

Application Number	17/01674/AS
Location	Former Powergen Site, Victoria Road, Ashford Kent
Grid Reference	00488/42404
Ward	Victoria
Application Description	Single storey roof top extensions to Blocks 5A and 5B as approved under planning application 17/01091/AS - providing 14 residential units and associated communal roof terraces
Applicant	Ashford Riverside Park Limited, c/o Agent
Agent	Lichfields, 14 Regent's Wharf
Site Area	0.035ha

(a) 28/-	(b) -	(c) SW X KCC H&T X EHM (EP) X ABC Refuse X EA X KCC (PROW) X KCC (ED) X
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Introduction

1. This application is reported to the Planning Committee as it involves the construction of more than 10 dwellings and is therefore classified as a “major” development that requires determination by the Planning Committee under the Council’s scheme of delegation.

Site and Surroundings

2. The application site comprises the roof tops of Blocks 5A and 5B within Plot 5 of Ashford Riverside Park approved under applications 17/00018/AS & 17/01091/AS. A site plan is provided below at Figure 1 to give locational context with plans forming Figure 2 and 3 giving the more detailed site context.

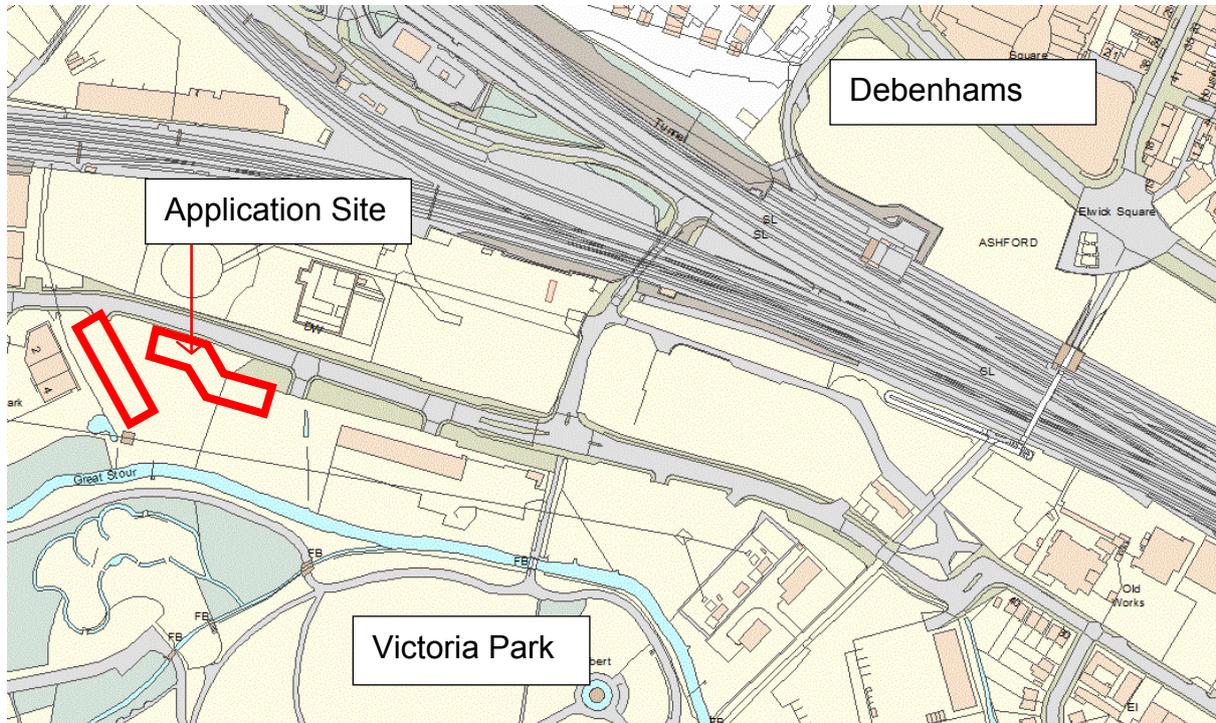


Figure 1: Site Location Plan

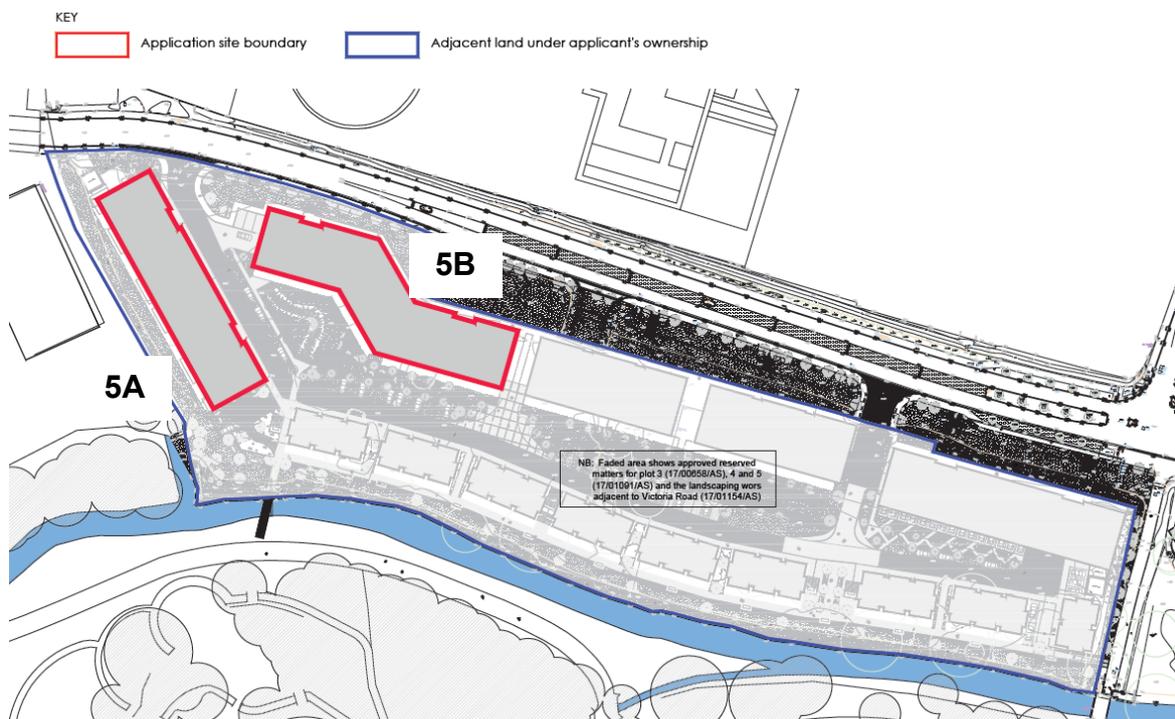


Figure 2: Application site shown with wider approvals

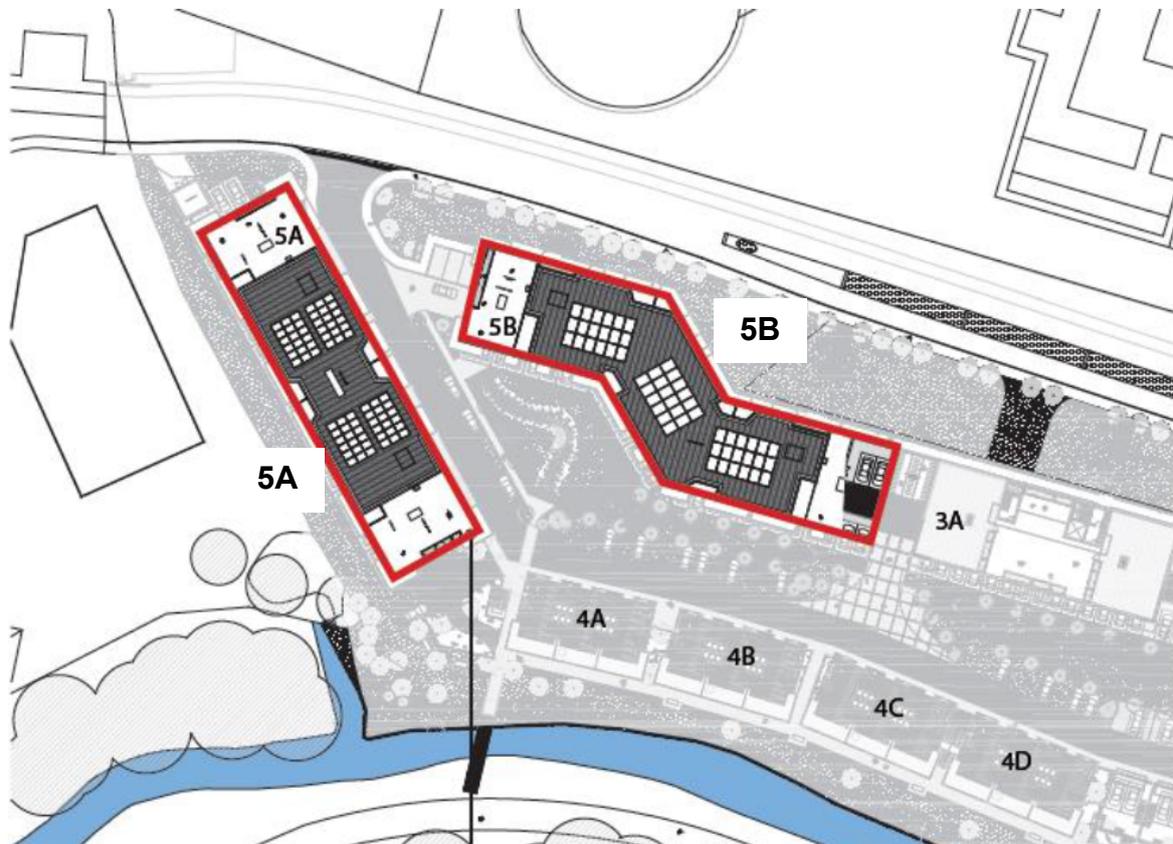


Figure 3: Block Plan

3. The site was previously in industrial use, forming part of the Ashford power station and is now under construction to provide 258 residential units across five apartment blocks and 26 houses.
4. The majority of the site is located within Flood Zone 3 (FZ3). The Great Stour, which flows along the southern boundary, is subject to a non-statutory nature conservation designation as a Local Wildlife Site (LWS).
5. The surrounding area comprises a mix of residential areas, business uses, vacant sites, transport infrastructure and public open space. The Stag Enterprise Park lies immediately to the west; with a number of two storey industrial buildings, it provides a range of commercial uses and a gym (CrossFit Great Stour).

6. Directly to the south of the site lies the Great Stour River and Victoria Park. To the east of the site lies an electrical sub-station, Victoria Road Primary School and 2-storey semi-detached residential properties on Victoria Road. To the north lies the vacant former gasworks site (to the north of Leacon Road) and the railway line.
7. Ashford Town Centre is approximately 400m to the north and the site lies within the extended Ashford Town Centre boundary, as defined by the Ashford Town Centre Area Action Plan 2010 (ATCAAP).
8. As approved, Block 5A is a 5-storey building comprising car, cycle parking and plant at ground level and 4-storeys of residential accommodation above. Similarly, Block 5B comprises parking and plant at ground level and 4-storeys of residential accommodation above. Both blocks include communal terraces and a plant/photovoltaic area at roof level.

Proposal

9. Full planning permission is sought for an additional 14 residential apartments in the form of single storey extensions at roof level to Blocks 5A and 5B. The proposed roof extension to Block 5A would provide 6 additional units located between two roof terrace areas (Figure 4 below shows the roof level development with dark cladding and Figure 5 below shows the two roof terrace areas at either end of the block).



Figure 4: Street Elevation Block 5A

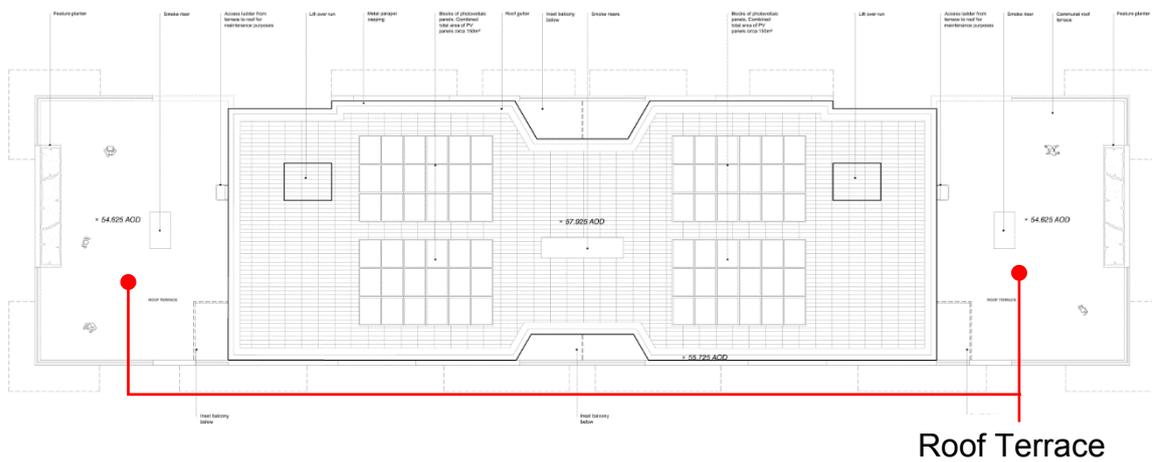


Figure 5: Roof Plan Block 5A

- The proposed roof extension to Block 5B would provide 8 additional units (Figure 6 below shows the roof level development with dark cladding and Figure 7 shows the roof terrace areas).



Figure 6: Street Elevation Block 5B

visual scale and bulk of the proposals. Figure 8 below illustrates the approach.

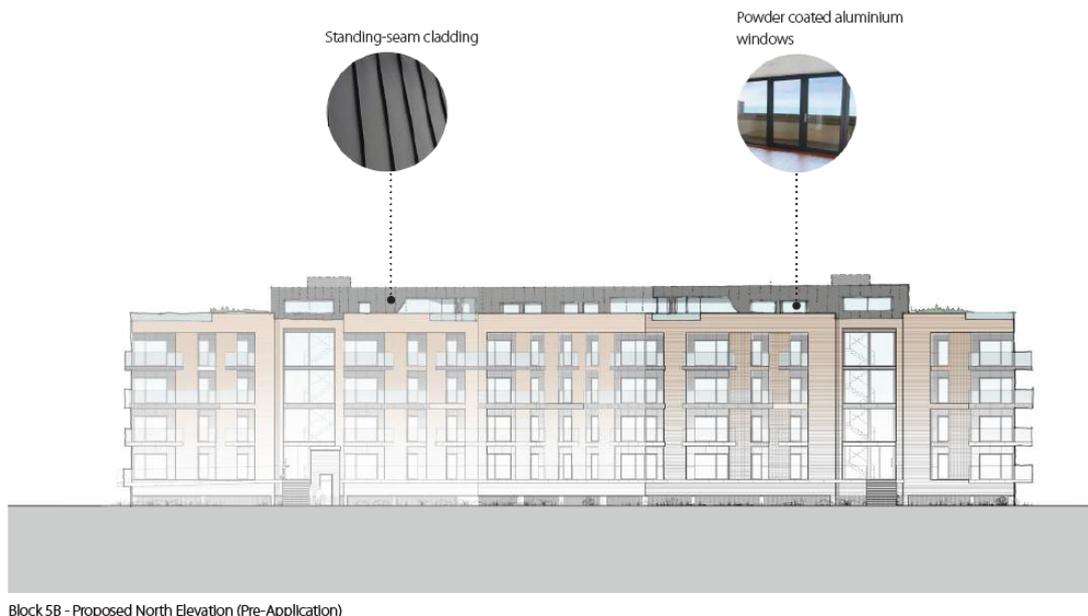


Figure 8: Typical materials

16. The applicant is not proposing any ground floor changes to the extant permission under construction. It is identified that the ground level parking, refuse and amenity spaces to be provided as part of 17/00018/AS are considered adequate to serve both the approved development and the proposed development forming this application.
17. The proposed extensions are therefore reliant on the building beneath coming forwards and cannot be implemented until the buildings have been constructed up to the height of the proposed roof top extension.
18. The overall height of the buildings as proposed to be extended would still fall within the maximum parameters approved in planning permission 17/00018/AS.
19. The setbacks at the ends of both blocks would continue to maintain the original design rationale behind the development by ensuring that building heights are lowest adjacent to Victoria Park and step up in height adjacent to Victoria Road.

Mix of dwellings

20. The proposals would provide an additional 14 residential apartments, comprising:
- 7 x 1-bed
- 7 x 2-bed apartments.
21. The applicant highlights that policy CS12 requires developments within the Ashford growth area of 15 units or more or on sites with a site area in excess of 0.5 hectares should provide no less than 30% of all dwellings as affordable housing with a proportionate split of 60% as social rented and 40% as other forms of affordable provision. As the proposals would create fewer than 15 new units and the site is smaller than 0.5ha, the affordable housing requirement is not engaged.
22. In addition, the emerging Ashford Local Plan 2030 (Policy HOU1) states that flatted developments within the defined Ashford Town area (which includes this site) are not required to provide affordable housing.

Amenity and Open Space

23. The adopted Residential Space and Layout SPD sets out the Council's desired standard of residential accommodation for the Borough. The standards are broken down into advocated and essential minimum standards. The Design and Access Statement confirms that all residential units meet the minimum internal requirements.
24. In order to maintain privacy levels, privacy screens are proposed between private terraces and with screens also separating private terraces from the communal roof terraces at either end of the blocks.. Overall, this approach is suggested as providing generous shared and private amenity space for residents, all in proximity to Victoria Park, consistent with the accepted approach in relation to 17/00018/AS.

Transport and Parking

25. The site is considered to be highly accessible via public transport with the proposed small increase in residential units having a negligible impact on traffic generation and so the conclusions of the previous Transport Assessment (dated December 2015) remain.

26. As established by 17/00018/AS and RM2, vehicular access to Blocks 5A and 5B would be from Leacon Road to the north and pedestrian accesses would be via the circulation cores of the approved blocks.
27. The approved development across Plots 3-5 includes 258 residential units (26 houses and 232 apartments) and 270 car parking spaces. This equates to an overall car parking ratio of 1.05 car parking spaces per residential unit.
28. Accounting for the additional 14 residential units proposed above Blocks 5A and 5B, this reduces the car parking ratio slightly to 1.01 car parking spaces per unit; this would be still within the Council's maximum parking standards (Policy TC23), but overall would maintain a ratio of 1 car parking space per residential unit. Additional car parking to serve the units is not therefore considered to be required as the approved car parking provision across Plots 3 to 5 would adequately serve the additional units.
29. Similarly, the addition of the 14 residential units reduces the approved cycle parking ratio within the cycle stores beneath Blocks 5A and 5B to 0.38 spaces per unit but this would still exceed cycle parking requirements (Policy TC24).

Refuse Storage

30. Blocks 5A and 5B currently have refuse storage areas at ground floor level. These would be sufficient to deal with the waste production from the 14 additional residential units.

Planning History

Application Reference	Description	Decision	Decision Date
15/01671/AS	Hybrid application for five plots comprising: (1) Full and detailed application for plots 1 and 2 comprising: erection of 400 dwellings, a retail kiosk/cafe unit (Use class A1/A3) and associated parking, public surface car park, plant and storage; together with landscaping and access works. (2) Outline application with appearance and landscaping reserved with parameters for plots 3, 4 and 5 comprising: demolition of existing buildings/structures and	Permitted	24/11/2016

Application Reference	Description	Decision	Decision Date
	erection of up to 260 dwellings, associated parking, plant and storage together with landscaping and access works.		
17/00018	Proposed variation of Condition 08 of planning permission 15/01671/AS to replace the following approved plans:- Site Plan Proposed Illustrative Masterplan 14.046.S01.B Plots 3, 4 & 5 Block Plan 14.046.101 F Parameter Plan Proposed Critical Distances 14.046.104 F Parameter Plan Proposed Range of Building Heights 14.046.105 F Parameter Plan Proposed Building Levels & Plot Extents 14.046.106 G Parameter Plan Proposed Access, Routes and Communal Landscaped Areas 14.046.107 G	Permitted	11/01/2017
17/00658/AS	Reserved Matters = Appearance and Landscaping	Approved	14/07/2017
17/01091/AS	Reserved Matters application for appearance and landscaping	Approved	07/11/2017

Consultations

Ward Members: No written comments have been received from the Ward Member.

Southern Water: Raise no objection subject to Condition 11 (below) and Informative 2 being attached to any approval.

ABC Refuse: Raise no objection

Environmental Health Manager (EP): Raises no objection subject to:

Conditions 48 & 49 of the extant planning permission (17/00018/AS) being imposed on any permission.

[HoDMSS note: These conditions are set out at conditions 09 & 10 respectively in the recommendation below].

Environment Agency: Make no comment

KCC: Highways & Transportation: Raise no objection.

KCC: Public Rights Of Way: Raise no objection.

KCC Economic Development: Raise no objection, however request the following contributions are sought:

Contribution	Per dwelling (x14)	Total	Project
Libraries	£48.02	£ 672.22	Towards the additional book stock required to meet the demands of the additional borrowers from this development at Ashford Library

ABC Open Space Planning Development Officer: Raises no objection but requests that the following contributions are sought to address pressure from the additional residents on existing open space provision:

Open Space type	Commuted off-site contribution	Project
Sport - outdoors	£3327.92	Contribution towards additional equipment for football, netball and tennis at Courtside/ Pitchside
Informal/natural	£3317.71	Improvements to the shared entrance to Bowens Field and Victoria Park
Play	£6768.13	Contribution towards toddler age play at Victoria Park
Allotments	£673.75	Contribution towards improvements to the boundary of an allotment site in Victoria Ward
Strategic Parks	£479.79	Contribution towards additional seating at Victoria Park
Cemeteries	£0.00	
Totals	£14,567.29	

Planning Policy

31. Panning applications have to be determined in accordance with s70(2) TCPA and s38(6) Planning and Compulsory Purchase Act 2004
32. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight. .
33. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

CS1 - Guiding principles for sustainable development.

CS3 – Ashford Town centre

CS9 - Design quality.

CS13 – Range of Dwelling Types and Sizes

CS15 – Transport.

CS19 – Development and Flood Risk

CS20 - Sustainable drainage.

Ashford Town Centre Area Action Plan 2010

Policy TC10 - The Southern Expansion Quarter

“The Southern Expansion Quarter should accommodate a large amount of new development with the primary focus on residential development, the proposed Learning Campus and a 500 space multi-storey car park all served by the new Victoria Way. Also within this Quarter, limited retail, leisure, commercial and community-related uses would be acceptable in principle.

Redevelopment proposals in this Quarter must enable the delivery of the vision for Victoria way as an urban boulevard. All proposals must demonstrate that they would produce a well-proportioned street based on the relationship between building heights and street width. East of Gasworks Lane, redevelopment proposals shall ensure the delivery of a street 24 meters wide between building frontages. To the west of Gasworks Lane, redevelopment proposals shall ensure that the width of the street shall be based on the scale of building heights proposed along either side of the street.

Developments fronting Victoria Way would be required to deliver a finished quality of public realm to the quality set in the Town Centre Design SPD. This may involve improvements to the first stage construction standard of this space.

A new public urban space (Victoria Square) would be created at the intersection of the Learning Link route and Victoria Way in line with the Public Realm Strategy.

Developments that would front or surround Victoria Square and/or the Learning Link would need to show how they complement their roles in terms of their use, scale and design. A design brief for this area would need to be agreed by the Council before detailed proposals are considered.

A replacement footbridge / cycleway shall be delivered to provide an improved crossing of the railway lines and link between Victoria Square and Elwick Square.

Development adjacent to the footbridge / cycleway must demonstrate how it would respond to the change of levels between Victoria Square and the footbridge in a way that assists in the delivery of a high quality public realm along any resultant ramped, terraced or stepped solution.”

Policy TC13 – Victoria Way south

“This site is allocated for residential development. Development on this site should provide a variety of different unit types and sizes.

Complementary small-scale office or retail uses at street intersections along Victoria Way should also be provided.

Proposals would:

- A. ensure development directly fronts onto Victoria Way and the river corridor;
- B. range in height from around 4- 6 storeys along Victoria Way down to a general 3-4 storey scale for development that fronts the river corridor; and,
- C. contribute to the provision of a new footway / cycleway bridge over the river to Victoria Park. The cost shall be divided on a proportionate basis with the development on site TC14.
- D. provide a pedestrian / cycleway along the northern bank of the river.”

TC1 - Guiding principles

TC23 – Residential Parking Standards

TC24 - Cycle parking standards in the town centre

TC27 – Open Space, Recreation, Sport and Play Facilities

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

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces & Water Environment SPD 2012

Other Guidance

Informal Design Guidance Notes 1- 4 (2015)

Government Advice

National Planning Policy Framework 2012

35. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.

36. The NPPF is designed to facilitate positive growth – making economic, environmental and social progress for this and future generations and delivering sustainable development without delay. The policy document holds a ‘pro-growth’ agenda. Paragraph 21 highlights some crucial points in this respect, including:
- investment in business should not be over-burdened by the combined requirements of planning policy expectations
 - policies should be flexible enough to accommodate needs not anticipated in the plan and allow a rapid response to changes in economic circumstances
 - Local plans should identify priority area for economic regeneration, infrastructure provision and environmental enhancement.
37. Paragraph 23 requires that planning policies should be positive and promote competitive town centre environments. It continues that town centres are at the heart of their communities and that they should provide customer choice and a diverse retail offer and which reflect the individuality of town centres. Paragraph 24 sets out the town centre first approach which is crucial in achieving these aspirations.
38. The key theme of the central Government policy is one of promoting sustainable development. The purpose of the planning system is therefore defined as one that contributes to the achievement of sustainable development. There are three dimensions to sustainable development, being economic, social and environmental.
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and

pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

39. Central Government policy attaches great importance to the design of the built environment as set out in paragraph 56 of the NPPF. Good design is a key component of sustainable development, 'indivisible from good planning' and contributes positively to making places better for people.
40. In terms of design Central Government advocates that the local planning authority should not seek to dictate architectural style particular tastes and should not seek to stifle innovation, originality. Decisions should focus on the overall scale, density, massing, height, landscape, layout, materials. Decisions should also seek to promote or reinforce local distinctiveness where possible.
41. Paragraph 216 states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

National Planning Practice Guidance (NPPG)

42. Paragraphs 23 – 28 set out those aspects of design that local authorities should consider as a minimum. These are:
- layout – the way in which buildings and spaces relate to each other
 - form – the shape of buildings
 - scale – the size of buildings
 - detailing – the important smaller elements of building and spaces
 - materials – what a building is made from

43. Government advice goes on to highlight that the quality of new development can be spoilt by poor attention to detail. Careful consideration should be given to items such as doors, windows, porches, lighting, flues and ventilation, gutters, pipes and other rain water details, ironmongery and decorative features. It is vital not only to view these (and other) elements in isolation, but also to consider how they come together to form the whole and to examine carefully the 'joins' between the elements.
44. In terms of materials they should be practical, durable, affordable and attractive. It is noted that choosing the right materials can greatly help new development to fit harmoniously with its surroundings. They do not have to match, but colour, texture, grain and reflectivity can all support the creation of harmony in the townscape.
45. The following are also material to the determination of this application:-

Ashford Local Plan to 2030 (Submission Version December 17)

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP5 – The Town Centre

SP6 – Promoting High Quality Design

HOU1 – Affordable Housing

HOU12 – Residential space standards internal

HOU15 – Private external open space

TRA3a – Parking Standards for Residential Development

Assessment

46. The main issues for consideration are:
 - (a) The principle of the proposals, i.e. how the redevelopment of the site fits within the existing local and national planning policies in terms of use and location;
 - (b) Whether the proposals are acceptable in terms of affordable and mix of housing;

- (c) The quantum of parking provision and impact of the development on the local highway network
- (d) The design quality of the scheme and the impact on the visual character of the surrounding area;
- (e) Whether the proposed open space / amenity space is adequate to serve the development;
- (f) Whether the proposal is acceptable in terms of flooding and surface water drainage;
- (g) Planning obligations;

(a) The principle of the proposals i.e. how the redevelopment of the site fits within the existing local and national planning policies in terms of use and location.

- 47. The application site is identified in the Council's development plan for development within the Core Strategy in 2008 and the Ashford Town Centre Area Action Plan (ATCAAP) in 2010, specifically in ATCAAP Policies TC10 and TC13.
- 48. Policy TC13 allocates the application site for residential development, providing a variety of different unit types and sizes with development fronting onto Victoria Way and the river corridor.
- 49. The approval of the hybrid application (15/01671/AS) in 2016 for 660 residential units, a small retail kiosk/café unit and a surface level car park (116 spaces) further cemented the principle of residential as being acceptable in this location.
- 50. I therefore conclude that the principle of further residential development on this site, subject to the matters below, would accord with the development plan and is acceptable in principle.

(b) Whether the proposals are acceptable in terms of affordable housing and mix of housing

- 51. Core Strategy Policy CS12 requires that developments within the Ashford growth area of 15 units or more or on sites with a site area in excess of 0.5 hectares should provide no less than 30% of all dwellings as affordable housing. The proposal is for 14 units and on an immediate site area of less than 0.5ha.

52. CS12 goes on to say that if a site comes forward as two or more separate development schemes the Council will seek an appropriate level of affordable housing on each part to match the total provision the overall scheme would have provided.
53. The original site was subject to viability assessment where it was determined that the main 660 dwelling scheme was unviable and could not provide affordable housing. The extent to which the scheme was unviable was such that had 14 units been added to the overall scheme it would have remained unviable.
54. Policy HOU1 of the Ashford Local Plan 2030 states that within the Town Centre flatted schemes are not expected to provide affordable housing as the evidence base underpinning the Ashford Local Plan to 2030 states in the town centre such schemes would not be viable if affordable housing was sought.
55. I am satisfied that the proposals do not need to provide any element of affordable housing.

(c) Amount of parking provision and impact of the development on the local highway network

56. Paragraph 3.39 of the AAP states that maximum parking standards should apply to all residential developments within the Town Centre, given the finite and valuable nature of the land coupled with the need for higher density development within the Town Centre to meet growth targets. The limited capacity of the road network here, the sustainable location in terms of proximity to shops and services and the additional impact of the high speed rail services to central London are also factors which justify this approach.
57. Policy TC23 goes on to set a maximum of 1 parking space per dwelling of 3 or less bedrooms. This equates to a maximum of 14 parking spaces. The Residential Parking Standards SPD 2010, also stipulates a maximum parking approach of 1 space per apartment. As a result, the SPD stipulates a maximum of 14 additional parking spaces.
58. The extant approved development across Plots 3-5 includes 258 residential units (26 houses and 232 apartments) and a commitment to 270 car parking spaces. This equates to an existing car parking ratio of 1.05 car parking spaces per residential unit.
59. Whilst no further parking would be provided as part of this application, if we the additional 14 residential units proposed above Blocks 5A and 5B are taken into account, the overall car parking ratio for the development would be

reduced to 1.01 car parking spaces per unit. This would maintain the 1:1 maximum parking standard set out in Policy TC23 and the adopted SPD.

60. Emerging policy TRA3a is a material consideration. The proposal would comply with TRA3a as the proposals maintain a 1 parking space per dwelling.
61. The addition of the 14 residential units would also catered for within the existing permission with 0.38 cycle spaces per unit being provided. This would exceed the adopted cycle parking requirements set out in Policy TC24.
62. Kent County Council Highways and Transportation raise no objection to the development on highway capacity, safety or parking grounds.
63. My conclusion is that that the parking provision and the impact on the local highway network are both acceptable.

(d) The design quality of the scheme and the impact on the visual character of the surrounding area

64. Policy TC13 (para 2.167) states that along Victoria Way/Leacon Road development up to 6-storeys in height, with a top storey set back to help increase sunlight to the street, would be acceptable. The proposals seeking permission to add the 6th storey to each block above the road level of Victoria Way with a set-back not only from the street frontage but also inset from the ends of each block.
65. The proposals would remain within the height parameters approved and considered acceptable by the Council in planning permissions 15/01674/AS & 17/00018/AS.
66. I am satisfied that the heights proposed are suitable and in accordance with the regeneration aims for this site. In light of the above, I am satisfied that policy CS9(a) is addressed by the proposals.
67. With regard to the detail of the design, the architecture continues the contemporary approach set by the outline planning permission and subsequent Reserved Matters approvals.
68. The proposal features a simple form articulated by the shape of each block. Recessed private terraces, glazed private terraces balustrades and a high quality standing seam mansard roof further add to this articulation.
69. The addition of the further storeys to each block would add variety to the roofscape and, in turn, the townscape in which it sits. In addition, I consider that the use of the darker standing seam mansard roof, combined with the

setbacks from the edges of the building would in my view help the addition appear recessive/subordinate in the street scene. The change in massing of the 6th storey would help give each building a clear 'top'.

70. Seen in combination with the development already approved, I consider that the overall development would represent a well-proportioned and cohesive form of development.
71. Taken as a whole the proposals would continue to give this part of Ashford a distinct character, aid legibility and create a visually interesting development for residents and visitors alike and so I support this approach.
72. The finer details of the scheme, such as joinery, can be conditioned as the execution of the scheme in its detailed form is critical to its success.
73. Addressing the issue of residential amenity, having considered the proposed flats against the Nationally Described Residential Space Standards, the flats comply and an acceptable standard of private amenity space would be provided for each flat as required by HOU12 and HOU15.
74. I am satisfied that the extant proposals already provide for sufficient refuse storage and collection so as to be able to absorb the proposed additional homes.
75. In conclusion, the proposals accord with the objectives of Policy CS1 by providing high quality design with high sustainability standards and would make the best use of previously developed land.
76. The development of which the additional homes would be part is crucial in enabling the Town Centre to grow as envisaged in Policy CS3 and will provide the high quality of design required by Policy CS9. It will also enable the Town Centre to grow as envisaged in ATCAAP and provide a benchmark for the comprehensive and innovative approach to providing the highest quality design. The additional homes accord with this approach.
77. I am satisfied that the design is well considered in terms of scale and design, and would result in a positive addition to the Town Centre.

(e) Whether the amount of open space / amenity space is adequate to serve the development

78. As with the parent planning permissions, being an urban site there is no room within the site to provide substantial open space to meet the needs of the residents. However the proposals provide communal open space in the form of the roof terraces and each apartment is provided with a private terrace.

79. The site is also located adjacent to existing open space which could serve the needs of the residents. However, the development would place additional pressure on this resource And as such I consider it would be reasonable to secure contributions as set out above toward open space provision to offset this pressure.

(f) Is the proposal acceptable in terms of flooding and surface water drainage

80. The proposals, being roof top additions, are located outside of the flood plain as a consequence I am satisfied that the proposed development would not result in increased risk of localised or downstream flooding.

81. Turning to surface water drainage, the existing development already makes allowance for surface water drainage and attenuation. The proposals do not increase the amount of impermeable area and as a result would not increase the level of water run-off from the development.

82. I conclude that the proposal is acceptable in flooding and surface water drainage terms and so would accord with Policy CS20 of the Core Strategy and ENV9

(g) Planning Obligations

83. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

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

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	<p><u>Libraries</u></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Contribution for additional book-stock at libraries in the borough</p>	<p><u>£672.22</u></p> <p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Core Strategy policy CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2	<p>Sport - outdoors</p> <p>Contribution towards additional equipment for football, netball and tennis at Courtside / Pitchside</p>	£3327.92	Upon occupation of 75% of the dwellings	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
3	<p>Informal/Natural Green Space</p> <p>Improvements to the shared entrance to Bowens Field and Victoria Park</p>	£3317.71	Upon occupation of 75% of the dwellings	<p>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

Planning Obligation				Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)		
4	<p>Play Contribution towards toddler age play at Victoria Park</p>	£6768.13	Upon occupation of 75% of the dwellings	<p>Necessary as children’s and young people’s play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children’s and young people’s play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
5	<p>Allotments Contribution towards improvements to the boundary of an allotment site in Victoria Ward</p>	£673.75	Upon occupation of 75% of the dwellings	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
6	<p>Strategic Parks Contribution towards additional seating at Victoria Park</p>	£479.79		<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces & Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
7	<p><u>Monitoring Fee</u></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p><u>£1000</u></p> <p>£1000 one-off payment</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p>
<p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>			

Human Rights Issues

85. 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

86. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

87. The scheme is acceptable in principle.
88. The proposals are of a high quality design that respond to the site and deliver a contemporary form of architecture which would add to the character and appearance of the street scene.
89. The addition of additional residential units would further help provide for local housing need and in turn, through local spend, the local economy would significantly benefit in the short and longer term through the construction phase and with increased spend in the town centre.
90. The development would not result in a significant increase in traffic movements and, as a result, would not materially increased risk of road traffic accidents or significant traffic delays.
91. The proposals would not result in increased likelihood of localised or downstream flooding.
92. In accordance with the NPPG a number of planning conditions detailed in the report above are required to ensure the development fully complies with planning policy.
93. Subject to the satisfactory conclusion of a s.106 agreement, my conclusion is that planning permission should be granted subject to the conditions set out in the Recommendation section of this report.

94. I therefore consider that overall, the development is in accordance with the Development Plan as a whole and the emerging policies in Draft Local Plan and the NPPF and therefore amounts to sustainable development. As a consequence, there is a presumption in favour of the development and therefore I recommend that permission be granted.

Recommendation

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

- a. Libraries £ 672.22
- b. Open Space £14,567.29
- c. Monitoring Fee £1000+ (per year until development is completed)
- d. as detailed in Table 1, in terms agreeable to the Head of Development Management and Strategic Sites and Design or the Development Control Managers in consultation with the Corporate Director (Law & Governance) with delegated authority to either the Head of Development Management and Strategic Sites and Design or the Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional obligations / planning conditions or deleting obligations / conditions) as they see fit.

- (B) Permit**

Subject to the following conditions and notes:

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

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

- 2 Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

3 Fine detailing

Prior to the commencement of the development hereby approved the relevant details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- a. full details of parapet glazing (1:20),
- b. full details of privacy screens
- c. prior to installation - Details of any plant or machinery proposed on the roof and associated screens,
- d. prior to installation - Details of any satellite dishes or antenna,

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

4 Lighting

Prior to occupation of any dwelling details of external lighting shall be submitted to the local planning authority and agreed in writing.

The approved lighting shall be installed prior to occupation of any dwelling and no further 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.

- 5 Prior to the commencement of the development hereby approved details of the roof terrace landscaping (hard and soft) shall be submitted to approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented in accordance with the approved details.

Reason: In the interests of the residential amenity of the residents and to ensure that appropriate levels of external amenity space are provided for within the development

6 Construction

Prior to the commencement of commencement of the development hereby approved a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction 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 of Construction Practice shall include,

- (a) Measures to minimise the production of dust
- (b) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s). The measures shall include but not be limited to a BS5228 assessment to protect Victoria road primary school from construction noise and vibration as recommend by para 8.1.2 of the Merebrook Environmental Noise Assessment Report ENA-1943-15-280 Rev B dated December 2015.
- (c) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the plot
- (d) Location of construction compound and design and provision of site hoardings
- (e) Management of traffic visiting the plot including temporary parking or holding areas
- (f) Provision of off road parking for all site operatives
- (g) Measures to prevent the transfer of mud and extraneous material onto the public highway
- (h) Measures to manage the production of waste and to maximise the re-use of materials
- (i) Measures to minimise the potential for pollution of groundwater and surface water
- (j) The location and design of site office(s) and storage compounds

- (k) The location of temporary vehicle access points to the plot during the construction works (including loading and turning of construction vehicles)
- (l) Lorry routing to the site from the M20
- (m) The arrangements for public liaison during the construction works

Reason: To protect the amenity of local residents.

- 7 No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.

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

8 **Compliance with approved plans**

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.

- 9 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.

- 10 Prior to the occupation any dwelling hereby approved, a scheme for the control of noise and vibration of plant (including mechanical ventilation, refrigeration, air conditioning and air handling units) to protect occupants from noise and vibration to be used 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 building. 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: In order to protect the occupiers of the dwellings from undue disturbance by noise.

11 **Drainage – Foul and Surface Water**

Prior to the commencement of the development hereby approved details of the works for the disposal of sewage serving buildings shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure proper sewage disposal and avoid pollution of the surrounding area.

- 12 Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State.

No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

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

13 **Visual amenity**

Without the prior written consent of the Local Planning Authority:

- No fixtures shall be attached to the exterior of any building
- No structures shall be placed or installed on the roof of any building

Reason: In the interests of protecting the character, appearance and visual amenity of the important entrance to Ashford.

- 14 No vents or flues shall be located on any façade of the buildings hereby approved other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority, or as per details already shown on the approved drawings.

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

Note to Applicant

1. Working with the Applicant

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

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

In this instance the applicant/agent was updated of any issues after the initial site visit,

- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required.
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01674/AS.

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