**Reason:** To protect the areas of wildlife habitats and to improve habitat on the site

57. If any trees and shrubs cannot be removed outside the breeding season, then a qualified ecologist is required to carry out a check for nesting birds. If a nest is identified and considered to be on use then works must be delayed until the young have fledged unless with the written consent of the Local Planning Authority.

**Reason:** In the interests of protecting nesting birds.

58. All species within the planting scheme will comprise indigenous species within 500m of the Local Wildlife site.

**Reason:** To ensure no invasion of non-indigenous species into the Local Wildlife Site and to preserve ecological integrity.

59.No works that may affect bats shall be carried out until a long-term management and monitoring plan that ensures that the populations of species affected are conserved and wherever possible enhanced has been submitted to and approved in writing by the Local Planning Authority. The approved management and monitoring plan shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the existing population of bats and maintain and enhance their habitat on the site in the future.

#### Whist House

60.Prior to commencement of the works/development associated with Whist House hereby approved, detailed drawings and a full written schedule of works and specifications for the repair of Whist House shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. This should include detailed written information, samples and drawings (1:20 or 1:50 scale and sections) of the following

- a) Written details including source/ manufacturer and samples of all external materials including bricks, tiles and cladding
- b) New window(s)/door(s) shall precisely match the existing/adjacent window(s)/door(s) in detail, form of construction, material and finish and the external reveal and cill detail shall likewise match the existing/original window/door
- c) Details of any other external fittings to dwellings and their locations (including aerials, dishes and amenity lighting)
- d) Riverside terrace including materials, balustrades, rails
- e) Brick boundary wall pier and coping details
- f) All proposed driveway and pedestrian gates including style, detailing and final finish colour
- g) Pedestrian gate, railings, fixings etc
- h) Hedge landscaping
- i) to identify the all external gas and electricity meters and relationship to proposed adjacent ground levels whether hard or soft landscaped.

The development shall be carried out using the approved external materials. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works. Detailed information and drawings of any non 'like for like' repairs and structural works not shown on the approved drawings, or any variation of these approved works shall be submitted to the Council and approved in writing.

**Reason:** To safeguard the characteristics, fabric and appearance of the listed building and in the interests of visual amenity.

61. With regard to the Whist House development all hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and 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.

62. Prior to commencement of the works to Whist House hereby approved, detailed drawings and a full written schedule of works and specifications for the repair of the chimneys, internal partitions, external brickwork, panelling, ceilings, floors, timbers, wainscot, staircases, external cornice, rainwater goods and windows as (as identified on the approved plans), shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

**Reason:** To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

63. Before any works are carried out to Whist House the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.

- 1:50 scale survey drawings for all existing timber framing to external walls and roofs including studs and rafters showing which are to be retained, replaced, removed or repaired, including methods of repair where applicable.
- 1:50 scale survey drawings showing all areas of brickwork or other masonry which is proposed to repair, including methods of repair where applicable.
- 1:20 scale plan sections of new internal partitions, including details of their relationship to historic structure, and junctions with historic fabric.
- Detailed drawings to scale 1:5 and 1:1 of typical details of all new joinery, to include windows, internal and external doors, blind boxes to front elevation, staircase, panelling, skirting and wainscot.
- 1:50 scale plans indicating areas of floor boarding it is proposed to replace.
- 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.

- Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material

**Reason:** To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

64. No sand-blasting or other abrasive method is to be carried out to clean any timbers of Whist House.

**Reason:** To ensure the preservation of structure, features and detailing that form part of the architectural historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

65. Before the commencement of works to Whist House hereby approved, a drawing to show the areas to be repointed and a methodology for removing the existing pointing and specification for a lime based mortar to be used in the repointing works, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details.

**Reason:** To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

66. All raking out of mortar on Whist House is to be carried out with hand tools and not with mechanical or power driven devices.

**Reason:** To ensure no damage occurs to the historic brickwork of the Listed structure under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

67. All new leadwork at Whist House shall be completed in conformity with the recommendations set down by the Lead Sheet Association in their most recent publication.

**Reason:** To safeguard the historic fabric and the architectural character and appearance of the building.

68. Details, source/manufacturer and samples of replacement Peg Tiles/Hanging Tiles necessary at Whist House to make up the shortfall, in addition to those reclaimed following the careful stripping of the roof and relevant elevations, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved additions. Such tiles shall be sound second hand or new, matching the existing in type, colour, size, thickness and texture.

**Reason:** In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character

detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

69. Before relevant works commence at Whist House, written details confirming external render mix, detailed method of application, and proposed finished colour are to be submitted to and approved by the local planning authority and the development thereafter is to be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

70. Any hidden historic features at Whist House revealed during the course of investigative or further works to the walls, floors, ceilings and fireplaces shall be retained in situ, work to be suspended in the relevant areas of the building and the local planning authority notified immediately and given the opportunity to inspect. Prior to the commencement of any further works details including a schedule of works, drawings and annotated photographs as appropriate shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with these approved details.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

## **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 applicant/ agent responded by submitting amended plans, which were found to require further amendments acceptable and permission was deferred to give time for further amended plans to address the outstanding issues.
- The applicant was provided the opportunity to submit amendments to the scheme and address relevant design and planning issues.

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

## **Informatives**

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.

The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays. In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties. Finally the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.”

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk)

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://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 //AS)

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