

<b>Application Number</b>	17/01357/AS
<b>Location</b>	Trafalgar House, Elwick Road, Ashford, Kent
<b>Grid Reference</b>	0085/4255
<b>Ward</b>	Weald Central
<b>Application Description</b>	6 storey development comprising ground floor retail/restaurant premises use class A1/A2/A3/A4/A5 with 14 no 1-bedroom flats above with roof terraces.
<b>Applicant</b>	Shaptor Capital Ltd Castle House Castle Hill Avenue Folkestone, Kent, CT20 2TQ
<b>Agent</b>	OSG Architecture Ltd Wyseplan Building Occupation Road Wye, Ashford, Kent, TN25 5EN
<b>Site Area</b>	0.03

(a) 45/1R	(b)	(c) SW - X KCC (H&T) – X KCC (FWM) - R ES (EP) – X AA – R KCC (ED) – X KCC (PP) - X
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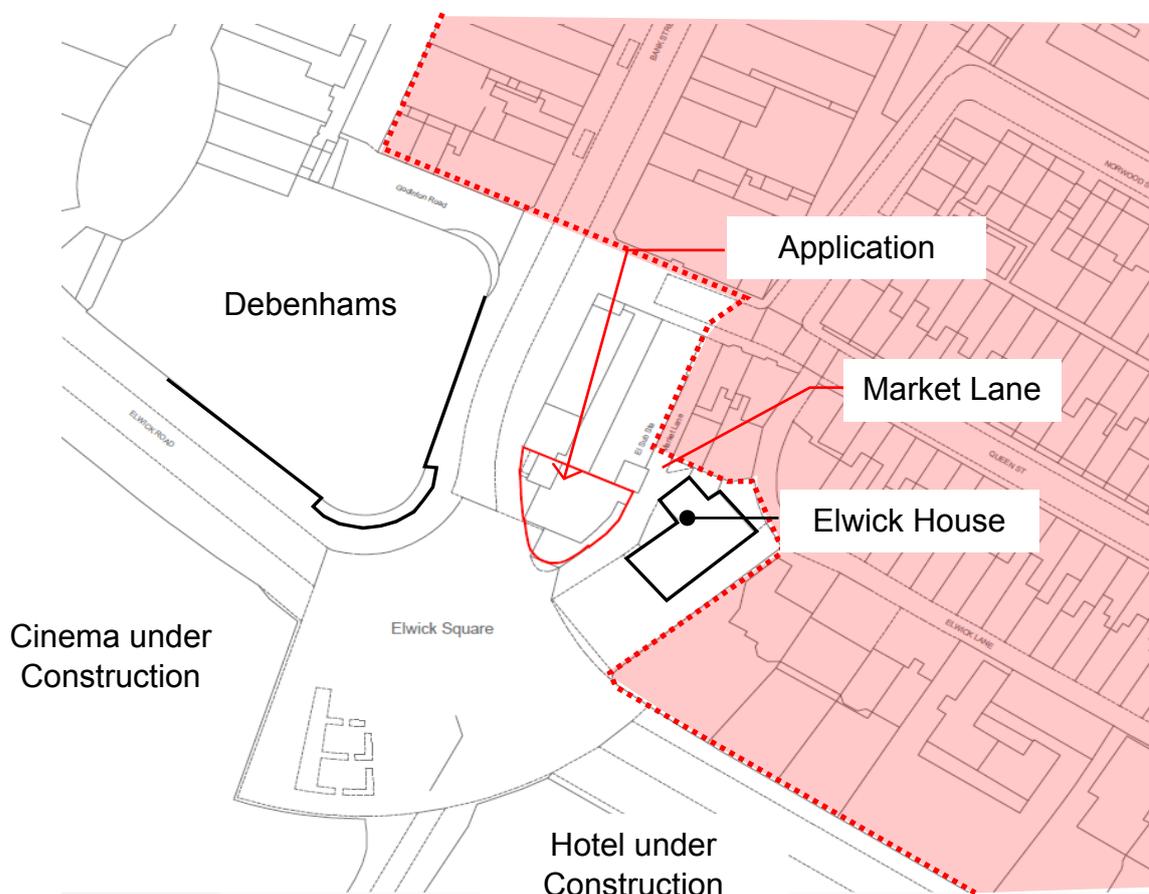
## Introduction

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 is located within the Ashford Town Centre Core and is accessed off Elwick Road and Queen Street. The building from which the proposal would extend is constructed in yellow brick and comprises four storeys with retail space at ground floor level and residential apartments at first floor level and above. Previously the site was use for retail within two single storey buildings. These were recently demolished.

3. The site sits within a Controlled Parking Zone with parking restrictions in place in all adjacent roads. The only vehicle parking available is via a residents' parking permit or in the nearby local pay-and-display car parks.
4. The site is adjacent to but not located in a Conservation Area (shown pink in Figure 1 below). The building is not statutorily listed.
5. The site is located across the road from Country Square (Debenhams) a 5-storey building measuring approx. 21m in height and with a layout that has a curved corner to Elwick Square. To the east lies Elwick House, a three storey apartment block constructed in yellow brick. The building is reasonable modern in style and was formerly used for offices.
6. To the south of Elwick Square is Elwick Place, which has planning permission for a 4-storey hotel and new cinema and restaurant complex. This permission is currently under construction with an anticipated December 2018 completion.
7. A plan showing the application site in relation to its surroundings is also attached as Annex 1 to this report.



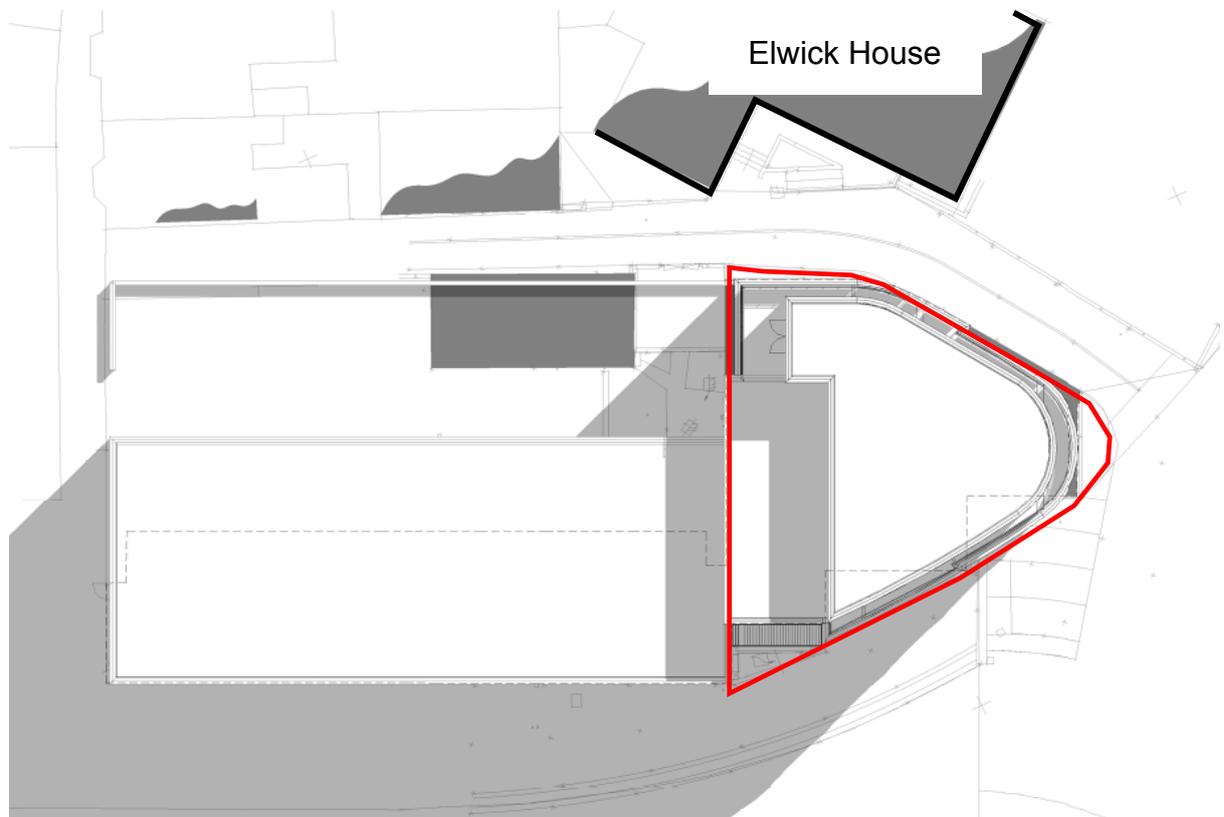
**Figure 1: Site Location Plan**

## Proposal

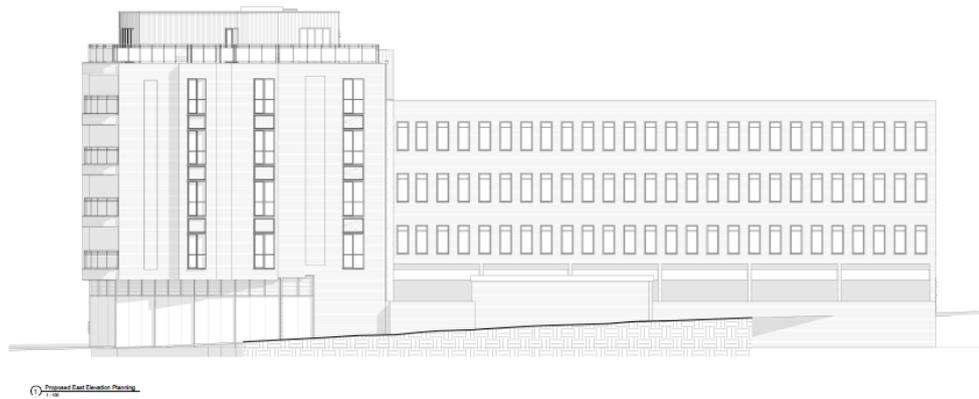
8. Full planning permission is sought for the construction of a 6-storey extension to the southern elevation of Trafalgar House to provide 14 new apartments and a ground floor retail/restaurant unit.
9. The accommodation to be provided is as follows:
  - 5 x studio apartments
  - 9 x 1-bedroom apartments
  - 170 sqm retail/commercial at ground floor
10. The proposal would be constructed in a buff brick with a recessed penthouse floor in aluminium cladding panels. The windows are proposed to be aluminium powder coated in a dark shade – fine detail to be confirmed by planning condition.
11. To the southern elevation, glass balustrades are proposed to balconies for each of the residential units proposed on each floor providing external amenity space and an outlook. All kitchen/ dining/ living rooms are proposed with patio doors leading to the balconies.
12. All external balconies are proposed to comply with the Council's adopted external space standards. Internally, the proposed units would comply with the Nationally Prescribed internal space standards.
13. The applicant considers that the proposed extension would provide a visual enhancement of the existing elevation of Trafalgar House facing south towards Elwick Square which is felt to be important in light of the vision for the wider area as set out in the Ashford Town Centre Area Action Plan 2010 (ATCAAP).
14. Elevations and a three dimensional digital representation of the scheme are provided below. Figure 2 below highlights the relationship between the proposed dwelling and Debenhams to the west and Elwick House to the east. It is worth noting the site plan at Figure 3 when considering the relationship between the proposals and Elwick House to the east. Although Elwick House has a different scale, it is set further back from the street edge than the proposal subject of the application.
15. Figures 4 & 5 provide the proposed elevations of the building.



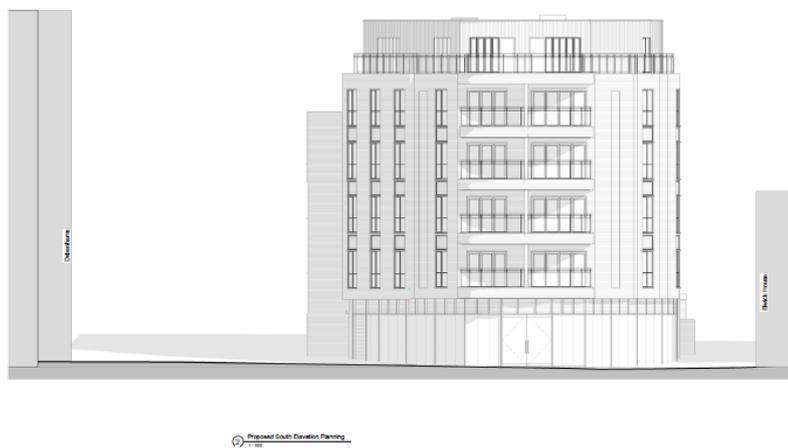
**Figure 2: Street Section**



**Figure 3: Site Layout**



**Figure 4: East and West elevations**



**Figure 5: South and North elevations**



**Figure 6: Visualisation**

16. No resident car parking spaces are proposed due to existing space constraints. The applicant considers that this is acceptable as the site is located in a sustainable central location close to shops and services with good access to public transport and within a Controlled Parking Zone (wherein car parks are within an easy walk).
17. Access would be achieved via the existing entrance to Trafalgar House. The current staircase and existing lift already serving the approved residential units in the existing northern part of Trafalgar House would provide access to the proposed extension on each floor. No further lift overruns or rooftop plant would be necessary.
18. The retail/ restaurant unit would provide an active frontage to Bank Street Elwick Square and Market Lane.

## **Relevant Planning History**

**Approved** 15/00011/AS - 3-storey corner extension proposing 6 x two-bedroom flats with balconies. Replacement of windows with double glazed units to match existing.

## Consultations

**Ward Members:** No written comments have been received from the ward member.

**Southern Water** No objection subject to an informative highlighting that a formal application of the connection to the foul and surface water sewer will be required. Southern Water also request the imposition of a condition concerning details of the Foul and Surface Water be supplied and approved.

**ABC Project Office (Drainage):** Raise no objections

**Ashford Access Group:** Make the following comments:

'Is the lift to be retained for use? I know it is of old design and rather small. Is it possible to update it with speaking level indicator and braille buttons? There should be flush entry to the building and a 1.5m sq. level platform at the doors. Entry door should have one leaf wide enough for independent w'chair use. I think I recall a slope towards the building please check gradient levels. It seems possible that there could be many people in the building and only one exit, next to the stairs.'

**[HoDM&SS comment:** I consider that this could be secured by planning condition.]

**KCC Highways and Transportation:** Raise no objections and make the following comment and request for a planning condition (condition 20 of the recommendation).

### Comment

'Although no car parking is proposed, the site is located in the middle of Ashford Town Centre and within the Controlled Parking Zone which limits long-stay on-street parking. There are several public car parks located a short walk away from the site which future residents could use.

The existing loading bay will serve the redeveloped retail/ restaurant premises and there are on-street parking restrictions in place to control deliveries.

The proposals will require a Section 278 Agreement in order to tie the proposals into the existing highway. The shared space materials should be salvaged and given back to KCC Highways; as these materials were laid in good will to the existing building line.

This can be agreed with the Ashford District Manager, Lisa Willoughby 03000 418181.'

**[HoDM&SS comment:** I would recommend an informative to highlight the need for a s278 agreement and condition to secure the salvaged materials.]

**Environmental Services:** No objection subject to conditions

**KCC Public Protection:** Raise no objection

**KCC Flood and Water Management:** make the following comments:

*“Unfortunately, no surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.”*

**[HoDM&SS Comment:** The proposal does not involve the creation of further impermeable surfaces. As a result, in my opinion it would not be reasonable to request further information in this respect.]

**KCC Economic Development:** Raise no objection, however request the following developer 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
<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 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>		

**[HoDM&SS comment:** Broadband can be the subject of a planning condition.]

**Environmental Health Manager:** Raise concerns that the application has made no reference to noise mitigation considering the busy, central location of the development, plus the proposed flexible use of the commercial ground-floor unit (which could be anything from a retail shop to a restaurant or wine bar). In light of this, the EHM recommends that a comprehensive noise assessment is conducted prior to the approval of the application.

**[HoDM&SS comment:** I consider that this could be secured by planning condition to ensure that the necessary safeguards to limit noise disturbance are provided as part of any construction. Should any licence be sought for the sale and consumption of alcohol from the ground floor of the building then the relationship to surrounding uses would be considered as part of that process.]

**Neighbours** 45 neighbours were directly consulted. A site notice was posted and the application was advertised in the press. 1 representation was received objecting to/ commenting on the application thus:-

‘Support more residential conversions in the Centre of Ashford but concerned about the presence bedroom flats.’

## **Planning Policy**

19. Planning applications have to be determined in accordance with s70(2) TCPA and s38(6) Planning and Compulsory Purchase Act 2004
20. 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 Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight. Some policies will carry more weight than others.
21. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2000**

TP6 - Cycle Parking

## **Local Development Framework Core Strategy 2008**

CS1 - Guiding Principles

CS2 - The Borough Wide Strategy

CS3 - Ashford Town Centre

CS8 - Infrastructure Contributions

CS9 - Design Quality

CS13 - Range of dwelling types and sizes

CS15 - Transport

CS20 - Sustainable Drainage

## **Ashford Town Centre Area Action Plan 2010**

### Site Policy TC3 – Elwick Place

Policy TC3 does not apply directly to the application site. However, the area it covers is coterminous with the application site and provides a degree of context for the development envisaged in this part of the Town Centre.

“The land on the south side of Elwick Road from the Beaver Road bridge to Gasworks Lane is one of the biggest and probably the most important of the development sites in the town centre. This corridor links the transport hub at the stations with the town centre and the County Square shopping centre. It also marks the transition between the established town centre and the major expansion needed to the south to meet the needs of a growing town.

It was because of this strategic importance that the pioneering ‘shared space’ remodelling of the town centre road network was focused here. The new Square at the junction of Elwick Road and Bank Street is a major addition to the public spaces in the town and marks the intersection of Elwick Road with the strong pedestrian movement from the southern part of the town northwards to the town centre. In short, this is a site in a location of strategic significance and the quality of development here would have a fundamental bearing on the town’s future.

Because of the site’s size it is likely that development would take place in phases. The initial planning submission must be comprehensive in their approach in that, as a minimum, they include a masterplan for the whole

area covered by policy TC3. A hybrid application could be brought forward whereby the detail of an early phase is included alongside an outline submission for the rest of the site. This would need to be in the context of a masterplan for the whole site which shall be agreed with the Council before any permanent planning permission is granted. This would establish, in more detail than the policy below, the precise mix, scale and distribution of uses and the general approach to urban design. The opportunity to link development on this site with the adjoining Godinton Way Industrial Estate site (policy TC8) (14/01305/AS) should be investigated and any masterplan for development on either site would need to demonstrate compatibility with the other.

West of Elwick Square, a predominantly retail-led mix is proposed to complement the County Square development opposite. Other appropriate secondary uses (mainly on upper floors) include residential, offices, hotel and leisure uses, including a cinema.

The County Square development provides a benchmark scale for development south of the road, although careful articulation would be needed to break up the scale of the block and give the vertical emphasis that one would normally expect in a town centre. Service access would be provided to the rear of these properties.

East of Elwick Square, the part of the site fronting the Victorian villas on the northern side of the street is proposed for mainly residential use (with the potential for some office space integrated into a more mixed use) and needs a design treatment that is sympathetic to the scale and pattern of building blocks these villas bring to Elwick Road.

There would be various ways this can be achieved and a contemporary design may well be the most suitable approach providing it is of real quality and complements the character of the adjoining Conservation Area. Building heights on the Elwick Road frontage should not be out of scale with those on the north side of the road but should take account of a careful study of the proportions of street width to building height. Setting back an additional roof storey may be possible with minimal impact and could be an option.”

TC1 - Guiding principles

TC23 - Residential parking standards in the town centre

TC24 - Cycle parking standards in the town centre

The following are also material to the consideration of this application:

### **Ashford Local Plan to 2030 (Submission Version December 2017)**

SP1 – Strategic Objectives

SP2 – The Strategic Approach to housing delivery

SP5 – Ashford Town Centre

SP6 – Promoting High Quality Design

HOU12 – Residential Space Standards – Internal

HOU15 – Private External Open Space

TRA3a – Parking Standards for residential development

TRA6 – Provision for cycling

ENV9 – Sustainable Drainage

ENV14 – Conservation Areas

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

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

### **Government Advice**

National Planning Policy Framework (NPPF) 2012

22. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. This includes Section 38 (b) of the Planning and Compulsory Purchase Act 2004 and Section 70 (20) of the Town and Country planning Act 1990.
23. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

- Para 11 sets out a presumption in favour of sustainable development requiring planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
  - Section 6 requires local planning authorities to deliver a wide choice of high quality homes
  - Para 56 attaches great importance to the importance of the design of the built environment
24. The weight given to the policies of the new Ashford Local Plan 2030 in assessing the proposal is in accordance with the guidance in paragraph 216 of the NPPF relating to the stage of preparation, the extent to which there are any unresolved objections and the degree of consistency to the policies in the NPPF.

National Planning Policy Guidance (NPPG)

25. Determination should be made in accordance with the Development Plan unless material considerations indicate otherwise.

## **Assessment**

26. 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) The design quality of the scheme and the impact on the visual character of the surrounding area.
  - c) The impact on residential amenity.
  - d) Car parking/refuse provision and the impact of the development on the surrounding highway network.
  - e) Water efficiency and impact on flooding and surface water drainage.
  - f) 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.**

27. The site is an existing brownfield site located within the Town Centre, until very recently covered by two unoccupied single storey commercial units. The site is not specifically allocated within any development plan policy.
28. The NPPF advocates re-using existing brownfield land for development before green field sites.
29. Policy TC2 of the Ashford Town Centre Area Action Plan aims to promote an appropriate mix of uses within the town centre in order to bring about vitality and reverse economic decline.
30. Whilst it is not allocated, the application site is located adjacent to Elwick Place which is covered by Policy TC3. The thrust of TC3 is to provide a range of uses with an emphasis on enhancing, through new development, an important public space which will create activity and economic benefits.
31. Development Plan policy and Central Government guidance seek to preserve the character of existing town centres and ensure that a wide range of services are provided through the promotion of diverse uses.
32. Development within town centres is also seen as an opportunity to improve the environment and, as such, development in such locations must be considered sustainable and help to reduce the need to travel as far as possible in line with the NPPF.
33. The site is within the town centre with good access to facilities and public transport and therefore complies with general advice in the NPPF that states housing development should be considered in the context of seeking to ensure sustainable development.
34. The proposed ground floor commercial use would also be likely to help to enhance both the daytime and the night-time town centre economy.
35. In light of the above, I consider the principle of the development is acceptable and fits in with the development plan policies , CS1, CS2, CS3 & TC1 in terms of use and location. I am satisfied that the proposed development would comply with the requirements of Development Plan policy and Central Government Guidance and would represent an appropriate addition to the Town Centre. SP1, SP2 and SP5 are material consideration and do not form currently form part of the development plan and as such are afforded less weight as a material consideration, however, I

am satisfied that the proposals would be in accordance with the emerging policies.

**b. The design quality of the scheme and the impact on the visual character of the surrounding area.**

36. The scheme is overtly contemporary in design and I support this approach, as it would add variety and interest to the townscape in which it would sit, and would be appropriate to the uses proposed.
37. The NPPF attaches great importance to the design of the built environment, stating the decisions should aim to ensure that development adds to the overall quality of the area.
38. The site is located in a prominent position, on the corner of Market Lane and Elwick Road, facing Elwick Square and the 'shared space'. The existing single storey building that is proposed to be demolished has an unfortunate, uninteresting and rather bleak appearance due to its form and design and lack of windows and activity. It now sits poorly with the quality of the emerging space to the south.
39. In relation to the surrounding context, including County Square and the cinema/hotel development at Elwick Place, the height of the proposals would sit comfortably within the street scene and would result in an appropriate street proportion, creating a pleasant environment to both move through and spend time within.
40. I support, in principle, the use of brick for the walls and aluminium cladding to the roof. The finer details of the scheme such as joinery, balconies, eaves and fascia etc. would need to be the subject of planning conditions to ensure that the scheme is a success.
41. The use of a varied palette of materials, combined with recessed façade detailing would ensure a development which would exhibit richness in detail. The ground floor of the building, being constructed in essentially all glass with a recessive grey framing, would ensure that that the building would have a strong base that is of a human scale that relates to the street scene.
42. The vertical scale of the building would be commensurate with that of Debenhams. Its proposed form, which would taper away from the curved corner entrance into Debenhams. As a consequence the resulting space between Debenhams and the development would in my view feel open and inviting. I am satisfied that the resulting spatial relationship would not be oppressive or overbearing on this key thoroughfare.

43. The majority of the proposal sits further southward than Elwick House. Whilst the proposal would be 3-storeys taller than Elwick House, I consider that the character of Market Lane is that of a tight and intimate non-vehicular route. This being the case, I consider that the proposal would reinforce this character rather than be detrimental to it.
44. The proposed shop frontage design takes its lead from those approved as part of the cinema and hotel complex and would therefore complement that development and help create a harmonious whole.
45. The proposed balconies would add to the animation of Elwick Square and provide visual interest as well as an amenity benefit to scheme occupiers.
46. The proposal would provide active frontage to all key movement corridors and so should help ensure this part of the town has a pleasing sense of activity and is safe as a result of being overlooked.
47. The proposal would update a tired looking building, which currently has a negative visual impact on the character and appearance of the street and the character of the adjacent conservation area. Subject to agreement of appropriate materials and fine design details through planning conditions, I consider that the proposal would not have a detrimental impact on the character and appearance of the adjacent conservation area as required by policy ENV14.
48. In the light of the above, I am satisfied that the scale of the proposal is acceptable and that the scheme would introduce a coherent form of development, maximising the opportunities of this site. Accordingly, the proposal would comply with Policy CS9 and would help contribute to the aims of the ATCAAP. Emerging policy SP6 does not currently form part of the development plan and as such is afforded less weight as a material consideration, however, I am satisfied that the proposals would be in accordance with the emerging policies aims.

**c. The impact on residential amenity.**

49. Having considered the proposed apartments against the Nationally Described Residential Space Standards, they would comply. I am satisfied that an acceptable standard of private amenity space would be provided for each apartment as is required by Policies HOU12 and HOU15, which I afford weight as they reflect the current Central Government policy.
50. Subject to a planning condition which ensures that the proposed mitigation measures are adhered to, I am satisfied that no significant or unacceptable

noise and disturbance to the future occupants of the apartments would be caused from the eventual user of the ground floor commercial space.

51. With regard to any potential smells from cooking, an extractor system would need to be installed. The details of any such system can be the subject of a planning condition.
52. I am satisfied that the relationship between the new residential windows and those approved under permitted development at the neighbouring Elwick House, whilst close, are acceptable given the urban setting where closer relationships are to be expected.
53. I would, however, recommend that the ground floor glazing along Market Lane is subject of a planning condition restricting it to non-opening detailing in order to protect the amenity of the ground floor occupants in Elwick House.

**d. Car parking/refuse provision and the impact on the surrounding highway network.**

54. In central locations, Policy TC23, which stems from CS15, and the Council's adopted Residential Parking and Design Guidance SPD 2010 identifies that a maximum of one off street parking space would be required for each apartment given the 'Central' location. However, the SPD also identifies that zero car parking would also be acceptable here as the site is located in a CPZ and is close to existing parking facilities.
55. The site is located within the town centre in a sustainable location. Whilst no on-site car parking is available and due to the constrained nature of the site cannot be expected, the development would be accessible via a range of transport modes. The site is also close to a number of public parking facilities that could be used by any occupiers with vehicles.
56. Having spoken to the Council's Parking Services Manager it is clear that the new residents would not be granted a residents' parking permit, to ensure that new residents do not adversely affect the resource available to those already living in Queen Street. New residents could buy a season ticket for town centre car parks.
57. Given the provision of the CPZ, good public transport links and nearby public car parks, I am satisfied that although no on-site parking can be provided the development would accord with the SPD, the approach in the NPPF on sustainable development and would represent one of the identified exceptions to TRA3(a) in the Ashford Local Plan 2030.

58. KCC Highways and Transportation raise no objection.
59. Cycle parking provision can be secured by condition.
60. I am satisfied that the parking provision is acceptable and I have no objection to the proposal in terms of its impact on the surrounding highway network. As a result, I consider that the proposal complies with Policies, CS15, TC23 & TC24. Emerging policy TRA3a is a material consideration. The proposal would not comply with TRA3a as the proposals do not provide 1 parking space per dwelling. In my view this need to be balanced against the availability of local car parks and the need to provide active frontage. In my view these factors outweigh the emerging policy.

**e. Water efficiency and impact on Flooding and Surface Water Drainage**

61. Policy ENV7 of the Ashford Local Plan 2030 requires that a more stringent approach to water efficiency than is required in the Building Regulations is followed. This can form a planning condition.
62. I note the comments of the Lead Local Flood Authority (LLFA). However the existing site is brownfield and hard paved / built on in its entirety. It does not follow that the application would result in any increased surface water discharge than at present.
63. I therefore do not support the LLFA's request for further information prior to determination of the application as it is not possible for the proposed development to increase run-off or harm localised flood conditions.
64. I recognise that it is important that all development seeks to reduce/attenuate its surface water run off to protect downstream and localised flooding conditions and I recommend that a condition be attached to any approval seeking detailing of surface water attenuation.
65. In light of the above, I am satisfied that the proposal complies with Policies ENV9 and CS20.

**f. Planning Obligations**

66. Regulation 122 of the Community Infrastructure Regulations 2010 states 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

67. The emerging planning obligations will be assessed against Regulation 122 and for the reasons given consider that 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.
68. The following Table 1 sets out the Heads of Terms for Section 106 Agreement/ Undertakings for Growth Area sites.

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1	<p><b><u>Libraries</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Contribution for additional bookstock at libraries in the borough</p>	<p><b><u>£672.22</u></b></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><b>Necessary</b> 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><b>Directly related</b> as occupiers will use library books and the books 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 amount calculated based on the number of dwellings.</p>
2	<p><b><u>Monitoring Fee</u></b></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><b><u>£1000</u></b></p> <p>per annum until development is completed</p> <p>or</p> <p>£X 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><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>

	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 types 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

69. 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

70. 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

71. The scheme is acceptable as a matter of principle providing 14 residential units and a small scale commercial use.
72. The design is of a high quality that would not result in harm to the visual amenity of the area and would not harm the qualities of the adjacent conservation area.
73. The proposals would not result in harm to highway safety. The proposed approach to car parking is identified as an acceptable exception to Policy TRA3(a) which recognises the town centre benefits of residential uses above ground floor commercial uses, the inability of very small/ constrained sites to provide an on-site resource and the existence of public car parks within a short walk.
74. I consider the general layout and design is well designed and would result in a high quality development on a very small brownfield site.
75. The scheme is acceptable as it would have no detrimental impact on residential amenity of existing residents.
76. In accordance with the NPPG a number of planning conditions detailed in the report above are required to ensure the development fully complies with policy.

77. I therefore consider that overall, the development is in accordance with the Development Plan as a whole and the policies in the Ashford Local Plan 2030 and the NPPF and so amounts to sustainable development. As a consequence, there is a presumption in favour of the development and therefore it is recommended that permission be granted.

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

**a. Libraries**

**b. Monitoring fee**

**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. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport

Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Management Plan shall include the following:

- a. parking for site personnel, visitors and operatives; details of areas for the loading and unloading of plant and materials, and provision on-site for turning for construction vehicles including HGV's;
- b. details of areas for the storage of plant and materials;
- c. details of the form and location of any proposed temporary works compounds;  
and
- d. details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;

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

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

4. Prior to the commencement of development, a scheme for protecting the dwellings/ development hereby approved from noise from the ground floor commercial uses 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.

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

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

6. Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

**Reason:** To prevent the transmission of fumes and odours into neighbouring properties to protect amenity.

7. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority and such approved works shall be carried out before occupation and appropriately retained and maintained in perpetuity.

**Reason:** To avoid pollution of the surrounding area.

8. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

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

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

**Reason:** To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (LDF Core Strategy Policy CS1 and CS4)

10. Without the prior written consent of the Local Planning Authority:

- Notwithstanding the provisions of Parts 2a - f, 7a - e, 14a - d, 16a - c, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development permitted by those parts shall be carried out.
- No fixtures shall be attached to the exterior of the building.
- No structures shall be placed or installed on the roof of the building.
- No flues, vents, stacks, extractor fans, external pipework or meter boxes shall be located on the Bank Street elevation of the building.

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

11. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site.

12. Before any works are carried out 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.

- a) Details of any flues, grilles, vents to be installed including location, colour and materials.
- b) Details of rainwater goods and soil pipes to be installed.
- c) Details of balconies
- d) Eaves detail
- e) Sections and details of joinery, including colour
- f) Details of fascias
- g) Details of window reveals & details of the glass balustrade

h) Details of mortar colour and joint type and size.

**Reason:** In order to protect the visual amenity of the locality.

13. No site clearance, preparation or construction works 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, Public and Bank Holiday.

**Reason:** To protect the amenity of local residents.

14. Before any dwelling is occupied, details of secure covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided prior to occupation of any of the units and retained permanently for this use.

**Reason:** To ensure adequate provision of cycle parking in the interest of highway safety.

15. Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction period.

**Reason:** To help future proof the development

16. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

17. Prior to the commencement of the development hereby approved details of a Construction Management Plan shall be submitted to and approved by the Local Planning Authority in writing and thereafter the development shall be carried out in accordance with the approved details. The submission shall 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
- (f) Provision of measures to prevent the discharge of surface water onto the highway.
- (g) Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

**Reason:** In the interests of highway safety.

18. Prior to the commencement of the development details of a strategy to salvage and clean the shared space materials together with a programme for returning of the materials to Kent County Council Highways and Transportation shall be submitted to and approved by the Local Planning Authority in writing and thereafter the development shall be carried out in accordance with the approved details.

**Reason:** In the interests of the visual amenity of the area as the materials will be re-used within the locality.

19. 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.

## **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 applicant was provided the opportunity to submit amendments to the scheme to address highway issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. 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](http://www.southernwater.co.uk)

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

3. The applicant's attention is drawn to the comments received from Southern Water a copy of which can be viewed on the Council's website at <http://planning.ashford.gov.uk/>.
4. Planning permission does not convey for any works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
5. 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 <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> 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.

- 6 The proposals will require a Section 278 Agreement in order to tie the proposals into the existing highway.

This can be agreed with the Ashford District Manager, Lisa Willoughby 03000 418181.

- 7 In respect to condition 18, the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optic network offering a single optical fibre to multi point destinations ie. fibre direct to premises.

## 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 17/01357/AS.

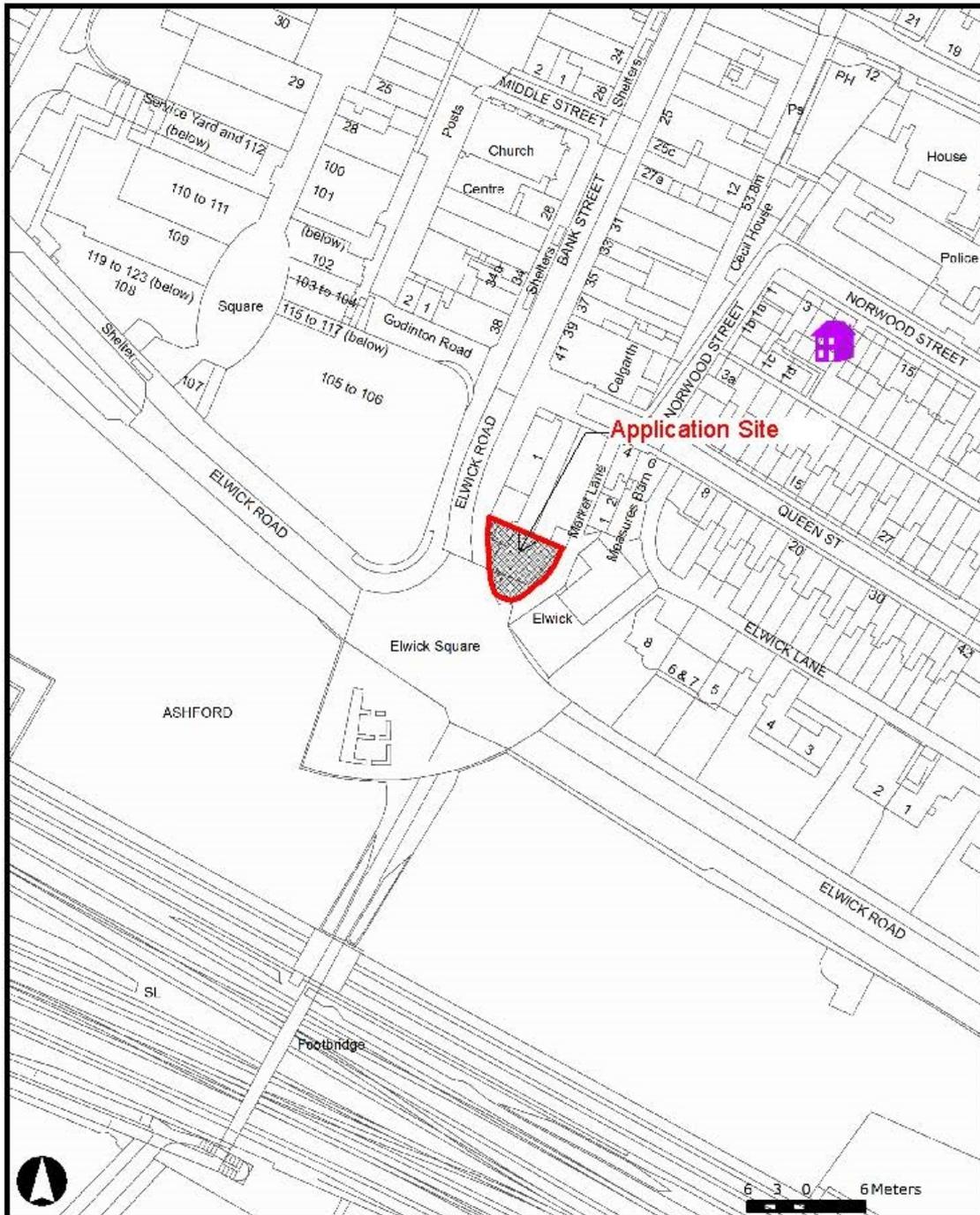
**Contact Officer:** Llywelyn Lloyd

**Telephone:** (01233) 330740

**Email:** [llywelyn.lloydl@ashford.gov.uk](mailto:llywelyn.lloydl@ashford.gov.uk)



# Planning Committee Site Plan 17/01357/AS



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