

Application Number	16/01421/AS	
Location	Garages rear of 115 and 117, Noakes Meadow, Ashford	
Grid Reference	00157/41601	
Parish Council	None	
Ward	Beaver (Ashford)	
Application Description	Construction of two 2-bedroom bungalows plus five parking spaces (resubmission of 13/00407/AS) Permission application ref: 13/00407/AS)	
Applicant	Customer Homes & Property Ashford Borough Council	
Agent	Corporate Property & Projects Services Ashford Borough Council	
Site Area	0.08ha	
(a) 10/ - PO(D) X	(b) -	(c) KH&T - X, ESM – X,

Introduction

1. This application is reported to the Planning Committee because it has been submitted by the Corporate Property & Projects Services of Ashford Borough Council and thus falls to be determined by the Planning Committee under the scheme of delegation.

Site and Surroundings

2. The site is a garage court with access onto Noakes Meadow situated between 2 storey houses and Ashford College. The garage court comprises 22 garages on a concrete base, a concrete turning area and the access is via a concrete private road. There is an EDF sub-station in the north eastern corner of the site. The surrounding dwellings predominately date from the 1960s. The gardens of 5 houses immediately adjoin the site. See figure 1 for a site location plan.



Figure 1: Site Location

Proposal

3. The proposal is to
 - demolish the garages
 - erect a pair of 4 person 2 bedroom semi-detached bungalows
 - provide 5 parking spaces - 2 allocated and 3 unallocated spaces.
4. This is a like for like resubmission of a previously approved scheme in 2013 (13/00407/AS) which has not been implemented. This application has been submitted to increase the timeframe for implementation.
5. The bungalows would
 - be sited at the north western (far) end of the garage court adjoining the side boundaries of two of the existing houses and the rear boundaries of two houses that front onto Noakes Meadow.
 - be identical and would have a wheelchair accessible combined living/kitchen area, two bedrooms and bathroom.
 - meet the Lifetime home standards
 - have partly rendered and partly brick elevations with brown pantile roofs.

- have rear gardens of 6.2m x 9.2m with a small timber shed with sufficient space for bicycle storage.
6. Two timber open fronted waste and recycling stores would be provided next to the parking area at the front.
7. Figure 2 shows the proposed layout of the site and Figure 3 shows the elevations.

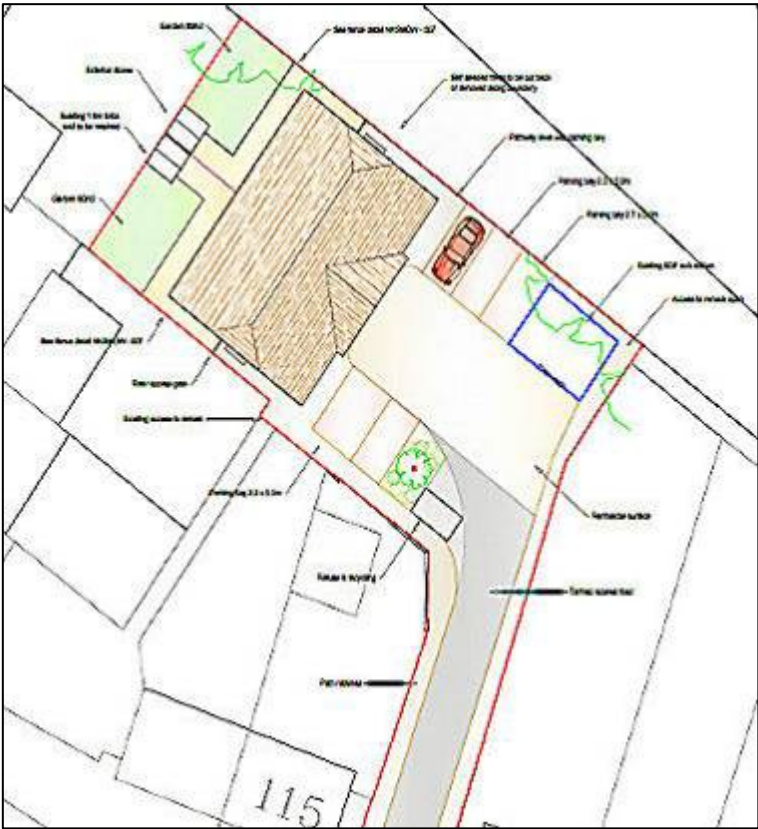


Figure 2: Block Plan

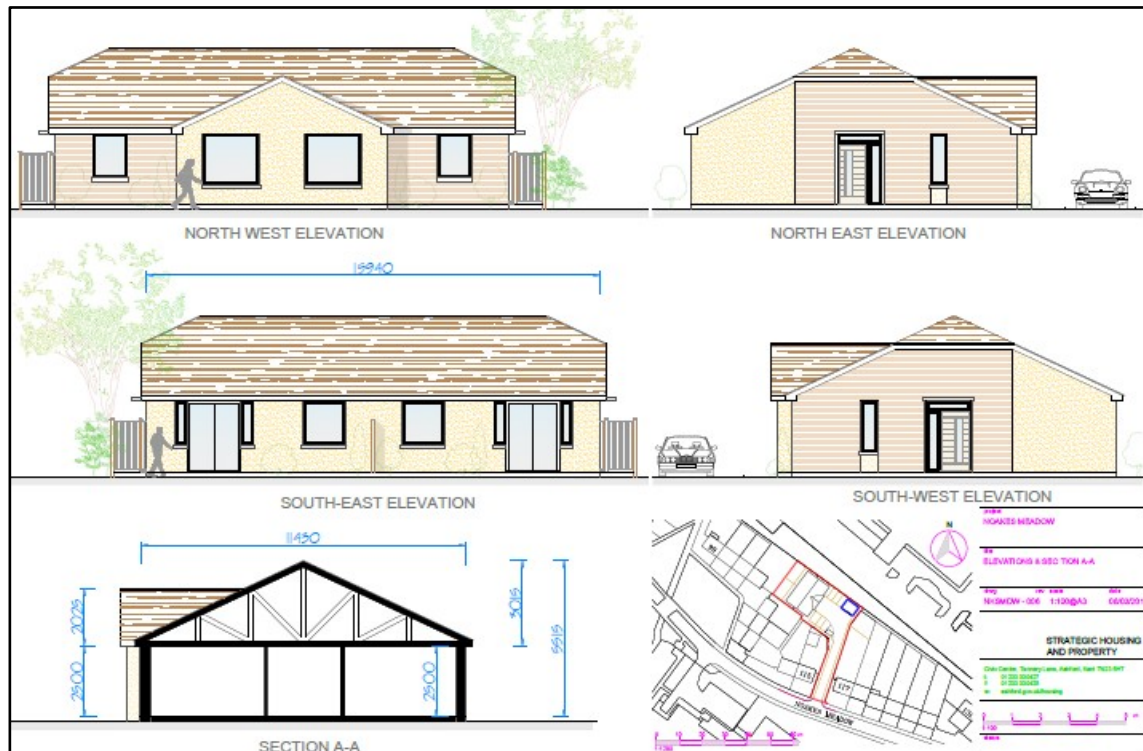


Figure 3: Proposed elevations

Planning History

13/00407/AS - Construction of two 2-bedroom bungalows plus five parking spaces – Granted subject to a Section 106 requiring the bungalows will be provided as affordable housing.

Consultations

Ward Members: Cllr Ryan MacPherson and Cllr. Beverley Joan Murphy. No comments were received by the previous Ward Member Cllr Britcher.

KCC Highways & Transportation: Comment that does not warrant their involvement.

Environmental Services Manager - No objection subject to a condition covering contamination.

Project Officer (Drainage) (on 13/00407/AS) – No objection to the application but recommend as follows:

- The applicant seeks early confirmation with Southern Water on the suitability of the surface water sewer to serve the new development.

- Percolation tests on site should be carried out to ensure adequate soakage of surface water if this cannot be achieved, a tanked permeable paving system connected to the public surface water sewer will be necessary. The latter would attenuate flows and remove pollutants dispensing with the need for an oil interceptor upstream of the sewer connection.
- Water butts on all rainwater pipes are recommended with overflows to the surface water sewer.

Neighbours: 9 neighbours consulted; no representations received.

Planning Policy

8. 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 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and has now closed. At present the policies in this emerging plan can be accorded little or no weight.
9. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

CS1 - Guiding principles

CS9 - Design quality

Urban Sites & Infrastructure DPD 2012

U0 - Presumption in favour of sustainable development

Ashford Borough Local Plan 2000

EN32 – Trees

Local Plan to 2030

SP1 Strategic Objective's

SP6 Promoting High Quality Design

HOU3 Residential Development in Ashford urban area

TRA3a Parking Standards for Residential Development

Supplementary Planning Guidance/Documents

Residential Space and Layout SPD 2011 (now

external space only)

Residential Parking and Design Guidance 2010

SPD Sustainable Drainage SPD 2010

National Planning Policy Framework 2012

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

Chapter 6 – Delivering a wide choice of high quality homes

Chapter 7 – Requiring good design.

11. **National Planning Policy Guidance (NPPG)**
12. **Paragraph 13** - Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers.
13. **Technical housing standards – nationally described space standards**

Assessment

14. The main issues for consideration are:
- Planning Permission on the site
 - Loss of garages and parking spaces/highway safety

- Impact of the proposed development upon the amenities of adjoining residents.
- Residential amenity of future residents.
- Impact on visual amenity
- Other material considerations

Planning Permission on the site

15. The development has been judged to be acceptable in principle in 2013 under planning permission reference 13/00407/AS, where the implementation period for this has now expired. On this basis an assessment should be focused on whether any national or local policies, guidance or other material considerations have changed significantly since the original grant of permission.
16. There have not been any changes to local planning (adopted) policy since the grant of planning permission, reference 13/00407/AS in 2013. Whilst a new Local Plan has been produced and is past consultation stage (at the time of this assessment), the new policies relevant to this scheme are consistent with the adopted policies referred to for the 2013 assessment. Since the previous scheme, the Technical Housing Standards (Nationally described) have been introduced. The development would need to comply with the new Standards.
17. The previously approved scheme identified a requirement for the provision of public green space and water infrastructure contributions. These contributions however were waived, on the basis that the applicant entered into a planning obligation (Unilateral Undertaking under Section 106 of the Town and County Planning Act 1990) to ensure that the bungalows are maintained as affordable units for residents who fit the relevant criteria. At the time of this assessment however, National Planning Policy Guidance (Paragraph 13) has changed, where this specific development of two units would not meet the threshold to require infrastructure or affordable housing provision. Given this, no planning contributions are required and therefore the need for the applicant to enter into such an agreement for the provision of affordable housing to compensate for the lack of public green and water infrastructure payments is not necessary.
18. All the following main issues that are relevant are assessed below, as from the 2013 scheme.

Loss of garages and parking spaces/highway safety

19. The garage court comprises 22 garages of which 7 are currently rented (this is still the case as of 2016). Of the rented garages not all of these are used primarily for parking and therefore the loss of parking spaces in the locality is not significant. The loss of the garages is unlikely to result in any significant displacement of car parking onto the surrounding highway network in a manner that would be harmful to highway safety or result in inconvenience to local residents. Additional spaces may be provided close to the site where informal parking already takes place but this will be subject to a separate application and is subject to securing funding.
20. Kent Highways has not objected to the loss of the garages.
21. The proposed development will not result in a significant loss of parking for the existing surrounding development and will provide parking for the new development in line with the Council's adopted standards.
22. Residential Space and Layout SPD (2010) – Suburban Location Guidance 2-bed houses – 2 spaces per house.

Ashford Local Plan – 2030

TRA3a - Parking Standards for Residential Development

Suburban Location – 2 bed house – 2 spaces per unit

23. The proposal will therefore not result in harm to highway safety.

Impact of the proposed development upon the amenities of adjoining residents

24. The southern side elevation of the proposed bungalows would be alongside the north eastern side boundary of number 107 Noakes Meadow. A passageway and the rear wall of the existing garages currently adjoin this boundary. Although the bungalow will be higher than the existing flat roofed garages it would still be a single storey building and the development would not be unacceptably overbearing or oppressive. Further as the bungalows would be north east of the garden to number 107, they would have a minimal effect upon the hours of sunlight reaching the garden of number 107.

25. There would be a 2.1m high close board timber fence with a trellis on top along both side boundaries of the site. The existing 1.6m high brick wall which separates the rear of the garage court from the side garden of 105 Noakes Meadow would remain. This would form the rear garden boundary of the proposed bungalows. The rear elevation of the bungalows would be approximately 12m from the side elevation of the house at 105 Noakes Meadow and therefore would not appear overbearing or oppressive. As the development is single storey there would be no overlooking of No.105. The proposal would therefore not unacceptably impact on the residential amenity of neighbours.

Residential amenity of future residents

26. The internal space to be provided would comply with the Nationally described Technical Housing Standards and therefore would provide appropriate living conditions. The garden would be below the recommended minimum depth of 10m being 6.2m deep. That said the rear gardens of the bungalows would have each have an area of 57m² which is only slightly below what could be expected for a terraced house of 6m width with a 10m garden depth. The garden area for each unit is all usable as one piece of garden and all of it is private space.
27. The gardens would accommodate a small shed, provide sufficient space for drying washing and for sitting out without being overlooked. The lack of depth of the proposed gardens is considered to be adequately compensated for by the width and usability of the space combined with the likely needs and demands of the future occupants. Consequently I consider the garden sizes acceptable in this particular circumstance and the benefits of providing this much needed specialist accommodation would outweigh any harm arising by the development not meeting the 10m garden depth as required in the Residential Space Standards.

Impact upon visual amenity

28. The site is currently occupied by two blocks of flat roofed garages and a large expanse of concrete between the two blocks. The proposed bungalows and new parking areas would have a more attractive appearance than the site in its current condition. There is also scope for a small amount of landscaping, within the redeveloped site. The proposal would improve the visual amenity of the area.
29. Other considerations
30. A full asbestos survey will be carried out prior to works starting. If asbestos is present it will be dismantled by trained asbestos workers and competent operatives registered with the Environment Agency.

- Contamination:-

31. A desktop study and site (intrusive) investigation has been undertaken and has established the nature and extent of any contamination. The results of the investigation confirm that the site has not recorded any significantly elevated levels of any contaminants tested for. However further inspection and testing is recommended following site stripping to confirm the findings of the present works. Environmental Health have been consulted and raise no objection subject to condition that requires the developer to report if unexpected contamination is found and then to carry out appropriate mitigation measures.

- Trees:-

32. A number of trees situated on adjoining Ashford College land may be affected, by the building work taking place within their root protection. A survey of the trees has been carried out; however it is not known whether or not the tree roots belonging to the trees on the adjoining college land have developed under the garage foundations. It is likely that overhanging canopies will need to be cut back to the boundary line. Of the trees surveyed, 1 C category tree and 1 C category group of trees are possibly within, or very close to the boundary of, the site. One Rowan tree categorised as U is also possibly within the site.
33. C category trees are considered to be of low value and it is considered advisable to remove U category trees. No A category trees were identified and two B category trees were identified on college land to the north between 3 and 5 metres from the boundary. The two B category trees are those furthest from the proposed new building and the roots of these can be safeguarded if they are found to have grown under the existing garages and extend into the area where the bungalows would be built.
34. A new tree will be planted between the refuse stores and the car parking spaces, which will help to enhance the appearance of the development.

- Surface water drainage:-

35. Surface water from taken from the permeable paving to be used for the parking court, would be drained to a tank which would in turn drain into the public surface water sewer. A condition can be imposed to take account of the comments from the Project Office.

- Planning Obligations -

36. As noted above, this specific development would not meet the threshold to require infrastructure or affordable housing provision, as specified by the NPPG. Given this, no planning contributions are required.

Human Rights Issues

37. 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

38. 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

39. The site is in an area where residential development is acceptable subject to there being no harmful impact on residential amenity of existing adjoining dwellings and the appropriateness of matters such as design and siting. All of these matters have been satisfactorily addressed. There may be some harm to self-seeded C category trees growing close to the boundary. Damage to roots of the two B category trees can be limited by applying appropriate planning conditions.

40. Overall it is considered that the development would bring about an improvement to the area together. The proposal is therefore considered to be acceptable, it is in accordance with the adopted Development Plan, Consultation Plan and Central Government Guidance as a whole.

Recommendation

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. A landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

4. 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, risk assessment and where remediation is necessary a remediation scheme must be prepared in agreement with the Local Planning Authority.

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

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

5. The area shown on the drawing number NKSMDW - 004a as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown.

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

6. None of the dwellings shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with details to be submitted to and approved by the Local Planning Authority in writing.

Reason: To avoid pollution of the surrounding area.

7. The foundations of the approved development shall be constructed to a no-dig design where they fall within the Root Protection area of the B category trees (see BS5837:2012). No work on site shall begin until the design of foundations has been submitted to the Local Planning Authority and agreed by them in writing. The foundations approved shall then only be carried out in accordance with the approved specification unless previously agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the B category trees growing close to the site boundary in the interest of visual amenity.

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

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

9. No construction activities shall take place, other than between 08.00 to 17.50 hours (Monday to Friday) with no working activities on Saturday, Sunday or Bank or public Holiday without prior agreement in writing from the Local Planning Authority.

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

10. 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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification no extension, enlargement or other alteration of the building(s) shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land and to avoid any encroachment upon the private garden areas.

12. Prior to the first occupation of either dwelling hereby permitted the external stores and refuse and recycling store shall be provided in accordance with details contained on approved drawings NKSMDW-007 & NKSMDW-004a. The facilities shall thereafter be retained and kept available for their intended use and access to these facilities shall not be precluded.

Reason: In the interest of visual amenity, residential amenity and sustainability.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwelling hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

Reason: To ensure that car parking provided within the development remains adequate to meet the needs of the future occupiers of the development

14. Prior to the first occupation of either dwelling water butts shall be provided for all rainwater pipes for each dwelling and shall be retained in perpetuity.

Reason: To allow for the storage of rainwater on site for watering of soft landscaping and other domestic activities thereby reducing the demand for mains water on site.

15. 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.

Notes to Applicant

1. The applicant should seek early confirmation with Southern Water on the suitability of the surface water sewer to serve the new development.
2. Percolation tests on site should be carried out to ensure adequate soakage of surface water if this cannot be achieved, a tanked permeable paving system connected to the public surface water sewer will be necessary. The latter would attenuate flows and remove pollutants dispensing with the need for an oil interceptor upstream of the sewer connection.
3. 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 agent was updated of any issues after the initial site visit,

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

Comments from Kent Highways and Transportation

Comments from Project Officer (Drainage)

Comments from Environmental Health

Contact Officer: Thijs Bax – Telephone: (01233) 330403

Annex 1



This product includes mapping data from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. All rights reserved. Licence Number 100024427>