

Application Number	16/00674/AS	
Location	11 to 25 (Odds only) Oak Tree Road, Ashford, Kent TN23 4QR	
Grid Reference	59988/14185	
Parish Council	None	
Ward	Beaver (Ashford)	
Application Description	Proposed demolition and rebuilding of 8 fire damaged flats.	
Applicant	Mr D Burford, Building Surveyor, Housing Planned Maintenance, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL	
Agent	Mr Michael Head, RDA Consulting Architects, Evegate Park Barn, Evegate, Smeeth, Ashford, Kent, TN25 6SX	
Site Area	0.058ha	
(a) 15 / -	(b) -	(c) EH(ES) / X, PO

Introduction

1. This application is reported to the Planning Committee as the applicant is Ashford Borough Council Housing Services.

Site and Surroundings

2. The application site is located on an estate within the built confines of Ashford. The site has a residential use for 8 flats which are accommodated within a detached L-shape building formerly two storeys in height. The site is currently occupied by the remains of this building which was damaged by a fire in June 2015. The building fronts Oak Tree Road and Little Knoll. The site and some of the land surrounding is currently secured by hoarding in the interest of safety. Part of the road leading from Little Knoll to Oak Tree Road is closed and secured by the same hoarding.

3. The immediate locality is characterised by a mix of flats and dwelling houses. Buildings surrounding the application site are predominately two storeys with pitched roofs with the exception of the block of flats located to the north of the site on the corner of Little Knoll (at its junction with Harper Road) which is three storeys. Common construction materials comprise concrete tile roofs, and a mix of brickwork, render, tile hanging and weatherboard to walls. In most instances windows and doors are upvc.
4. A site location plan is attached as an annex to this report and copied below:

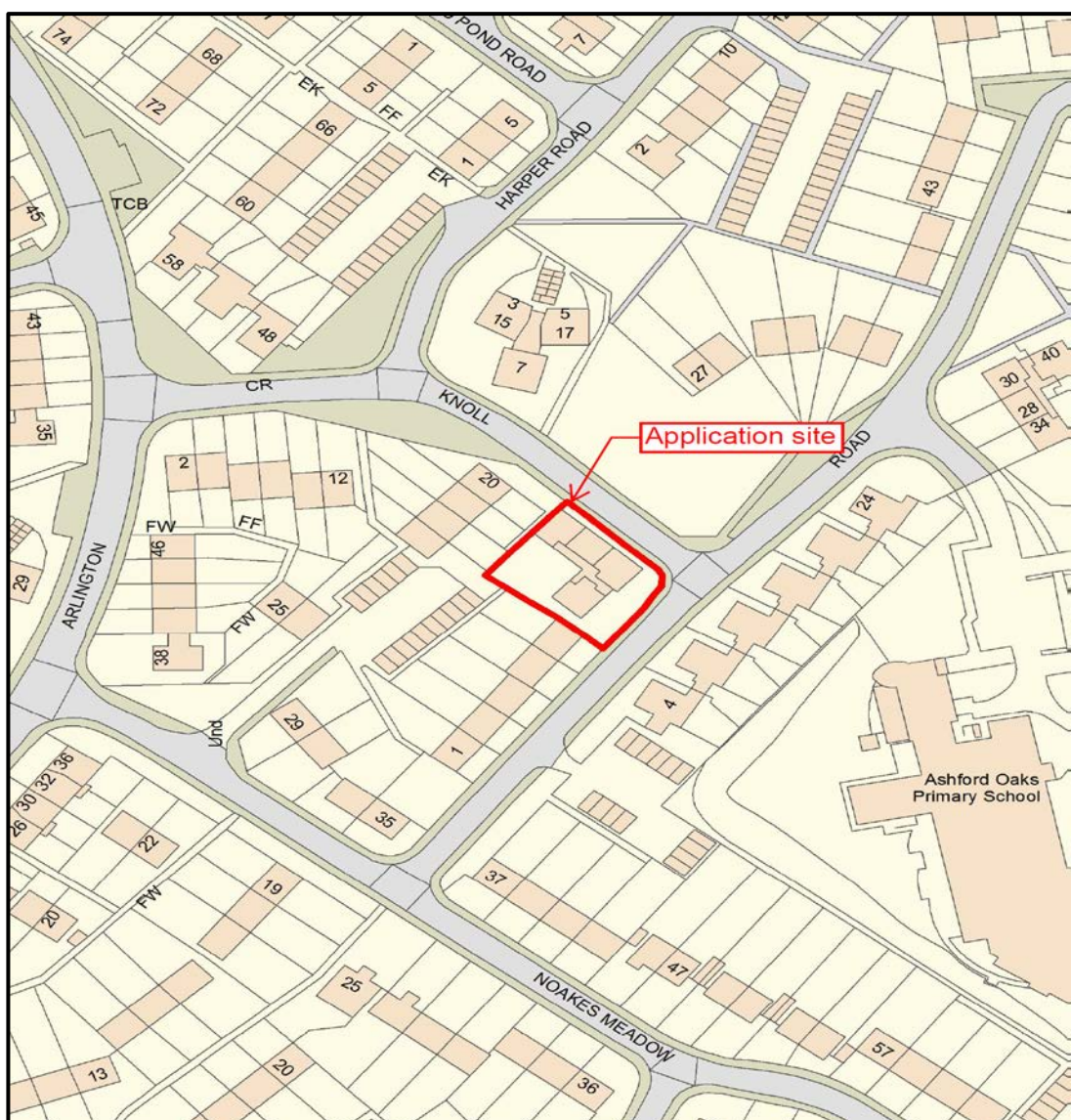


Figure 1 Site Location Plan

Proposal

5. In June 2015 a gas explosion caused a substantial fire which destroyed the entire roof and part of the first floor of the building. Following the fire the

building was made safe. This involved demolishing two first floor flats (numbers 23 and 25) down to the first floor slab. All that remains of the building at present is the ground floor shell and some walls to the first floor flats (numbers 19 and 21).



Figure 2 North West and North East Elevation fronting Little Knoll



Figure 3 South East Elevation fronting Oak Tree Road

6. Full planning permission is sought for the demolition of the remainder of the building down to the ground floor slab level and re-construction of the building.

7. It is proposed to build off of the existing footprint using the existing slab and foundations. Consequently, the footprint of the building will not alter and thus its L-shape will be retained. The building is proposed to accommodate 8 x 1 bed flats as before. The height of the building will increase by approximately 200mm. The agent advises that the purpose of this increase in height is to allow an enhanced separating floor construction which will improve sound insulation between the residential units. It is not proposed to reinstate the chimneys in full, however, it is proposed to recreate the stacks to the roof.
8. The proposed building will be finished using an insulated render at ground floor. Cement fibre weatherboard on battens attached to an external layer of insulation is proposed at first floor. Concrete tiles are proposed for the roof covering and composite is proposed for the doors. Windows, fascias, soffits and rainwater goods will be upvc. With the exception of fascias, soffits and rainwater goods, the plans indicate that the manufacturer and colour of the proposed materials are to be confirmed.



Figure 4 Pre-Fire North East and South East Elevations

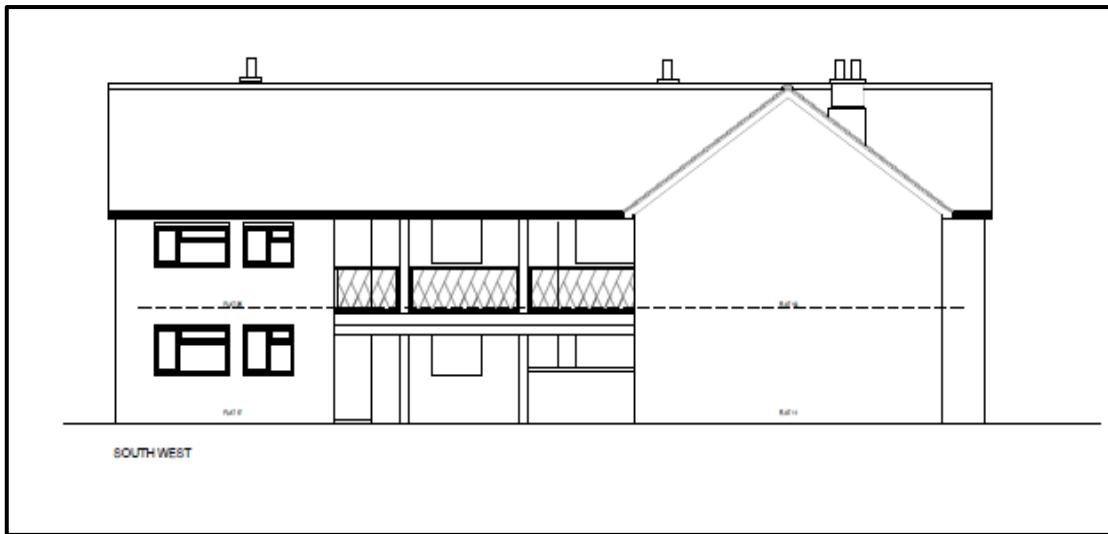


Figure 5 Pre-Fire South West Elevation

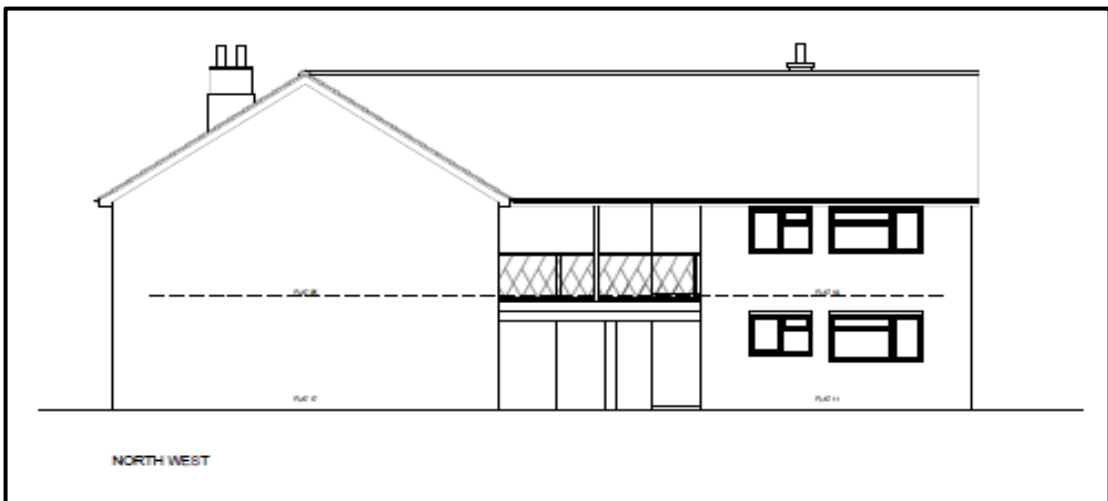


Figure 6 Pre-Fire North West Elevation

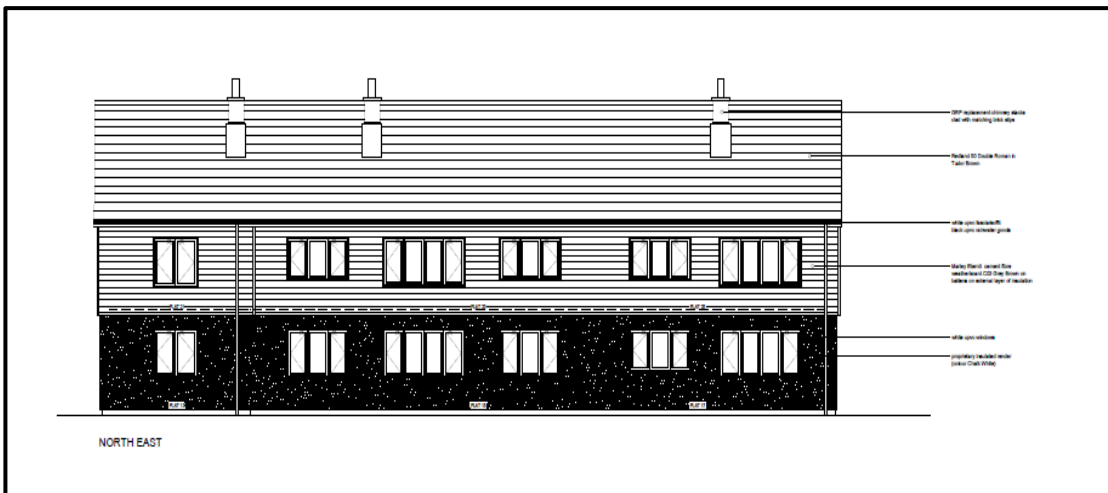


Figure 7 Proposed North East Elevation



Figure 8 Proposed South East Elevation

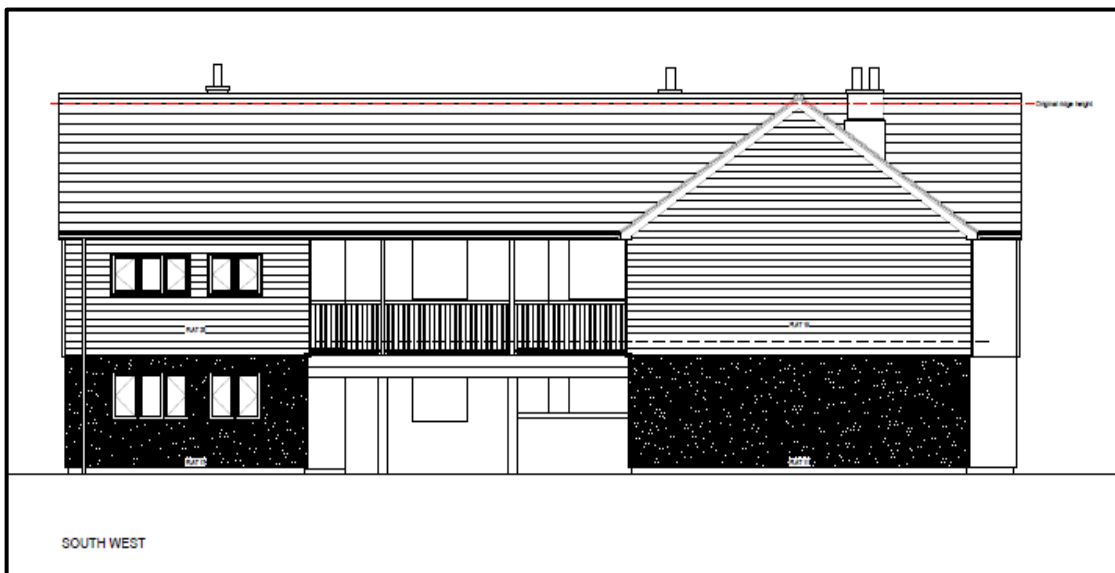


Figure 9 Proposed South West Elevation



Figure 10 Proposed North West Elevation

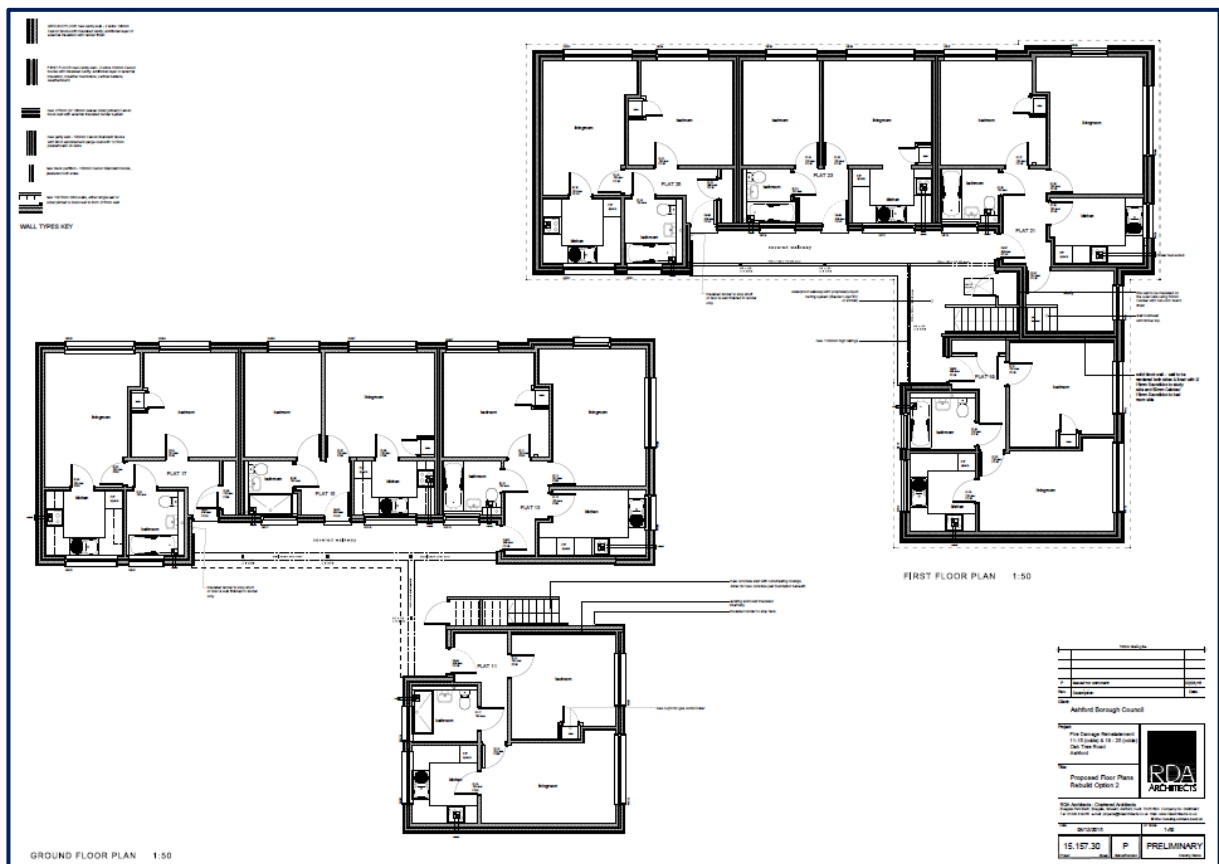


Figure 11 Proposed Floor Plans

9. Please note that the broken red line annotated across the roofs of figures 6-10 identifies the ridge height to the roof of the former building.

Planning History

10. 16/00669/AS Proposed repair and reinstatement of 8 fire damaged flats.
Pending Consideration

Consultations

Ward Members: The ward member (Cllr Murphy) is a member of the planning committee.

Environmental Services: No objection

Cultural Services: No comments received

Neighbours: 15 consulted and site notice posted; no representations received.

Planning Policy

11. 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 and the Chilmington Green AAP 2013. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016. At present the policies in this emerging plan can be accorded little or no weight
12. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS2 – The Borough Wide Strategy

CS4 – Ashford Urban Area

CS9 – Design Quality

CS13 – Range of Dwelling Types and Sizes

CS15 – Transport

CS20 – Sustainable Drainage

Urban Sites and Infrastructure DPD 2012

U0 – Presumption in Favour of Sustainable Development

Local Plan to 2030

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU3 – Residential Development in Ashford urban area

HOU12 – Residential space standards internal

HOU14 – Accessibility Standards

HOU15 – Private external open space

EMP6 - Promotion of Fibre to the Premises (FTTP)

TRA3a – Parking Standards for Residential Development

ENV7 – Water Efficiency

ENV8 – Water Quality, Supply and Treatment

ENV9 – Sustainable Drainage

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

Supplementary Planning Guidance/Documents

Residential Space and Layout – External Space Standards Only

Residential Parking and Design

Sustainable Drainage

Dark Skies

Government Advice

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG)

14. 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.

Other Government Policy

Technical Housing Standards – Nationally described space standards

Assessment

15. The main issues for consideration are:
- The principle of the development;
 - Visual amenity;
 - Residential amenity;
 - Parking and highway safety; and
 - Other issues, i.e. SUDs/sustainability.

Principle

16. The site is located within the built confines of Ashford where the principle of residential development is acceptable.
17. The land upon which the building would be sited constitutes previously developed land (PDL) for the purpose of an assessment against the definition of PDL set out at Annexe 2 of the NPPF.
18. The previous use of the site was for residential and the site comprised 8 flats. This would remain the case under the current proposals.

19. In light of the above, I consider that the principle of the development is acceptable subject to demonstration that the scheme would not have any adverse impact on the character of the area, the amenities of neighbouring occupiers, highway conditions and any other relevant material planning considerations. An assessment of these issues is discussed below.

Visual Amenity

20. Core strategy policies CS1 and CS9 require good design indicating that development proposals should be of a high quality design, should have a similar scale, height, layout and massing to surrounding buildings and should be rich in design and materials. This is consistent with the NPPF which seeks to ensure that new development responds positively to its context and indicates that Local Planning Authorities should seek to promote or reinforce local distinctiveness.
21. With the exception of a 200mm increase in the overall height of the building, and a change in external materials, visually the building would be the same in all other respects (including in siting and layout) to the former building on the site.
22. I am satisfied that the modest increase in the height would not dramatically alter the perceived scale and form of the development (previously occupying the site) to such an extent that it would cause harm to the character and appearance of the area. The overall design and form of the building would sit unassumingly within its context.
23. The materials are an improvement on the existing building and will fit in well within the immediate locality, and subject to an appropriate colour palette would assist in the assimilation of the new development into its current setting.
24. In summary, the proposed development would have a similar visual impact to the building prior to it being damaged by fire, and for this reason and the reasons set out above; I consider that the proposal would sit comfortably within the street scene and wider contextual setting. As such, I am satisfied that it would not harm the visual amenity of locality in accordance with the policies detailed in the preceding paragraphs.

Residential Amenity

25. The location and the size of the windows and doors within the building would be identical to those which existed prior to the building being damaged, and the separation distances between the building and neighbouring properties

would remain the same as before. Consequently, the impact on neighbouring properties and on the future occupants of the flats, in terms of overlooking, would remain the same. There would be no intensification in overlooking and thus the scheme would have no increased impact in this respect.

26. As stated above, the separation distances between the building and neighbouring properties would remain the same as before, and the increase in the height of the building would not alter its scale in such a way that would materially increase the impact on neighbours in respect of loss of light, loss of outlook or through having an overbearing presence.
27. In terms of the residential amenity of future occupiers, with regards to private open space, there would remain an area of communal open space serving the flats which is not overlooked from the road or other public spaces and which would thus comply with the requirements set out in the Councils residential space and layout SPD. The block of flats also has the benefit of being located in close proximity to a green space located on the opposite side of Little Knoll and in relatively close proximity to the town centre where alternative public open space exists.
28. With regards to the size of the units themselves, overall, the proposed flats fall short of the minimum Nationally Described Internal Space Standards. The Flats are 1 bedroom 2 person flats which in accordance with the standards should benefit from a gross internal floor area (GIA) of 50m² and built in storage of 1.5m². Bedrooms should have a GIA of 11.5m² and a width of at least 2.75m. I can confirm that the width of every bedroom complies with the standards.

Flat No.	Number of Bedrooms (b)/Persons (P)	Gross Internal Floor Area (GIA) M ²	GIA Shortfall M ²	GIA Bedroom	Shortfall in Bedroom GIA	Built-in Storage M ²	Shortfall in Built-in Storage M ²
11	1B/2P	42.75	7.25	11	0.5	None	1.5
13	1B/2P	45.7	4.3	11.54	N/A	None	1.5
15	1B/2P	35.475	14.52	9.23	2.2	None	1.5
17	1B/2P	41.63	8.37	11.73	N/A	1.28	0.22
19	1B/2P	42.75	7.25	11	0.5	None	1.5
21	1B/2P	52.485	N/A	11.54	N/A	None	1.5
23	1B/2P	35.475	14.52	9.23	2.2	None	1.5
25	1B/2P	41.63	8.37	11.73	N/A	1.28	0.22

Table 1 Nationally Described Space Standards

29. However, the flats are like for like replacements to those damaged by fire and would be built from the existing slab and foundations. The standard of accommodation would be exactly the same size as what previously existed on the site and there is no opportunity to address the shortfalls in this instance. Further the insurance for the building only covers like for like replacement following the fire. The proposal would provide social housing and would replenish housing stock in a sustainable location which supports the aspirations of the NPPF. It is my view that this should be afforded substantial weight in favour of permitting the proposed development.
30. For the reasons set out above I am satisfied that the proposed development would not harm the residential amenity of neighbouring occupants in accordance with local plan guidance and the national planning policy framework. With regards to future occupants, adequate outside amenity space is provided. Although the internal space would fail nationally described standards it is a like for like replacement of what previously existed. I am satisfied that the benefits of permitting the scheme would clearly outweigh any limited harm in this respect.

Parking and highway safety

24. The former flats did not benefit from any off road parking provision and this would remain the case under the current scheme. However, it is not proposed to increase the number of units on site, or the number of bedrooms in each flat. I am therefore satisfied that the impact of replacing the building on parking and the local highway network would be unchanged from that previously and is therefore acceptable.

Other issues

SUDs/sustainability

31. A drainage strategy has not been provided. The development is already connected to mains drainage. As it is proposed to use the existing slab and build off of the existing foundations the need to alter these existing arrangements is unlikely. Similarly surface water drainage is also disposed of via mains drainage. As the number and size of residential units is not proposed to increase I do not consider that there would be any substantial increase in pressure/demand on mains drainage resulting from the proposal. The site is not in an area at risk of flooding and is not located within an area designated as being vulnerable to ground water. Consequently, in this particular instance I am satisfied that the arrangements are acceptable.

Human Rights Issues

32. 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 his 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

33. 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

34. With the exception of a 200mm increase in the overall height of the building, and a change in external materials, visually the building would have a similar appearance and would be identical in terms of its siting and layout. On this basis, I am satisfied that the building would sit comfortably within the street scene and would not harm the visual amenity of locality.
35. The proposed development would not harm the residential amenity of neighbouring occupants in accordance with local plan guidance and the national planning policy framework. With regards to future occupants, adequate outside amenity space is provided. Although the internal space would fail nationally described standards as set out in Table 1 above, I am satisfied that the benefits of permitting the scheme would clearly outweigh any limited harm in this respect.
36. There would be no increase in the demand for parking over and above that arising from the former use of the site. The site is located in close proximity to local amenities including shops and schools and is also located in close proximity to the town centre and links to public transport operating on a regular basis.
37. For the reasons above I consider that the scheme is acceptable. It is therefore recommended that this application is approved as it accords with the relevant Development Plan policies. Whilst the proposal fails the nationally described

space standards, as explained in the preceding paragraphs there are overriding material considerations in favour of permitting the development.

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

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

3. The development shall be carried out in accordance with the details of external materials (including colours) specified on approved plan numbers 15.157.31 Rev P1 and 15.157.32 Rev P1 and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development in the interest of visual amenity in accordance with policies CS1 and CS9 of the Local Development Framework Core Strategy and the National Planning Policy Framework.

4. Provision for parking for site personnel and visitors, areas for loading/unloading, areas for the storage of plant and materials, temporary contractors buildings (site offices/welfare) shall all be provided prior to any works commencing on site in accordance with the details contained on drawing number 15.157.03 Rev P. The facilities shall be retained throughout the duration of the demolition and construction works. Throughout the duration of the demolition and construction works, construction traffic shall be routed in accordance with drawing number 15.157.03 Rev P.

Reason: To ensure adequate provision for parking, loading/unloading, storage and the movement of traffic in the interests of highway safety and to protect the amenities of local residents in accordance with policy CS1 of the Local Development Framework Core Strategy.

5. Throughout the duration of demolition and construction, the area identified for wheel washing on drawing number 15.157.03 Rev P shall be used to effectively clean and wash the wheels, chassis and bodywork of vehicles so that before vehicles exit the site and enter onto the adopted highway they are free of mud and similar substances. The wheel washing facilities and process of cleaning shall be maintained in an effective working condition for the duration of demolition and construction.

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.

6. 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, Public and Bank Holiday.

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

7. 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.

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 application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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 16/00674AS)

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Annex 1



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