



## PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 17th October, 2018 at 7.00 pm.

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The Members of the Planning Committee are:-

Councillor Burgess (Chairman)  
Councillor Link (Vice-Chairman)

Cllrs. Bennett, Bradford, Buchanan, Chilton, Clarkson (ex-Officio), Clokie, Dehnel, Galpin, Heyes, Hicks, Knowles, Krause, MacPherson, Ovenden, Waters, Wedgbury

If additional written material is to be submitted to the Planning Committee relating to any report on this Agenda, this must be concise and must be received by the Contact Officer specified at the end of the relevant report, and also copied to [Planning.help@ashford.gov.uk](mailto:Planning.help@ashford.gov.uk), before 3pm on the day of the Meeting so that it can be included or summarised in the Update Report at the Meeting, otherwise the material will not be made available to the Committee. However, no guarantee can be given that all material submitted before 3pm will be made available or summarised to the Committee, therefore any such material should be submitted as above at the earliest opportunity and you should check that it has been received.

### Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii) and Appendix 4

2. **Declarations of Interest**

1 - 2

To declare any interests which fall under the following categories, as explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other interests

See Agenda Item 2 for further details

3. **Minutes**

To approve the Minutes of this Committee held on 19<sup>th</sup> September 2018

<https://ashford.moderngov.co.uk/documents/g3249/Public%20minutes%2019th-Sep-2018%2019.00%20Planning%20Committee.pdf?T=11>

4. **Requests for Deferral/Withdrawal**

5. **Site Visit - 18/00410/AS**

3 - 22

Pett Farm, Pett Lane, Charing, Ashford, TN27 0DS - Change of use of land for the stationing of a residential mobile home in connection with a farm and equestrian business (Please bring papers previously despatched)

**Note to Members of the Committee: The cut-off time for the meeting will normally be at the conclusion of the item being considered at 10.30pm.** However this is subject to an appropriate motion being passed following the conclusion of that item, as follows:  
"To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee".

6. **Schedule of Applications**

(a) **17/00264/AS**

23 - 90

Land adjoining 74, New Street, Ashford, Kent - Erection of fourteen apartments with associated access, parking, landscape, refuse storage and bicycle storage

(b) **17/00294/AS**

91 - 112

Ashford Indoor Bowls Centre Ltd, Victoria Park, Jemmett Road, Ashford, Kent, TN23 4QD - Proposed new parking area with permeable surfacing

(c) **17/01589/AS**

113 - 174

Land adj and rear of 5 and 7, Kings Avenue, Ashford, Kent - Full Planning Application for Construction of Seven 2 bedroom apartments and a 2 bay car port

(d) **18/00938/AS**

175 - 202

East Stour Court - Demolition of existing sheltered housing and replacement with over 50s sheltered housing scheme comprising 24 no. 1 bed/ 2 person apartments 5 no. 2bed/3 person apartments, communal facilities and 17 no. parking spaces

42 Knatchbull Way, Brabourne, Ashford, Kent, TN25 6PY -  
Single storey rear extension and addition of pitched roof to  
existing side extension

**Note for each Application:**

- (a) Private representations (number of consultation letters sent/number of representations received)
- (b) The indication of the Parish Council's/Town Council's views
- (c) Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)

Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'

**Note on Votes at Planning Committee Meetings:**

At the end of the debate on an item, the Chairman will call for a vote. If more than one motion has been proposed and seconded, the motion that was seconded first will be voted on first. When a motion is carried, the Committee has made its determination in relation to that item of business and will move on to the next item on the agenda. If there are any other motions on the item which have not been voted on, those other motions fall away and will not be voted on.

If a motion to approve an application is lost, the application is not refused as a result. The only way for an application to be refused is for a motion for refusal to be carried in a vote. Equally, if a motion to refuse is lost, the application is not permitted. A motion for approval must be carried in order to permit an application.

RR

9<sup>th</sup> October 2018

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Queries concerning this agenda? Please contact Rosie Reid Telephone: 01233 330565  
Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)

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## Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

### **Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5962/2193362.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf)
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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# Agenda Item 5

Ashford Borough Council - Report of Head of Development Management and Strategic Sites  
Planning Committee: 17 October 2018

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<b>Application Number</b>	18/00410/AS
<b>Location</b>	Pett Farm, Pett Lane, Charing, Ashford, TN27 0DS
<b>Grid Reference</b>	596125/148972
<b>Parish Council</b>	Charing
<b>Ward</b>	Charing
<b>Application Description</b>	Change of use of land for the stationing of a residential mobile home in connection with a farm and equestrian business.
<b>Applicant</b>	Mr B Roberts
<b>Agent</b>	Mrs H Whitehead. Price Whitehead Chartered Surveyors
<b>Site Area</b>	0.05ha

(a) 10/2R 2S                      (b) Charing PC X                      (c) KEM X

## Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member Cllr Clarkson.

## Site and Surroundings

2. The application site comprises a rectangular parcel of land which is situated south east of Pett Farm, adjacent to existing farm buildings. Pett Farm is a working farm and livery stables situated in the parish of Charing.
3. Pett Farm comprises some 100 acre of land, 60 acres of which is arable land that is currently let out. The remaining 40 acres is used for hay making, horse grazing, and for free-ranging pigs. There are 18 horses liveried on site. The pigs currently comprise 9 breeding sows and 1 boar, and their progeny (farrowing indoors twice a year, throughout the year). For 6 months of the year the farm also takes in some 40 sheep.
4. Falling outside of the built confines of the village, the application site is in the countryside and the North Downs Area of Outstanding Natural Beauty (AONB) and is within an area of archaeological potential. Pett Farm lies

adjacent Pett Place a Grade I listed building and Court Barn a converted grade II\* listed Tithe Barn. Hazel Cottage and Cherry Cottage are Grade II listed and lie south west of Court Barn adjacent to the farm access. Access to the site is through the main farmyard.



Figure 1 Site Location Plan

## Proposal

5. Planning permission is sought retrospectively for the change of use of land for the stationing of a mobile home in the style of a log cabin, to provide residential accommodation for an agricultural worker. The mobile home would be occupied by the applicant who owns and runs the farm and the stables business.
6. The proposed log cabin would measure 12 metres by 6.7 metres wide. Additionally, the roof will project beyond the main living accommodation by 3 metres. The overall length including the roof projection will therefore be 15 metres. The eaves will be 2.4 metres and the overall ridge height will stand at approximately 3.6 metres.
7. It would be stationed on a new concrete slab which is proposed to be laid.



8. Following Officer Concerns, the plans have been amended reducing the decking area which is proposed on the north west elevation to a small covered area at the main entrance.
9. The Design and Access Statement states that the proposed site will be served by an existing electricity and water supply, and will also be plumbed into the existing sealed cesspool unit that supports the farm office. There will therefore be no requirement to bring any infrastructure to the site to support this new dwelling facility.

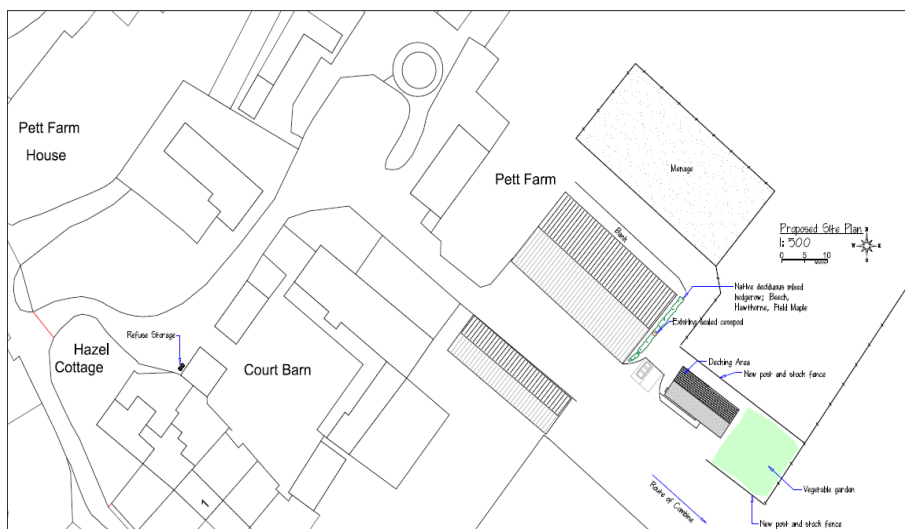


Figure 2: Proposed Site Layout

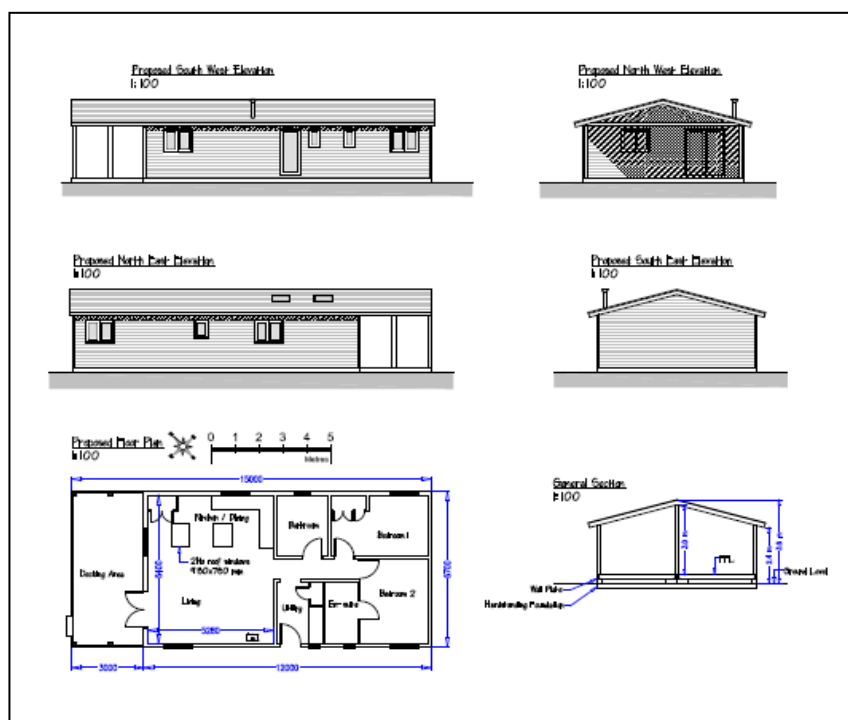


Figure 3: Proposed Plan and Elevations

## Planning History

DC	FA	17/01391/AS	Proposed all-weather 20m x 40m horse exercise arena with associated fencing	PERMITTED
DC	CLDE	15/00721/AS	Lawful Development Certificate - Existing - Use of land and buildings for the keeping of horses, DIY livery use, erection of stable buildings, construction of hard surface yard area and erection of horse walker	EXISTING USE IS LAWFUL

## Consultations

**Ward Members:** The Ward Member is a member of the Planning Committee.

**Charing Parish Council:** Support the application.

**Rural Planning Ltd:** Makes the following comment

On balance I would agree with the submissions made on behalf of the applicant that for the successful development of the farming and equestrian business, the applicant needs to reside on site to provide proper care for the pigs and out of hours care and security for the horses, in the absence of their owners. The ability to assure horse owners of a responsible supervisory presence on site at all times is an important factor in being able to rent out liveries.

Regarding the prospective viability of the venture, the applicant has provided detailed budgets over the next three years which indicate, by the third year, a reasonable potential level of net profit, as a return for his labour. Whilst the figures include some non-agricultural and non-equestrian rental income, the figures also assume a high level of notional capital depreciation on vehicles and equipment, and a high level total of other overhead costs, and given the relatively low key nature of the business involved, I would anticipate that there is good scope for those costs to be reduced in practice. In any event, the financial success can only be properly judged after the conclusion of the temporary accommodation period that is sought.

Overall, I consider that a sufficient case of need has been demonstrated for the proposed temporary rural worker accommodation.

Neighbours: **10** neighbours consulted. **2** letters of objection received stating the following

- Enforcement action should be taken to remove the mobile home.

**[Officer Comment:** Whilst the objector's frustration is understood, the NPPG guidance requires LPAs to consider a retrospective application in the normal way with enforcement action being a remedy should a retrospective application not be granted.]

- New residence should not be established in the vicinity an important heritage site.
- Proposed residence is clearly not mobile but is a fixed installation being described as a log cabin.
- Change of use creates a precedent for further residential development.
- No new residences were envisaged in this part of Charing in the recently adopted Neighbourhood Parish Plan or Ashford Borough Plan.
- The proposed log cabin is not in keeping with the style of the surrounding listed buildings.
- Proposal would cause harm to the AONB.
- There are alternative existing properties in and around Charing which could be used for the purposes described in the application.
- Not necessary to live on the premises outside working hours.
- An onsite office building would adequately suffice for the purposes described in the application.
- Proposal will create noise and light thus affecting neighbouring properties and their amenity.
- The applicant is a landlord, he leases out the majority of the surrounding fields and does not work the land himself.
- Proposal will result in unreasonable and unnecessary overlooking and unreasonable loss of privacy.
- No reference is made to additional screening.
- Site of the proposed log cabin is not essential. There are preferable less prominent alternative sites which would not overlook neighbours.

- Unclear whether the mobile will be permitted to remain on site if the supervision of animals is no longer necessary.
- A Section 16 agreement should be agreed tying the mobile home to the applicant and the farm.

**[Officer Comment.** The NPPF advises that LPA's should consider the use of conditions in the first instance and planning obligations should only be used where it not possible to address impacts though a planning condition. In this case, an agricultural occupancy condition is proposed as Condition 1. I consider that this approach is reasonable, necessary, relevant to planning and the nature of the development concerned and is enforceable. I do not consider a Section 106 agreement is necessary in this case.]

5 letters of support received stating the following

- Proposal will bring comfort to us (the liveryes) knowing that there will be someone on site at all times to look after and provide security to horses especially at night.
- Applicant is always trying to improve the yard and invest in new facilities
- Applicant is considerate. During the snow in February he cleared the road to enable the liveryes to get in and attend to the horses. Without this action no-one would have been able to tend to the animals.
- It is essential for someone to be on site for the welfare and safety of the horse stabled overnight and also the sheep winter grazing on the farm.
- The farm has been subject to theft and so there is a need for someone to be one site to provide security.

## Planning Policy

10. 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.
11. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step

towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.

12. The relevant policies from the Development Plan relating to this application are as follows:-

**Ashford Borough Local Plan 2000**

GP12 Protecting the countryside and managing change

**Local Development Framework Core Strategy 2008**

CS1 Guiding Principles

CS2 The Borough Wide Strategy

CS9 Design Quality

CS20 Sustainable Drainage

**Tenterden & Rural Sites DPD 2010**

TRS1 Minor Residential Development or infilling

TRS2 New Residential Development Elsewhere

TRS17 Landscape character & design

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

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

SP1 Strategic Objectives

SP6 Promoting High Quality Design

TRA3a Parking Standards for Non Residential Development

HOU5 Residential Windfall Development in the Countryside

ENV3b	Landscape Character and Design in the AONB
ENV4	Light Pollution
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV15	Archaeology

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

Dark Skies SPD

Landscape Character Assessment

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2018

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. The following sections of the NPPF are relevant to this application:-
15. Paragraph 48 states in relation to the stages of preparing a Local Plan that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

  - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

Amongst other things, paragraph 70 states that planning policies and decisions should avoid the development of isolated homes in the countryside

unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

National Planning Policy Guidance (NPPG)

## **Assessment**

16. The main issues for consideration are:
- a) Principle of Development and Agricultural Need
  - b) Impact upon Visual Amenity
  - c) Impact upon Residential Amenity
  - d) Archaeology and Heritage
  - e) Highway Safety and Impact upon the local highway network.

### **Principle of Development and Agricultural Need**

17. The application site is located outside a rural settlement and therefore represents a residential use in the countryside. Paragraph 79 of the NPPF states that the development of isolated homes in the countryside should be avoided unless there are special circumstances. Exemptions include an essential need for a rural worker to live permanently at or near their place of work. This approach is consistent (in part) with adopted policy TRS2 of the Tenterden and Rural sites DPD which states that new residential development outside the villages listed in policy TRS1 will not be permitted except in certain circumstances. The policy states that such circumstances include development comprising of an agricultural workers dwelling justified under PPS7.
18. Also material to the consideration of this application is part two of policy HOU5 of the emerging Local Plan 2030. Part two of policy HOU5 is consistent with the NPPF in so far as amongst other things, it states that isolated residential development in the countryside will only be permitted if the proposal is for accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside.
19. Policy TRS2 is not entirely consistent within the NPPF so far as it refers to the now cancelled PPS7. However with no guidance provided within the NPPF or supporting NPPG as to how to interpret 'essential need', the well-established and understood approach set out under Annex A of PPS7

remains useful for LPA's seeking to assess whether there is an 'essential need'.

20. For example, paragraph 12 of Annex A makes provision for temporary residential accommodation where a new dwelling is essential to support a newly created agricultural unit. Accordingly, the principle of temporary residential accommodation is acceptable provided:
  - a) there is clear evidence of a firm intention and ability to develop the enterprise concerned;
  - b) functional need (see paragraph 4 of Annex A of PPS7);
  - c) there is clear evidence that the proposed enterprise has been planned on a sound financial basis;
  - d) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by other workers concerned;
  - e) other normal planning requirements, e.g. on siting and access, are satisfied.
21. Pett Farm comprises some 100 acre of land, 60 acres of which is arable land that is currently let out to a neighbouring farmer. The remaining 40 acres is divided between horse grazing, hay making and for free-ranging pigs. For 6 months of the year the farm also takes in some 40 sheep.
22. The pigs currently comprise 9 breeding sows and 1 boar which are Saddlebacks and Berkshire. They pigs farrow twice a year indoors producing an average of 12+ piglets per litter. These are managed on a free range system with the litters turned out with sows at three weeks old having farrowed in the farm buildings. It is stated in the supporting documentation, that the pigs farrow all year round and that the applicant needs to be on hand to assist with any difficult farrowing, to feed, water and rotate the pigs grazing, and to wean and treat all the stock.
23. There are currently 18 horses liveried on site. There is an outdoor riding arena which has recently been installed. In the absence of their owners, it is stated that the applicant tends to the horses, turning them out, providing food and water and provides care in the event of injury and medical emergency. The applicant is responsible for ensuring the land is properly managed, rotated, harrowed and seeded.

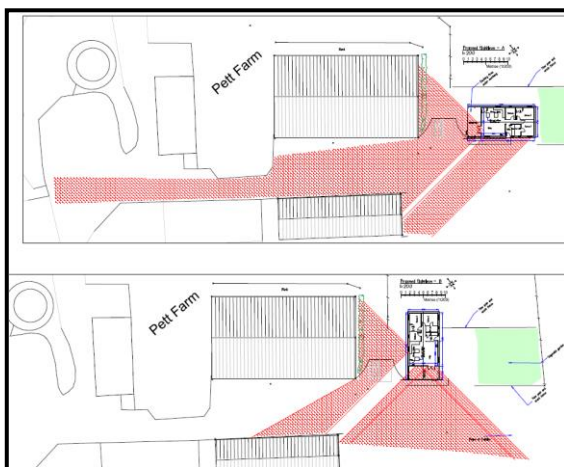


24. From autumn until early spring, 40 or so sheep graze the land. These animals need tending to on a daily basis to ensure there are no foot and/or other medical issues and to safeguard their overall health and safety.
25. The applicant also manages the grass leys with his holding producing hay which is sold to the liveries. The applicant makes all the hay up to the point of baling. The bales are then stored on the farm. The bales are a fire risk and are vulnerable to theft which the farm has been subject to. Whilst the applicant has installed CCTV and this has its uses, the applicant indicates that a physical on site presence would act as a better deterrent.
26. The farm is not served by an existing dwelling and there are no agricultural workers dwellings within close proximity which would enable the applicant to provide the care required for the animals kept on site.
27. The applicant has submitted a budget which demonstrates the projected returns and costs over the next 3 years and indicates that the farm will be making a reasonable level of net profit in the third year which the Council's Agricultural Consultant considers to be achievable. In any event, the financial success of the business can only be properly judged after the conclusion of the temporary accommodation period that is sought.
28. On balance, based upon the submissions made by the applicant and for the successful development of the farming and equestrian enterprise it is considered that there is a need for a responsible worker to be resident on site to provide proper care for the pigs and care and security for the horses, in the absence of their owners. It will also enable care to be provided for the sheep when they are present. A permanent residence on site would also enhance security and enable deliveries to be taken as and when required to the benefit of the successful running of the farming business.
29. With regard to the objectors comment that the proposal would set a precedent for the future, the proposal seeks permission for residential use for which an 'essential need' must and has been demonstrated. Any future proposal for residential development would be assessed upon its own merits against the relevant policy criteria.

### **Impact upon Visual Amenity**

30. The NPPF attaches great weight to the conservation of the landscape and the scenic beauty of AONB's and is supported by emerging policy ENV3b which state that proposals will only be permitted provided the location, form, scale, material and design conserves and enhances the character of the landscape. Objectors have commented on the proposal stating that the proposed mobile would cause harm to the character of the AONB.

31. The proposed development would mean the change of use of land in order to be able to site the log cabin in close proximity to existing farm buildings. The siting and the orientation of the log cabin as applied for allows the applicant to have a direct sight line from his main living accommodation to the main entrance gate and right across the stables and farrowing pens. If the building were re-site, or reoriented for example through 90 degrees the site lines would be significantly restricted. The plan below shows how the sight lines down yard are currently achieved in the proposed orientation and how the sight line would be restricted if the cabin were reoriented.



**Figure 4 Sight Lines**

32. The site directly adjoins the existing farmyard and therefore would link easily into the existing use. The proposed log cabin would not lie in an open or isolated position. The overall visual impact of the cabin would be relatively limited as it is a low lying structure, sited adjacent to the existing farmyard, and so would clearly appear ancillary to the existing farm buildings and would maintain the existing cluster of built development. Any views of the cabin which may be obtainable will be of the cabin in context with far more substantial buildings which exist on the farm and are permanent in nature.
33. In summary, the proposed cabin does not lie in an open or isolated position. Its scale is necessary for its intended purpose and subject to conditions to secure an appropriate colour stain for the timber and a meaningful landscaping scheme, visually, the cabin would comprise acceptable development within the context of the existing agricultural complex. The log cabin would not result in a visually intrusive or incongruous form of development that would cause demonstrable harm to the character of the countryside or the AONB.

### **Impact upon Residential Amenity**

34. Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
35. The cabin would be sited over 60m from the nearest residential property (Pett House). Pet House is bounded to the rear by a closed boarded fence which is approximately 1.8 – 2 metres in height. As such, the height of the fence would preclude views from the single storey cabin into the rear garden and windows on the neighbouring property. Therefore the proposal is not considered to cause significant or unacceptable harm to the amenity of the nearby residents in terms of overlooking and loss of privacy. Notwithstanding this, the applicant has agreed to plant hedging along the boundary. This will help to mitigate against any perceived overlooking and can be secured by condition.
36. Considering the proposed mobile is required for residential purposes and would be occupied by a single person it is not considered the proposal would result in significant or unacceptable levels of noise or disturbance.

### **Archaeology & Heritage**

37. The application site lies close to identified sites of Roman activity and to Pett Place, a 16th century residence which may have earlier origins. In determining applications on a site where the proposed development has the potential to impact upon heritage assets with archaeological interest, the NPPF requires LPA's to request the developer to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
38. It is proposed to site the mobile home where there is an existing electricity and water supply and where there is an existing cesspool. There will therefore be no requirement to bring any infrastructure on the site to support the mobile home and the amount of ground works will be minimal. Some excavation will however be required to lay the concrete slab upon which the mobile will stand.
39. Given that there is known archaeology in the area and that remains associated with Roman or later activity could be exposed during the proposed groundwork, a watching brief condition should be attached to the permission. This would meet the requirements of the NPPF and is therefore neither unreasonable nor unnecessary. It would also ensure that any unknown features of archaeological interest are examined and recorded by an appropriately qualified expert.

40. Set over 50m from the nearest listed building, Court Barn and over 140m from Pett Place, with farm buildings and stables in-between, the development is not considered to result in harm to the setting of these designated heritage assets. Consequently, the relevant tests set out in paragraphs 195 and 196 of the NPPF need not be applied. .

### **Highway Safety and Impact upon the local highway network**

41. The proposed mobile home would be occupied by a single person. There is adequate space within the agricultural complex and adjacent to the proposed log cabin to provide parking to serve the residential unit.
42. The vehicle movements generated by the development would be limited. The proposed development would not generate a type or amount of traffic inappropriate to the rural road network that serves the site.

### **Human Rights Issues**

43. 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**

44. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

### **Conclusion**

45. To conclude the Development Plan both adopted and emerging, and the NPPF make provision for dwellings for agricultural works provided it is evidenced that there is an essential need for a rural worker to live at or near their place of work.
46. In this instance it is considered that it has been demonstrated that there is an essential need for the applicant to live on the site, to provide immediate care for the animals in particular the pigs and horses. No other dwelling within the immediate vicinity of the site is available. Financial information has been

submitted which details the projected returns and costs over the next 3 years. This has been subject to consultation with the Council's Agricultural Consultant who considers this to be reasonable and achievable.

47. There would be no harm to visual amenity, residential amenity, archaeology or heritage and the development is acceptable in terms of its impact upon highway safety.
48. With no overriding harm, the proposal is considered to be acceptable and in accordance with the Development Plan as a whole. It is therefore recommended that planning permission is granted. It is recommended that planning permission is granted on a temporary basis to enable the LPA the opportunity to re-assess the need for the accommodation once the temporary permission expires.

## Recommendation

### Permit

#### Subject to the following Conditions and Notes:

1. The use of the site for the stationing of a single mobile home shall cease by 19th September 2021 or the cessation of the pig-keeping or equestrian uses of Pett Farm whichever shall occur first. The mobile home, concrete base and all materials and equipment brought on to the site in connection with the use shall be removed and the land restored to grass within three months following 19th September 2021 or the cessation of the pig-keeping or equestrian uses of Pett Farm.

**Reason:** The site is outside any area in which residential development would normally be permitted unless essential to the local needs of agriculture or forestry.

2. The use of the site for the stationing of a single mobile home shall cease by 19th September 2021 or the cessation of the pig-keeping or equestrian uses of Pett Farm whichever shall occur first. The mobile home, concrete base and all materials and equipment brought on to the site in connection with the use shall be removed and the land restored to grass within three months following 19th September 2021 or the cessation of the pig-keeping or equestrian uses of Pett Farm.

**Reason:** The site is outside any area in which residential development would normally be permitted.

3. Within one month of the date of this decision, details of the means of disposal of foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall thereafter be installed within one month of the approval of the Local Planning Authority having been given and the approved works shall be retained in an effective working order whilst the mobile home remains at the site.

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

4. Within one month of the date of this decision, details of a landscaping scheme for the site which shall include proposed screening on the south west boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out fully within a planting timetable to be agreed as part of the landscaping scheme which shall provide for planting in the forthcoming planting season. Any trees or other plants which within a period of five years following planting die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and species unless the Local Planning Authority give prior written approval to any variation.

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

5. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of amenity of adjoining residents.

6. The mobile home hereby permitted shall be finished in a colour, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The approved colour scheme shall be fully implemented before the development is occupied and thereafter maintained.

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

7. 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.

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.

### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address 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.

## **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 18/00410/AS.

**Contact Officer:** Laura Payne

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**Email:** [Laura.Payne@ashford.gov.uk](mailto:Laura.Payne@ashford.gov.uk)



Annex 1



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# Agenda Item 6a

Ashford Borough Council - Report of Head of Development Management and Strategic Sites  
Planning Committee 17 October 2018

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<b>Application Number</b>	17/00264/AS
<b>Location</b>	Land adjoining 74, New Street, Ashford, Kent
<b>Grid Reference</b>	05046 44489
<b>Parish Council</b>	None
<b>Ward</b>	Victoria
<b>Application Description</b>	Erection of fourteen apartments with associated access, parking, landscape, refuse storage and bicycle storage.
<b>Applicant</b>	BTL Developments Ltd
<b>Agent</b>	Mr M Gomez, BTL Design Unit 1, New Street Farm, Chilmington Green Road, Great Chart, Ashford, Kent, TN23 3DL
<b>Site Area</b>	

## 1<sup>st</sup> Consultation

(a) 48/11R	(b) -	(c) KH&T X, KCC (Dev) X, EHM X, PO (Drainage) R, POS X, ABC (Housing) X, SW X, NHS -
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## 2<sup>nd</sup> Consultation

(a) 48/8R	(b) -	(c) KH&T X, KCC(Drainage) X, KCC (Dev) X, EHM X, PO (Drainage) X, POS X, ABC (Housing) -, SW X, NHS -
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## Introduction

1. This application is reported to the Planning Committee because it is a major application.

## Site and Surroundings

2. The application site comprises a 0.14 hectare parcel of land situated within the built confines of Ashford. The site is located in a very prominent position

on a main route into and out of the town (A292). The site is located adjacent to residential/commercial buildings fronting New Street and to the rear of the dwellings fronting Kent Avenue. The rear boundary of those properties fronting Kent Avenue and New Street adjoin a private road that accesses onto Kent Avenue between nos. 37 and 39. The access is unmade for the most part. This access is intended to serve the application site. The front of the site abuts the roundabout.

3. The site currently has an unkempt appearance although a large proportion of it is screened from public vantage points by fencing and advertising hoardings. Land levels rise by approximately one and a half metres across the site away from New Street.
4. The site lies in a mixed residential/commercial area. The dwellings along Kent Avenue comprise 19th/20th Century terraced housing. The development along New Street is predominantly 19th Century and again all two storeys with the exception of 74 New Street which is three storeys in height.
5. The site lies adjacent to the Queens Road conservation area and falls within the Residential Transition Quarter as defined in the Town Centre Area Action Plan. A plan showing the application site in its context is attached to this report as Annex 1.

## Proposal

6. The application was submitted in 2017 and proposed 14 flats with 9 parking spaces and a communal garden to the rear. The form of development proposed was as illustrated below.



Figure 1 Proposed Front Elevation



**Figure 2 Proposed Rear Elevation**

7. That scheme was the subject of a design review by Design South East (DSE). The DSE review raised a number of concerns regarding the access arrangements (discussed under subheading 'Highway Impacts'), and were of the view that the proposed amenity space would have little value. The panel noted that the scale, mass and height of the building was not necessarily inappropriate but identified a lack of clarity about what constituted the front and back of the building and noted a general failure to respond to context. They considered that these problems arose from the imposition of a near-symmetrical arrangement of standardised apartments on the site without any apparent analysis of the site context, its history, topography, orientation and character. The panel considered that if this site were to be developed a more rigorous and sophisticated design approach would be needed with various options explored as to the form, scale, massing, position and orientation of the building.
8. The proposed design has evolved to reflect the DSE Panel review and continued discussions with Ashford Borough Council Officers.
9. The current proposal is also for the erection of fourteen apartments comprising one single bed studio flat, 5no. one bedroom two person flats and eight two bedroom flats. The two bedroom flats comprise 2no. two person, 2no. three person and 4no. four person units.
10. The amount of parking has increased and it is now proposed to provide 14 parking spaces to the rear of the building to serve each of the 14 flats. Bicycle parking would be provided within the buildings.

11. A single storey building to store refuse would be provided adjacent to the boundary with 74 New Street and a modest structure would be provided adjacent to the northern boundary for refuse collection to be utilised on the day.
12. Access to the development remains via Kent Avenue and along the private access road that is located to the rear of properties fronting both Kent Avenue and New Street. However, it is proposed to upgrade this access as part of the development proposals.
13. The apartment block occupies the frontage of the site and is arranged as a series of interconnecting blocks.
14. The proposed building takes the form of four blocks of accommodation, connected by communal circulation spaces. Unlike the flat roof building previously proposed the building uses pitched roofs, some with elements breaking and projecting beyond the ridge line to create a contemporary appearance and add considerable visual interest.
15. Red facing brick is proposed to form the primary material for the building elevations and is combined with detailing panels containing Flemish bond brick and open bonded brick sections together with slatted timber detailing.
16. The roof tiles and windows would be grey, with grey enamelled glass balconies provided to the building frontage.
17. The front boundary would comprise a ragstone wall with metal railing above and metal gates. The northern boundary would comprise a taller ragstone wall. The building would be set back within the site to allow landscape gardens to be provided to the front of the building.



Figure 3 Proposed Front Elevation

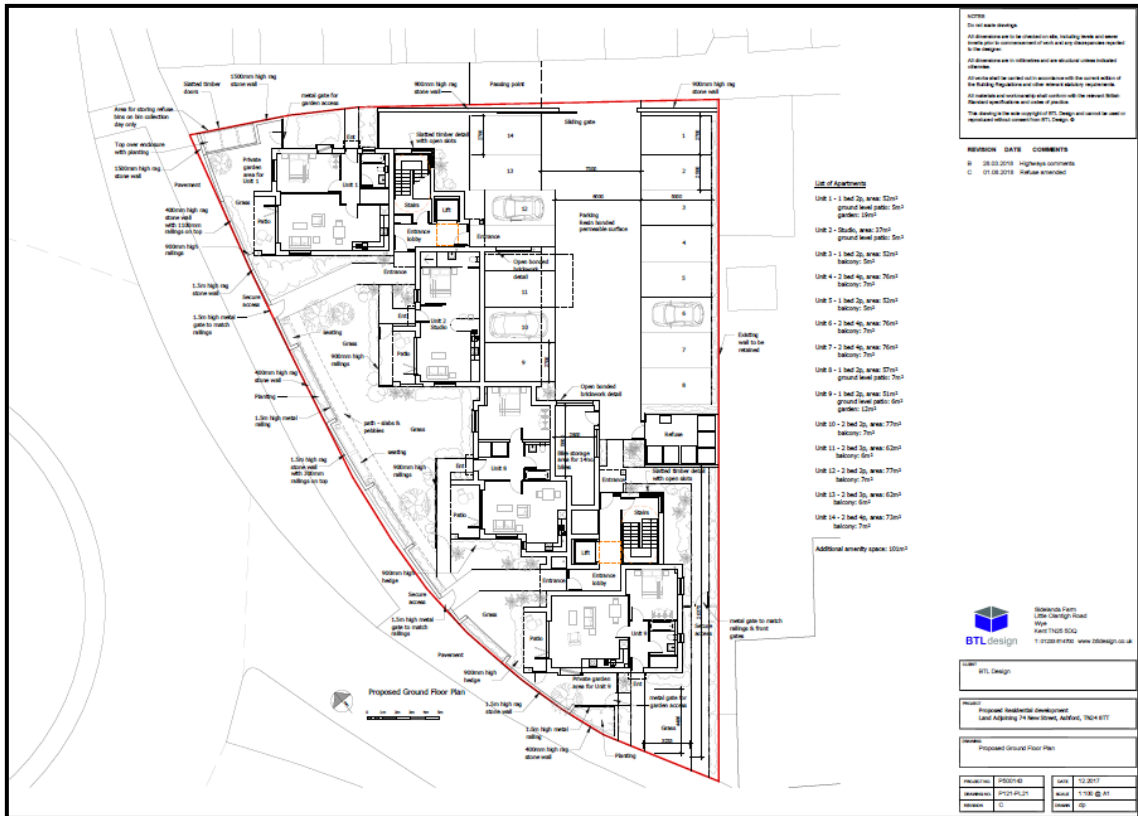


Figure 4 Proposed Layout



Figure 5 Proposed First and Second Floor Plans

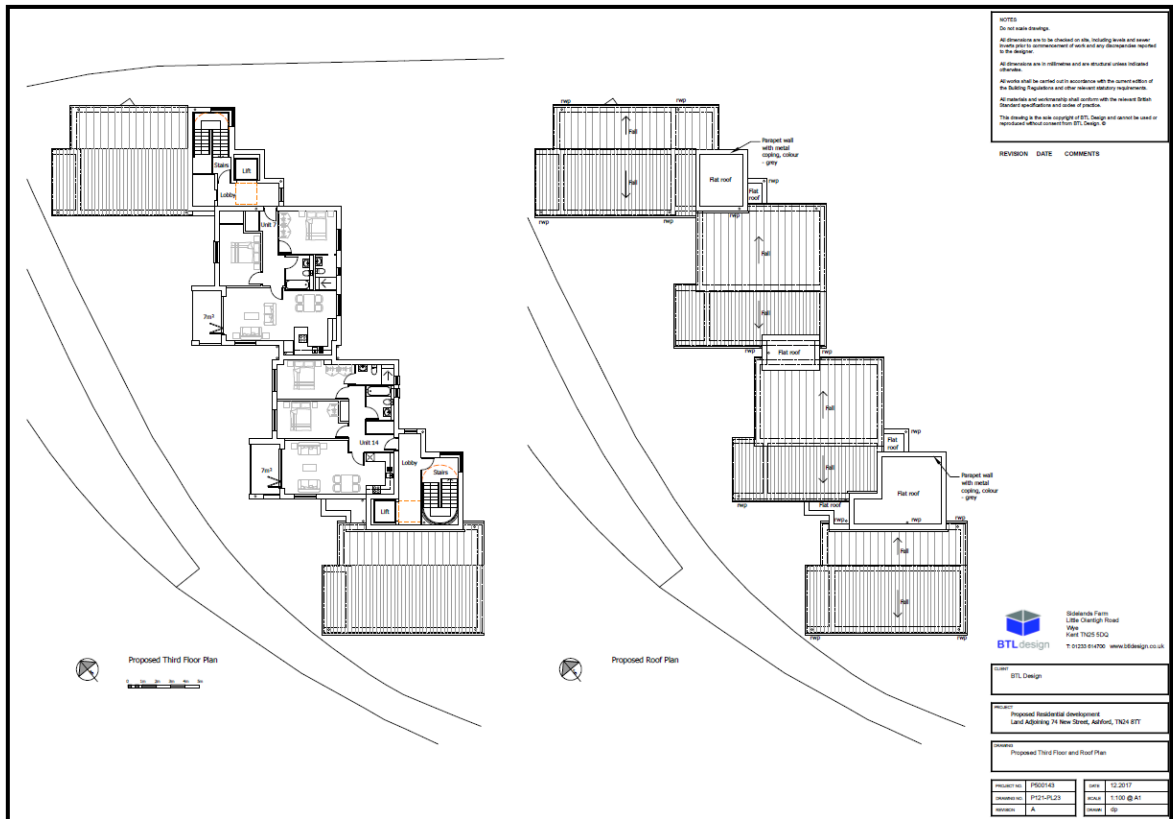


Figure 6 Proposed Third Floor and Roof Plan



Figure 7 Proposed Front and Rear Elevations



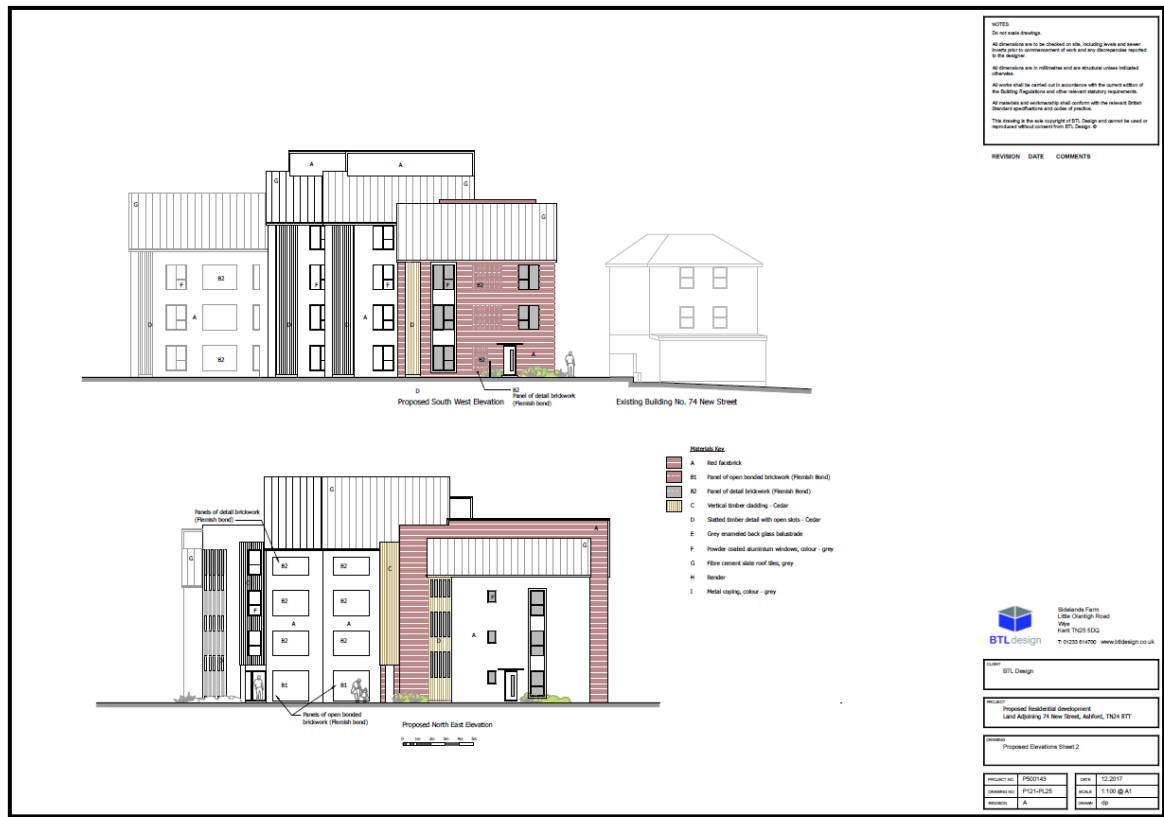


Figure 8 Proposed Side Elevations

18. The following supporting information has been submitted with the application:

**Updated Planning Design and Access Statement**

19. This statement:

- Describes and analyses the site context, including, describing the site and immediate surroundings.
- Describes the proposals in detail.
- Sets out the rationale behind the design and layout, explaining (amongst other things) how the local character, architecture and materials, have informed the overall design and layout.
- Discusses:
  - Character, Distinctiveness and Sense of Place,
  - Richness in detail
  - Permeability and ease of movement, legibility

- Flexibility, adaptability and liveability
- Efficient use of natural resources; and
- Space Standards
- Discusses relevant planning policies.
- Discusses density.
- Discusses the following technical matters:
  - Access
  - Parking
  - Ecology
  - Flooding and drainage Pedestrian and vehicular access;
  - Public and private landscaping proposals;
  - Fire prevention and rescue;
  - Refuse collection;
  - Ecology;
  - Drainages; and
  - Transport.

20. The statement concludes that:

The proposed scheme would make effective use of a vacant and unkempt site close to the town centre. The site has a prominent location beside one of the main routes into the town centre and the design proposed reflects a careful balance of ensuring a high quality built form is created which responds to the surrounding context, that the appearance of the immediate area is improved and that all technical standards relating to elements such as internal space standards and parking provision are met.

The proposed scheme is therefore considered to accord with the relevant policies within the development plan and to be appropriate in terms of access and design and on that basis, and for the reasons given above, we request that the Council grant planning permission subject to appropriate conditions.

### **Drainage Statement**

21. The report states the following:

- Sustainable Urban Drainage (SuDS) techniques will be used to deal with the surface water drainage generated by the development. This will replicate the existing drainage regime by dealing with the surface water at source, so as not to increase the risk of downstream flooding.
- The surface water is to drain to a network of surface water sewers via gullies, rainwater pipes and channel drains before discharging into a new cellular attenuation tank located in the proposed car parking area. Flows from the attenuation basin are to be restricted to the a rate of 2l/s by a Hydrobrake flow control device before discharging into the existing sewer in New Street.
- It is proposed that the foul water from the development is collected in a system of gravity sewers discharging to the existing 225mm diameter foul water sewer in New Street
- A peak foul water flow of 0.65 l/s has been calculated for a development of up to 110 units based on the daily flow rate of 4000 litres given in Sewers for Adoption 7th Edition.
- There are no plans to construct treatment works on the site, nor to discharge any effluent treated or not, to ground water.

The report concludes:

- A Sustainable Urban Drainage system incorporating a detention basin and attenuation tank will be used to accommodate the 1 in 100 year rainfall event with a 40% allowance for climate change.

### **Relevant Planning History**

10/00527/AS Residential development comprising the erection of 13 two bedroom apartments and 1 one bedroom apartment with associated parking and bicycle storage. Refused for the following reasons.

- i. The proposed development, in this prominent gateway location on a primary route into and out of the Town Centre represents an incongruous and unsympathetic form of development that poorly reflects the context of the surrounding area, adversely affects the street scene and consequently detracts from the visual amenity of the locality, because of its
- layout, form and design, combined with the constraints of the site
  - eclectic mix of architectural styles,
  - confused roof forms,
  - lack of rhythm,
  - lack of accentuation of entrances,
  - lack of detailing on the drawings with regards to location of rainwater
  - goods and downpipes and location of central heating flues and vents,
  - poor provision of external amenity space not relating to any of the dwellings and
  - failure to properly provide a comprehensive active street frontage
- ii. For the reasons set out in (i) above the proposal would fail to either preserve or enhance the character and appearance of the adjacent conservation area.

The final ground of refusal related to the failure to secure any planning obligations.

Also material to the consideration of this application is planning permission reference 17/01118/AS relating to the Prince Albert, 109 New Street, Ashford. The Prince Albert is located to the south west of the application site on the opposite side of the roundabout.

Planning permission 17/01118/AS relates to the following:

*Demolition of existing public houses and associated buildings and erection of a five storey apartment building containing fourteen 2 bedroom units and 84m<sup>2</sup> of commercial space at ground floor level including 14 car parking spaces, refuse and cycle storage and a vehicle layby.*

## Consultations

**Ward Members:** The Ward Members are Cllr Farrell and Cllr Suddards, neither of whom are members of the Planning Committee. Neither Ward Member has made any formal representations.

### 1<sup>st</sup> Consultation

**Kent Highways and Transportation:** No objection subject to conditions.

**Kent County Council Development Contributions:** Require a financial contribution towards library book stock.

**Southern Water Services:** Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Southern Water state “the planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system”.

Southern Water request that should this application receive planning approval, a condition is attached to the consent requiring details of the means of foul and surface water sewerage disposal.

**ABC Environmental Health:** No objection subject to conditions.

**ABC Environmental Services (Refuse):** No comments received.

**ABC Housing Services:** No comments received.

**ABC Cultural Services:** No comments received.

**ABC Drainage:** A holding objection is requested on the above application subject to the submission of further information. There is currently no information determining how surface water is to be dealt with at this site to ensure that flood risk is not increased as a result of the development. Generally it is expected that a drainage strategy, supported by a conceptual surface water management plan and outline calculations are submitted to determine how surface water at the site is to be managed. This requirement is to ensure there is no increased risk in surface water flooding at the proposed site, or to surrounding land and properties.

**NHS:** No comments received.

## **2<sup>nd</sup> Consultation**

**Kent Highways and Transportation:** New proposals have been submitted, which now include parking spaces for 14 vehicles, one space for each apartment.

The proposal represents an intensification in use of an existing poorly maintained private access road. The proposed vehicular access to the site is via a privately maintained length of Kent Avenue.

The surfacing of this section to the site access (approximately 70m) is unmade and in very poor condition. Although beyond the jurisdiction of KCC as the local highway authority, I would suggest that this should be upgraded to hard surfacing if it is within the legal powers of the developer to deliver.

The rear of the property adjacent to the bend in the unmade access road (to the rear of number 60 New Street and the rear of 37 Kent Avenue) has been fenced in. This makes the turn into the narrow section of unmade road tighter. Although passable with care, there is no forward visibility before making this turn and nowhere in the 70m length where drivers can pass each other if movements conflict. However in such a slow speed environment this should not cause a safety issue.

With regard to the refuse collection point, to service this many units the collection vehicle would be stationary for some time. In terms of highway safety this would be better located to the north of the site where the refuse vehicle can wait in the inside approach lane to the roundabout. This would be a slower speed environment rather than vehicles waiting at the exit from a roundabout which is both faster in free flow conditions or in peak time often queues back to this point, which in turn would cause an obstruction.

Due to the narrowness of the access road, any local deliveries using a van or larger (for example supermarket food deliveries, Amazon) would park on the public highway outside the nearest pedestrian access points to the development. In line with the above paragraph, this would present a highway safety issue. As such we would require the developer to fund amendments to the current TRO for waiting restrictions to include no loading/unloading restrictions for the site frontage.

With regards to the proposed parking area, parking space No 9 needs to be 2.7m wide, as it abutts a wall. The entrance to the parking area is 6m wide and whilst adequate, any additional width that can be provided would assist in the use of the parking area. In addition the proposed ragstone wall is too high, and should not exceed 0.9m in height as it blocks visibility when entering/exiting this area.

Further details are required on the type of bicycle storage to be used, with measurements, to ensure it fits in the proposed storage area.

In it's current form the proposal is unacceptable from a highway safety perspective.

Following submission of amended plans:

Having assessed the amendments, KCC have the following observations to make:-

- Parking spaces 1, 9 and 14 have been increased to 2.7m in width.
- Details of the bicycle storage area have been submitted and these are acceptable.
- A passing point has been added to the west of the entrance to the parking area.
- The ragstone wall has been reduced to 0.9m in height.
- Refuse collection - I note an additional area to the north of the site has been created for the storage of refuse bins on collection day. Can the applicant please clarify the size of bin proposed (i.e. will they be standard wheelie bins) and methodology for collection day: i.e. who will move the bins from the current proposed storage area next to parking space 8. I am aware that there is a pedestrian access adjacent to the south east bin location and am concerned that residents may take the closer easier option and leave them by the roadside adjacent to the south east of the site. This area, as you are aware, would not be acceptable as a refuse collection point due to highway safety issues.

Following receipt of further information:

No objection subject to conditions.

Following receipt of further information relating to refuse collection:

I note the proposed location area on the re-submitted ground floor plan for the collection area for refuse bins. This will require residents to drag their bins more than the recommended 30m distance to the communal collection point. It is important that future residents are made fully aware of the designated collection area on refuse collection days, and do not leave their bins on the kerbside to the south of the proposed building, which we have established would be detrimental to highway safety.

No objection subject to conditions.

**Kent County Council Development Contributions:** No further comments received.

**Kent County Council Flood and Water Management:** The proposed drainage scheme proposed within the Drainage Statement (July 2018) is sufficient for this development. We welcome the proposed use of a hydrobrake limiting the discharge into the surface water sewer of 2 litres a second.

As part of the detailed design stage we would expect confirmation of the cover level and invert level of the proposed cellular attenuation tank along with a full layout design of the drainage system.

Should your authority be minded to grant permission for the above development, we would recommend conditions are attached.

**Southern Water Services:** The comments in our response dated on 24/03/2017 remain unchanged and valid for the amended details.

**ABC Environmental Health:** No objection subject to conditions.

**ABC Environmental Services (Refuse):** Raise no objection based on the latest amended plans.

**ABC Housing Services:** As this site contains 14 units of accommodation and falls short of one hectare, there is no requirement for affordable housing on this development.

**ABC Drainage:** No objection subject to the imposition of conditions recommended by KCC Flood and Water Management.

**NHS:** No comments received.

### **Public Consultation**

During the course of the application in excess of 40 neighbours have been consulted, site notices have been posted in Kent Avenue and at the application site, and the application has been advertised in the press:

A total of 11 representations were received in response to the original scheme, all of which raised objections and general comments.

A total of 8 representation were received in response to the amended scheme, all of which raised objections and general comments.

The grounds of objection include the following:



- Query whether Kent Highways have visited the site.
- The site is fenced to prevent cars parking on the land.
- Fly tipping has occurred at the site in the past.
- There are foxes and rats on site.
- The proposal would result in loss of light to neighbouring properties.
- Loss of privacy.
- Noise and disturbance.
- The amount of parking proposed is insufficient.
- The access is unsuitable.
- The access is narrow.
- The access incorporates a blind bend.
- Lack of turning space.
- Increase in traffic.
- The use of the access will result in damage to the neighbouring boundaries.
- Traffic associated with the development will cause congestion on the surrounding roads due to increased vehicle movements and on street parking.
- Highway and pedestrian safety.
- The access is too narrow to accommodate refuse vehicles, emergency vehicles and delivery vehicles.
- Disruption during construction.
- The scale and massing of development is inappropriate.
- Design - The architectural style is at odds with properties in New Street.
- The proposed building does not respond to the building line.
- Render will weather and appear unsightly.

- A smaller development would be better suited to this site.
- Overdevelopment of the site.
- The whole of Kent Avenue should have received letters.
- Large houses would be better suited to the site.
- Continued flat building in the Town Centre causes segregation and send the message that families are not welcome.
- Houses should be provided to help foster cohesive communities.
- Impact on water pressure locally.
- Development was refused on the site in 2010.

## **Planning Policy**

22. 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.
23. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
24. On 13 September the Council commenced consultation on the main modifications to the draft plan.
25. The relevant policies from the Development Plan relating to this application are as follows:-

**Ashford Borough Local Plan 2000**

EN31	Important Habitats
EN16	Conservation Area
EN32	Important trees and woodland
HG5	Housing
TP6	Cycle parking
LE5	Equipped Public Open Space
LE6	Off-site provision of Public Open Space
LE7	Play Facilities
LE8	Leisure Facilities
LE9	Maintenance of Open Spaces
CF6	Standard of Construction
CF8	Renewable energy
CF21	School requirements for new housing development

**Local Development Framework Core Strategy 2008**

CS1	Guiding principles to development
CS2	The Borough wide strategy
CS3	Ashford Town Centre
CS8	Infrastructure Contributions
CS9	Design quality
CS10	Sustainable Design & Construction
CS11	Biodiversity and Geological Construction
CS12	Affordable Housing

CS13 Range of Dwelling Types and Sizes

CS15 Transport

CS18 Meeting the Community's needs

CS18a Strategic Recreational Open Space

CS20 Sustainable Drainage

CS21 Water Supply and Treatment

**Urban Sites Development Plan Document 2012**

U0 Presumption in Favour of Sustainable Development

U24 Infrastructure Provision to Serve the Needs of New  
Development

**Ashford Town Centre Area Action Plan 2010**

TC1 Guiding Principles

TC18 The Residential Transition Quarter

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

**Ashford Local Plan to 2030**

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6 Promoting High Quality Design

SP5 Ashford Town Centre

HOU3a Residential windfall development within settlements

HOU5 Residential windfall development in the countryside

HOU12 Residential space standards internal

HOU14 Accessibility Standards

HOU15	Private external open space
HOU18	Providing a Range and Mix of Dwelling Types and Sizes
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
TRA4	Promoting the local bus network
TRA5	Pedestrians
TRA6	Cycling
TRA7	Road network and development
TRA8	Travel Plans, Assessments and Statements
ENV1	Biodiversity
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV14	Conservation Areas
COM1	Meeting the Communities Needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure Provision

**Supplementary Planning Guidance/Documents**

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Residential Space and Layout SPD 2011 – External Space Standards Only

## Public Green Spaces & Water Environment SPD 2012

### **Village Design Statements**

N/A

### **Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2018

27. 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:-
28. Paragraph 48 states in relation to the stages of preparing a Local Plan that:
- “Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.
29. The following chapters of the NPPF are relevant to this application:-
- Chapter 2 – Achieving sustainable development

- Chapter 4 – Decision-making
- Chapter 5 – delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

**Other Government Policy**

Technical Housing Standards – Nationally described space standards

**Assessment**

30. The main issues for consideration are:
- 5 Year Housing Land Supply and status of the emerging development plan.
  - The principle of the development.
  - The visual impact of the development on the character of the surrounding area and nearby heritage assets.
  - The impact on residential amenity.
  - Highway Impact, including parking and refuse collection.
  - Sustainability issues including SUDs.
  - Contributions/Section 106 matters.

### **5 year housing land supply and status of the emerging development plan**

31. At the time of submission of this application, the Council recognised that it was unable to demonstrate a 5 year supply of housing.
32. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 73 of the NPPF, and has recently had the opportunity to demonstrate this at the Local Plan Hearings. The Council's deliverable five year housing land supply is based on a robust assessment of the realistic prospects of housing delivery on a range of sites in the adopted Development Plan, the Submission Local Plan to 2030 and other unallocated sites taking account of recent case law, the respective deliverability tests and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan.
33. The Local Plan Inspectors' recent advice to the Council confirms that following the completion of the Local Plan Examination Hearing sessions on 13 June, they have concluded that there is a 5-year housing land supply.
34. On the 29th July 2018 the Council received the Local Plan Inspectors' post hearing advice (document reference ID/10). This document, in paragraphs 14-17 summarises the Local Plan Inspectors' conclusions on Housing Land Supply matters, following the completion of the Local Plan Examination Hearing sessions on 13th June. This confirms that the Inspectors have found that a 5-year housing land supply exists of 7,730 dwellings (after discounting various proposed allocations which they recommend omitting from the Local Plan), and they have concluded that there is a 5-year housing land supply in the Ashford Borough.
35. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para.11 of the NPPF (where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits) need not be applied.
36. The emerging Local Plan policies should now be afforded weight in the planning balance.

### **The Principle of Development**

37. The site lies within the built confines of Ashford, in close proximity to the town centre and the amenities and public transport links contained within it.
38. Policy HG5 of the Adopted Ashford Borough Local Plan 2000 is a saved policy and states:



"Residential development (of five or more dwellings) will not be permitted on sites other than those shown on the proposals map, except on windfall sites which come forward for development within the confines of Ashford, Tenterden, Charing, Hamstreet and Wye where:

(a) the location of the site provides residents with easy opportunities to walk or cycle when travelling to work, school, shopping, community and leisure facilities;

(b) It does not result in the displacement of other uses such as employment, leisure or community uses for which there is need in the area;

(c) The proposal does not result in town or village cramming and is of good design."

39. The application site is located within easy walking distance of the town centre, schools, shops and local amenities. It is also located close to public transport links and public car parks. As such the site is sustainable in terms of its location and criterion (a) of policy HG5 is met.
40. The site is a vacant parcel of land and so the development would not result in the displacement of employment, leisure or community uses and as such criterion (b) of policy HG5 is met.
41. Criterion (c) is discussed in the following sections of this report.
42. The Town Centre Area Action Plan (TCAAP) identifies this part of the town centre as a Residential Transition Quarter. The TCAAP sets out a vision for this area focusing on the provision of housing as well as an intensification of development along New Street as part of an attractive landmark and gateway to emphasise the sense of arrival at the town centre. It encourages new homes to be provided and places importance on a quality public realm as a key aspiration.
43. Policy TC18 states the need for a careful transition from the town centre core to the existing residential areas and requires new development to be carefully integrated with its surroundings by respecting the scale of existing properties and the quality of life of the residents.
44. The TCAAP also sets an indicative target for the overall quantum of development for the Residential Transition Quarter, including the quantum of commercial floor space. This scheme however, is for residential use only. Located within the western boundary edge of the town centre, this is a heavily constrained, small and awkwardly shaped site. Although there are also some commercial premises close by, this site is predominantly surrounded by

residential properties. In light of this, I consider a residential use to be entirely appropriate for this site. Furthermore, given the challenging access arrangements, it appears to be the most practical means of developing the site.

45. The site is currently vacant, although historic mapping suggests that it was once occupied by buildings and so constitutes a brownfield site. With 14 units on such a small site (0.13 hectares) I regard the development as making a very efficient and effective sustainable use of previously developed land. This is in keeping with development plan policies CS1, CS2, CS4, SP1 and SP2 which advocate residential development in a strategic/allocated manner with brownfield sites being utilised first. I consider the principle of the use of the site for residential to be acceptable in policy terms. The principle of this development in a sustainable location is therefore accepted and compliant with the aforementioned policies.
46. The site is not designated in the emerging draft Local Plan 2030 but the draft emerging policy HOU3a (Residential windfall development within settlements) which I afford significant weight states that infilling of sites in the Ashford built up area for residential uses is acceptable subject to specific criteria. The proposed development conforms with this policy as the layout, design and appearance are acceptable and it makes a positive contribution to the local character of the area. It results in no detrimental impact on residents, and does not significantly harm heritage assets and is acceptable on traffic grounds. It does not need substantial infrastructure upgrades to support it. Lighting can be accommodate safely into the development without impact on neighbouring homes or impacting on this urban street scene. The proposals also do not displace an active use such as employment, leisure or community. I am satisfied that the proposed development is in compliance with policy HOU3a.

### **The visual impact of the development on the character of the surrounding area and nearby heritage assets**

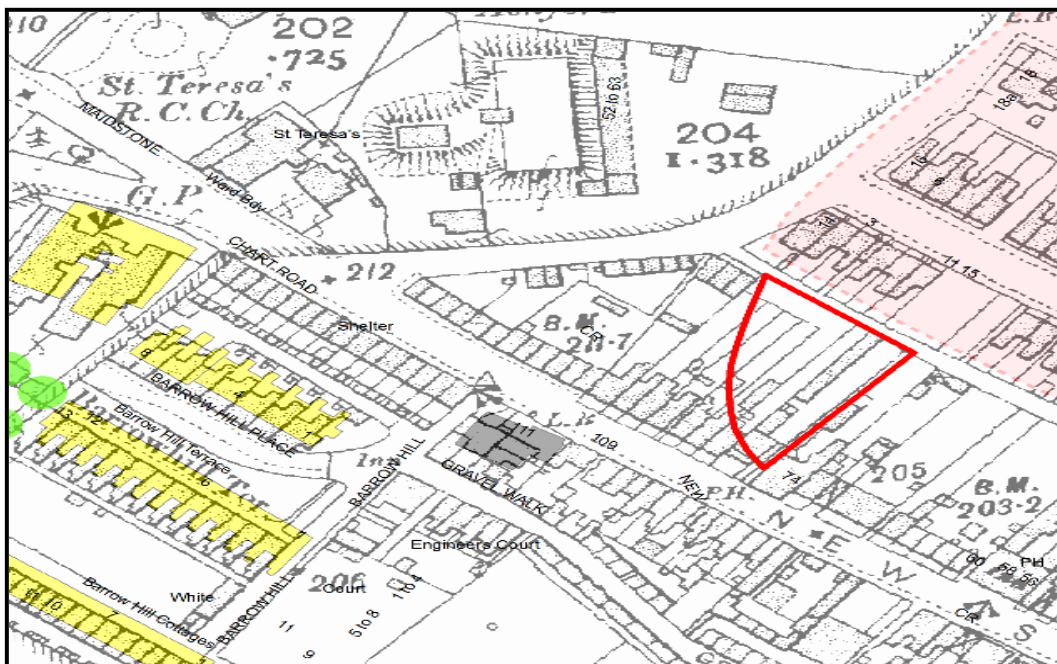
47. Following its original submission, the former development proposed on this site was presented to Design South East (DSE) for review. The response of the design review panel is summarised below.
48. The panel raised a number of concerns regarding the access arrangements (discussed under subheading 'Highway Impacts'), and were of the view that, the siting of the car parking was impractical and the proposed amenity space would have little value. The panel noted that the scale, mass and height of the building was not necessarily inappropriate. However, they identified a lack of clarity about what constituted the front and back of the building and noted a general failure to respond to context. They considered that these problems

arose from the imposition of a near-symmetrical arrangement of standardised apartments on the site without any apparent analysis of the site context, its history, topography, orientation and character. The panel considered that if this site were to be developed a more rigorous and sophisticated design approach would be needed with various options explored as to the form, scale, massing, position and orientation of the building.

49. Since receipt of the report from DSE, in July 2017, the agents have further analysed the site and surrounding context, and in doing so have worked closely with the Council to respond to the comments made by the DSE. The amended proposals currently being considered, and described in detail under the subheading 'Proposal' are the result of lengthy negotiations.
50. The impact of the development upon the visual amenity of the locality and on nearby heritage assets needs to be carefully considered. A key heritage related issue to consider is the impact on the setting of the adjacent conservation area and listed buildings in Barrow Hill/Western Avenue and whether there is any harm to their character, special architectural or historical significance.
51. Policies, HG5, CS1, CS9 SP1, SP6 and HOU3a require good design and state that all development should seek to create a distinct character, with a strong sense of place and identity.
52. The above policies are broadly consistent with the NPPF which attaches great importance to the design of the built environment and seeks to safeguard heritage assets.
53. Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out general duties of the LPA in respect of listed buildings and conservation areas in exercise of planning functions. In the case of Section 66, it seeks to ensure that where development affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In the case of Section 72, the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. This is reflected in adopted policies, EN16 and CS1 and emerging local plan policies ENV13 and ENV14 which I also afford significant weight.
54. As designated heritage assets, the impact on the setting of the conservation area and listed buildings has been taken into account. In keeping with the DCLG Planning Practice Guidance 2014 'Conserving and Enhancing The Historic Environment' the definition of a setting is ;

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

55. With this in mind the impact the proposals will have on the following;- views; local historic character; scale & height; architectural detailing and materials, have been carefully considered and are assessed in detail below.
56. The Ashford Queens Road conservation area boundary is located immediately to the north east of the application site. Listed buildings are located to the south west. The following historic maps of the area (see below) show how the application site and its relationship with its surroundings has evolved.



**Figure 9 Historic Maps 1904-1939**

57. The maps show that prior to the construction of the existing roundabout, the site was occupied by buildings that formed a continuation of part of the ribbon development fronting New Street. The maps also suggest that the roundabout replaced a number of either principal or ancillary buildings that faced onto Magazine Road. The maps also illustrate that buildings fronting Magazine Road are set back from the road. There are green verges between these properties and the road.

58. The site appears to have remained vacant since the construction of the new road layout. The site is bounded by fencing and advertisement hoardings, which fail to make any positive contribution to the setting of the conservation area. Whilst there are a number of trees on site that do make some positive contribution to the locality, these are not of significance and so their loss is not considered to cause demonstrable harm to the setting of the conservation area. Furthermore, as illustrated on the submitted amended plans, if planning permission is granted, there will be an opportunity to secure a robust landscaping scheme within the communal space to the front of the development, and this will include replacement trees. This can be secured through the imposition of a relevant planning condition.
59. Amongst others, the conservation area encompasses existing residential properties located in Kent Avenue and fronting Magazine Road. From a townscape perspective, the proposed development will re-establish a gap in the frontage where Magazine Road meets New Street. In this respect, the development would make a positive contribution to the setting of the conservation area by responding to the former historical layout as best it can, in light of the modern roundabout. The development will provide a strong façade and greater sense of enclosure to this part of New Street which, given it's a wide and rather over engineered highway, currently lacks sufficient frontage to mitigate the visual impact this infrastructure has.
60. As mentioned previously, this is a heavily constrained, small and awkwardly shaped brownfield site which is difficult to develop. The proposed layout and siting of the building has been amended to respond to comments made by the DSE and also to respond to this challenging environment.
61. The floor plan shows a staggered building line that has allowed the re-siting of the building further from the boundary to the road. This enables a higher quality communal space to be provided to the front of the development, where it will not be unduly overshadowed, and where the provision of landscaping will help soften the impact of the development and maintain a green frontage to reflect properties fronting Magazine Road.
62. Parking and servicing is provided to the rear of the building in the shadier part of site where it benefits from being hidden from view. I am content that in the interests of both visual amenity, and the amenity of future occupiers (see sub-section to follow) the siting of the building in its amended form, and consequently the overall layout of the building, is the correct approach for this site.
63. The approach to the proposed design is contemporary. One of the many constraints in achieving an appropriate contemporary scheme on this site has been addressing the scale and massing to ensure that it remains appropriate.

From the outset, the main feature of the contemporary design was to seek to break the building down into a series of interconnecting buildings. By working closely with the applicants agents, it is considered that the issue of scale and massing is successfully resolved, and that unlike the original scheme, the amended built form accommodates the concept of interconnecting buildings exceptionally well whilst responding to both the scale and form of buildings immediately surrounding the site, and other buildings in context with which this development will be read.

64. This urban area already features a varied mix of building types, and the existing and approved local building heights vary in scale with a height between 2 and 5 storeys. Existing roof forms are predominately pitched. In terms of buildings located immediately adjacent to this site, to the north, are two storey buildings in Kent Avenue and to the south east, the site lies adjacent to a relatively substantial 3 storey building fronting New Street. The proposed 4 storey building steps down to 3 storey elements on the edges of the site. This approach to the design ensures that the scale height and massing of the building responds to, and accommodates the two and three storey high buildings immediately adjacent. The staggered frontage and varying interconnecting building heights, serve to respond to the scale of surrounding development in its wider context. The repetition that exists in the roof form seeks to mimic and interpret the traditional roof pattern and form of local buildings in a modern manner. The proposed interlinked mono-pitch roof form with some partially hidden flat roof sections accommodating stairwells and lifts, will also add considerable interest and visual quality to the mixed roofscapes typically found across the outer fringe of the town centre.
65. These design features together with the recessed balconies that enrich the front elevation, help accentuate the buildings distinct contemporary design, enabling the development of this site to act as a landmark forming part of an attractive gateway that emphasises the sense of arrival at the town centre, in accordance with the aims and objectives of the Town Centre Area Action Plan.
66. In response to comments received from the DSE, the amendment to the scheme to introduce a front boundary wall with a number of gated access and pathways leading to main entrances and private front doors, ensures that there is a clear frontage to the building at street level with the main residential entrances clearly legible and distinct in accordance with the basic principles of good urban design.

67. In assessing the impact on the setting of the conservation area, the selection of materials is important. The local area combines a range of materials including red stock brick, render/stucco, ragstone and slate roofs, yellow stock bricks, clay tile hanging and clay tiled roofs. In terms of the original scheme, the selected palette of materials was based on other flatted developments elsewhere in Ashford and included nearly all render and some cedar cladding. The DSE questioned the rationale for the use of these as they do not predominate in the local area. However, following more analysis of the immediate context, the proposed design now features a well considered mix of appropriate materials. Overall the proposed materials palette responds well to the setting and has been selected in response to the texture and colour of traditional materials found in the local area. The proposed brick detailing and panelling illustrated below, provide relief to elevations that incorporate larger expanses of brickwork. This carefully considered detailing will add considerable visual richness.

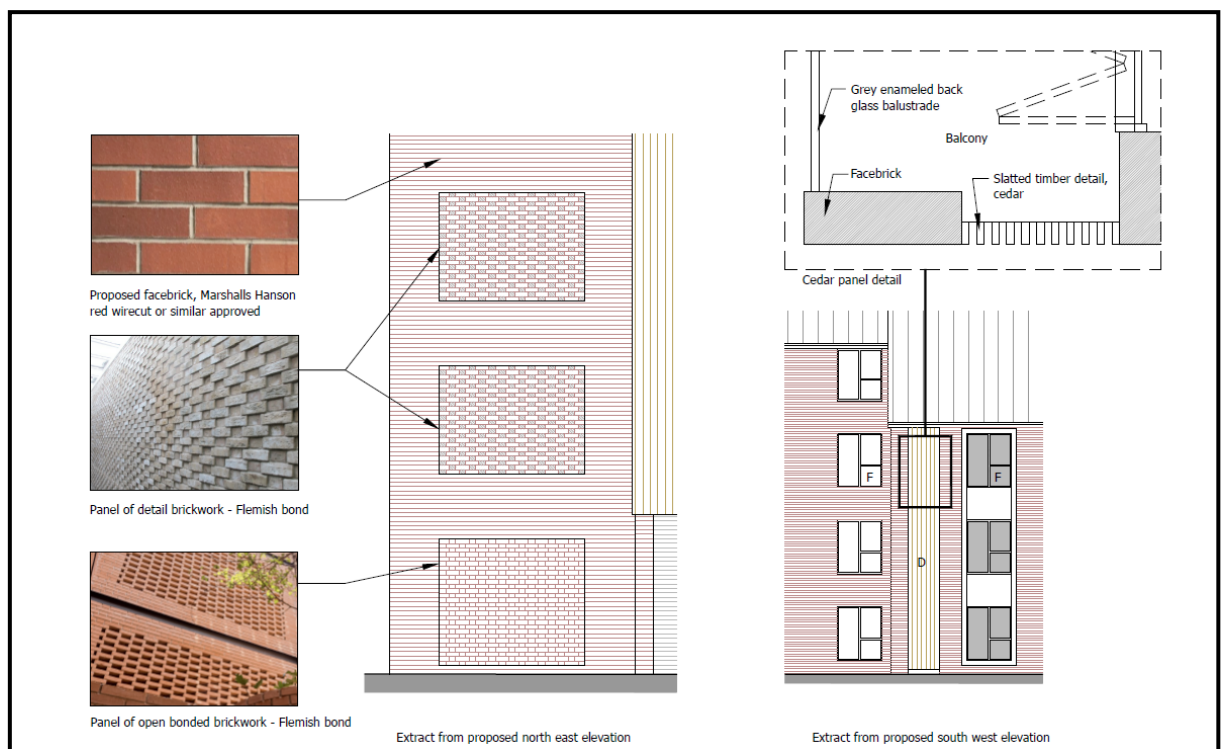
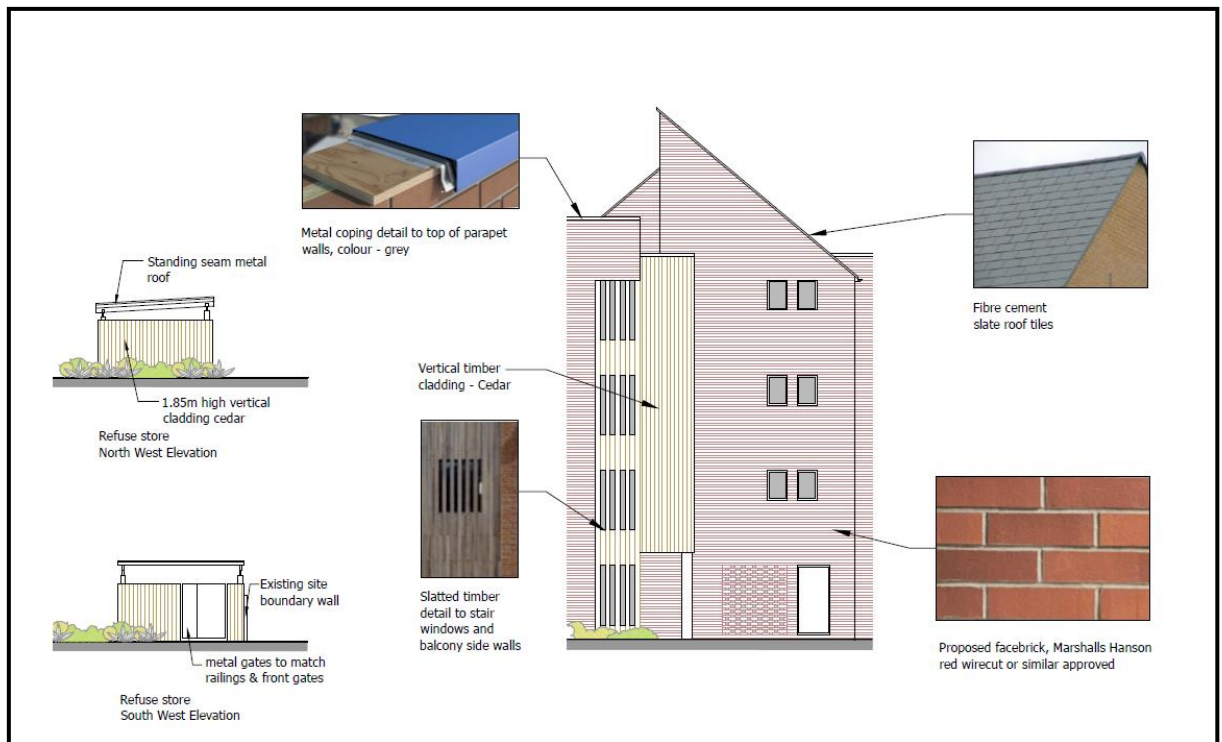


Figure 10 Proposed Materials and Details



**Figure 11 Proposed Materials and Details**

68. Samples of materials have been submitted, however, given the highly prominent location of this site, it is recommended that should the scheme be supported, these materials should be assessed on site for suitability before construction to ensure the quality, colour, texture, finish and application is guaranteed to the very high qualities expected in the interest of the setting of the conservation area and visual amenity of the locality. This can be secured by condition.
69. Overall, I am satisfied the amended design responds skilfully to the scale and character of the area and will not have an adverse impact on the visual amenities of the local area. I am also satisfied that the amended design fully addresses the comments made by the DSE.
70. In terms of the impact upon the setting of the conservation area, the development would be prominent in views from Magazine Road on the approach to the roundabout from the north and also from Maidstone Road on the approach to the roundabout from the west. In these views, the development would be seen in the backdrop and forefront of the conservation area.
71. Where views of the development are visible in the backdrop of the conservation area, the development will be viewed in context with, (and screened to some extent) by buildings of a similar traditional form. The impact



in these views will be softened by the presence of existing street trees aligning Magazine Road.

72. Where views of the development are visible in the forefront of the conservation area, the development would sit against the backdrop of the rear of properties fronting Kent Avenue. With the exception of number 14, (which comprises decorative tile hanging, timber detailing and what appears to be traditional timber sash windows), the rear elevations of properties in Kent Avenue are simple and unremarkable and have a more functional appearance as they contain very little decoration. For the most part, their rear gardens are bounded by ordinary timber closed boarded fences. As a consequence, their contribution to the character and appearance of the conservation area from this aspect is fairly neutral. Whilst the views of the backs of these properties will be obscured by the siting of the new building, for the reasons that I have stated, these views are not considered to be important in terms of their contribution to the significance of the character and appearance of the conservation area, and so, I am satisfied that even though they will be lost to some extent, there would be no demonstrable harm to the setting of the conservation area as a result. Due to the staggered building line and set back from the front boundary, the attractive view of the rear of number 14 Kent Avenue will be maintained from most aspects on the approach, and will not be entirely obscured by the proposed building.
73. Turning to the impact of the development on the setting of the listed buildings to the south west in Barrow Hill/Western Avenue, these are located in excess of 70 metres from the application site. The application site is intersected from these buildings by the roundabout. The development would be set back within the site from the frontage and would not extend beyond the building line established by existing development fronting both Magazine Road and New Street. For these reasons the development would not obscure views of any of these listed buildings. It is also noteworthy, that this proposed development would be read in context development approved on the site of the former Prince Albert Public House. As illustrated below, this development comprises a five storey building located in closer proximity to these listed buildings than this proposed development. For the reasons, I am satisfied that the proposal would not result in harm to the setting character, special architectural or historical significance of nearby listed buildings.



**Figure 12 & 13 Approved Scheme on the Site of the Former Prince Albert**

74. Also pertinent is the impact on the Grade I Listed St Mary's church, which forms part of the key vista along New Street and as a consequence will be viewed in context with the proposed development. The proposed development would not interrupt this existing vista or obscure views of the church. Furthermore, due to its diminishing scale on the outer edges of the site, the development would not dominate in the forefront of the church. As such, I am satisfied that whilst this existing view would change, the proposed development can be accommodated within it without any demonstrable harm to the setting of the Grade I Listed church.
75. Overall, it is considered that in response to the DSE and officer concern, the architectural form has been carefully reconsidered and creatively and sensitively redesigned to respect the context of the site and the surrounding

homes, streets and spaces. The development will make a positive contribution to the place as it respects the local context and character of the area. The overall scale, massing density, height and mix of materials are in keeping with this urban area. I am confident that the building will be an attractive defining local landmark that enhances a main approach into the town centre.

76. In summary, the proposals would have an acceptable visual impact, and would not result in harm to either the setting of the conservation area or nearby Listed Buildings. I therefore conclude that the development would comply with adopted policies HG5, CS1 and CS9, and emerging local plan policies SP1, SP6, ENV13 and ENV14, and, that the approach to the design of the building is of a high quality and I fully support the architecture and its detailing.

### **Impact on residential amenity**

77. Paragraph 127 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users.
78. The most notable impact arising from the proposed development will be upon residential dwellings located in Kent Avenue immediately to the north of the application site and on number 74 New Street. Number 74 New Street includes a commercial unit on the ground floor.
79. The proposed development will be located approximately 12 metres away from the rear of residential properties in Kent Avenue at its closest. The rear garden boundaries are closer, as these extend towards the application site terminating where they adjoin the private shared access. As stated in preceding paragraphs, the proposed development comprises interconnecting building blocks. The building line is staggered to the front and consequently the rear. The roof to the closet building block pitches away from the neighbouring properties. On the outer edges, the development is reduced in scale to three storeys. This is in order to respond to the scale of nearby neighbouring properties, and serves to help mitigate the impact of the development on the amenities of occupiers of neighbouring properties. Whilst the development will obstruct southerly views from the properties in Kent Avenue, the distance of the development from rear facing windows, together with the design features stated, will ensure that the development does not demonstrably harm the outlook from these properties, and is not unduly overbearing. The rear facing windows and rear gardens have a south orientation, and for this reason and for the reasons already stated in respect of layout, scale and design, whilst it is acknowledged that the development will cast some shadow, I am satisfied that the resulting impact is acceptable and will not result in any demonstrably harmful loss of light, so as to cause unacceptable detriment to the amenities of neighbouring occupiers.

80. The original scheme included balconies on the northern elevation. These have been removed to prevent any undue loss of privacy. The closest windows to properties in Kent Avenue are located in the northern elevation, and serve the stairwell, bathrooms and bedrooms. The bedroom windows are secondary bedroom windows that have been re-designed at an angle to alleviate the potential for unacceptable overlooking. Given that the windows in this north elevation serve non habitable rooms and that the secondary bedrooms windows are angled away from the majority of the terrace row, I am satisfied that the proposal will not cause any undue loss of privacy, and that the impact upon both the existing and future occupiers is acceptable. The distance of other windows from neighbouring dwellings is sufficient to maintain privacy.
81. The ground floor to number 74 New Street is a commercial unit. The former garden to number 74 is hard surfaced and comprises a number of outbuildings. Visits to the application site reveal that the rear of the premises is used from parking, and the presence of commercial vehicles suggests this area is also used to service the commercial unit. The rear of number 74 is north facing. The development will extend beyond number 74's rear building line, and will impact upon the neighbouring property. There are no windows in the side elevation of number 74 that face onto the development at close proximity. As such, I am satisfied that the development will not adversely impact upon outlook or be overbearing. Due to the fact that the ground floor of number 74 is in commercial use and that the former garden appears to be in use ancillary to this, and also due to the layout, scale and design of the proposed development, I am also satisfied that the shadow cast by the proposed building will not result in any loss of light that would be demonstrably harmful to neighbouring occupiers.
82. The ground floor unit in the block closest to number 74, includes windows in the ground floor that face directly onto the boundary wall between the application site and number 74. The first and second floor includes bathroom windows. Given the existing boundary treatment and the fact that the upper floor windows serve non habitable rooms, I am satisfied that the privacy of existing and future occupiers will be maintained. The distance of other windows from neighbouring dwellings is sufficient to maintain privacy.
83. Vehicular access to the application site is via a private access track/lane to the rear of properties on Kent Avenue. The track/lane is single width. The nature of the access is as such that very slow speeds are inevitable. Consequently, I am satisfied that vehicle activity associated with the proposed development will not cause any undue noise/disturbance.
84. The internal accommodation proposed complies with the National Space Standards. Balconies and generous amounts of glazing will provide residents

with plenty of natural daylight and sunlight into the buildings internal rooms. The size of the balconies comply with the Council's Residential Space and Layout SPD.

85. The well landscaped communal amenity space is sited behind the front boundary wall, which provides shelter from the busy roundabout and passing pedestrians. Unlike the former communal garden that was proposed to the rear of the development the amended proposals will ensure a fairly sunny orientation for the garden to benefit future occupiers.
86. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers.

### **Highway Impact and Refuse Collection**

87. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.
88. Following Design Review, the DSE expressed strong reservations regarding the use of the existing access track to serve the development.
89. Vehicular access to the application site is via a poorly maintained private access track/lane to the rear of properties on Kent Avenue. The track/lane is single width. The track/lane is not adopted highway and therefore is beyond the jurisdiction of KCC Highways. The closest access to the maintainable public highway is in excess of 90 metres away where the track emerges onto Kent Avenue between No.s 39 and 37.
90. The rear of the property adjacent to the bend in the unmade access road (to the rear of number 60 New Street and the rear of 37 Kent Avenue) has been fenced. This restricts visibility at the turn into the narrow section of unmade road. However, in such a slow speed environment, KCC Highways confirm that this should not necessarily cause a safety issue. Further to this, due to its single width, there are no formal passing bays. However, it is possible to reverse in both a south easterly and north westerly direction to allow passage into the application site and to allow vehicles to navigate the bend to enable access onto Kent Avenue. The proposed pedestrian access points front the adopted highway which will discourage pedestrian activity along the unadopted route.

91. The applicant has stated that they intend to upgrade the access to accommodate the proposed development. Both the LPA and KCC Highways consider that this upgrade is essential. In order to satisfy the Local Planning Authority (LPA) that the upgrade would be achievable, the applicant was asked to provide evidence to demonstrate that they are able to undertake these works. In response, the LPA has been provided with correspondence from the applicants Solicitor confirming the following:
- The access track is not registered in anyone's ownership.
  - The applicant has a right of way over it, in accordance with their registered title.
  - A number of adjoining properties share similar rights of way over the land.
  - Where a road requires resurfacing, or either a private right of way requires re-surfacing, and the land owner will not carry out the works (or, as in this case cannot be found), then the owners of the land benefitting from the use of the access (whether singularly or as a group) do have the right to carry out these works.

Based on the above, officers are satisfied that in the event that planning permission is granted, the upgrade of this access could be secured by planning condition. Due to the present condition of the access, this condition should be in the form of a Grampian condition which prevents the start of the development until these off site works have been completed.

92. Due to the narrowness of the access road to the rear of Kent Avenue, deliveries to the site using larger vehicles, for example transit vans or supermarket delivery vans, would more than likely park on the public highway outside the nearest pedestrian access points to the development. This would present a highway safety issue. However, KCC Highways state that this can be mitigated by securing amendments to the current Traffic Regulation Order (TRO) for waiting restrictions, to include no loading/unloading restrictions for the site frontage. The developer has agreed to fund these and this can be secured by planning condition if permission is granted.
93. With regard to refuse collection, the collection vehicle would be stationary for some time. In terms of highway safety, KCC Highways advise that the refuse collection should occur to the north of the site where the refuse vehicle can wait in the inside approach lane to the roundabout. This is because this location would be a slower speed environment, and is least likely to cause obstruction. The refuse collection facility to serve the development has been positioned to the north of the site to accommodate this. The drag distance

from the refuse collection point to where the refuse vehicle will stop is within the required 10 metres.

94. The refuse collection point is located in excess of 30m of the refuse storage facility. This would result in a drag distance for residents of in excess of the 30m advocated by ABC's Design Guidance Note 1: Residential Layouts and Wheeled Bins. However, the agent/applicant has confirmed that the transfer of refuse from the storage facility to the refuse collection point will be the responsibility of the Management Company that will be established. In the interest of future residents, details relating to the establishment of this company can be secured by condition.
95. With regard to parking, each flat would benefit from one off street parking space each. This amount of parking would comply with the Council's Residential Parking SPD and emerging policy TRA3a of the Local Plan 2030. Cycle parking is also provided in accordance with policy TRA6.
96. As is evidenced in the preceding paragraphs, the application has been subject to consultation with Kent Highways and Transportation. In latest comments from KCC, they raise no objection to the proposed development subject to conditions.
97. Whilst it is noted that the DSE expressed reservations regarding the use of this access, for the reasons set out above, the proposed development is not considered to be harmful to highway safety and as a consequence, there are not considered to be any justifiable grounds for refusing planning permission on this basis. Furthermore, it is noteworthy that although development proposed under application reference 10/00527/AS, for a similar number of residential units (13) was refused, there were no grounds of refusal relating to highway safety or access issues.

## **Ecology**

98. Policy EN31 of the adopted Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate.
99. Guiding Principles Policies CS1 (A) (D) and (K) of the Core Strategy identify objectives of ensuring protection of the natural environment and integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 of the Core Strategy specifically requires development proposals to avoid harm to biodiversity and geological conservation interests, and seek to maintain and, where practicable, enhance

and expand biodiversity. This is reflected also in policies HOU3a and ENV1 of the emerging Local Plan.

100. The site is previously developed land. However, the site does contain a number of trees suitable for breeding birds. All birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended). As such the developer is advised that the removal of any trees should be carried out outside of the breeding bird season (March to August Approx.) and if that is not possible an ecologist must examine the site prior to work commencing. If any breeding birds are recorded all works must cease until all young have fledged. An informative note can be added to any subsequent grant of planning permission to remind the developer of this.
101. In addition, since the original submission of this application, the ground foliage on site has matured and could support notable/protected species such as reptiles. That said, in terms of connectivity the site does not adjoin any habitats, buildings or land listed within Natural England's Standing Advice as being suitable for protected species. Consequently, I am satisfied that there is no requirement for survey's to be carried out prior to the determination of the planning application. However, in order to prevent any potential harm to notable/protected species, if planning permission is granted it is recommended that a condition is imposed requiring that a detailed precautionary mitigation strategy is produced by an experience ecologist. This can be secured by condition.
102. Subject to the recommended informative note and condition, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan, emerging plan and NPPF. In addition, and on this basis I am satisfied that the proposals can comply with the ecological criteria set out in adopted policy CS11 and emerging policies HOU3a (d) and ENV1.

### **Sustainability issues including SuDs**

103. As of the 18th July 2016, the Council no longer requires planning applications for residential development to comply with Core Strategy Policy CS10 'Sustainable Design and Construction' (2008) or guidance contained in the Council's Sustainable Design and Construction SPD (2012). This position is primarily based on the Housing and Planning Act which received royal assent on Friday 13th May 2016. The Act brings an end to the aspiration to deliver



zero-carbon homes through the planning process, relying instead on building regulations to deliver energy efficient buildings.

104. The Council cannot propose planning policies that seek additional (to current building regulations) energy efficient or carbon reduction standards for new dwellings. It is therefore not intended to seek carbon off setting contributions through s106 negotiations.

105. However with regards to water efficiency the Council will require residential development to comply with emerging policy ENV7 'Water Efficiency' of the emerging Local Plan 2030 which sets out

*'All new residential development must achieve, as a minimum, the optional requirement set through Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day'.*

A condition will be imposed to deal with water efficiency.

106. The application is supported by a Drainage Statement (DS) dated 17 July 2018.

107. Based on the existing topography, the site drains overland towards New Street. Southern Water asset plans show there to be no public surface water sewers within the development site however there are a number in the surrounding area as follows;

- There is a 225mm diameter sewer running from the North to the South across the eastern part of the roundabout before connecting to a 300mm diameter sewer which drains to the East along New Street.
- There is a 225mm diameter sewer running along Kent Avenue to the North of the site.

108. The DS confirms that the site is underlain by the Sandgate Formation made up of sandstone, siltstone and mudstone and as such it is not considered suitable for the use of infiltration.

109. The site has a total area of 0.12 hectares of which 0.07 hectares will be developed with impermeable area, with the remaining area being turned to green space. The Ashford Borough Council Sustainable Drainage SPD recognises the challenges of controlling runoff from small sites. If the standard run-off rate (4l/s/ha) is applied to small sites (< 0.25 ha) it can result in a very small discharge rate which is difficult to design for. Given the site is less than 0.25 hectares a maximum discharge rate of 2l/s has been applied.

110. The DS confirms that sustainable Urban Drainage (SuDS) techniques will be used to deal with the surface water drainage generated by the development. The DS states that this will replicate the existing drainage regime by dealing with the surface water at source, so as not to increase the risk of downstream flooding.
111. The DS states that surface water is to drain to a network of surface water sewers via gullies, rainwater pipes and channel drains before discharging into a new cellular attenuation tank located in the proposed car parking area. Flows from the attenuation basin are to be restricted to the a rate of 2l/s by a Hydrobrake flow control device before discharging into the existing sewer in New Street. The drainage system has been designed in Windes and has been designed to accommodate all storms up to and including the 1 in 100 year rainfall event plus a 40% allowance for climate change without flooding.
112. The proposed drainage scheme has been subject to consultation with Kent County Council (KCC). KCC state that the drainage scheme proposed within the Drainage Statement (17 July 2018) is sufficient for this development. KCC welcome the proposed use of a hydrobrake limiting the discharge into the surface water sewer of 2 litres a second. KCC state that as part of the detailed design stage they would expect confirmation of the cover level and invert level of the proposed cellular attenuation tank along with a full layout design of the drainage system. This detail can be secured by condition.
113. Overall, subject to conditions, I am satisfied that surface water can be managed in accordance with the requirements set out in the Council's adopted SPD. Based upon the strategy submitted I am also satisfied that the proposal will not worsen flooding on the site or on adjacent land. I therefore consider that the proposal would accord with the provisions of Policy CS20 of the core Strategy.
114. With regard to foul water, Southern Water asset plans show there to be no public foul sewers within the development site however there are a number in the surrounding area as follows;
  - There is a 225mm diameter sewer which drains to the East along New Street.
  - There is a 150mm diameter sewer running along Kent Avenue to the North of the site.
115. The DS proposes that the foul water from the development is collected in a system of gravity sewers discharging to the existing 225mm diameter foul water sewer in New Street. There are no plans to construct treatment works on the site, nor to discharge any effluent treated or not, to ground water. This

is considered to represent a reasonable approach and will ensure that adequate means of disposing of foul sewage is secured. The application has been subject to consultation with Southern Water who raise no objection to the proposed development subject to a condition to secure the final details of the proposed means of foul and surface water sewage.

### **Housing Mix and Affordable Housing**

116. The application was received on 18 December 2017 prior to the Local Plan 2030 being submitted for examination. Consequently, for the purpose of assessing housing mix and requirements for affordable housing, greater weight is attached to policies CS12 and CS13 of the Core Strategy.
117. Policy CS12 of the Core Strategy states that affordable housing will be required on all sites where the scheme is for 15 units or more or has a site area in excess of 0.5 hectares. Neither criteria apply to this development, and so, there is no requirement for this scheme to deliver any on or off-site affordable housing contributions.
118. The tenure mix across the development comprises one studio flat, 5 x one bedroom flats and 8 x 2 bedroom flats. This represents a reasonable housing tenure mix for a town centre location and I consider it meets the requirements of policy CS13.

### **Planning Obligations**

119. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development
120. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

**Table 1**

Planning Obligation		Regulation 122 Assessment		
	Detail	Amount(s)	Trigger Point(s)	
1	<p><b><u>Children’s and Young People’s Play Space</u></b></p> <p>Project: <b>Improvements towards Quantock Drive Play Area, the provision of swings and safer surface.</b></p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as children’s and young people’s play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Ashford Local Plan 2030 Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children’s and young people’s play space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
2	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: <b>Improvements to the surfacing of the pedestrian entrances, at St Mary's Field: (including costs of the professional fees, for the design which is not infrastructure) . Including Professional fees</b></p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
3	<p><b><u>Outdoor Sports</u></b></p> <p>Project: <b>Contribution towards the costs of professional fees for the design of new/additional changing facilities for Courtside outdoor sports area at Stanhope, (which is not considered to be infrastructure)</b></p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per C3 dwelling for future maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p><b>Necessary</b> as sports facilities are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports facilities and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
4	<p><b><u>Strategic Parks</u></b></p> <p>Project: <b>towards additional seating at (up to two benches) and necessary hard surfacing in Victoria Park.</b></p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
5	<p><b><u>Allotments</u></b></p> <p>Project: <b>Improvements towards the parking area, security and access. at the allotments at Repton and Westrees,</b></p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings.</p>	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>



	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
6	<p><b><u>Libraries</u></b></p> <p>Contribution for additional bookstock at libraries in the borough.</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<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, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, 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 the amount calculated based on the number of dwellings.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
7	<p><b><u>Health Care Provision</u></b></p> <p>Project: <b>TBC</b></p>	TBC	Before completion of 75% of the dwellings	<p><b>Necessary</b> to support the delivery of health services in order to continue to meet demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24, Ashford Town Centre AAP policy TC27, Submission Version policies COM1, COM2 and IMP1, 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 increase demand on local primary and community health service and the local services would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers.</p>

Planning Obligation				Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)		
8	<p><b><u>Monitoring Fee</u></b></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>one-off payment</p>	<p>payment upon commencement of development</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.  <b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<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>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><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**

121. 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**

122. In accordance with paragraph 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals. 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**

123. The scheme is acceptable in principle providing 14 residential units and sufficient parking provision.
124. The original proposals have been amended and I consider the general layout and design is well designed and would result in a high quality development on a very small brownfield site.
125. I am satisfied that the proposals would not harm the setting of the adjacent conservation area and nearby listed buildings.
126. There would be no material harm to neighbouring or future occupier’s amenity, or highway safety. Any ecological impacts arising from the loss of habitat resulting from the re-development of this site can be mitigated through conditions imposed. In terms of flooding/drainage, I am satisfied that subject to conditions, the site can be developed in an acceptable way.
127. The proposed development accords with the Development Plan as a whole and the emerging policies in Draft Local Plan and the NPPF., which are both material considerations. In accordance with the NPPG a number of conditions detailed in the report above and below are required to ensure the development fully complies with policy. As such, I recommend that planning permission should be granted.

## Recommendation

**(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in table 1, in terms agreeable to the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit.**

**(B) Permit**

Subject to the following conditions and notes:

### Implementation

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.

### Compliance with approved plans

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

**Reason:** In the interests of ensuring the proper planning of the locality and the protection of amenity and the environment, securing high-quality

development through adherence to the terms of planning approvals, and ensuring community confidence in the planning system.

### Materials

4. Samples of all materials shall be provided on site for discussion with the Local Planning Authority. Thereafter written details of the agreed materials including source/ manufacturer and samples of all bricks, stone, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority within one month of the commencement of construction works and thereafter shall be carried out using the approved external materials.

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

### External Fixtures & Equipment

5. Full details of the location, design, appearance and material of any external fixtures and equipment located on the building or sited within the car park shall be submitted to and approved in writing by the Local Planning Authority within three months of commencement of construction works. The details shall include anything above ground level including;
  - Lighting
  - Signage
  - Intercom System
  - Security, alarms or CCTV cameras
  - Post collection
  - Gas
  - Electricity
  - Water
  - Telecommunications
  - Cables & Pipework
  - Vents, grilles or flues

Thereafter the development shall be carried out in full accordance with these approved details.

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

6. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** In the interest of visual amenity and residential amenity.

#### Architectural Detailing

7. No development above ground floor slab level shall be commenced until the following details have been submitted to and approved by the Local Planning Authority in writing:-
  - (a) 1:20 scale details of eaves, coping and roof detail
  - (b) Details of any external rainwater goods.
  - (c) Boundary wall details including style, detailing and final finish colour of railings
  - (d) All proposed gates, including style, detailing and final finish colour
  - (e) Brick or stone laying patterns, mortar specification and colour
  - (f) All decorative brickwork
  - (g) Ragstone wall details to ground floor
  - (h) 1:10 and 1:20 details and sections of the window frames to residential units
  - (i) 1:20 details of the balconies including materials, balustrade, railings fixings and soffit's including the integral timber louvres act as privacy screens.

- (j) Details of the projecting section sufficient to show the frame and edges with confirmation that materials will neatly wrap continuously around the soffit/underside of the overhang, or details of a high quality alternative.
- (k) Depth of window reveals
- (l) External doors including to flats, cycle store and bin store.
- (m) 1:20 details of the location, set back, colour and specification of any expansion points or weep holes
- (n) Rooftop fixtures or equipment

Thereafter, the development shall only be constructed in accordance with the approved details and all approved details shall be retained unless any variations have been approved in writing by the Local Planning Authority.

**Reason:** Further details are required in order to ensure that the external fine detail of dwellings is of a high design quality.

#### Residential Amenity

8. The north facing bedroom and bathroom windows in units 3 and 5 and the east facing bathroom windows in units 11 and 13 shall be fitted with obscured glass (privacy level/grade 3 or higher) and shall be non-opening up to a minimum height of 1.7 m above internal floor level. This specification shall be complied with before the development is occupied and thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

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

**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, a scheme for protecting the dwellings / development hereby approved from noise from the A292 shall be submitted to and approved in writing by 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.

### Cleaning & Maintenance Strategy

11. Before the development is occupied a cleaning maintenance strategy for all the external elements of the building shall be submitted to and agreed in writing with the Local Planning Authority. This shall include the different method and techniques of cleaning the different materials and frequency they are cleaned.

**Reason:** To ensure the building is maintained to a high standard.

12. Prior to the first occupation of any dwelling hereby permitted by any new owner(s)/occupier(s) the developer shall supply the new owner(s)/occupier(s) of that dwelling with comprehensive information on the management arrangements for the development. This information shall include:

- The Right to Manage (for leaseholders)
- Residents' rights under a management company
- Challenging a management company's mechanisms
- Challenging service charge levels
- The process for changing a management company

**Reason:** In the interest of the amenity of future occupiers and to ensure that the building and associated grounds are satisfactorily managed.

### Community

13. Prior to any above ground construction commencing, details of how the developer intends to liaise with and keep local residents informed about the development for the duration of the construction period shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the details shall be implemented and maintained for the duration of the construction otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of public engagement.

### Highways and Construction

14. No development including any 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 and Transport Plan shall include, but not be limited to the following:
- a) Routing of construction and delivery vehicles to / from site.
  - b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles including HGV's;
  - c) Details of areas for the storage of plant and materials;
  - d) Details of the form and location of any proposed temporary works compounds; and
  - e) a programme of works (including details of the timing of deliveries, measures for traffic management/signage);
  - f) details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;
  - g) details of proposed structures to be located within compounds and any proposed lighting (including measures to limit light spillage to the public any highway and to nearby residents),

The approved Management and Transport 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.

15. Before any construction commences a Scheme of Minimum Environmental Requirements for Construction (SMERFC) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall be implemented in accordance with the SMERFC. The matters to be addressed in the SMERFC shall include the following;-

- (i) Considerate Contractors / Code of Construction Practice,
- (ii) a method statement for any piling or other noisy construction activities, or the installation of any large static construction equipment such as cranes.

**Reason:** To ensure that the impacts of construction on adjoining areas are minimised for the benefit of the local environment and the amenities of nearby residents.

16. Vehicle parking spaces, shall be provided in accordance with details approved on drawing number P121-PL21 Rev C before any dwelling is occupied and shall thereafter be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, 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 the land so shown as to preclude vehicular access to this reserved parking area

**Reason:** Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenience to other road users, be detrimental to amenity and in order to compensate for the loss of existing on-road parking.

17. Prior to any works commencing on site (including vegetation clearance) a detailed design for the upgrade/resurfacing of the entire length of the vehicular access to the site shown hatched blue on drawing number P121-PL20 Rev A shall be submitted to and agreed in writing by the Local Planning Authority. No construction work shall commence on site until the vehicular access has been upgraded/resurfaced in accordance with the approved details. The vehicular access shall be maintained to a satisfactory standard thereafter.

**Reason:** In the interest of highway safety and the amenity of future occupiers and visitors.

18. Prior to the commencement of the development a detailed design for the provision of loading/unloading restrictions (Traffic Regulation Order) at the site frontage in a location and design to be agreed by the Local Planning Authority in consultation with Kent Highways and Transportation shall be submitted to and agreed in writing by the Local Planning Authority. Subject to the agreed design details obtaining formal approval from the Highway Authority no dwelling shall be occupied until the loading/unloading restrictions (Traffic Regulation Order) has been provided.

**Reason:** In the interests of Highway and pedestrian Safety.

### Bin and Cycle Storage

19. The storage facilities for refuse shall be provided, in accordance with details approved on drawing number P121-PL21 Rev C before the use is commenced or any dwelling is occupied, and shall be retained and maintained available for use by the occupiers of the premises thereafter.

**Reason:** To ensure the permanent retention of cycle parking in the interest of promoting sustainable modes of transport, and to secure storage for refuse in the interest of visual amenity.

20. No development shall take place above foundation level until full details of the facilities to accommodate the storage of refuse on bin collection day has been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided prior to first occupation in accordance with the approved details and the facilities shall be retained and maintained thereafter and access thereto shall not be precluded.

**Reason:** To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

21. No dwelling shall be occupied until secure bicycle storage has been provided on site in accordance with details approved on drawing number P121-PL21 Rev C, P500143 P12-PL28. The secure bicycle storage shall be retained and maintained available for use by the occupiers of the premises thereafter.

**Reason:** To ensure the provision and retention of adequate storage facilities for bicycles to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

22. No apartment shall be occupied until the details identified below have been submitted to and approved by the Local Planning Authority in writing and subsequently provided (in accordance with the approval) available for use by the occupiers of the apartment block:-

- (a) details of secure access arrangements to the integral bin store, including opening / closing hardware (FB1 or FB2), stays or catches to lock double opening doors back in an open position at collection time, amenity lighting and hose down/cleaning facilities, and
- (b) details of secure access arrangements to the integral cycle store, nature of secure storage racks & anchoring points and amenity lighting.

Thereafter, unless the Local Planning Authority has given written approval to any variation, the approved arrangements in relation to (a) and (b) above shall be retained in working order.

**Reason:** No such fine details have been provided. The fine detail of these stores is important to ensure that the spaces are secure and safe for use.

### Sustainability

23. Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

**Reason:** To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

24. No dwelling shall be occupied, until it has been constructed and fitted out to ensure 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, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted 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.

### Landscaping

25. Within 6 months of the commencement of construction works full details of both hard and soft landscape works on the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- proposed finished levels or contours;

- means of enclosure;
- car parking layouts;
- hard surfacing materials;
- areas of planting
- minor artefacts and structures (e.g. furniture, play equipment),
- lighting
- proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc);

Thereafter these works shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

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

26. Within 6 months of the commencement of construction works the full details of soft landscape works required in condition **25** above shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) planting plans;
- b) written specifications (including cultivation and other operations associated with plant and grass establishment);
- c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- d) tree pits including root protection details
- e) an implementation programme.
- f) a landscape management plan

Thereafter these works shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area and to ensure its properly maintained in the interest of the amenity of the area.

27. All hard landscape works shall be carried out prior to the occupation of any part of the development and soft landscaping works shall be carried out within 6 months of the first occupation or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

#### Ecology

28. Prior to any works commencing (including vegetation clearance) a detailed precautionary mitigation strategy and enhancement plan produced by an appropriately qualified ecologist must be submitted to and approved in writing by the Local Planning Authority. The submitted information must include the following:

- Details of species to be used within the enhancement planting
- Methodology to clear vegetation
- Time of year works are to be carried out.

The works must be implemented as detailed within the approved report

**Reason:** In the interest of ensuring the preservation of protected species and their habitat.

#### Drainage

29. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based on the principals within the Drainage Statement by DHA Environment dated 17th July 2018 and will demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme

shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within a timeframe agreed through an implementation schedule).

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

30. No part of the building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved in writing by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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



31. No part of the building hereby permitted shall be occupied (or within an agreed implementation schedule) until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

32. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall then be carried out in strict accordance with the details approved and shall subsequently be maintained in accordance with these details.

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

### Contamination

33. 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)

Note: For further information and technical guidance regarding the requirements of this condition applicants should contact the Borough Council's Environmental Protection Team (01233 331111).

### Broadband

34. Prior to the first occupation, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

### **Note to Applicant**

#### **1. Working with the Applicant**

#### **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,
  - The applicant was provided the opportunity to submit amendments to the scheme/ address 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. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31<sup>st</sup> August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
  3. 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. 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.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other 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.

4. The applicant is advised that 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).

5. The applicant is advised that due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
6. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.

## Background Papers

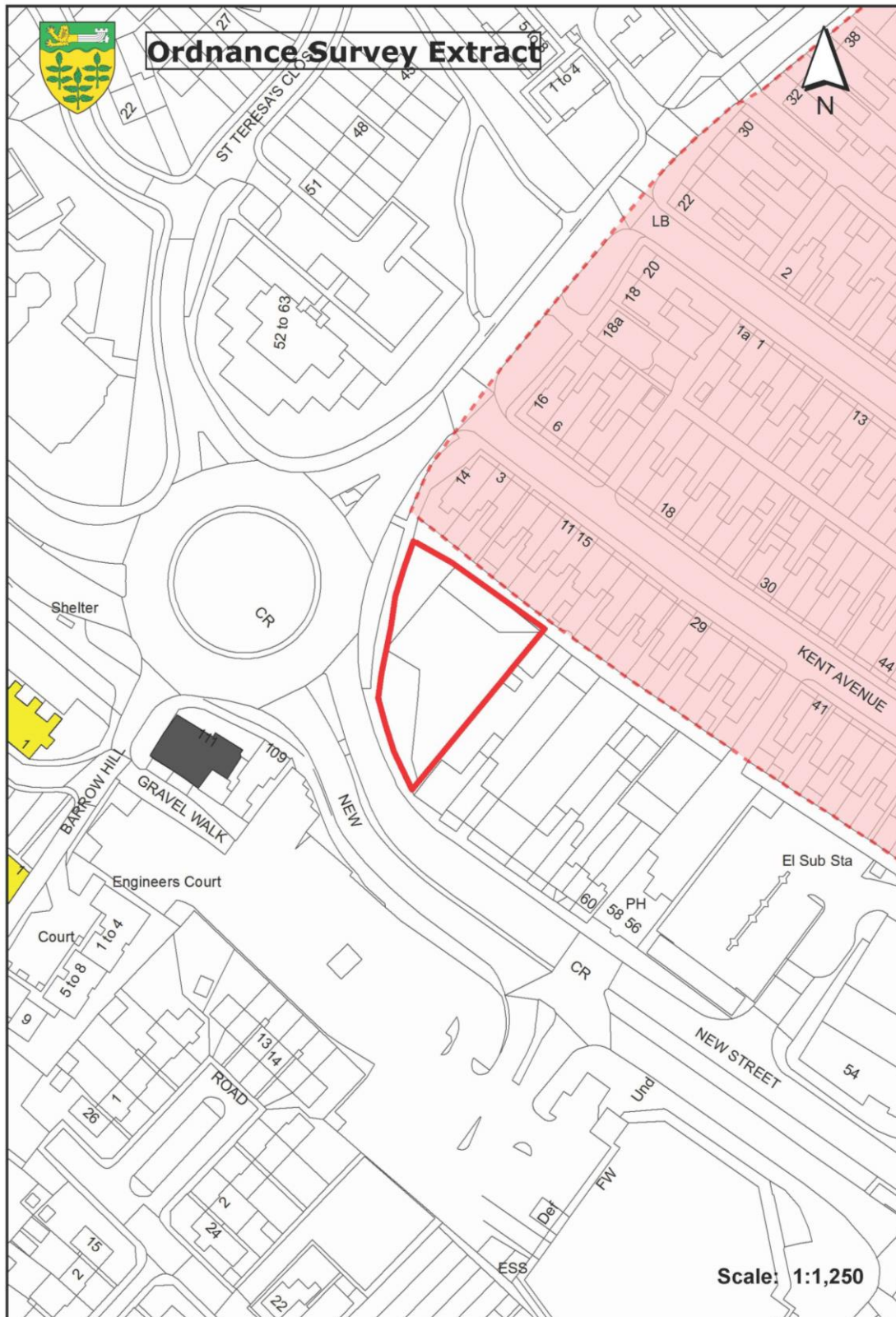
All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/00264/AS.

**Contact Officer:** Claire Marchant

**Telephone:** (01233) 330739

**Email:** [claire.marchant@ashford.gov.uk](mailto:claire.marchant@ashford.gov.uk)

Annex 1



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<b>Application Number :</b>	17/00294/AS	
<b>Location:</b>	Ashford Indoor Bowls Centre Ltd, Victoria Park, Jemmett Road, Ashford, Kent, TN23 4QD	
<b>Grid Reference:</b>	00319/42078	
<b>Parish Council:</b>	None	
<b>Ward:</b>	Victoria (Ashford)	
<b>Application Description:</b>	Proposed new parking area with permeable surfacing	
<b>Applicant:</b>	Ashford Bowls Centre Ltd	
<b>Agent:</b>	architecture2interior design	
<b>Site Area:</b>	0.1521 ha	
(a) 19/7R, 1S	(b) -	(c) KHS/X

## Introduction

1. This application is reported to the Planning Committee at the request of the local ward member, Cllr Dara Farrell.

## Site and Surroundings

2. The site comprises of approximately 0.1521 hectares of a rectangular shaped piece of land located to the south of the Ashford Indoor Bowling Centre. Adjoining the site to the southern perimeter boundary of the application site is an established residential area and these dwellings front Rising Road whose rear gardens back onto the application site (see figure 1). There are several trees on this site. 4no. of the trees are large mature oak trees with a Tree Preservation Order (5,2017/T1, 5,2017/T2, 5,2017/T6 and 5,2017/T13) (see figure2), and there are 7no. Chinese privet trees that were planted in connection with the original planning permission granted in 2003 under ref 03/00949/AS for the erection of an indoor bowls, tennis court and putting green. The existing trees are visible from public vantage points and currently make a positive contribution to the visual amenity of Jemmett Road, the nearby roads and the local area.



Figure 1 - Site Location Plan



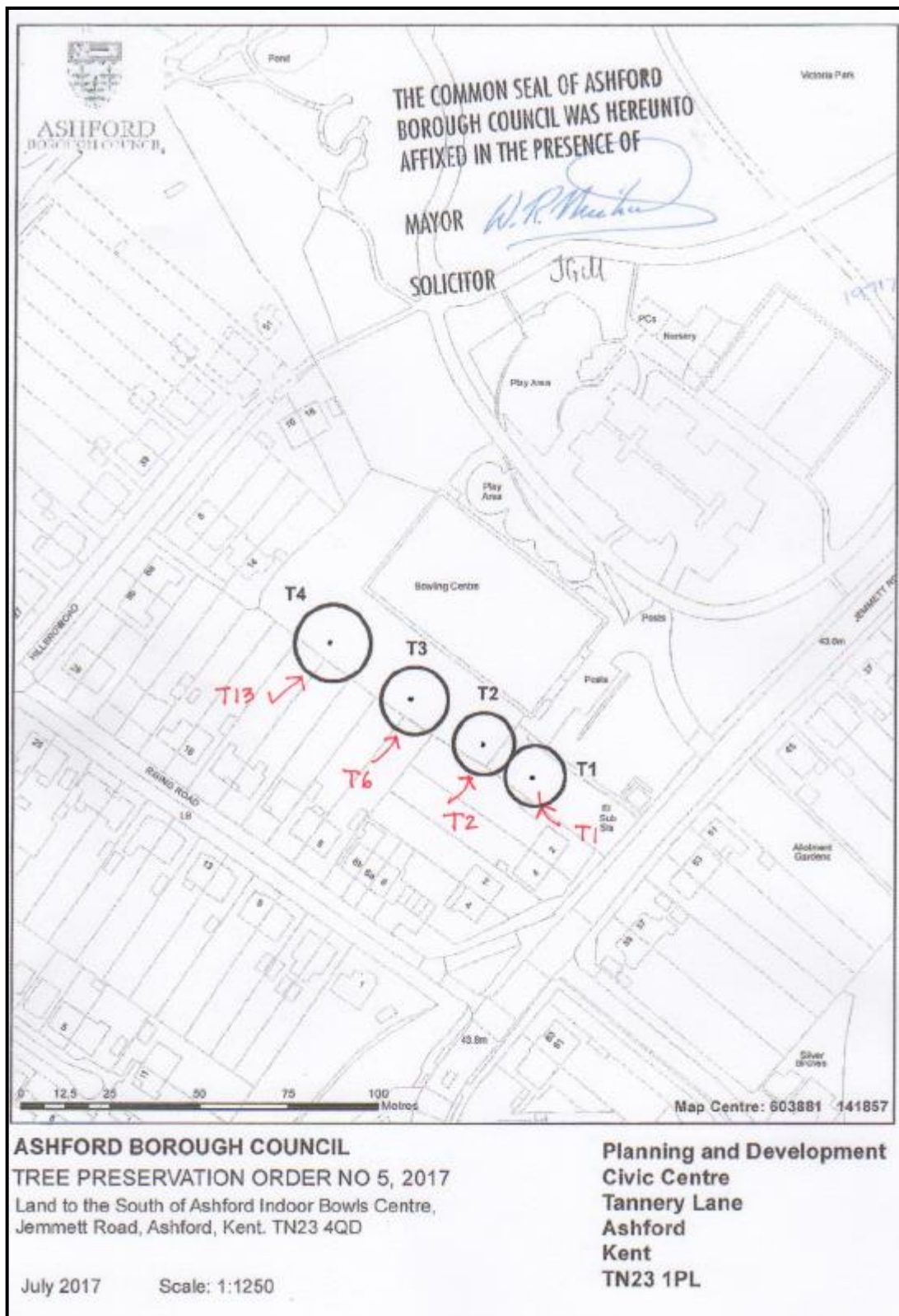


Figure 2 TPO Notice

3. The application site is currently a hand manicured amenity area with several trees and a bin storage area. The site is fenced off by a palisade fence and gate to the east and the southern boundary is enclosed by a 2m high close-boarded fence.
4. There is a separation distance of approximately 32m from the end elevation of properties fronting Rising Road to the southern perimeter boundary of the site.
5. The wider environment of Victoria Park lies to the north. The housing in the area is generally semi-detached two storey dating from the Victorian period onwards. The majority have substantial gardens and off-street parking facilities.
6. There are limited opportunities for on-street parking on Jemmett Road.

## **Proposal**

7. The application proposes the formation of a car parking area with 40no. car parking spaces. 2no. of these car parking spaces would be disabled spaces. An existing driveway will be extended so as to connect to the proposed parking area. The proposed car parking spaces will be 5m x 2.4m with an aisle of 6m turning area. A bin storage area is proposed near the entrance to the car parking spaces and it will be accessed via a 1m high pedestrian gate. The surface of the proposed car parking spaces will be constructed of a permeable surface which will be a free draining plastic paving grid system filled with shingle (see figure 3).
8. The applicant advises that the proposed parking area will be a member's only car park for the Ashford Bowls Centre and will be locked every evening at 11pm when the centre closes.
9. A total of 10 no. trees are proposed to be felled as a result of the development. These are 2no. Silver birches (T5 and T12 – advised to be category C1 trees) 1no. common oak (T13 – advised to be category C1 trees), and 7no. Chinese privet (T19, T20, T21, T22, T23, T24 and T25 – advised to be category C1 trees). The application site is not within a conservation area. T1, T2, T6 and T13 are protected trees with a Tree Preservation Order.
10. When officers expressed concern regarding the scheme originally submitted, a few options were explored and negotiated. However, the applicant now advises that they wish to pursue the initially submitted scheme and that the application should be assessed and decided as submitted (see figure 3).

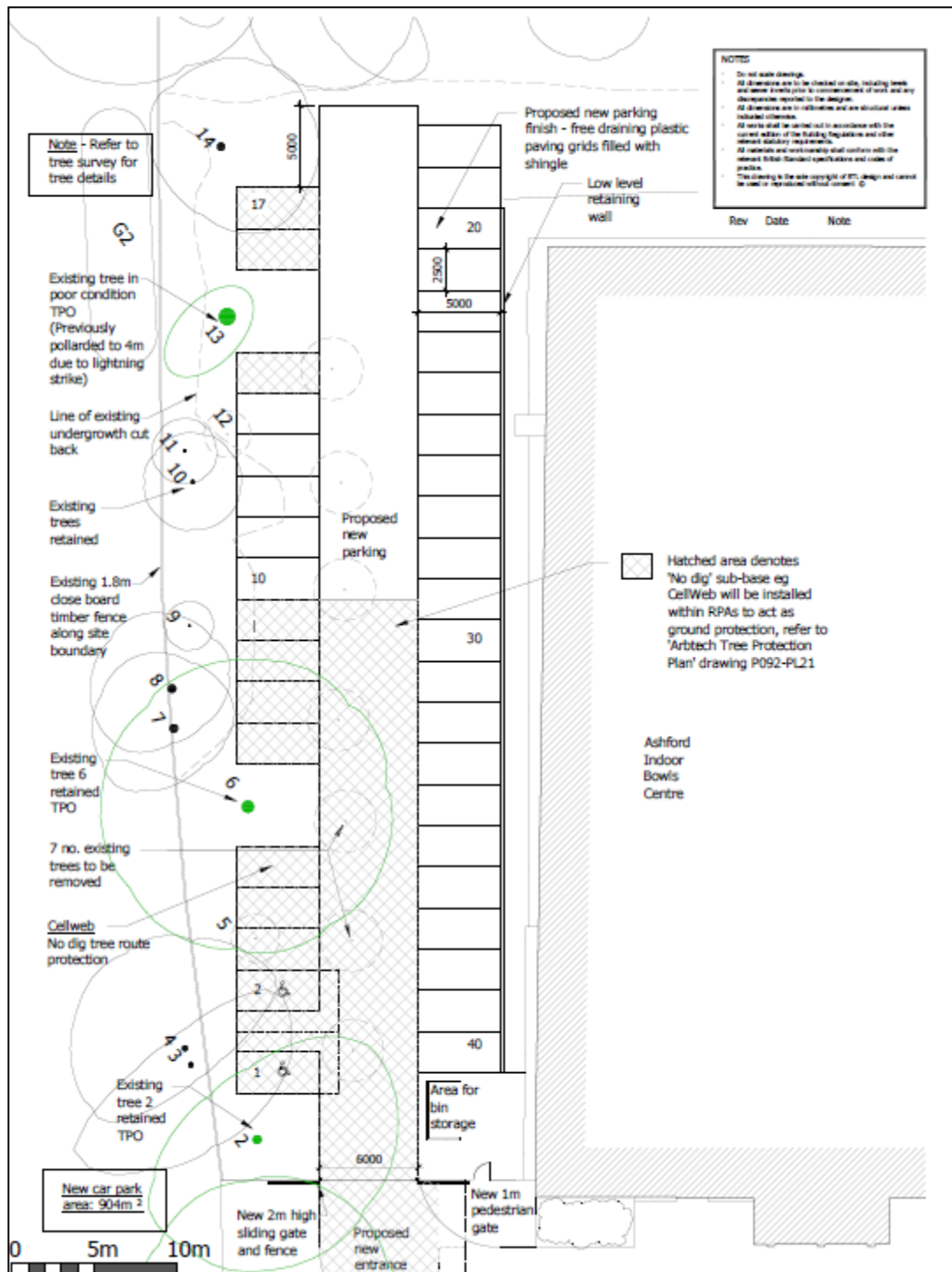


Figure 3 Proposed Layout Plan

11. The application is accompanied by a Planning Statement, a Tree Survey, and Arboricultural Method Statement.

12. The Planning Statement advises that the new car park surface will be constructed with a free draining plastic paving grid system called grid force or similar approved system filled with shingle. The proposed layout takes account of the existing mature trees and a tree survey has been submitted with the application. Tree protection measures will be in place during construction and the larger mature oaks will be retained. The application proposes to fell T5 and T12 silver birches, and 7no. young Chinese Privet and advises that these trees will be removed to accommodate the proposed development and they will be replanted on the site to the rear of the building. The proposed parking spaces will be for members only and the car park gated will be locked every evening after 11pm.
13. The Tree Survey identifies existing trees within the site (tree 1 to tree 25) and groups of vegetation (G1 and G2) and concludes that overall the quality and longevity of the amenity contribution provided for by the trees and groups of trees within and adjacent to the site will not be adversely affected by the proposed development.
14. The Arboricultural Method Statement advises that a total of 10 category C trees will be felled as a result of the development. A tree protection plan drawing no. Arbtech TPP01 is submitted with the application. This drawing shows the location of the protection fencing and the areas where a no-dig subbase such as a cell-web will be installed, and advises that the hard surfacing to be situated within the root protection areas should not require excavation, and construction should be situated entirely above the existing ground level.
15. This report further advises that a CellWeb will be laid above the existing soil surface over a permeable (water and air) geotextile membrane and the Cellweb is to be backfilled by hand. Excavation within Root Protection Areas (RPA's) will be done by hand. The incursion areas of the RPAs will be as follows: T1 common oak 16.8%; T2 common oak 26.6%; T3 common oak 5.7%; T4 common oak 6.9%; T6 common oak 44.5%; T7 field maple 9.8%; T8 field maple 11.1%, and T14 common oak 12.6%.
16. The report concludes that the overall quality and longevity of the amenity contribution provided by the trees and groups of trees within and adjacent to the site will not be adversely affected as a result of the development, and that any arising issues will be dealt with by condition.

## Planning History

17. The site history for Victoria Park consists of a series of minor proposals that have been granted planning permission over the years. In 1982 a changing pavilion and public toilets were constructed, in 1994 an adventure playground was erected, and planning permission was granted in 1996 for new shelters, the bandstand and other structures in the park. This was not implemented. The most relevant to this application is the 2003 planning permission ref 03/00949/AS for the erection of an indoor bowls, tennis court and putting green together with a new access way and car park.

## Consultations

**Ward Members:** No representations received.

**19 neighbours were consulted:** 8 representations received, 7 objecting to the development and 1 in favour of the development.

The reasons for support which are considered to be planning material considerations are summarised as follows:

- The development would alleviate the current traffic congestion on Jemmett Road

The reasons for objection which are considered to be planning material considerations are summarised as follows are:-

- The development will introduce additional air pollution
- The car parking spaces will need to be lit at night and this will result in harmful light pollution
- There will be noise pollution as a result of vehicles entering and leaving the site and people hanging around the car park
- Coaches currently park on the access point to the proposed parking and there will be no parking space for coaches
- The land has drainage problems and this development will exacerbate the existing problem
- The development will cause harm to the existing trees and there will be pressure to fell them
- The development will affect the root protection areas of the existing mature trees

- Parking 40 vehicles near a wooden building poses a fire risk
- There is no guarantee that the proposed car parking will be shut at 11pm
- The development is not environmentally friendly

The reasons for objection which are not considered to be planning material considerations are summarised as follows are:-

- The security of neighbouring properties will be at risk as result of the proposed car park
- Neighbours currently suffer noise impact from the existing car park which is sometimes left open all night
- Neighbours currently suffer from noise impact when there is a function at the centre and police have been called out at times to attend to the problems
- Does the application site belong to Victoria Park?
- The Bowls Centre have not had exclusive use of the application site
- Enclosing the application site would hinder neighbouring properties access to the area
- Residents were assured that this piece of land would not be open to members of the public

**Kent Highways and Transportation:** No objection to the application subject to conditions securing provision of construction vehicle loading/unloading and turning facilities, and the provision of wheel washing facilities, and attaching a highway informative.

**Environmental Protection:** No objection to the application subject to the submission of a formal management document detailing unlocking and locking of gates, opening times, contact details of responsible person etc in order to control useage of the car park and minimise impact on living conditions of nearby dwellings.

**Council's Landscape Officer** advises that *'the application site has a veteran tree with cultural significance (T13) which would preclude the construction of 6 parking spaces and the road to serve another 5.*

*Mature trees find it more difficult to adapt to change and that the proposal to hard surface 44.5% of the RPA of T6 is beyond what could be reasonably countenanced, even in the face of the best available no-dig system. The trees (T1/T2 and T6) have*

*been able to grow for many years (probably 70 years +, and T13 100 years) with only minor disturbance within their respective TPO's and as such, and with their continued high landscape value I would find a 20% incursion acceptable with 0% incursion in the RPA of T13.*

*Honeydew is a significant problem with oak trees and aphids in the summer and this is not an actionable nuisance, notwithstanding this, I would fully expect that pressure would be put on pruning the trees back to ameliorate the problem thus denuding the trees much of their amenity value. In this context, it is worth noting that one quarter of the parking spaces lie within the current canopies of T1/T2/T6 oak trees and that with further growth this can only increase.'*

## **Planning Policy**

18. 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.
19. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
20. On 13 September the Council commenced consultation on the main modifications to the draft plan.

The relevant policies from the Development Plan relating to this application are as follows:-

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

**EN32 – Important trees and woodland**

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

**CS1** – Guiding principles

**CS2** – The Borough Wide Strategy

**CS 9** – Design quality

**CS11** – Biology and Geological Conservation

**CS 15** – Transport

**CS18** – Meeting the Community's Needs

**CS20** – Sustainable Drainage

The following are also material considerations to the determination of this application.

## **Ashford Local Plan to 2030 (Submission Version December 2018)**

**SP1** – Strategic Objectives

**SP6** – Promoting High Quality Design

**TRA3b** – Parking Standards for Non-Residential Development

**ENV1** – Biodiversity

**ENV3a** – Landscape Character and Design

**ENV4** – Light Pollution

**ENV9** – Sustainable Drainage

**ENV12** – Air Quality

## **Supplementary Planning Guidance/Documents**

Sustainable Drainage SPD 2010

Landscape Character Assessment SPD

Public Green Spaces and Water Environment SPD



## Government Advice

### National Planning Policy Framework (NPPF) 2018

21. 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: -

Paragraph 8 states that *'achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways.....'*:-

*c) An environmental objective – To contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity ....'*

Paragraph 48 states in relation to the stages of preparing a Local Plan that:

*"Local planning authorities may give weight to relevant policies in emerging plans according to:*

*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)"*

Paragraph 124 emphasises the need to secure high quality buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.

Paragraph 175 c) states that *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.'*

Paragraph 180 states that:

*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>60</sup>;*

*b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

*c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

## 22. National Planning Policy Guidance (NPPG)

### **Assessment**

The main issues for consideration are:-

- Principle of development
- Visual amenity, impact on trees and landscaping
- Residential amenity
- Highways and parking
- Drainage

## **Principle**

23. The application seeks the change of use of a grassed area into a car park (40no. spaces) for use by Ashford Bowls Centre. The applicant advises that there is need for parking spaces that would be dedicated to sole use by members of the Ashford Bowls Centre given that the existing car parking spaces at Victoria Park are at full capacity and there are limited opportunities for on street parking along Jemmett Road and nearby streets. The Ashford Bowls Centre has a floor space of 1521 m<sup>2</sup> and in accordance with Policy TRA3b of the Emerging Local Plan 2030 the proposed 40no. car parking spaces are acceptable and satisfy policy requirements. Given this, there is therefore no principle objection to the proposed car park subject to other considerations discussed herein being acceptable.

## **Visual amenity, impact on trees and landscaping**

24. Policy SP1 of the Emerging Local Plan, Policy CS1 of the LDF and Paragraph 8 of the NPPF all aim to conserve and enhance the natural environment including designated and undesignated landscapes and biodiversity. In addition, Policy ENV32 of the Emerging Local Plan advises that planning permission will not be granted for any development proposals which would damage or result in the loss of important trees or woodlands. This is reiterated in paragraph 174 (c) of the NPPF which advises that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
25. 9 no. Trees are proposed to be felled as a result of the development. These are 2no. Silver birches (T5 and T12 – classed as category C1 trees), and 7no. Chinese privet (T19, T20, T21, T22, T23, T24 and T25 – classed as category C1 trees). The application site is not located within a conservation area and given this, the 2no. silver birches and 7no. Chinese privet are not protected trees and permission is not required to fell them. However, the 7no. Chinese privet were planted as part of planning permission ref 03/00949/AS as to soften the visual appearance of the site from public vantage points whilst T1, T2, T6 and T13 are mature and healthy oak trees with a tree preservation order as detailed herein.
26. One of the trees that would be harmed by the proposed development is T13, a Common oak tree (see figure 3). This tree together with the other TPO trees on this site are clearly visible from public vantage points and currently make a positive contribution to the amenity of Jemmett Road, and the area as a whole. The submitted Arboricultural Impact Assessment and Arboricultural Method Statement advise that T13 (common oak) is a category C tree that is in a poor condition. However, a full assessment of T13 was undertaken by the

Council's Landscape Officer with particular reference to nationally recognised documents and he disagrees with this assessment and advises that T13 (Common oak tree) is a valuable veteran tree with cultural significance. In addition, historic records held in Ashford Museum show that T13 is one of the Abor day plantings in commemoration of Freeman of the town of Ashford. Given this, it is considered that the submitted survey is not considered to be satisfactory as it does not correctly categorise this tree according to BS5837:2012 standards, and does not select it as a veteran tree.

27. No Root Protection Areas (RPA) has been calculated for this particular tree, however, the Council's Landscape Officer advises that for if it is categorised as a category C tree the RPA radius from the stem would be 12.36m, and if it is categorised as a veteran tree the RPA radius would be 15.4m. It is considered that as a veteran tree it would preclude the formation of 14 car parking spaces and a roadway as detailed in figure 4 herein. Allowing a development as proposed with an RPA as detailed in figure 4 herein would be detrimental to its long-term health, and consequently result in loss of this important tree detrimental to the visual amenities of Jemmett Road and the local area, and contrary to policies. In addition, BS5837:2012 recommends that no development whatsoever should be carried out within the RPA of a veteran tree, and as such a development as proposed is not supported by policies and should be refused.
  
28. In addition, following advice from the Council's Landscape Officer, this veteran tree offers greater longevity than the 10-20 years stated by the submitted survey. This tree has been allowed to grow for 100 years and more with only minor disturbance within its respective RPA and as such is considered to be of both high landscape value and biodiversity value, and currently makes a valuable positive visual impact along Jemmett Road and the local area. Paragraph 175 c) of the NPPF advises that '*development resulting in loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.*' In this instance the development will result in deterioration and future loss of this veteran tree and there is no acceptable exceptional circumstance or compensation strategy put forward by the applicant so as to allow damage and consequently loss of this veteran tree. As such the application should be refused.

29. Furthermore, the works proposed would affect the Root Protection Areas (RPA) of the 3no. Oak Trees with a Tree Preservation Order (T1, T2 and T6).

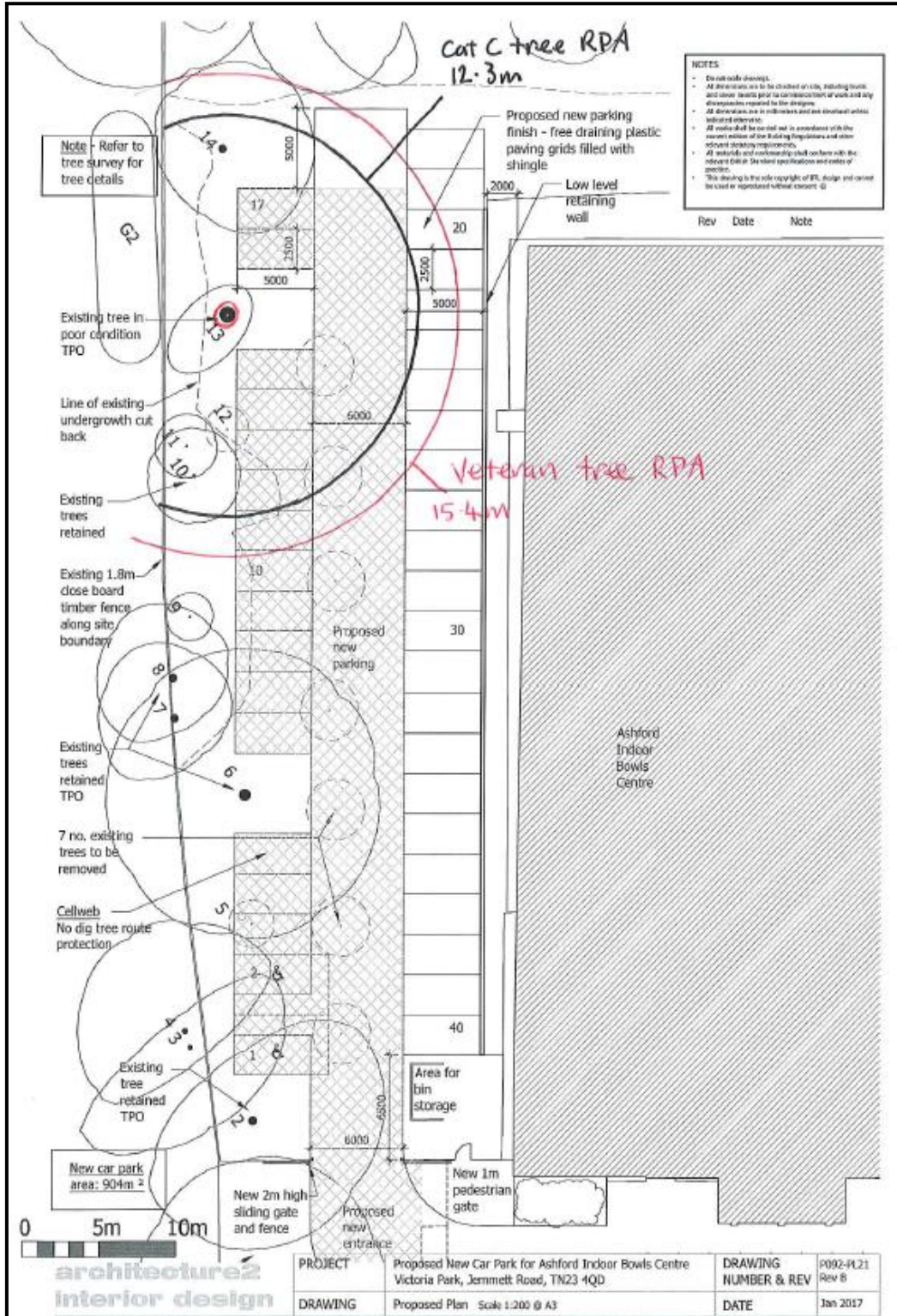


Figure 4 RPA of Veteran Tree

The protected trees T1, T2 and T6 have been able to grow for 70 years and more with only minor disturbance within their respective RPA's, and as such are considered to be of high landscape value and currently make a valuable

positive visual impact along Jemmett Road and the local area. The applicant proposes mitigation measures for these trees (T1, T2 and T6) so as to minimise the impact of the development on these protected trees. They propose to use a Cellweb that will be laid above the existing soil surface over a permeable (water and air) geotextile membrane and the Cellweb is to be backfilled by hand. Excavation within RPA's will be done by hand. The submitted supporting documents advise that the incursion areas of the RPAs will be as follows: T1 common oak 16.8%; T2 common oak 26.6%; T3 common oak 5.7%; T4 common oak 6.9%; T6 common oak 44.5%; T7 field maple 9.8%; T8 field maple 11.1%, and T13 common oak 12.6%. T1, T2, T6 and T13 are protected common oak trees.

30. Given the high quality landscape and biodiversity value of these protected trees and that they are fully visible from public vantage points, it is considered that the proposal to hard surface the root protection areas of T2 and T6 by use of a CellWeb with incursion areas of the RPAs being more than 20% as detailed herein is considered to be beyond what would be acceptable even if a no-dig system is used. This is considered to be an overdevelopment within the root protection areas of these high quality trees detrimental to their long-term health, which would in turn result in loss of these trees, and as a consequence detrimental harm will be caused to the visual amenities of Jemmett Road and the local area. As such given the continued high landscape value of these protected trees, a development as proposed is considered to be unacceptable and the proposed mitigation measures are also considered to be unacceptable. The development is therefore contrary to policies.
31. Furthermore, approximately 9 of the proposed parking spaces lie within the current canopies of T1, T2 and T6 oak trees and with further growth the canopy spread will increase. Honeydew (sticky sap residue) is a significant problem with oak trees and aphids in the summer, and given this, there will be future pressure to prune these oak trees to ameliorate the problem thereby denuding the trees much of their amenity value, and thereby resulting in detrimental impact on the visual amenities of the street scene (Jemmett Road in particular), and the local area, contrary to policies.

### **Residential amenity**

32. The application site is located within an established residential area and the nearest dwellings front Rising Road and Jemmett Road. These dwellings have the potential to suffer noise, nuisance, disturbance and inconvenience as a result of cars driving in and out of the car park and members of the club congregating in the car park when the car park is in use. Given the available separation distance of 32m, and that the application site is within an urban area and fronts Jemmett Road which is a fairly busy road, it is considered that

the noise, nuisance, disturbance and inconvenience that will be caused by the proposed car park will not be significantly detrimental to the residential amenities of these neighbours, and if any noise impact is caused, it will not be significantly worse than the noise, nuisance, disturbance and inconvenience currently caused by vehicles using Jemmett Road and the nearby roads. It is noted that neighbours have raised concern regarding the noise impact of the proposed car park on their living conditions, however, for the above reasons it is not considered that the harm caused is significant enough to be detrimental to their living conditions. To minimise noise impact and following comments from the Council's Environmental Protection Team, if planning permission is granted for the development, the car park gates should be locked whenever the club is not in use and this should be secured by condition. Neighbours have also raised concern regarding the impact of lighting on their residential amenities. However, this is not considered to be an issue as the application does not propose the installation of lighting to service the car park.

### **Highways and parking**

33. The applicant advises that Ashford Bowls Centre has more than 500 members, that the existing car park is shared with users of the nursery and visitors to the park, and that at the moment these car parking spaces do not meet the need. The Ashford Bowls Centre has a floor space of 1521 sq.m and according to Policy TRA3b of the Emerging Local Plan, the proposed 40no. car parking spaces are considered to be acceptable and meet policy requirements. KCC Highways & Transportation have no objection to the development in terms of highway safety or capacity, and recommend conditions to be attached if planning permission is given for the development.

### **Drainage**

34. The application site is underlain by clay and there is unlikely to be any groundwater issues. In addition, the applicant proposes to construct the car parking area using a permeable surface that would enable surface water to permeate into the ground and not result in an increase in surface water runoff rates or total volumes from the site. Neighbour's concerns regarding drainage issues are noted, however, following advice from the Council's Project Officer, it is considered that a permeable surface as proposed is acceptable and that no attenuation is required.

### **Human Rights Issues**

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**

In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

For the reasons detailed herein, the proposed development is contrary to the Development Plan as a whole.

## **Recommendation**

### **Refuse**

on the following grounds:-

The proposed development would be contrary to policies EN32 of the Ashford Borough Council Local Plan (June 2000), policies CS1, CS2, CS9 and CS11 of the Local Development Framework Core Strategy (July 2008), policies SP1, SP6, ENV1 and ENV3a of the Ashford Borough Emerging Local Plan (2030), the Council's Landscape Character Supplementary Planning Document (April 2011) and to Central Government guidance contained in the National Planning Policy Framework (2018) and would therefore be harmful to interests of acknowledged planning importance for the following reasons:

(a) The proposed development would result in detrimental harm to T13 which is a valuable veteran tree with a Tree Preservation Order. This tree is of cultural significance and currently positively contributes to the character and appearance of Jemmett Road and the local area, and harm to this tree will be detrimental to its long term health and will consequently result in its loss.

(b) The proposal would result in overdevelopment of the Root Protection Areas (RPA) of trees T2, T6 and T13 which have a Tree Preservation Order and would cause significant threat to their long-term health which would consequently result in their loss.



(c) Given the proximity of the proposed car parking spaces to protected trees T1, T2, T6 and T13 on this site which are healthy trees of high landscape significance and which currently make a positive contribution to the street scene and the local area, a development as proposed would put pressure on these trees to be pruned or felled in the future, which will be detrimental to their long term health and would consequently result in their loss.

The loss of these protected trees would in turn significantly undermine the positive visual, ecological and biodiversity contribution the site makes to the existing street scene and the character of the local area, and would result in a development that would detract from the visual character and appearance of Jemmett Road, and the local area, contrary to policies. No overriding justification has been provided to outweigh this significant harm.

### **Note to Applicant**

#### **1. Working with the Applicant**

##### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- The applicant was provided the opportunity to submit amendments to the scheme.

## **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 17/00294/AS.

**Contact Officer:** Thandi Zulu

**Telephone:** (01233) 330686

**Email:** [thandi.zulu@ashford.gov.uk](mailto:thandi.zulu@ashford.gov.uk)

Annex 1



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<b>Application Number</b>	17/01589/AS
<b>Location</b>	Land adj and rear of 5 and 7, Kings Avenue, Ashford, Kent
<b>Grid Reference</b>	600132 / 143019
<b>Parish Council</b>	None
<b>Ward</b>	Godinton Ashford
<b>Application Description</b>	Full Planning Application for Construction of Seven 2 bedroom apartments and a 2 bay car port
<b>Applicant</b>	Mr Simon Ross
<b>Agent</b>	John Harmer, JPD Architecture Ltd, Tower Farm House, Faversham Road, Ashford, Kent. TN25 4HT
<b>Site Area</b>	0.1706 hectares

## 1<sup>st</sup> Consultation

(a) 51/8R	(b) - -	(c) KF&R-X, HS1-X, SW X, KCCH&T-O, KCCEAS-O, KCCFRO-X, – EHP(ABC)- O, PDE(ABC) O,, TO(ABC)- X,
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## 2nd Consultation

(a) 51/8R	(b) -	(c) KF&R-X, KCCH&T-X, KCCBO-X, KCCFRO-X, ECE(ABC) – EHP(ABC) X, PDE(ABC) X,
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## Introduction

1. This application is reported to the Planning Committee because it has been called in by Councillor Peter Feacey one of the Ward Members.

## Site and Surroundings

2. The site lies approximately 600m from the town centre. Kings Avenue is a short street leading to the former Ashford Hospital site that was recently

redeveloped with 63 residential units. The site lies close to where Kings Avenue merges with Sackville Crescent on a street corner. Also close to this corner is a bus and taxi lane over a traffic controlled bridge leading over the railway into Carlton Road and the Carlton Road industrial estate. No other vehicles are authorised to use this link.



**Site Location**

3. The street scene is characterised by a mixture of two storey terraces and semi detached properties although there are some 3 storey properties close by. These mixed style dwellings are generally evenly spaced and set back similar distances from the road with a variety of roof forms and a mix of brick and render materials.
4. The application site is 92 metres long. It is 20m wide at the entrance and narrows to just 11m halfway back from the frontage. The site widens again towards the rear and varies between 23 and 26metres in width.

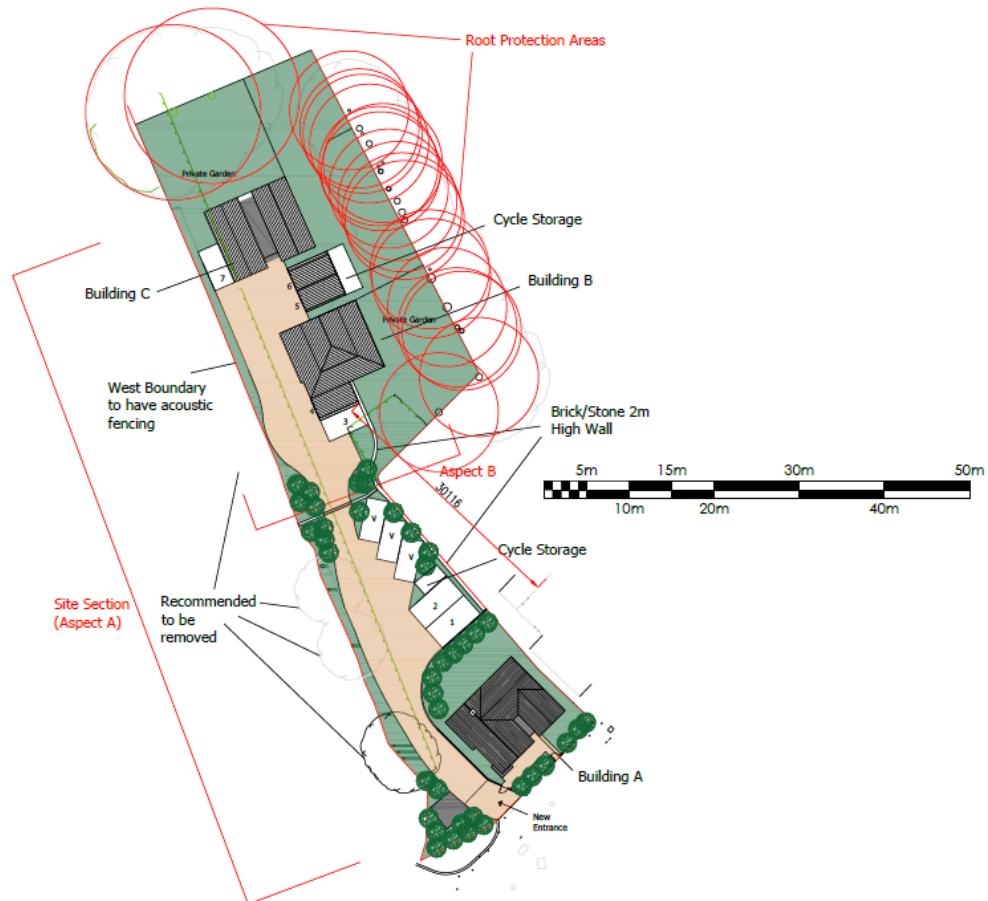
5. The site comprises an area of land to the south west of 5 and 7 Kings Avenue close to the entrance to Kings Avenue. These properties are a pair of semi detached dwellings. Along the western boundary of the site is the railway line set lower down an embankment.



6. To the north beyond a band of mature trees is an area of unused overgrown land with heavy tree cover to the rear of the houses fronting Chart Road. These houses are approximately 75 metres from the application site boundary.
7. The site slopes towards the rear of the site and it has been subjected to various works including some earth moving and what appears to be partly constructed foundations. A considerable amount of hard-core and debris is scattered across the site. Wild vegetation has started to colonise the site.
8. A considerable cluster of significant mature trees is situated along the north east and north west boundaries towards the rear of site. The majority of these trees are subject to Tree Preservation Orders. The canopies of these trees, largely on adjoining land physically extend across a significant part of the site and beyond its boundary. Mature planting continues strongly further north of the site, providing a wooded area to the south of rear gardens of properties facing Chart Road.
9. Along the south-west boundary adjoining the railway embankment a number of semi mature trees exist. Much of this vegetation is within the land controlled by Network rail and overhangs the site boundary but in some instances some trees encroach into the site. None of these trees are protected by TPO's.

## Proposal

- Initially the plans proposed 9 units in two buildings with integral parking spaces and a double car port.



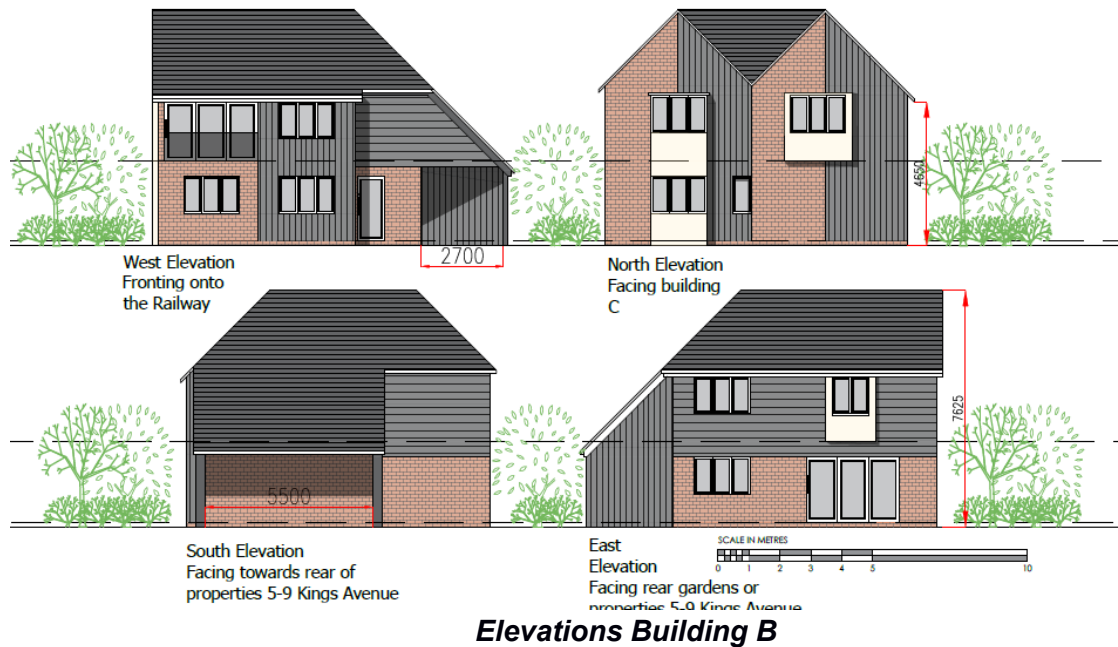
**Proposed Site Layout**

- Concerns over the scale, form, massing design and overlooking of private rear gardens meant that the scheme was amended to include two fewer residential units. The layout was also improved by breaking the massing down into 3 buildings rather than two with more external car parking.
- Full planning permission is sought for the erection of 3 separate main buildings. Fronting onto Kings Avenue is a pair of flats in a two storey building (building A).





13. Then set back 36-37m behind this is a 2 storey detached property (building B) forming 2 x two bedroom flats.



14. Building C is set a further 7m behind building B that and is a 3 storey property consisting of a self-contained flat on each level.



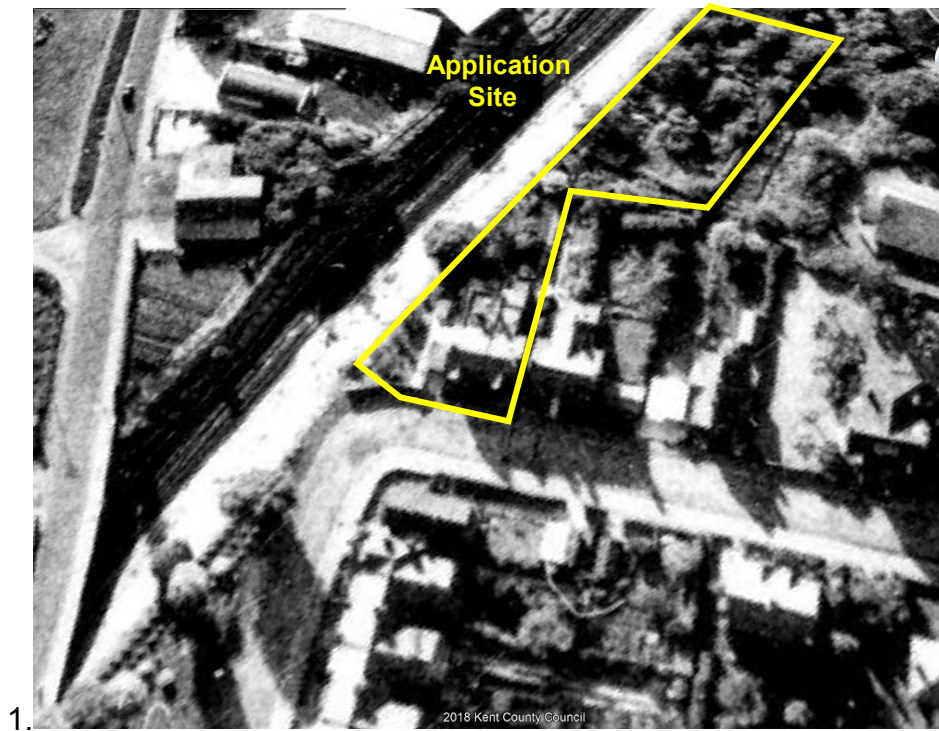
### ***Buildings B and C***



15. A linked and free standing car ports are proposed close to buildings B and C. The car port proposed to serve building A is to be replaced with 2 parking bays after concerns were expressed from a neighbouring resident over its proximity to rear windows.
16. The scheme includes proposals for an access road off which a total of 7 resident parking spaces are proposed in car ports as well as open bays. 3 visitor parking bays are proposed with a bin stores close to Kings Avenue. The site is proposed to be enclosed by boundary walls, acoustic fences and landscaping.

## **Planning History**

Aerial photography from around 1960 appear to show a pair of dwellings with gardens containing various smaller structures at the front of this site and many trees to the rear part of the site (see photo 1 below)



This pair of homes still appear to be on the site in 1990 (see photograph 2 below) but were demolished around 2000 as part of the land acquisition associated with construction works for the Channel Tunnel Rail Link.



The recent planning history of the site is a key factor in that it clearly it sets parameters for consideration of the application.

In 2001 an Outline application ref; 01/01297/AS was submitted for a residential development of 4 dwellings. This application was withdrawn by the applicant.

The principle of residential development on the land is already accepted through the grant of outline planning permission 02/01272/AS for a residential development. A condition (3) was attached which restricted new buildings on the site only to the frontage to Kings Avenue.

This lead in 2002 to the submission of an application for the removal of a condition 3 restricting the position of new buildings (02/01840/AS). This was initially refused and subsequently subject of a planning appeal. The Inspector upheld the appeal and granted planning permission without compliance with Condition 3.

In 2005 Planning permission granted (allowed on appeal) for the erection of 9 dwellings including 1, three bedroom house, 7, two bedroom apartments and 1, one bedroom apartment with ancillary car parking and new access (05/00698/AS). This scheme was not built.

2006 - Planning permission granted for the erection of 2 dwellings (06/01158/AS). This was a two storey building comprising 2 two bedroom apartments with ancillary car parking and new access (land adjacent only).

In 2012 an application for Lawful Development Certificate was submitted (12/01297/AS) This application was seeking existing use operational development and lawful commencement of the erection of 9 dwellings comprising a one 3 bedroom house, seven 2 bedroom apartments & one bedroom apartment permitted under application 05/00698/AS. This was refused in 2015 and it was determined that the outline application had lapsed and the carrying out of operations on the site was unlawful in planning terms.

In 2016 planning permission was granted for the erection of 4 dwellings including a pair of two storey semi-detached houses, two 2 bedroomed flats, four garages, parking spaces, bin store and access road (12/00016/AS)

## **Consultations**

17. Two rounds of consultation carried out to take account of the amended plans received.

### **Ward Members:**

Councillor Heyes is a member of the Planning Committee but has commented as a local resident. His comments have been set out in the Consultees section below

along with the comments of other residents and the issues raised have been address in the assessment section.

Councillor Feacey has commented that he is concerned that the development is not in keeping with the area; it is an over intensive back land development and will have an impact on the amenity of existing residents. I have addressed these points in the Assessment section.

Councillor Feacey has also stated that he considers the parking provision to be inadequate and that it will impact on the neighbouring properties. There is a risk to the current trees and the TPO in force on the site. I have also addressed all these points in detail in my assessment report.

Councillor Feacey has highlighted that the closing date for comments on the website is the 25th October which would precludes going to the Planning Committee this month. This date was in error as it was an automatic default timescale of 28 days rather than 14 days for amendments. The correct date for comments was amended when this mistake was noticed. Councillor Feacey has pointed out that it was less than 10 days ago that the application was described incorrectly. The description of the application (reducing proposals from 9 to 7 residential units) was amended on 1<sup>st</sup> October. Any further comments received from residents will be included in an update Committee Report

Councillor Feacey felt that as far as he could ascertain that only the people who responded last time have been contacted for further consultation. Having checked our records all 51 people on the neighbours list contacted in October 2017 were reconsulted when amendments were submitted.

Councillor Feacey questioned whether the amendments should have been included in the weekly planning applications, but we do not list any amendments to live planning applications in the weekly list.

#### First round of consultation:

Neighbours - 8 objection letters were received which raised the following strong concerns

- Layout
  - trying to fit in to many units into what is a really small site
  - The scheme is far to large for such a small site
  - Hugely over developed.
  - Application 12/00016/AS 2 x 2 bedroom flats and a pair of semidetached houses with garages was more suitable for a plot of this size.
  - Constitutes backland development

- The density of 9 x 2 bedroom flats on this relatively small piece of land is excessive and would be highly detrimental to the amenity of the adjoining properties
- Please don't leave us with the fallout of squeezing homes into every spare plot
- Residential Amenity
  - object to balcony overlooking properties which is intrusive and covenants on the land may prevent this
  - flats will overlook neighbouring gardens.
  - height and topography of the flats means many of its windows will overlook neighbouring gardens.
  - The 2 flats at the front of the site stretch some way back along the Western Boundary and as a consequence are highly intrusive to adjacent existing properties
- Architecture
  - detailed a mish mash of materials not in keeping with other properties
  - there are no measurements of Building size and bulk and position on the site relative to my boundary
  - 2 and 3 storey flats it is out of keeping with the existing dwellings in the local area
  - there are no 3 storey dwellings in the vicinity
  - low quality design out of keeping
  - we do not need more flats near the town centre
- Access
  - entrance to the property is a hazard
  - The access road to the site is on a blind bend between Kings Avenue and Sackville Crescent together with the junction to the Godinton Road bus gate. This is most certainly a dangerous location to have such an access road.
- Parking
  - Abbey homes development has increased the traffic flow immensely
  - Increase from vehicles belonging to five houses to over SIXTY houses already in local area
  - parking for scheme is inadequate
  - local on street parking is already close to maximum.
  - plans to rework the old hospital in Kings avenue into flats will add more cars and work vans!
  - car parking spaces allocated will not be sufficient.
  - no visitor parking included
  - Another eighteen vehicles(in reality two cars per household)to enter and leave on such a dangerous bend is madness.
  - Will add to the traffic problems building up in the area especially as all the traffic from the estate on the old Ashford Hospital site converges onto an already congested Godington Road.

- Only one vehicle a time can pass along most of Godington Road due to parked cars. Therefore more dwellings and the extra flats, when the old hospital is completed will cause even more problems.
- Traffic safety problems during peak times when double decker buses are crossing the skinny bridge and on refuse collection days.
- Parked cars cause obstructions to buses
- No provision for refuse vehicles to enter and turn ( which is already a problem on Kings Avenue
- An extremely dangerous entrance and exit on an a virtually blind Right angled corner and road junction, the traffic levels have increased
- A total of 9 off-road parking spaces provided for 9 x 2 bedroom flats is grossly inadequate.
- This site is not in the Town centre but is in rather more of a suburban location. This low level of parking provision will cause overspill parking in an area which already has chronic parking problems due to the lack of off-road parking.
- Completely wrong for this no through road.
- There is a strong likelihood that the proposals would increase difficulties for Parking and the flow of traffic on Sackville Crescent and Kings Avenue. Road Markings should be put in to slow down traffic moving from Kings Avenue into Sackville Crescent.
- Please maximise opportunities to create additional visitor parking on the proposed site. Perhaps next to bay 3?
- Are there any opportunities to create additional parking space on Kings Avenue and Sackville. Please don't leave us with the fallout of squeezing homes into every spare plot.
- Landscaping
  - no mention of tree protection for my trees on my boundary which are covered by preservation orders ie root protection and any pruning required,
  - No details of boundary fencing or screening.
  - excessive size of the block of 7 flats proposed on the rear of the plot means they are very close in proximity to the North, East and South boundaries which will compromise the viability of the protected trees
  - an arboreal report has not been submitted which is completely unacceptable when one considers the amount of trees on this site.
- Contaminated land
  - Japanese knotweed in existence
- Construction
  - construction will be obstructive to residents on Kings Avenue (and progress will be slow if Abbey Homes are doing the building.) More building so close by is dangerous, and too disruptive to the residents.
- Reliability of applicants
  - Carried out unauthorised works on site



- Have left excavated soil on root protected zones of protected trees.
- Owner tried to build without party wall planning agreement
- Unlikely to build within the planning guidelines from previous experience

### **Kent Highways & Transportation**

Raised objections to proposals that could be addressed by amendments. Their concerns were;

- Lack of visibility splays marked on the plan.
- Lack of information on size of access road and pinch points.
- Does a refuse truck need to enter the site.
- Can a fire and rescue truck access the site.
- Need a fixed bound surface for first 5 metres of the site
- Need details of measures to prevent the discharge of surface water onto the highway
- Size of the car parking spaces.
- Size of the car ports
- Lack of 6m reversing spaces
- Lack of cycle parking storage

### **Kent County Council – Ecological Advice Service Biodiversity Officer**

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us (including aerial photos and biological records) and the information submitted with the planning application, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development.

Habitats and features, including trees, rough grassland and scrub, are present on and around the site that could offer opportunities for protected species. As such, a preliminary ecological appraisal must be undertaken, along with any recommended specific species surveys. All surveys must be carried out with the results and any necessary mitigation proposals submitted to inform the determination of the application.

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. In addition to securing any necessary mitigation measures, we advise that Ashford Borough Council should seek to ensure that ecological enhancement measures are incorporated into the landscaping proposals.

**High Speed One** - No comments to make on the application.

**Southern Water** – Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. They requested an informative be added relating to this.

They suggest a condition is added to any approval for the scheme seeking the approval from the LPA and Southern Water in writing of a foul and surface water sewerage disposal before construction commences.

Advice on what to do if an existing public sewer was found on the site during construction was set out along with a request to discuss any such matters with them directly.

**KCC Flood Risk Officer, Flood and Water Management** – No comments.

**ABC Environmental Health Practitioner**

Contaminated land – (Nov 2017) – I have looked at some of the history of the site and note that a Desk Top Study in terms of potential contamination was undertaken under Planning Ref: 12/00016.

At this stage I would also wish to recommend conditions E023 and E026 are applied to any permission granted in regards to contaminated land investigation. I acknowledge that the Desk Top Study part of condition E023 has been satisfied by the report submitted under 12/00016 should the applicant wish to use this. The Desk Study identifies that the site is adjacent to, and formed part of the historic brick works, which has subsequently been infilled. It also mentions the use of the site for the storage of vehicles. As such; recommendations are made for further investigation, which would be necessary in order to fully satisfy condition E023.

Noise Assessment - The boundary of the site is 7m from the railway line. As such; I would recommend that, in regards to both noise and vibration, a comprehensive noise and vibration assessment(s) is conducted by a competent acoustic consultant(s) to assess the suitability of the site for residential development and to subsequently advise on design for the construction of the new proposed building. This will enable me to make informed comments in terms of the impact of noise and vibration on the proposed development.

It is unclear how an acoustic barrier is the mitigation needed without carrying out a noise assessment first? Was a noise assessment that was submitted earlier that was missed? If so, I'd recommend they submit it under this ref. for consideration. (In order to determine the suitability of an acoustic barrier there would need to be some sort of noise assessment at some point down the line). If they have not, I would recommend that they submit an assessment in accordance with BS 8233:2014.

**ABC Project Delivery Engineer**

A 'holding objection' is requested on the above application with further information requested from the applicant with respect to the management of surface water for the site, there currently appears to be no information submitted.

The site is currently undeveloped, given the potential constraints surrounding the site, number of dwellings proposed and expected ground conditions (which typically

do not favour infiltration to ground) a conceptual surface water management plan / drainage strategy is expected to be submitted to conclude there is a viable, policy compliant solution prior to determination. This is requested to confirm that surface water flood risk will not be exacerbated as a result of the proposed development, thus ensuring there is no increase in flood risk on, or off site.

The existing site is undeveloped and therefore an increase in surface water runoff will occur from the site unless appropriately managed, this should be based upon the principles of the Ashford Borough Council Sustainable Drainage SPD (Policy CS20). Given that the site is currently undeveloped within the proximity of the Town Centre it is expected that the discharge rate for the site does not exceed 4l/s/ha, due to the size of the development this is likely to be limited to the 'small sites' rate of 2l/s (as defined within Ashford Borough Council's Sustainable Drainage SPD).

Ground conditions in the area appear to be "Hythe Formation", which typically has variable rates of infiltration, there also appears to be a surface water sewer on the corner of King's Avenue & Sackville Crescent (Should this method of disposal be chosen then permission would be required from the statutory undertaker). In accordance with the Ashford Borough Council Sustainable Drainage SPD discharging to ground is preferable where viable. It is recommended that should infiltration methods be proposed for discharging surface to ground that sizing of any soakaways are determined (at least at a sound conceptual stage) before determination of the application, this can have an impact on layout if not considered adequately at this stage. Where infiltration to ground is proposed evidence supporting the design should be provided, any on site infiltration testing should be undertaken to BRE Digest 365 methodologies. Due consideration should also be given to water treatment whenever discharging to ground, best practice should be used as per the CIRIA SuDS Manual (C753) guidance.

It is recommended that the application is not determined until a viable, policy compliant (CS20) sustainable surface water drainage strategy has been proposed for the site.

Please re-consult once further information is submitted.

**ABC Tree Officer** – It was felt that the development is of a density that the tree-related concerns are not an objection issue. Using drawing JPD/280116/002 Rev C, I note that the RPAs are not impinged by the development and there is enough separation to provide for useable garden spaces. We would require a Tree Protection Plan which we can condition if you wish.

Second round of consultation:

## Neighbours

7 representations were received objecting to the scheme. The following additional reasons for objecting were submitted;

- Layout - it seems the buildings at the rear of the site have been placed more towards the railway and it is still over development of a relatively small area.
- Layout – site is over developed
- Residential Amenity – this is sensible and sensitive for the site and its neighbours.
- Residential Amenity
  - the house adjacent to my property severely overhangs and takes away my right of natural light
  - The 2 flats at the front of the site stretch some way back along the Western Boundary and as a consequence are highly intrusive to adjacent existing properties.
  - why we should have to put up with the noise and fumes that this would cause which runs alongside my property or move the carport further down where it does not impact with noise and fumes directly outside our bedrooms and our wetroom
- Architecture - the houses are definitely not in keeping
- Highways
  - if a waste lorry can't access the site then nor can a fire engine.
  - there have been various accidents or near misses when the cars turn into Kings Avenue
  - The access road to the site is a dangerous situation on a blind bend between Kings Avenue and Sackville Crescent together with the junction to the Godinton Road bus gate, where buses plus taxies converge with local traffic This is a very dangerous location to have such an access road.
- Parking
  - concern is that people will be parking on Kings Avenue adding to the problems of parking already on our road Car barn - the carport is now located opposite our wet room window
  - A total of 7 off-road parking spaces provided for 7 x 2 bedroom flats is grossly inadequate.
  - This site is not in the Town centre but is in rather more of a suburban location. This low level of parking provision will cause overspill parking in an area which already has chronic parking problems due to the lack of off-road parking.
  - I do not see why that the cars cannot park out on the street the same as we have to.
- Refuse collection – If the collection vehicle can't access the site then all the bins will be left outside the site for collection causing more congestion.
- Contamination - Japanese knot weed problem is getting worse with no attempt to keep the site clear
- Tree Protection
  - Due to the excessive of amount of development proposed on the rear of the plot there are serious issues in connection with the development's close proximity to the North, East and Southern boundaries. Consequently

the viability of the numerous trees which have Tree Preservation Orders on the North and East boundaries would certainly be compromised.

- The arboreal report mentions how the TPO trees T7 and T8 could be damaged. Although the most significant threat is to the TPO trees G9.
- I quote from the arboreal report –

*“ 2.2.1 G9 The Root Protection Area for these trees can be visualised as a straight line running parallel with the eastern boundary of the plot. For tree protection, it would be sensible to work on the largest of the trees, meaning an area should be protected that measures 7 metres wide from the centre line of the largest tree stems. This clearly has implications for the design of the buildings, as they would fall within the protected area. Techniques such as pile and beam foundations must be used. Digging with machinery must be avoided within the Root Protection Area. Any digging that is unavoidable should be done by hand, and no roots over 25mm diameter should be severed. An arborist should be on site to ensure any root pruning that is unavoidable is done correctly. Access around the footprint of the building and within the Root Protection Area should only be permitted if a 100mm compressible layer of wood chippings, covered by 50mm thick boards is installed. A temporary incursion into the RPA will be permitted for piling machinery only, with the machinery supported on boards over a 100mm layer of woodchip. After this stage, the fencing should be reinstated as close to the 7 metre RPA as possible, whilst also allowing for pedestrian work access. Tree protection fencing should be carried out to BS 5837. Figure 3- G9, the line of Hornbeam and Ash trees. If the above measures are taken, then the only direct work that is required to the trees would be to crown lift to 10 metres to allow space for the roof ridge. Any arisings produced by this process should be offered back to the owner of the trees. Permission would be required from the owner of the trees to access their property in order that the trees can be climbed for this process. In the long term, this line of trees in its current form will require regular inspections and maintenance owing to current congested branch structure that has been a result of the management techniques used in the past. Crown lifting alone would allow the development to physically fit in the proposed area along with the tree line. However, there would be ongoing issues with leaves blocking gutters, and the requirement for regular pruning of regrowth. Subject to local authority approval and from the owner of the land, it may be decided that returning the line of trees back to a hedge of 1.8 metres high would be a better option for management in the long term.”*

- To reduce the height of the crown of these trees is bad enough but to cut down the G9 line of protected trees to make a hedge is totally unacceptable.
  - These trees are very important to the amenity of this area as they have the effect of screening the garden of no 9 and the back of the new part of Kings Avenue from this proposed development.
  - Consultation - To date this application hasn't gone out to full public consultation as it has not been published in the Weekly Planning Applications. The only residents that have informed are ones who made representations on last application in 2017. This omission should be rectified and the consultation period should be extended accordingly
- 
- Concerned where the adjacent property will overhang my property which will take away our right to light ,
  - Officer has declined to visit site for again (complaint registered)
  - the plans measurements are incorrect which you can clearly see
  - the measurements have been amended since the last application but I cannot see how this is and have no confidence in the plans considering they conveniently have not measured from the end of my property
  - I assumed your service was not biased and have doubts whether this is true especially as you have had input of the design.
  - I asked you about the access which majority of residents all confirm is a danger but you chose to not respond which I find a little disturbing considering the volume of cars that you are trying to shoe horn into this development and tight turn on a bend which is an accident waiting to happen, I would like to know as to how you can support this and why you do not take this into consideration?

## Consultees

### Kent Fire & Rescue

From the submitted plans it appears that the access to the site for the Fire & Rescue Service is inadequate.

- Due to the length of travel distance on the access road (approx..75m) and the dead-end conditions a turning circle needs to be available for the pump appliance with a minimum radius of 16.8m.
- The access road to the proposed development requires a minimum width of 3.7m and no less than 3.1 in width at any pinch point on route so our appliance can access the building site. Trees derailed on the plan may encroach the access and are only highlighted as recommended for removal not confirmed.
- The road base (hard standing) must also meet the minimum weight load capacity requirement for our appliances. See point 4 attached below.

- Alternatively the installation of a domestic sprinkler system in the dwelling will increase the distance of Fire Service access to 90 metres.

If both the proposed buildings B and C on the plan are provided with domestic sprinkler systems then the access for Kent Fire and Rescue Service under the County of Kent act 1981 Section 53 would be considered satisfactory.

### **Kent Highways & Transportation**

Following confirmation from Kent Fire & Rescue that they are ok with sprinkler system rather than rescue vehicles driving onto the site and provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - (a) Parking and turning areas for construction and delivery vehicles and site personnel
  - (b) Provision of wheel washing facilities
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Provision and maintenance of the visibility splays shown on the submitted plans JPD/280116/002S Rev F with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces and car ports shown on the submitted plans JPD/280116/002M Rev C and JPD/280116/09 Rev E prior to the use of the site commencing.
- 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.

**High Speed One** - No further comments received.

### **ABC Environmental Contracts & Enforcement**

A bin store would be required at the spot highlighted in the plan presented to me (close to site access). This would achieve maximum bin haulage requirements for 1100L wheelie bins. The RCV will be able to service from the front of the premises assuming vehicles are not blocking access.

The bin store will need to be able to house at least 2 x 1100L bins. We would use one for refuse and one for recycle. We would also provide a 140L wheelie bin for food waste collection and provide small silver caddies to each unit. The bin store needs ramped access to facilitate easy movement of the bins. Doors need be wide

enough to ensure manoeuvring is without risk of pinching or crushing the handler. Bin dimensions do vary but are fairly consistent in dimensions, so recommend the designer observe this.

### **ABC Environmental Health Practitioner**

Contamination - Regarding contamination the “phase 1 or Desk top study” is fine and indicates that further investigation is necessary. So the earlier condition is redundant as the desk top study is complete and I don’t disagree with it, E023 and E026 should now be applied acknowledging that point 1 of E023 has been addressed by the earlier desk studies submitted i.e. they can move onto the intrusive investigation. This can be covered by condition.

### Noise Assessment –

I have had a look and would make the following observations:

- The monitoring was undertaken over a 24hr, weekday period only. A longer period of monitoring would have been preferable to increase confidence in the results being representative of the noise conditions at the site.
- Glazing has been specified, on the basis of the survey, which provides a reasonable level of attenuation generally.
- Recommendations have been made that the noise barrier should be at least 1.8m high, but as the external areas are reported to be subject to levels of 55dB without the barrier – the upper recommended level for external amenity space – no further details have been included. 50dB is the desirable level for external amenity space, and given the limited monitoring undertaken, and the inherent uncertainty this creates, I would wish to see the noise barrier installed as proposed (I believe the product details were also supplied previously).
- It is unclear whether the weather conditions were measured for the entire monitoring period or only at the beginning/end, which again could increase uncertainty in the results.
- Having visited the site I noted that it was generally quite quiet. The trains passes and buses using the adjacent bridge are notable noise sources above the general background.
- Meeting the noise criteria on 3 of the 4 facades, is reliant on closed windows, where opening windows will result in exceedances of the criteria, this is not unusual for busy/town centre locations and is not usually an issue for purge ventilation. As such some detail of potential acoustic ventilation has been provided.
- In summary, the proposals appear reasonable, however the outlined uncertainties with the data collected remain. The applicant must ensure that the ventilation scheme provided ensures that occupants can achieve “thermal comfort” (which is beyond the requirements of the building regulations) without the need to open windows for extended periods of time which would then expose them to potentially harmful levels of noise. I would ask that the barrier is installed as proposed.



We note that the proposed development and its future occupants may be affected by noise from the railway. As such we would request the application of condition and a scheme to protect the development from those noise sources.

**Kent County Council – Ecological Advice Service Biodiversity –Officer**

I've re-reviewed the information we have available to us and there is a need for ecological information to be provided. The ecological information will enable us to fully understand the ecological interest of the site and what mitigation is required and therefore understand what the ecological impact of the proposed development is.

As I'm sure you are aware all surveys should be carried out prior to determination of the planning application to ensure that ABC can fully consider the impact on protected species when determining the planning application. This is supported by paragraph 99 of the OPDM circular 06/2005 which states:

*“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.*

We highlight that the paragraph does continue and state the following:

The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

We advise that the decision to condition ecological surveys is a planning matter and not an ecology matter.

However to enable you to fully consider the impact on protected species while making your decision we provide the following information:

The 2017 aerial photos indicate that the site is a mixture of short grassland/scrub and mature trees – as such there is potential for protected/notable species to be present including (but not limited to) reptiles and breeding birds.

A review of previous aerial photos indicate that the management of the site has varied over the years and during a 10 year period it has been completely cleared, densely overgrown with scrub and a mixture of bare ground/scrub. Therefore over the period the habitat has not remained continuously optimal for reptiles but due to the connectivity to the surrounding area there will have been opportunities for reptiles to re-establish within the site. This view is supported by ecology scoping surveys carried out within the surrounding area which have identified that the wider area has potential to be utilised by reptiles. We highlight that until the relevant surveys have been carried out it is unknown if reptiles are present and therefore what the reptile populations will be.

Therefore we advise that if ABC are considering granting planning permission they must acknowledge that it is very likely that protected/notable species are present on site and due to the site layout it is unlikely that any onsite mitigation can be implemented.

There will be a need for the following condition to be included if you are considering granting planning permission:

Prior to works commencing a detailed ecological mitigation strategy is submitted to the LPA for written approval. It must include the following information:

- Preliminary Ecological Appraisal;
- Recommended specific species surveys
- Overview of the mitigation required
- Detailed methodology to implement the mitigation
- Maps showing off site receptor site – including agreement with landowner
- Timing of the proposed works
- On going monitoring

The mitigation must be implemented as detailed within the approved bat mitigation strategy.

**KCC Flood Risk Project Officer, Flood and Water Management – No comments.**

**ABC Project Delivery Engineer**

Whilst the additional information provided would not be considered acceptable against the either current national (NPPF) or local (Ashford Borough Council Sustainable Drainage SPD) policy, given the layout of the site, it is considered that a policy compliant solution is likely to be achievable without increasing on or offsite flood risk, therefore the holding objection is removed.

It should be noted that the design standard should be to the 1:100+20% climate change critical storm, with a test at 40% (as per national policy), or to the 1:100+30%CC as per the Ashford SPD. Pumped solutions are only ever considered as a 'very last resort' where it has been categorically proven that a gravity solution is unable to be provided. It is acknowledged that the site falls away from King's Avenue, however it is recommended that at detailed design (DoC stage, should permission be granted) that a gravity solution is sought, which may be achieved by investigating other recent development within this area where new infrastructure has recently been constructed.

Surface water attenuation solely reliant on tanks and pipes is against core policy requirements (CS20) of the SPD and it would be expected that an alternative form of storage is sought at the detailed design stage; it is noted that no permeable surfaces / storage beneath the access road is currently being proposed within the design and this may be a method the applicant would wish to consider at detailed design.

Should the application be granted permission is it recommended that a surface water drainage condition is attached.

## Planning Policy

18. 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.
19. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
20. On 13 September the Council commenced consultation on the main modifications to the draft plan.
21. The relevant policies from the Development Plan relating to this application are as follows:-

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

EN31	Important Habitats
EN32	Important trees and woodland
HG5	Housing
TP6	Cycle parking
LE9	Maintenance of Open Spaces

CF6 Standard of Construction

CF8 Renewable energy

**Local Development Framework Core Strategy 2008**

CS1 Guiding principles to development

CS2 The Borough wide strategy

CS3 Ashford Town Centre

CS8 Infrastructure Contributions

CS9 Design quality

CS10 Sustainable Design & Construction

CS11 Biodiversity and Geological Construction

CS12 Affordable Housing

CS13 Range of Dwelling Types and Sizes

CS15 Transport

CS18 Meeting the Community's needs

CS18a Strategic Recreational Open Space

CS20 Sustainable Drainage

CS21 Water Supply and Treatment

**Urban Sites Development Plan Document 2012**

U0 Presumption in Favour of Sustainable Development

U10 Former Ashford Hospital

U24 Infrastructure Provision to Serve the Needs of New Development

22. The following are also material considerations to the determination of this application.

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

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
HOU3a	Residential windfall development within settlements
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
HOU18	Providing a Range and Mix of Dwelling Types and Sizes
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
TRA4	Promoting the local bus network
TRA5	Pedestrians
TRA6	Cycling
TRA7	Road network and development
TRA8	Travel Plans, Assessments and Statements
ENV1	Biodiversity
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV14	Conservation Areas
COM1	Meeting the Communities Needs

COM2 Recreation, Sport, Play and Open Spaces

IMP1 Infrastructure Provision

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

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Residential Space and Layout SPD 2011 – External Space Standards Only

Public Green Spaces & Water Environment SPD 2012

### **Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2018

23. 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:-
24. Paragraph 48 states in relation to the stages of preparing a Local Plan that:  
  
“Local planning authorities may give weight to relevant policies in emerging plans according to:  
  
a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

25. The following chapters of the NPPF are relevant to this application:-

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

**Other Government Policy**

Technical Housing Standards – Nationally described space standards

## **Assessment**

26. The key planning issues in this case are

- 5 Year Housing Land Supply and status of the emerging development plan.
- Is the principle of the proposed development acceptable?

- Is the scale, siting and design of the development suitable for this site and does it preserve the visual amenities of the street scene.
- What is the impact of the development on the residential amenities of the nearby dwellings?
- Does the development make adequate provision for the parking of vehicles within the application site?
- Do the proposals adversely impact on highway safety and does the development make adequate provision for the parking of vehicles within the application site.
- What is the impact on the trees on the site?
- What is the effect on other significant planning issues relating to refuse, ecology, contamination and noise?

### **Five year housing land supply and status of the emerging development plan**

27. At the time of submission of this application, the Council recognised that it was unable to demonstrate a 5 year supply of housing.
28. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 73 of the NPPF, and has recently had the opportunity to demonstrate this at the Local Plan Hearings. The Council's deliverable five year housing land supply is based on a robust assessment of the realistic prospects of housing delivery on a range of sites in the adopted Development Plan, the Submission Local Plan to 2030 and other unallocated sites taking account of recent case law, the respective deliverability tests and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan.
29. The Local Plan Inspectors' recent advice to the Council confirms that following the completion of the Local Plan Examination Hearing sessions on 13 June, they have concluded that there is a 5-year housing land supply.
30. On the 29th July 2018 the Council received the Local Plan Inspectors' post hearing advice (document reference ID/10). This document, in paragraphs 14-17 summarises the Local Plan Inspectors' conclusions on Housing Land Supply matters, following the completion of the Local Plan Examination Hearing sessions on 13th June. This confirms that the Inspectors have found that a 5-year



housing land supply exists of 7,730 dwellings (after discounting various proposed allocations which they recommend omitting from the Local Plan), and they have concluded that there is a 5-year housing land supply in the Ashford Borough.

31. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para.11 of the NPPF (where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits) need not be applied.
32. The emerging Local Plan policies should now be afforded weight in the planning balance.

**Is the principle of the proposed development acceptable?**

33. The development is located within the confines of Ashford where the principle of new housing development is acceptable in broad policy terms. It is a brownfield site that has previously been partly developed and contained what seems to be a pair of semi-detached dwellings with large rear gardens until they were demolished in the late 1990's or early 2000's.
34. Policy HG5 of the Adopted Ashford Borough Local Plan 2000 is a saved policy and states:

"Residential development (of five or more dwellings) will not be permitted on sites other than those shown on the proposals map, except on wind-fall sites which come forward for development within the confines of Ashford, Tenterden, Charing, Hamstreet and Wye where:

(a) the location of the site provides residents with easy opportunities to walk or cycle when travelling to work, school, shopping, community and leisure facilities;

(b) It does not result in the displacement of other uses such as employment, leisure or community uses for which there is need in the area;

(c) The proposal does not result in town or village cramming and is of good design."

35. The new dwellings would be within walking distance of the town centre and rail station and located close to existing bus stops and other local amenities. The homes will therefore be accessible to other forms of transport other than

just private vehicles and the site would therefore represent a sustainable location suitable for this type of housing.

36. The site is a vacant parcel of land and so the development would not result in the displacement of employment, leisure or community uses and as such criterion (b) of policy HG5 is met.
37. Furthermore given the planning history for this site it has been previously considered that a residential use of this site would be acceptable in principle for up to 9 residential properties.
38. The proposed layout is a sensible and efficient use of land at a comfortable density estimated at approximately 35-40 dwellings per hectare. The density of the housing block to the north adjacent to the site is estimated at approximately 35-40 dwellings per hectare. The block opposite the site defined by Kings Avenue, Sackville Crescent and Western Avenue is also estimated at approximately 35-40 dwellings per hectare. I am satisfied the density of the scheme is appropriate to the local area.
39. I am satisfied that there have been no further significant changes in Development Plan policy since 2012 approved scheme on the site that would otherwise make the development unacceptable in principle.
40. The site is not designated in the emerging draft Local Plan 2030 but the draft emerging policy HOU3a (Residential windfall development within settlements) states that infilling of sites in the Ashford built up area for residential uses is acceptable subject to specific criteria. The proposed development conforms with this policy as the layout, design and appearance are acceptable and I consider it makes a positive contribution to the local character of the area.
41. I regard the principle of the use of the site for residential to be acceptable in policy and design terms. The principle of this high quality development in a sustainable urban location is therefore supported

**Visual Amenity - Is the scale, siting and design of the development suitable for this site and does it preserve the visual amenities of the street scene?**

42. The layout of building A at the front of the site has been designed to reflect the layout and pattern of development of the adjoining area which is largely characterised by semi-detached or terraced dwellings with small front gardens and rear gardens. This building politely fronts onto Kings Avenue and would follow the pattern and existing building line which would be entirely appropriate for the streetscene.

43. Buildings B and C are located to the rear part of the site and would have a more of a rear courtyard or mews style appearance which typical of many more established urban parts of Ashford. I consider that this will create a new place with and strong identity which will add to the distinctive character of the place.
44. I am satisfied that the design and appearance of building A at the front of the site would be in keeping with the housing in Kings Avenue. It would be a strong asset to the streetscene on this prominent corner. I am satisfied that Building A has a general appearance of a 'corner' detached house character and turns the corner well.
45. The detailing of the building appears to gain inspiration from the character of other residential development fronting Kings Avenue which mainly comprises Victorian and Edwardian detached and semi-detached houses in a variety of styles. The design proposes to interpret this traditional appearance skilfully in a contemporary 21st century style with interesting front gables, decoration and external detailing and quality brick and render materials. I welcome this approach and commend the architect for it.
46. I do not a consider pastiche traditional design to be acceptable on this site. Modern buildings of this nature have to be built to modern building requirements, construction techniques and internal space standards which inevitably means the fine detailing is extremely difficult to match or replicate and the end result often looks clumsy and unconvincing.
47. Buildings B and C are clustered in a group lying much further back from the road in a discrete setting on lower falling ground. Being to the rear of the site the form and appearance of these buildings are designed to be more subservient and simpler than main frontage.
48. This is a traditional characteristic and typically these type of rear buildings consisted of simpler and less decorative detailing to their facades. The proposals involve more weatherboard style cladding and brickwork with contemporary glass and metal balcony detailing. This design approach is strongly supported and in this setting I consider it very acceptable for the proposed development to create its own internal sense of place around a semi-enclosed semi private courtyard mews of 2 and 3 storey buildings. It is very pleasing to see the proposals include a striking building style and form that is intending to use high a quality palette of materials and I have no doubt this will create a high quality place to live with a very distinctive character.

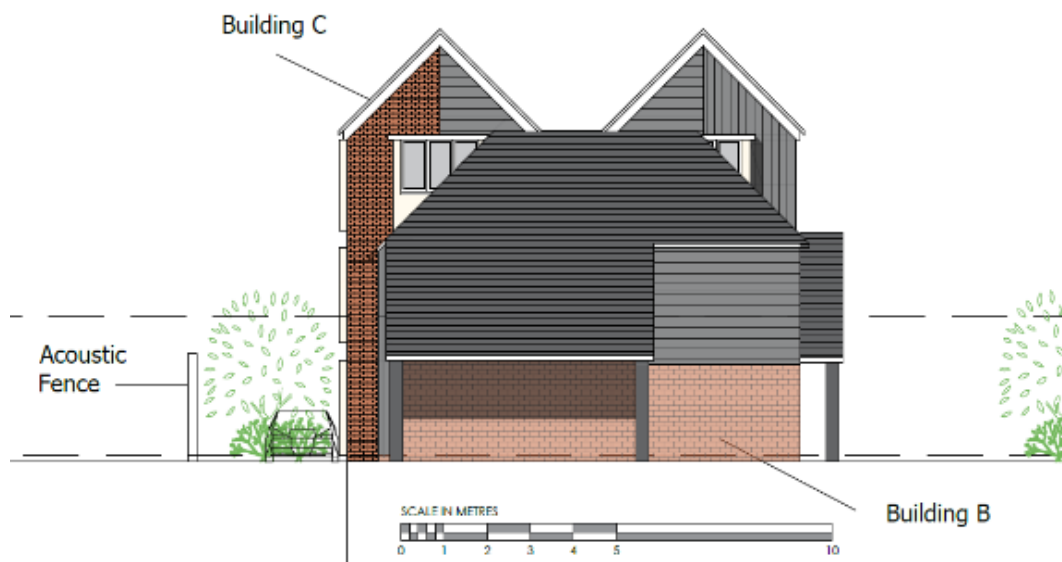
49. Building B is 2 storeys and building C is 3 storeys. The scale of the buildings at a mix of 2 and 3 storeys would not be out of scale with the streetscene and rest of the neighbourhood. I consider that building A conforms with the height and scale of the neighbouring buildings fronting this part of Kings Avenue. I am comfortable with the principle of Building C having a 3 storey form in this location as it does not harm the residential or visual amenities of the locality. 3 storey buildings are found in many parts of the town and especially in areas close to the town centre.
50. The design and detailing of all buildings is of a high quality and would use a coherent and consistent palette of materials appropriate for the area. including red bricks, render and a slate based material.
51. The siting of these buildings properties are rather similar to previous proposed schemes on the site and would provide a suitable sized private garden area for the occupiers and would not represent an overdevelopment of the site
52. The proposed garages and car barns would represent subservient outbuildings to the dwellings that they would serve, would not be significantly different from those previously approved in terms of design and siting and would be constructed from appropriate materials that would be in keeping with the context of the area.
53. In light of the above, I am satisfied that the design and form of the development would reflect the character of the existing street scene and would not be harmful to the visual amenity of the area. The design of the buildings are of a high quality and I fully support the architecture and its detailing.
54. I therefore consider that the scheme would be in accordance with the aims of policies HG5, CS1, CS9 SP1, SP6 and HOU3 and emerging local plan policies SP1, SP6, ENV13 and ENV14, that require good design and state that all development should seek to create a distinct character, with a strong sense of place and identity. The proposals are also consistent with the NPPF which highlights the importance of the design of the built environment.

**Residential Amenity - What is the impact of the development on the residential amenities of the nearby dwellings?**

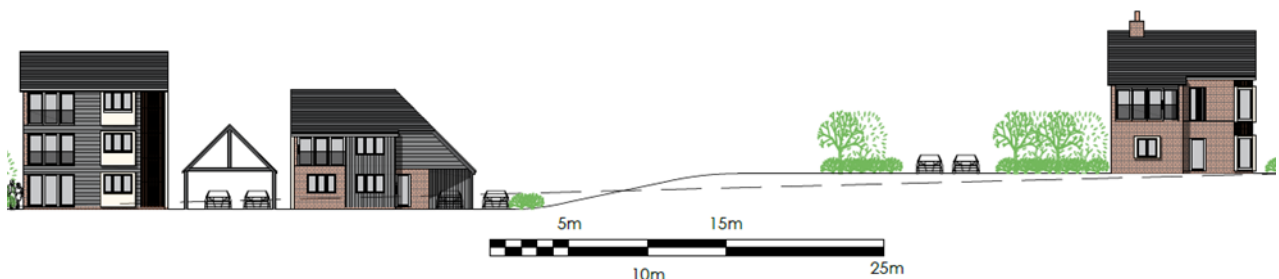
55. The two flats proposed in building A would be located adjacent to number 5 Kings Avenue. The depth of the footprint of this building would closely match the depth of the existing dwelling at number 5. I have visited this neighbouring property to look at the position of windows to habitable rooms and I am

satisfied that building A will not have a detrimental impact on sunlight, daylight outlook or privacy of the residential amenity in the two storey section of No 5 of the dwelling or its rear projecting wing. There could be some very limited, angled views from the first floor rear habitable rooms towards the rear wing and garden patio area at No 5 but this situation would not be untypical of what is commonly found in urban areas.

56. Following comments from the neighbour at 5 Kings Avenue, a double car port to the rear of building A has been omitted as the residents were concerned by its relationship to an extended part of their property which they used as a room for the dedicated care of their disabled son. The applicant was willing to comply with this suggestion and has subsequently amended the plans to replace the double car barn with 2 car parking spaces.
57. Despite initial concerns with balconies in the original scheme for building B and C amendments have been secured to ensure sure no first floor balconies are proposed to the flats.
58. The proposed flats in building B would be located approximately 30 metres away from the neighbouring dwellings at the closest point. The entire side elevation of unit B deliberately contains no side windows facing south eastwards towards.



59. The proposed windows in the south west elevation of Building C, are orientated towards the rear of properties 5, 7 and 9. However the distance between the properties and building C is over 45m. Building B lies in-between and almost totally obscures any views between the existing neighbouring properties and the south east elevation of building B. Some of the protected trees also lie between these dwellings. The back section of the site is stepped and set considerably lower than the houses.
60. Given the distances, the levels, the landscaping and only a minimum number of windows I am therefore satisfied that buildings B and C will not result in any privacy or overlooking of the properties 5, 7 or 9 Kings Avenue.
61. Windows to the first floor in the rear north east elevation of building B and the first and second floors of building C look towards the very far end of a very long extended rear garden serving 9 Kings Avenue. However, given the protected trees, other landscaping lying between these areas, and the very generous size of the garden of this property, I am satisfied there will be no detrimental impact on the residential amenity of this far garden area of no. 9 Kings Avenue.



62. The recently built dwellings on the former hospital site are over 30 metres away from buildings B and C and there will be no detrimental impact on the privacy of these dwellings.
63. A 1.8 metre high close boarded fence or wall with further landscaping would obscure the ground floor windows to building A, B and C proposed facing the boundaries to the gardens 5, 7 and 9 Kings Avenue.
64. The proposals feature 5 resident and visitor parking spaces close to the rear boundary of 5 Kings Avenue. The proposals include a 1.8m high brick wall and landscaping along this edge to prevent any potential disruption from lights, noise or fumes from vehicles being parked in these spaces. I am satisfied that the parking arrangements will have no significant adverse impact on the residential amenity of this garden area of no, 5 Kings Avenue.

65. Along the entire west boundary that adjoins the railway line cutting, a substantial acoustic fence is proposed to protect the residential amenity of the residents of the proposed dwellings. This was required by previous applications on the site and I support the principle of its inclusion. The details of the height and appearance of the acoustic fence will be dealt with by condition in response to the issues raised in the noise survey.
66. I am satisfied that the ground floor residents will have access to private gardens but some communal garden space is required for the other flats in blocks B and C. I intend to deal with the segregation of the garden areas by condition. Parts of the garden areas would be shaded by the nearby trees but these trees act as a pleasant leafy backdrop and views from the flats as well as screening to recent development slightly elevated on the former hospital site. It would be a matter of choice for future potential residents whether or not to live with these conditions (and in such proximity to the railway line) and in my view these drawbacks do not represent sufficient grounds for rejecting a scheme which is otherwise acceptable.
67. In light of the above and taking into account the aforementioned distances between buildings, I am satisfied that the proposed development would not result in overbearing development or harmful overlooking and as such would not be harmful to the residential amenity of the occupiers of the neighbouring dwellings.
68. Turning to the future occupiers of the dwellings themselves, the room sizes and accommodation to be provided would comply with the essential and advocated residential space standards.
69. Whilst the development would be close to the railway line, a 3 metre high acoustic fence is proposed along the railway boundary which should assist in reducing noise and disturbance from the railway for the occupiers of the new dwellings as well as improving the situation for the occupiers of the existing nearby properties.
70. In conclusion the proposed buildings in the scheme either lack windows facing nearby dwellings or are too far away from those houses to cause any significant overlooking or loss of privacy. The walls and landscaping close to the parking spaces are sufficiently protect against any disruption and the acoustic fences will mitigate any noise form the railway. Overall, I do not consider that the proposals would have any materially adverse effect on the living conditions of residents at Nos 5, 7 and 9 Kings Avenue.
71. My initial calculations of the scheme indicate that the proposed flats are in accordance with the national space standards. However without specific

breakdown of internal room spaces it is not precisely clear. These details are awaited to confirm the internal accommodation complies with the National Space Standards. The application will be subject to the provision and agreement of this information.

72. Balconies and generous amounts of glazing will provide residents with plenty of natural daylight and sunlight into the buildings internally. The size of the balconies are compact but adequate given the amount of private or communal amenity space that is available.
73. Based on the above I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers and that it is in accordance with the aims of paragraph 127 of the NPPF which states that planning decisions should seek to create a high standard of amenity for existing and future users.

**Highways & Parking – Do the proposals adversely impact on highway safety and does the development make adequate provision for the parking of vehicles within the application site?**

74. A number of highway issues required discussion and the provision of more information to ensure they were to the satisfaction of Kent Highways & Transportation.
75. The proposed access has good visibility in both directions along Kings Avenue and Sackville Crescent. The proximity of the proposed new access near to the bus bridge leading into Carlton Road is not considered to be a safety issue as this junction benefits from traffic lights and users of Kings Avenue have priority at this junction.
76. Confirmation was secured to ensure the provision and maintenance of visibility splays measuring 43metres x 2.4metres x 43metres at the access with no obstructions over 0.6metres above carriageway level within the splays. These will be covered by condition and will help ensure they will be provided prior to use of the site commencing. The design of the development keeps the visibility splays free from obstruction. The internal shared surface access road width is generally a minimum of 3.7m wide is acceptable and will allow vehicles to pass comfortably at low speeds. The pinch-points will not be less than 3.1m acting as natural traffic calming features. This is good practice in terms of balancing the needs of road users with the aim of creating an attractive place.



77. However overall I consider that the proposals are in accordance with the views of Kent Highways & Transportation and I am satisfied that the development would not be harmful to highway safety.
78. The provision of 7 dedicated resident car parking spaces with 3 dedicated visitor parking spaces proposed would be sufficient to serve a development of this size and is in accordance with the Council's adopted parking standards. In my view the provision of 9 spaces is compatible with the national approach to parking provision in a suburban area reasonably close to the town centre with public transport nearby. There is no concern from Kent Highways over the loss of one on street parking bay In Kings Avenue
79. Car barn sizes and parking bay sizes have been amended to ensure they meet ABC Parking standards with 6m reversing spaces also secured for all these areas.
80. Adequate cycle stores with clear 1m wide access to the entrances are proposed and these routes will be safeguarded to ensure the cycle stores are easy to use.
81. A condition will require a bound surface for the first 5 metres of the access from the edge of the highway along with measures to prevent the discharge of surface water onto the highway.
82. Due to the site constraints preventing the option for a turning space for large refuse vehicles a kerb side refuse service within easy pull distance of the bin store at the front of the site has been agreed with ABC Environment Services team.
83. Kent Fire and Rescue service initially raised concerns over the tight access road and difficulty in reaching buildings B and C. As the proposals cannot provide the turning circle their vehicles require to enter the site, it has been agreed with Kent Fire & Rescue that the development will have to ensure the installation of a domestic sprinkler system.
84. I am satisfied with the proposed highways and parking arrangements on the site. In light of the amendments and clarifications sought by Kent Highways I have recommended some highway and parking conditions to ensure the development does not result in harm to highway safety.
85. I am satisfied the proposals are in accordance with policy CS15 of the Core Strategy relating to traffic and highways. Kent Highways and Transportation have been consulted and they raise no objection to the proposed development since Kent Fire & Rescue have confirmed they are happy with a

sprinkler system to each residential unit and distances involved. A suitable condition has been submitted.

**Trees - What is the impact on the trees on the site?**

86. The site contains a number of mature trees which are covered by a series of Tree Preservation Orders. The siting and levels in the proposed development have been carefully considered in terms of whether or not the development encroaches into the root protection areas, and it is concluded that it does not. On the whole the works proposed would not be harmful to the trees although some tree maybe be lost along the edge of the railway line boundary.
87. The remainder of the trees are to be retained. Any further works to trees could be required by a planning condition in order to mitigate concerns and protect the trees. A detailed landscaping scheme will be required to ensure new planting is provided in the correct places and of sufficient quality to enhance the visual amenities and character of the place.

**Other Planning Issues - What is the effect on other significant planning issues relating to refuse, ecology, contamination and noise.**

88. **Refuse** – The principle of the kerbside collection point is acceptable and further details will be covered by condition to ensure the size and design is of a good quality and sufficiently well landscaped. Following consultation with ABC Environmental Services the bin store will need to be able to accommodate the following -
- 2 x 1100L bins (one for refuse and one for recycling).
  - a 140L wheelie bin for food waste collection
  - a small silver caddies to each unit.
  - The bin store needs ramped access to facilitate easy movement of the bins.
  - Doors need be wide enough to ensure manoeuvring is without risk of pinching or crushing the handler.
  - Bin dimensions do vary but are fairly consistent in dimensions, so recommend the designer observe this.

I fully support the proposed approach to waste and refuse for this development subject to the further approval of details by condition.

89. **Ecology**

90. No significant biodiversity/wildlife issues were raised on previous applications for the site. KCC Biodiversity team normally require ecological information to be provided prior to the determination of the Planning Condition. I requested this from the applicant some months ago but they were not inclined to provide this information as they felt this was not previously an issue on the site. The applicants have indicated the site has recently been stripped of all vegetation excluding the trees. Therefore it is my view that it is very unlikely any protected species will remain on the site other than bats.
91. KCC Biodiversity accept the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances.
92. There have been ongoing discussions with KCC Biodiversity Officer's, and although the site has been stripped and contains no buildings on it, no ecological surveys have been carried out and therefore it's unknown what species, if any, are present currently and what could be present by the time works commence). Therefore its unclear what the impacts the proposed development will have on protected/notable species I have concluded that a protected species mitigation condition is the best option to cover both the submission of the information and the implementation of any mitigation measures to be carried prior to the commencement of development.
93. **Noise from Railway Line** - An acoustic barrier was previously recommended through conditions on applications in 2012, 2006 and 2002 for the south-west boundary alongside the railway line. It is not apparent whether a noise survey was submitted on these applications as there are no copies evident on the case files. The previous schemes on the site indicate the acoustic fence would be close to the railway line boundary and they were required to either 2.4m up to 3 metre high. It seemed to have been required in reducing noise and disturbance from the railway for the occupiers of the new dwellings as well as improving the situation for the occupiers of the existing nearby properties.
94. The impact of noise has now been assessed for the proposed residential development. It concluded that the development site is exposed to moderate levels of external environmental noise during both the daytime and the night-time periods .A noise mitigation scheme has been recommended for the new dwellings which it is considered will provide sufficient noise attenuation to meet the required internal acoustic standards outlined in BS 8233 : 2014.
95. On balance the site is generally quite quiet and the proposals appear reasonable. Whilst there are some minor uncertainties with the data collected

provided a 1.8m acoustic barrier is installed and an acoustic ventilation scheme to ensure occupants can achieve “thermal comfort” is installed then the development is considered acceptable in close proximity to the railway.

96. A condition is therefore proposed requiring details of a scheme for protecting any approved dwellings from noise from the railway. The condition will cover the precise location, size, and appearance of the fence and need for landscaping of this fence will therefore be conditioned. The fence details will need to be agreed with Environmental Health. It is also important to ensure it is in keeping with the area and adds distinctiveness to the scheme.
97. There is also a need for an acoustic ventilation scheme and any necessary changes to the specification of windows on the development can be covered by condition if necessary.
98. **Contaminated land** - This is a brownfield land and there is mention from residents of there being Japanese Knotweed on site. Following discussions with ABC's Environmental Practitioner based on the planning history and previous survey work a condition will be attached to cover further contamination issues and will require the agreement of further details of surveys prior to the commencement of development.
99. **Sustainability & Drainage Issues**- As of the 18th July 2016, the Council no longer requires planning applications for residential development to comply with Core Strategy Policy CS10 'Sustainable Design and Construction' (2008) or guidance contained in the Council's Sustainable Design and Construction SPD (2012). This position is primarily based on the Housing and Planning Act which received royal assent on Friday 13th May 2016. The Act brings an end to the aspiration to deliver zero-carbon homes through the planning process, relying instead on building regulations to deliver energy efficient buildings.

The drainage has been subject to consultation with Ashford Borough Council (ABC) Drainage Engineer who is satisfied with the arrangements. It is acknowledged that a gravity solution to surface water drainage is appropriate, which may be achieved by investigating other recent development within this area. An alternative form of attenuation storage is to be sought at the detailed design stage; and permeable surfaces is a method the applicant should consider at detailed design. Surface water drainage conditions are attached. I am satisfied that a surface water drainage option can be agreed in accordance with the requirements set out in the Council's adopted SPD. Based upon the strategy submitted its clear that the proposal will not worsen flooding on the site or on adjacent land to ensure it accords with the provisions of Policy CS20 of the core Strategy.

Southern Water have raised no objection to the proposed development subject to a condition to secure their approval of the final details of the proposed means of foul and surface water sewage.

## **Human Rights Issues**

100. 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**

101. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

102. The scheme is acceptable in principle providing 7 new homes in an attractive environment with an acceptable level of parking provision.
103. The original proposed development was amended to ensure the layout, form, scale and appearance was well designed and in order to secure a high quality distinctive contemporary development on a previously developed brownfield site.
104. There would be no adverse impact on neighbouring or future occupier’s residential amenity, or highway safety.
105. The proposals accord with the Development Plan as a whole and the emerging policies in Draft Local Plan and the NPPF which are material considerations. Conditions are set out in detail in this are required to ensure the development fully complies with policy and in accordance with the NPPG.
106. I recommend that planning permission should be granted.

## Recommendation

**(A) Subject to the receipt of gross internal space information from the applicant to comply with National Standards to the satisfaction of the Local Planning Authority, approve in terms agreeable to the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve minor changes to the planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit.**

## **(B) Permit**

**Subject to the following Conditions and Notes:**

### Implementation

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.

### Compliance with approved plans

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, 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.

3. 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.

### Materials

4. Samples of all materials shall be provided on site for discussion with the Local Planning Authority. Thereafter written details including source/ manufacturer, and samples of bricks, roof tiles and cladding materials to be used externally, including details of final surface finish of areas of hardstanding, shall be submitted to and approved in writing by the Local Planning Authority before the development reaches slab level and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

### External Fixtures & Equipment

5. Full details of the location, design, appearance and material of any external fixtures and equipment located on the building or sited within the car park shall be submitted to and approved in writing by the Local Planning Authority within three months of commencement of construction works. The details shall include anything above ground level including;
  - a. Lighting
  - b. Signage
  - c. Intercom System
  - d. Security, alarms or CCTV cameras
  - e. Post collection
  - f. Gas
  - g. Electricity
  - h. Water
  - i. Telecommunications
  - j. Cables & Pipework
  - k. Vents, grilles, extractor fans, stacks or flues
  - l. Meter boxes

Thereafter the development shall be carried out in full accordance with these approved details.

Reason: In the interests of visual amenity and to ensure a high design standard that would enhance the appearance of the area and 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.

6. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

#### Architectural Detailing

7. No development above ground floor slab level shall be commenced until the following details have been submitted to and approved by the Local Planning Authority in writing:-
  - a. 1:20 scale details of eaves, fascia's, chimney and roof details
  - b. Details of any external rainwater goods.
  - c. All boundary wall details including materials and detailing
  - d. All proposed gates, including style, detailing and final finish colour
  - e. Brick or stone laying patterns, mortar joint specification and colour
  - f. All decorative brickwork
  - g. 1:10 and 1:20 details and sections of the windows showing frames and depth of reveals including all projecting bay window sections
  - h. (h)..1:20 details of the balconies including materials, balustrade, railings fixings and soffit's.
  - i. (j) External doors including to flats, cycle store and bin store.
  - j. (k) 1:20 details of the location, set back, colour and specification of any expansion joints or weep holes
  - k. (l) 1:20 details of all joins between cladding, brickwork, render, tile hanging and decorative brickwork



Thereafter, the development shall only be constructed in accordance with the approved details and all approved details shall be retained unless any variations have been approved in writing by the Local Planning Authority.

Reason: Further details are required in order to ensure that the external fine detail of dwellings is of a high design quality.

8. The carports/carbarns hereby permitted shall remain open to the front elevation and no means of enclosure or doors shall be erected / inserted without the prior approval of the local planning authority in writing.

Reason: In the interest of visual amenity and highway safety.

#### Residential Amenity

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no further windows shall be created at first or second floor level in the south-east facing elevation of Building B or Building C whether or not permitted by Article 3, Schedule 2, Part 1 of that Order without the prior permission of the local planning authority in writing.

Reasons – In the interest of residential amenities.

11. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from the Railway Line shall be submitted to and approved in writing by 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.

12. Prior to the commencement of the development hereby approved, full details of an acoustic fence barrier, to be erected along the entire south west

boundary of the development site adjacent to the railway, including details of its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority and once approved this shall thereafter be installed and permanently retained.

Reason: In the interests of preserving the residential amenity of the locality.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other Order or any subsequent Order revoking or re-enacting that Order, no further development whether or not permitted by Article 3 and Schedule 2 Classes A and E of that Order shall be carried out without the prior permission of the Local Planning Authority in writing.

Reason: Further development, either by extension or a new building within the residential curtilage may conflict with development plan policies.

14. A plan showing the segregation of the two dedicated garden areas to ensure all properties have access to either a large shared communal garden or a dedicated private garden area of no less than 25sq metres per unit shall be submitted to and agreed in writing with the Local Planning Authority within 3 months of the start of construction. The plan should demonstrate that access to the gardens from the flats is convenient and of a good standard and must ensure not impact on the privacy of the ground floor flats by respecting the windows to these dwellings.

Reason: In the interests of privacy and residential amenity

15. The details of the automatic sprinkler systems required by Kent Fire & Rescue Unit to be fitted in all 7 flats shall be submitted to and agreed in writing to the Local Planning Authority and shall be installed before the first occupation. The sprinkler system shall thereafter be retained and maintained unless previously agreed in writing by the Local Planning Authority.

Reasons – In the interest of safety of the occupiers of the buildings.

#### Cleaning & Maintenance Strategy

16. Before the development is occupied a cleaning maintenance strategy for all the external elements of the building shall be submitted to and agreed in writing with the Local Planning Authority. This shall include the different method and techniques of cleaning the different materials and frequency they are cleaned.

Reason: To ensure the building is maintained to a high standard. .

17. Prior to the first occupation of any dwelling hereby permitted by any new owner(s)/occupier(s) the developer shall supply the new owner(s)/occupier(s) of that dwelling with comprehensive information on the management arrangements for the development. This information shall include:

- a. The Right to Manage (for leaseholders)
- b. Residents' rights under a management company
- c. Challenging a management company's mechanisms
- d. Challenging service charge levels
- e. The process for changing a management company

Reason: In the interest of the amenity of future occupiers and to ensure that the building and associated grounds are satisfactorily managed

### Community

18. Prior to any above ground construction commencing, details of how the developer intends to liaise with and keep local residents informed about the development for the duration of the construction period shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the details shall be implemented and maintained for the duration of the construction otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public engagement. .

### Highways

19. The visibility splays shown on drawing number JPD/280116/002S Revision F, shall be kept free of obstruction in excess of 0.6metres in height above the carriageway edge and shall be provided at the access before the development commences and the splays shall be so maintained at all times.

Reason: In the interests of highway safety.

20. The proposed access roads foundations/substructure, surface materials, kerbs, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, carriageway gradients, and street furniture shall be laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority before construction begins. The access should demonstrate its capable of accommodating the weight of a Fire & Rescue vehicle and the first 5metres of the site must consist of a fixed bound material.

For these purposes, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, and method of construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of consistency and to allow proper consideration of the impact in highway terms

### Parking

21. The area shown on the drawing number JPD/280116/002 REV E as access, vehicle parking space and car ports shall be provided 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 1995 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this designated parking spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

### Construction

22. 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.

23. 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 shall be provided and retained throughout the development. The

approved parking, loading and turning areas shall be provided prior to the commencement of development.

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 in accordance with policy.

24. No development including any 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 and Transport Plan shall include, but not be limited to the following:

- a) Routing of construction and delivery vehicles to / from site.
- b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles including HGV's;
- c) Details of areas for the storage of plant and materials;
- d) Details of the form and location of any proposed temporary works compounds; and
- e) a programme of works (including details of the timing of deliveries, measures for traffic management/signage);
- f) details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;
- g) details of proposed structures to be located within compounds and any proposed lighting (including measures to limit light spillage to the public any highway and to nearby residents),

The approved Management and Transport 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.

25. Before any construction commences a Scheme of Minimum Environmental Requirements for Construction (SMERFC) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall be

implemented in accordance with the SMERFC. The matters to be addressed in the SMERFC shall include the following:-

- (i) Considerate Contractors / Code of Construction Practice,
- (ii) a method statement for any piling or other noisy construction activities, or the installation of any large static construction equipment such as cranes.

Reason: To ensure that the impacts of construction on adjoining areas are minimised for the benefit of the local environment and the amenities of nearby residents.

26. Prior to the commencement of the development a detailed design for the provision of loading/unloading restrictions (Traffic Regulation Order) at the site frontage in a location and design to be agreed by the Local Planning Authority in consultation with Kent Highways and Transportation shall be submitted to and agreed in writing by the Local Planning Authority. Subject to the agreed design details obtaining formal approval from the Highway Authority no dwelling shall be occupied until the loading/unloading restrictions (Traffic Regulation Order) has been provided.

Reason: In the interests of Highway and pedestrian Safety.

### Bin and Cycle Storage

27. Full details of the size, materials, designs of the storage facilities for cycle and refuse shall be submitted to and approved in writing, before any dwelling is occupied, and shall be retained and maintained available for use by the occupiers of the premises thereafter.

All stores will need level access from Kings Avenue and may need to be ramped up to the entrances if necessary to facilitate easy movement of the cycles and bins. Doors need be wide enough and to open to allow ease of movement.

The bin store will need to be house at least 2 x 1100L bins and a 140L wheelie bin for food waste collection. The size and design of the cycle stores needs to be in accordance with Kent Highways standards.

Reason: To ensure the permanent retention of cycle parking in the interest of promoting sustainable modes of transport, and to secure storage for refuse and emptying in the interest of visual amenity.

28. 1m wide access routes from the access road to both cycle store entrance doors shall be provided before the development is occupied and shall thereafter be kept free from any form of obstruction at all times.

Reason: To ensure the permanent retention of cycle parking in the interest of promoting sustainable modes of transport.+

29. No development shall take place above foundation level until full details of the facilities to accommodate the storage of refuse on bin collection day has been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided prior to first occupation in accordance with the approved details and the facilities shall be retained and maintained thereafter and access thereto shall not be precluded.

Reason: To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

### Sustainability

30. Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

31. No dwelling shall be occupied, until it has been constructed and fitted out to ensure 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, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted 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

### Landscaping

32. Within 6 months of the commencement of construction works full details of both hard and soft landscape works on the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- hard surfacing materials;
- areas of planting
- minor artefacts and structures (e.g. furniture, play equipment),
- lighting
- proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc);

Thereafter these works shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

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

33. Within 6 months of the commencement of construction works the full details of soft landscape works required in condition **32** above shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a. planting plans;
- b. written specifications (including cultivation and other operations associated with plant and grass establishment);
- c. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- d. tree pits including root protection details
- e. an implementation programme.
- f. a landscape management plan

Thereafter these works shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.



Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area and to ensure its properly maintained in the interest of the amenity of the area.

All hard landscape works shall be carried out prior to the occupation of any part of the development and soft landscaping works shall be carried out within 6 months of the first occupation or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

### Protected Trees

34. Prior to the commencement of the development the protective fencing and geotextile membrane shall be erected around the protected tree root protection areas and in accordance with the BS5837:2012 before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to prevent damage to the trees on the site.

35. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction

- (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) Digging with machinery must be avoided within the Root Protection Area. Any digging that is unavoidable should be done by hand, No roots over 25mm diameter shall be cut. An arborist should be on site to ensure any root pruning that is unavoidable is done correctly.
- (e) No buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- (f) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- (g) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.
- (h) Access around the footprint of the building and within the Root Protection Area should only be permitted if a 100mm compressible layer of wood chippings, covered by 50mm thick boards is installed.
- (i) A temporary incursion into the RPA will be permitted for piling machinery only, with the machinery supported on boards over a 100mm layer of woodchip.
- (j) Construction techniques of the properties should seek to use pile and beam foundations unless otherwise agreed in writing with the local planning Authority

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan. It is not considered to be reasonable to use conditions as an alternative to Tree Preservation Orders to secure long-term protection of trees.)

36. No development shall take place until a schedule of tree surgery has been submitted to and approved in writing by the Local Planning Authority. The tree works should be specified with reference to BS: 3998 – Recommendations for

Tree Work. The tree works approved shall then only be carried out in accordance with the approved specification unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of tree preservation and amenity.

### Ecology

37. Prior to works commencing a detailed ecological survey and mitigation strategy for protected/notable species shall be submitted to the LPA for written approval. It must include the following information:

- Preliminary Ecological Appraisal;
- Recommended specific species surveys where necessary
- Overview of the mitigation required
- Detailed methodology to implement the mitigation
- Maps showing any off site receptor site – including agreement with landowner
- Timing of the proposed works
- On going monitoring

The mitigation must be implemented as detailed within the approved mitigation strategy.

**Reason** - To protect the existing population of any protected or notable species and to improve the habitat for such protected or notable species on the site.

### Drainage

38. Prior to the commencement of the development, details of surface water drainage works shall be submitted to and accepted in writing by the Local Planning Authority, these shall be designed in accordance with the principles of sustainable drainage & the Ashford Borough Council Sustainable Drainage SPD. The works shall be carried out and maintained in accordance with these details.

No development shall commence until plans and particulars of a sustainable drainage system for the disposal of the site's surface water has been submitted and accepted by the Local Planning Authority. It must be demonstrated that the surface water generated by this development can be accommodated and disposed of without an increase in on, or off-site flood risk. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at 2l/s (Small sites rate) without an increase to flood risk on or off-site.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type, frequency and responsibility for maintenance). The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

Reason - In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

39. No part of the buildings hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved in writing by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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

40. No part of the building hereby permitted shall be occupied (or within an agreed implementation schedule) until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority.

The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

41. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall then be carried out in strict accordance with the details approved and shall subsequently be maintained in accordance with these details.

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

### Land Contamination

42. The development hereby permitted shall not be begun until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency.

Following the satisfactory completion of a desk-top study identifying and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, the scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications based on the submitted desk top study.
- The requirements of the Local Planning Authority for site investigations have been fully established, and

- The extent and methodology have been agreed in writing with the Local Planning Authority.
- Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.
- A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person.
- No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.
- Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

Reason: To control pollution of land or water in the interests of the environment and public safety. Note: For further information and technical guidance regarding the requirements of this condition applicants should contact the Borough Council's Environmental Protection Team (01233 330227).

#### Reporting of Unexpected Contamination

43. 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 **33** (Land Contamination) and where remediation is necessary a remediation scheme must be prepared in accordance with requirements agreed in advance 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

#### Broadband

44. Prior to the first occupation, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the

installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

Reason: To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

## **Note to Applicant**

### **1 Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance .....

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required.

- add a brief statement as to how the applicant/ agent responded to our initial contact, and if appropriate, how we dealt with the case thereafter? ie. "...the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted/ the amended plans did not address all the outstanding issues, and permission was refused..."
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.

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

## **2 Public foul and surface (Southern Water)**

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) .

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) .

## **3 Highways**

**INFORMATIVE:** It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.



Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

## 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 17/01589/AS.

**Contact Officer:** Mark Chaplin  
**Email:** [mark.chaplin@ashford.gov.uk](mailto:mark.chaplin@ashford.gov.uk)  
**Telephone:** (01233) 330 240

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<b>Application Number</b>	18/00938/AS	
<b>Location</b>	East Stour Court	
<b>Grid Reference</b>	01798/42381	
<b>Parish Council</b>	None	
<b>Ward</b>	Stour (Ashford)	
<b>Application Description</b>	Demolition of existing sheltered housing and replacement with over 50s sheltered housing scheme comprising 24 no. 1 bed/ 2 person apartments 5 no. 2bed/3 person apartments, communal facilities and 17 no. parking spaces.	
<b>Applicant</b>	Mrs Sharon Williams, Head of Housing, Ashford Borough Council	
<b>Agent</b>	Mrs Elizabeth Mitchell, Development and Regeneration Officer, Ashford Borough Council	
<b>Site Area</b>	0.47ha	
(a) 79/1C	(b) -	(c) KCCH&T X KCC Heritage X KCC Drainage X PO X EP X Culture X

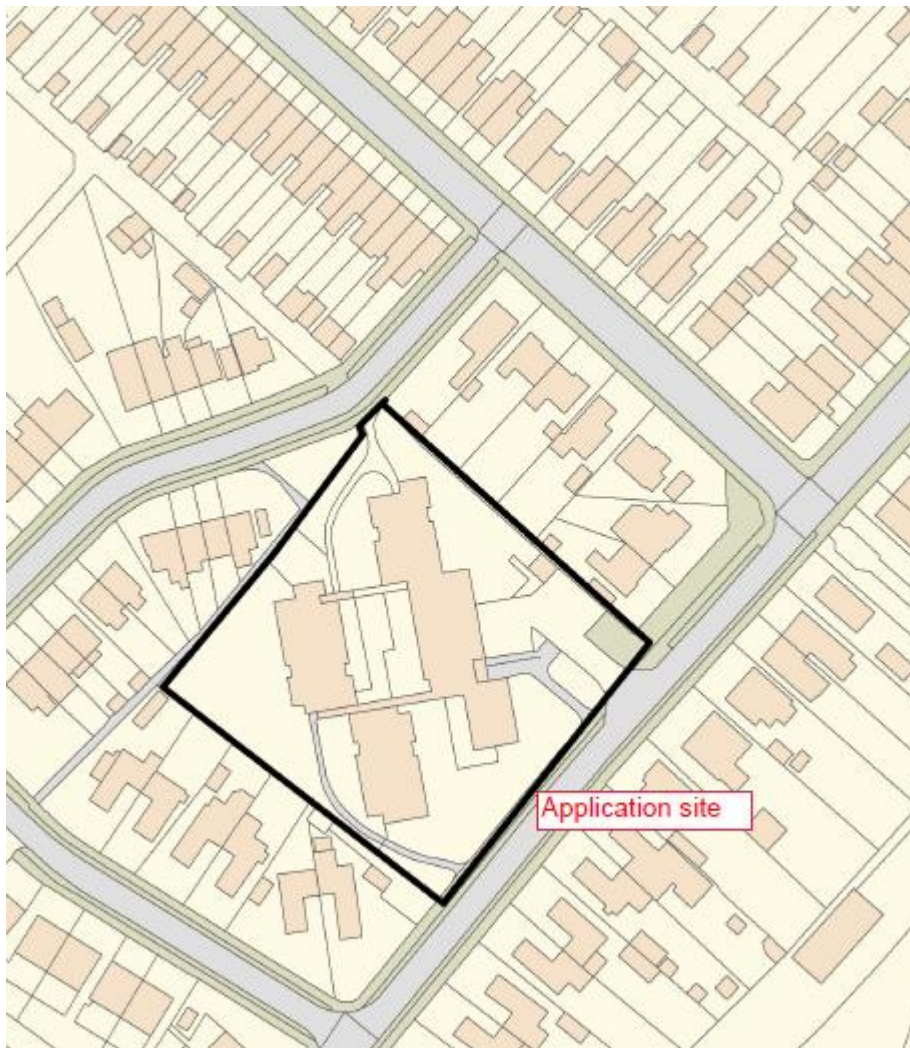
## Introduction

1. This application is reported to the Planning Committee because it is a Borough Council planning application.

## Site and Surroundings

2. The site is situated in the urban area of Ashford on Mabledon Avenue, a residential street of C20th housing development, including 2 storey housing and bungalows. The adjoining properties to either side of East Stour Court are semi-detached bungalows. Properties to the rear are mostly two storey with rear gardens that back onto the application site.

3. The existing buildings on the site are arranged as a number of two-storey linked blocks, surrounded by open space/parking areas. The buildings are of their time with little architectural merit.
4. The location of the site is shown in figure 1 below:



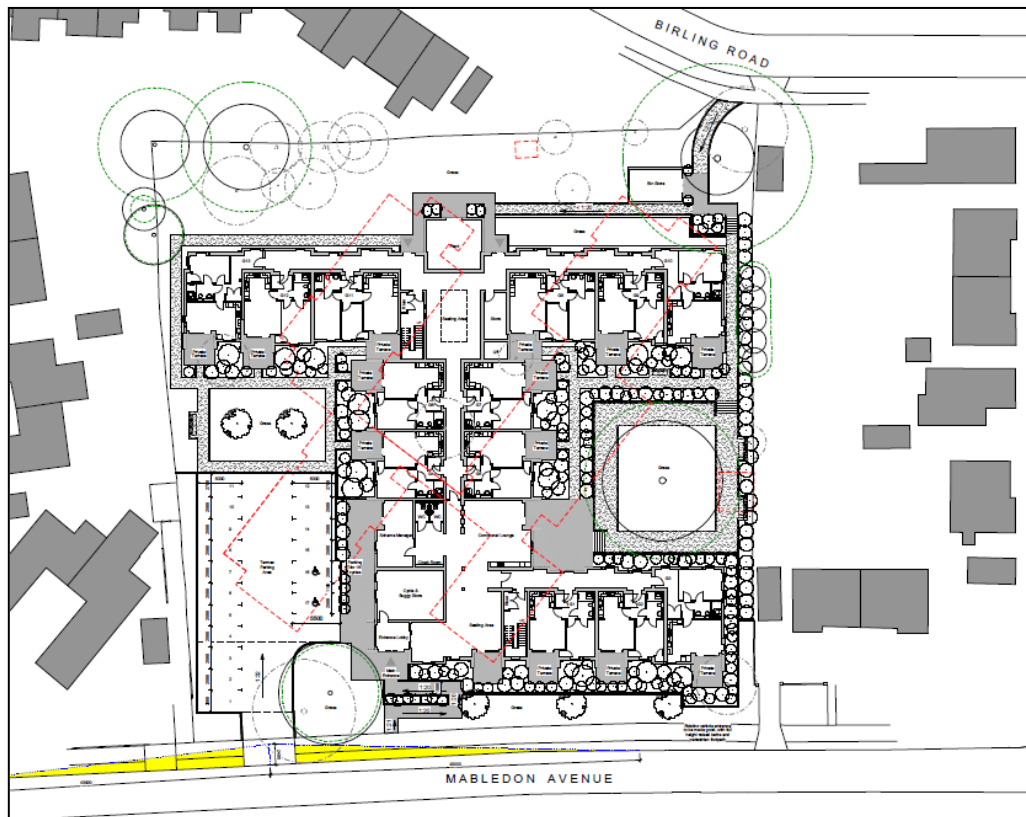
**Figure 1:** Site location plan

## Proposal

5. This proposal is for the re-provision of the 1970s sheltered housing scheme. It would involve the demolition of the existing buildings which comprise 43 flats and their replacement with a 24 x 1bed/2 person apartments and 5 x 2bed/3person apartments, communal facilities and 17 no. parking spaces.
6. The proposed building would have a roughly 'small t' shaped floor plan with traditional pitched roof form with contemporary detailing. The doors and windows (including the louvre doors to the bin store and plant room) would be

grey polyester powder coated aluminium. The pitched roof would be of artificial slate with red facing brickwork incorporating panels of textured brickwork and grey through-coloured render.

7. The ground floor site plan is shown in figure 2 below (the red dotted line denotes the original building footprint.)



**Figure 2:** Ground floor site plan

8. The south east elevation with Mabledon Avenue is shown in Figure 3 below:



**Figure 3:** SE Elevation onto Mabledon Avenue

9. Figure 4 below shows rendered elevations of the proposal from different standpoints.



**Figure 4:** Rendered elevations

10. The following supporting documents have been submitted with the application:

### Report on Inspection of Trees, Broad Oak Tree Consultants

This report identifies that most of the trees represent ongoing landscaping since the complex was built. The survey looked at 29 trees and small tree groups on or immediately adjacent to the site of which the majority were classed as 'C' grade trees; 3 as 'U' grade trees and the remaining 6 as 'B' grade. Three category 'C' trees were identified for significant tree works.

### Baseline Ecological Audit/Daytime bat assessment survey of land and buildings, Marsh Environmental

This document makes recommendations in respect of birds, bats and reptiles, concluding that providing these recommendations are taken into account then there are no obvious ecological counter indications to the proposed project.

### Soil Investigation, Leap Environmental Ltd

This report identifies a number of potential contamination sources on site associated with the former farm buildings and present day uses, not all of which were targeted by the current works eg. significant loose/soft gravel. The report identifies potential solution features, including the need for deep cable percussion boreholes to be excavated to provide information for piled foundation design. It also notes that works completed thus far have not recorded evidence of widespread or cross contamination. The need to install gas and ground water monitoring wells has been identified.

## **Planning History**

93/01268/AS Alterations to provide lift, lift shaft and plant APPROVED December 1993

## **Consultations**

**Ward Members:** No comments have been received.

**KCC Highways and Transportation:** No objection subject to a number of conditions.

**KCC Heritage:** No objection subject to a condition.

**Project Office:** No objection subject to the conditions recommended by KCC's Flood Risk Project Officer.

**Environmental Protection:** No objection subject to a number of conditions.

**Culture:** No objection subject to the submission of a hard and soft landscaping scheme.

**Neighbours:** 79/1X

A total of 79 neighbours were consulted, including the existing residents. One comment has been received from the occupier of the adjoining property pointing out that the existing outbuilding on the north eastern boundary forms part of the boundary wall with this property.

[HDM&SS Comment: Whilst this out building would be removed, it would be replaced by a new boundary treatment. An appropriate condition is proposed. ]

## 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, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.
12. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
13. On 13 September the Council commenced consultation on the main modifications to the draft plan.
14. The relevant policies from the Development Plan relating to this application are as follows:-



**Ashford Borough Local Plan 2000**

EN23 Sites of Archaeological Importance

HG5 Sites not on the proposals map

HG16 Protection of Existing Housing Stock

TP6 Cycle parking

EN31 Important habitats

**Local Development Framework Core Strategy 2008**

CS1 Guiding Principles

CS2 The Borough Wide Strategy

CS3 Ashford Town Centre

CS4 Ashford Urban Area

CS9 Design Quality

CS11 Biodiversity

CS12 Affordable Housing

CS13 Range of dwelling types and sizes

CS15 Transport

CS18 Meeting the Community's Needs

CS20 Sustainable Drainage

**Urban Sites Development Plan Document 2012**

U0 Presumption in favour of sustainable development

15. The following are also material considerations to the determination of this application.

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

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6 Promoting High Design Quality

HOU1 Affordable Housing

HOU3a Residential windfall development within settlements

HOU14 Accessibility Standards

HOU18 Providing a range and mix of dwelling types and sizes

ENV1 Biodiversity

ENV7 Water Efficiency

ENV8 Water Quality, Supply and Treatment

ENV9 Sustainable Drainage

ENV15 Archaeology

TRA3a Parking Standards for Residential Development

TRA6 Cycling

COM1 Meeting the Communities Needs

**Supplementary Planning Guidance/Documents**

Dark Skies SPD

Sustainable Drainage SPD

Residential Space and Layout SPD

SPG6

### **Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2018

16. 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:-
17. Paragraph 48 states in relation to the stages of preparing a Local Plan that:  
  
“Local planning authorities may give weight to relevant policies in emerging plans according to:  
  
a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  
  
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and  
  
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”
18. The following chapters of the NPPF are relevant to this application:-
  - Chapter 2 – Achieving sustainable development
  - Chapter 4 – Decision-making
  - Chapter 5 – delivering a sufficient supply of homes
  - Chapter 8 – Promoting healthy and safe communities

- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

## **Assessment**

### **Principle**

19. Policy CS1 sets out the key planning objectives for new development, including, amongst other things, healthy sustainable communities that put human health and well-being at their heart. Policy CS2 sets out the borough wide strategy for the provision of new dwellings and jobs across the borough. Policy CS18 seeks to meet the community's needs. Emerging policies SP1 and SP2 should be afforded significant weight these set out the strategic objectives and the strategic approach to housing delivery.
20. The NPPF also encourages the effective use of land by re-using previously developed land.
21. Amongst other things, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that the needs of groups with specific housing requirements are addressed. The NPPF is clear that LPA's should plan for housing needs, which would include older persons. In addition Ashford has a need for further accommodation for elderly people. The Housing Framework 2013-2018 identifies the proportion of older people in the population is increasing naturally and that there is an ongoing need for supported housing across all vulnerable client groups. It sets out to deliver new homes and regenerate older people's accommodation as part of the priorities for the borough.
22. Saved policy HG16 of the Local Plan states that the Council will refuse proposals for the loss of existing residential accommodation unless the existing building or its location are unsuited to continued residential use. Within this in mind, the existing units are small and do not currently meet certain standards and guidelines required for older person accommodation.

23. This proposal is for the demolition of the existing 43 flat sheltered housing scheme and its replacement with a new 29 flat sheltered housing scheme, the aim being to provide better quality 1 and 2 bed specialist housing which is more suited to the needs of the growing community of over 50s. The benefits include: to the residents' health and wellbeing, and to the wider community through the freeing up of larger family accommodation;
24. It would allow Ashford Borough Council to improve its specialist housing stock for older people. It follows the same core design principles established at Farrow Court in Ashford and Danemore in Tenterden, including:
- Care ready apartments offering the tenant the ability to live independently on their terms;
  - Apartments with their own kitchen, bedroom, lounge and front door, so residents can come and go as they please;
  - Doors, hallways and living space designed to accommodate someone who is, or may become, wheelchair dependent;
  - The ability for the care to come to them and be provided in their own home;
  - Communal facilities which are welcoming, with large windows and clear sight lines to help people see what is going on and encourage them to join in;
  - A deliberately non-institutional feel
  - Private outdoor space for every apartment and carefully designed secure communal garden
  - A scheme manager to make regular checks on tenants and liaise with other agencies on the tenants' behalf and play a key role in sustain their independence.
25. The site is located within Ashford Urban Area within easy reach of bus stops, shops and other facilities and the scheme proposes on site communal facilities for residents.
26. The detail is considered further below, however the principle of the improved sheltered housing scheme on the site is in accordance with the adopted development plan, the objectives of the NPPF and is therefore, acceptable in principle

## **Visual Amenity**

27. Policy CS9 seeks to achieve a high quality of design in new development. This is taken forward in emerging Policy SP6. The NPPF considers high quality design to be an integral part of good planning.
28. The proposal is described in detail in the preceding paragraphs.
29. The proposed design has taken its design cues from its 'big sister' development at Farrow Court. The development seeks to make efficient use of the site and introduces a contemporary development whilst still remaining sympathetic to its location. It would have a traditional pitch roof form and would be two storey in height which fits in with the surrounding development in Mabledon Avenue. It would be constructed from a quality materials palette, including red brick and grey through-coloured render to elevations; an artificial slate pitched roof and grey power coated Aluminium windows.
30. The layout of development allows for an attractive and varied frontage to the street. It also encloses outdoor space to the rear to create private courts for residents. Sufficient space would be retained within the site to provide landscaping which would also enhance the visual appearance of the site.
31. Overall the proposed development would provide a high quality of design and would not result in harm to the visual amenity of the area. The proposal is in accordance with local and national planning policy as a result.

## **Residential Amenity**

32. The NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
33. Whilst the proposed development has a different footprint to the existing one, it is an overlapping footprint where the development would largely have a neutral effect on the surrounding properties to the existing building. Part of the south west elevation of the proposed building extends towards the rear of properties at 71 and 73 Birling Road, however the building scales down to 1 storey at this corner to reduce its impact. Parts of the north east elevation extend closer to properties in Mabledon Avenue and Linden Road. (These parts are characterised by small windows.no balconies.) However, this is a side-on-side relationship in the case of the former and the properties in Linden Avenue have longed rear gardens. I therefore consider that the impacts would not be significant and have been considered in the poisoning of the building and its elevational treatment.

34. The parking area would be re-located adjacent to the boundary with no. 39 Mabledon Avenue, however given the relatively limited number of vehicles movements associated with this nature of use, it is not considered this would result in an adverse noise impact.
35. As such, there would be no adverse impact upon the neighbouring residents by reason of form, outlook, loss of light/overshadowing or any impacts upon privacy.
36. The proposed development meets the Nationally Described Space Standards for internal space and the Council's space standards in respect of external amenity space. As such the residential amenity of future residents would not be adversely affected.

### **Parking and Circulation**

37. Policy CS15 requires amongst other things that development proposals show how all highway, public transport, walking and cycle needs arising from the development will be satisfied. SPG6 sets out KCC Highways requirement in respect of parking for such developments.
38. This proposal involves the creation of a new access and the stopping up of an existing one. KCC Highways raises no objections subject to a number of conditions.
39. KCC Highways is satisfied that the proposed parking provision is in accordance with Kent Parking Standards for sheltered housing. It comments that as there are no resident wardens, no car parking is required for staff. A total of 15 spaces are therefore required – 17 spaces are provided – slightly in excess of the requirement.
40. The proposal makes provision for cycle parking on the submitted plans, but further details are required. A condition is proposed to address this.
41. The local highway authority raise no objections to the scheme subject to a number of conditions and on this basis I consider the proposal to be acceptable in this respect.

### **Sustainable Urban Drainage**

42. Policy CS20 requires all new development to include appropriate sustainable drainage systems in order to avoid any increase in flood risk or adverse impact on water quality. Any SUDs scheme should be compliant with the Council's Sustainable Drainage SPD with its emphasis on above grounds SUDS. This is taken forward into the emerging plan under Policy ENV9.

43. The Council's Drainage Officer has reviewed the scheme in conjunction with comments from KCC's Flood Risk Project Officer, in their capacity as Lead Local Flood Authority. Given the constraints of the site, the outline principles of the surface water management solutions proposed are considered to be an acceptable policy compliant solution. As per KCC comments, whilst the use of the pump is considered a less sustainable method of discharging surface water, due to the current site layout and levels of the site, the use of a pump is considered an appropriate solution. Given the reduced surface water loadings on the local surface water infrastructure network it is considered to more than off-set any detriment caused by the use of a pumped system. As such the Council's Project Officer raises no objection subject to the conditions provided by KCCs Flood Risk Project officer. On this basis, I raise no objections to the proposal on these grounds.

### **Affordable Housing**

44. All the proposed units would be affordable. Core Strategy Policy CS12 seeks 35% affordable housing; this would be exceeded by the proposed development. All units would be age restricted with the minimum age cut off point being 50.

### **Other matters**

45. Policy EN23 seeks to protect areas of archaeological importance. Emerging Policy ENV15 requires that planning applications on sites where there is a known potential for archaeological remains should include an appropriate desk based assessment of the asset.
46. A large portion of the site falls within an area of archaeological potential on the site of East Stour Farm, a historic farm complex identifiable on the 1<sup>st</sup> Ed OS map. Some of the historic farm complex is still identifiable on 1946 aerial photographs but the current development is visible by the 1990s. However, remains associated with the original post medieval or earlier farm may survive on site. KCC Heritage has recommend a condition.

### **Whether planning obligations are necessary**

47. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms
  - (b) directly related to the development, and



(c) fairly and reasonably related in scale and kind to the development.

48. I recommend the planning obligations in Table 1 be required should committee resolve to grant permission. The site provides affordable accommodation for the over 50s for which there is a growing need not only within the Borough but nationally. Redeveloping the site for market housing would undermine the supply of this type of accommodation and would be contrary to the aims of the NPPF, development plan and be unsustainable. As there is no net increase in the number of units on the site then there are no other contributions that would apply to this scheme. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

### **Heads of Terms for Section 106 Agreement/Undertaking**

	<b>Planning Obligation</b>			<b>Reg 122 Assessment</b>
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point</b>	
1	<p><b>Specialist Affordable Housing</b></p> <p>The flats shall only be occupied by people aged 50 years or older and the flats shall remain affordable in perpetuity. The flats shall be let at rents that are below market. The flats shall be constructed to such standards and other particulars as the Council specifies. The flats shall be managed by a registered provider of social housing or other body approved by the Council.</p>	None	None	<p><b>Necessary</b> as the site currently provides sheltered affordable accommodation. There is a clear and demonstrable need for the provision of such accommodation to address a current under provision and the loss of the site for such accommodation would significantly harm such provision in the locality.</p> <p><b>Directly related</b> as the scheme proposes redevelopment of existing sheltered housing provision for the over 50s for the same tenure.</p> <p><b>Fairly and reasonably related in scale and kind</b> as there is no intention for</p>

Planning Obligation			Reg 122 Assessment
Detail	Amount(s)	Trigger Point	
			persons under the age of 50 and in need of affordable accommodation to live in the units
<p><b>Notices</b> will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be <b>index linked</b> as set out on the council web site in order to ensure the value is not reduced over time. The <b>costs</b> and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>			

## Human Rights Issues

49. 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

50. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

51. This proposal accords with the development plan as a whole. It would allow for the re-provision of a 1970s sheltered housing scheme with specialist affordable housing for the over 50s which would substantially improve the

Council's housing stock for older people. The proposed development would have an attractive design which enhances its environment. It would not be unacceptably over bearing or raise problems of overlooking with neighbouring properties. KCC Highways are satisfied with the new access arrangements and parking provision. The SUDs proposals are considered an acceptable solution given the sites constraints and an appropriate condition is proposed to address the archaeological potential of the site. I am therefore of the opinion that the proposal meets local and national planning policy and represents a sustainable development of the site.

## Recommendation

**(A) Subject to the applicant first entering into a section 106 agreement in respect of planning obligations as detailed in table 1, in terms agreeable the Development Control Manager or the Head of Development Strategic Sites and Design in consultation with the Director of Corporate Services, with delegated authority to either the Head of Development Strategic Sites and Design or the Development Control Manager to make or approve minor changes to the planning obligation and planning 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. 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.

3. No development above foundation level shall be carried out on the land until written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved external materials.

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

4. Before any works above foundation level are carried out the following details (typically at 1:20 or 1:50 scale) 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) Eaves and ridge to roofs, decorative brick work, railings to balconies

(b) Window and door reveals

(c) Mechanical ventilation or flues to be installed including location, dimensions, colour and material

(d) Rainwater goods

(e) Dwarf walls with railings

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

5. Before any development above foundation level details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority.. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

6. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

7. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the principles within the Surface Water Management Strategy by Herrington Consulting Limited (August 2018). The drainage scheme shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

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

8. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and its key components
  - A general arrangement plan with the location of drainage measures and critical features clearly marked
  - An approximate timetable for the implementation of the drainage system
  - Details of the future maintenance requirements of each drainage or SUDs component, and the frequency of such inspections and maintenance activities
  - Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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

9. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.

a, No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 *Recommendations for Tree Work*).

b, If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

**Reason:** Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

10. No development shall take place above foundation level until a hard and soft landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved landscaping 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.

11. Prior to development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

a) Provision and turning areas for construction and delivery vehicles and site personnel;

b) Provision of wheel washing facilities;

c) Hours of construction (0800 -1800 Monday to Friday and 800-1300 Saturday only with no noisy works on Sundays or Bank/Public Holidays)

d) Details of dust minimisation (refer to IAQM guidance on controlling dust on construction sites)

The development shall then be implemented in accordance with the approved plan.

**Reason:** In the interests of highway safety and the amenities of neighbouring residents

12. The area shown on drawing number ESC01-002 Rev A as vehicle parking spaces shall be provided, before the use is commenced, 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 or in such a position as to preclude vehicular access to this reserved parking space.

**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

13. The first 5 m of the access drive from the edge of the public highway shall be constructed of a bound gravel.

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

14. Prior to the first occupation of the building, measures shall be introduced to prevent the discharge of surface water onto the public highway.

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

15. Prior to the use of the site commencing details of the covered cycle parking facilities shall be submitted to an approved in writing by the Local Planning Authority. The approved facilities shall be completed prior to occupation of the development and shall thereafter be retained.

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

16. No development shall take place above foundation level until full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling has been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the first occupation of any of the dwellings hereby approved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re-enacting that Order, the approved facilities shall be retained and maintained and access thereto shall not be precluded.

**Reason:** To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

17. Prior to the use of the site commencing, the access shown on plan ESC01-02 Rev A shall be provided and permanently maintained.

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

18. Prior to the use of the site commencing, the visibility splays shown on plan EC01-002 Rev A shall be provided and maintained with no access obstruction over 0.6m above carriageway level within the splays.

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

19. Prior to the use of the site commencing the existing access shall be closed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

20. None of the dwellings shall be occupied until the sewage disposal works have been completed in accordance with plans submitted to and approved in writing by the local planning authority.

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

21. Prior to the first occupation, at least one designated parking space shall be provided with an electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.



**Reason:** To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

22. Prior to the first occupation of the premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

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

23. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of amenity of adjoining residents.

24. The development hereby permitted shall not be begun until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desk-top study is commenced and it shall conform to any such requirement. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.
- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:

- i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.
  - ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
  - iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.
- A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

For further information and technical guidance regarding the requirements of this condition applicants should contact the Borough Council's Environmental Protection Team on (01233 331111).

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).

25. 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**

##### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- the application was acceptable as submitted and no further assistance was required.
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.

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

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3. It is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

## Background Papers

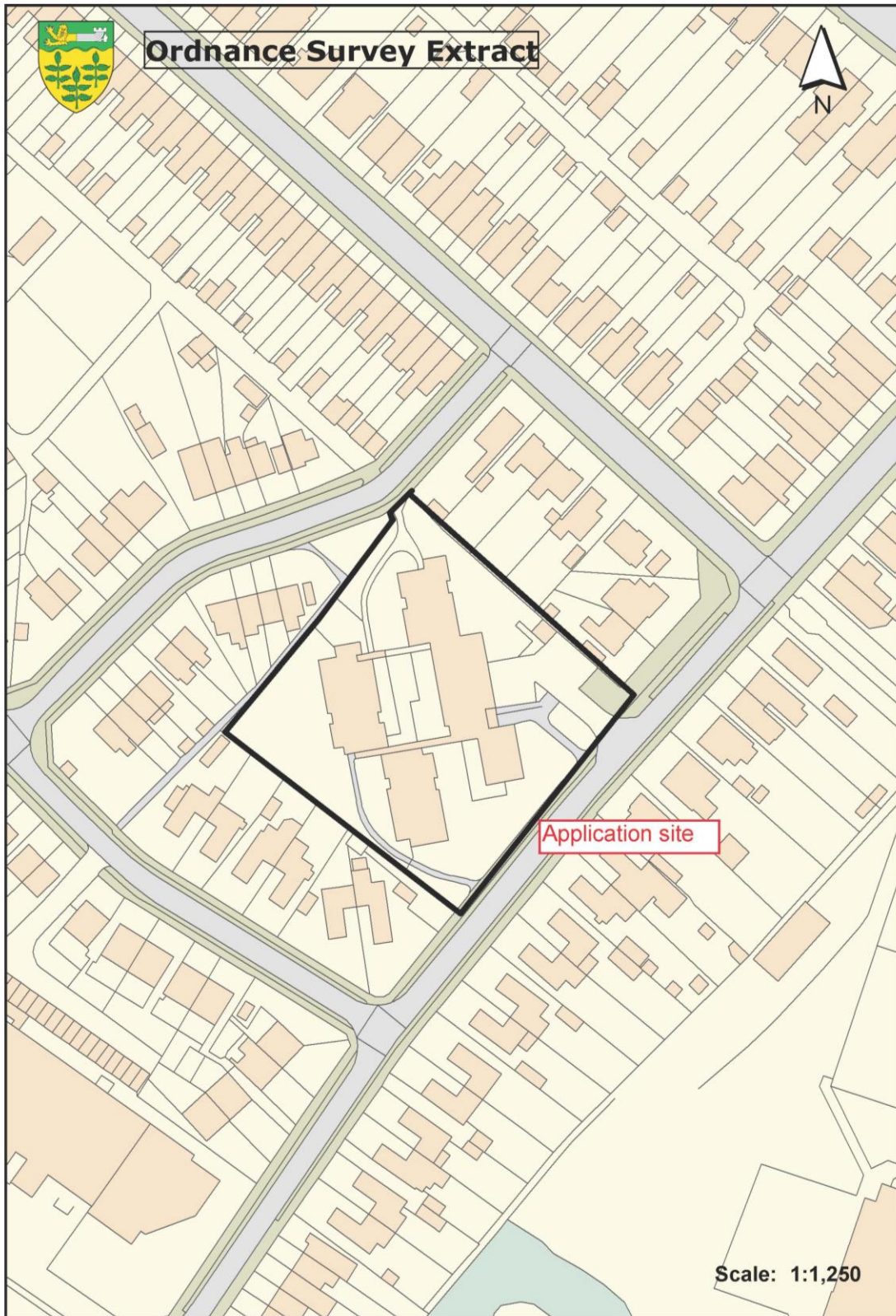
All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00938/AS.

**Contact Officer:** Katy Magnall

**Telephone:** (01233) 330259

**Email:** [katy.magnall@ashford.gov.uk](mailto:katy.magnall@ashford.gov.uk)

Annex 1



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<b>Application Number</b>	18/01022/AS	
<b>Location</b>	42 Knatchbull Way, Brabourne, Ashford, Kent, TN25 6PY	
<b>Grid Reference</b>	08380/42093	
<b>Parish Council</b>	Brabourne	
<b>Ward</b>	Saxon Shore	
<b>Application Description</b>	Single storey rear extension and addition of pitched roof to existing side extension	
<b>Applicant</b>	Mr & Mrs M Hollingsbee, 42 Knatchbull Way, Brabourne, Ashford, Kent TN25 6PY	
<b>Agent</b>	A J Scott	
<b>Site Area</b>	0.03 ha	
(a) 7/-	(b) X	(c) -

## Introduction

1. This application is reported to the Planning Committee because the applicant is a member of staff.

## Site and Surroundings

2. The application site comprises a two storey semi-detached property within Brabourne. The prevailing character of the street scene is one of near identical properties in terms of size and scale. The property currently benefits from a uPVC conservatory to the rear (to be removed) and a flat roof garage to the side. Parking is available for two-three vehicles on the driveway.
3. A site location plan is attached as an annexe to the report.

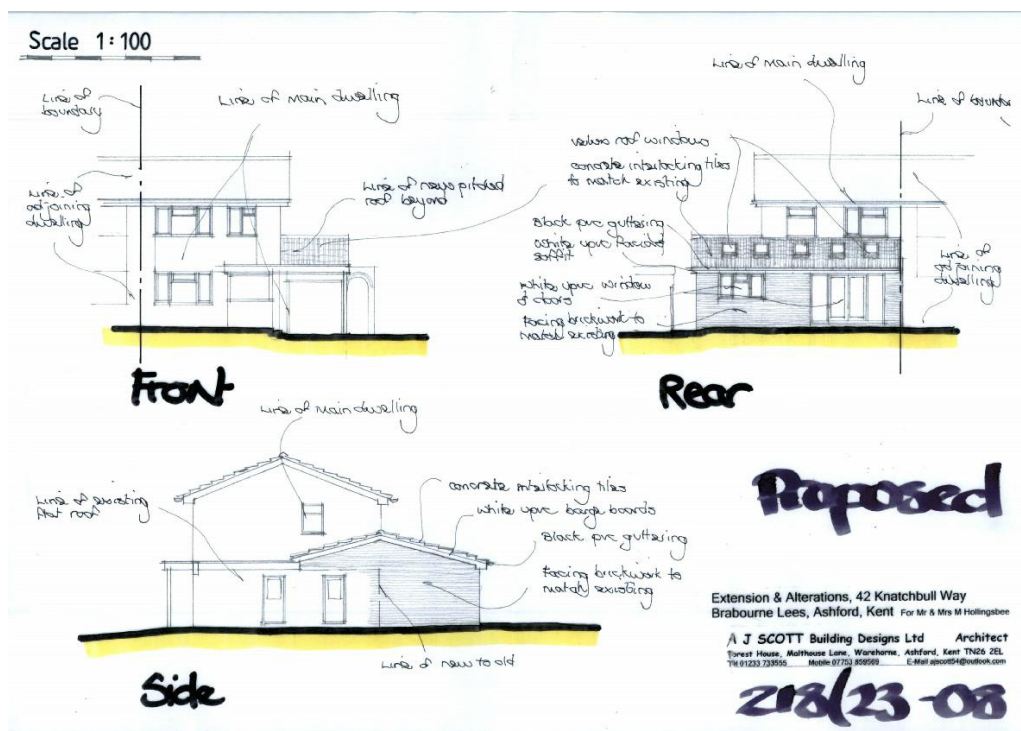
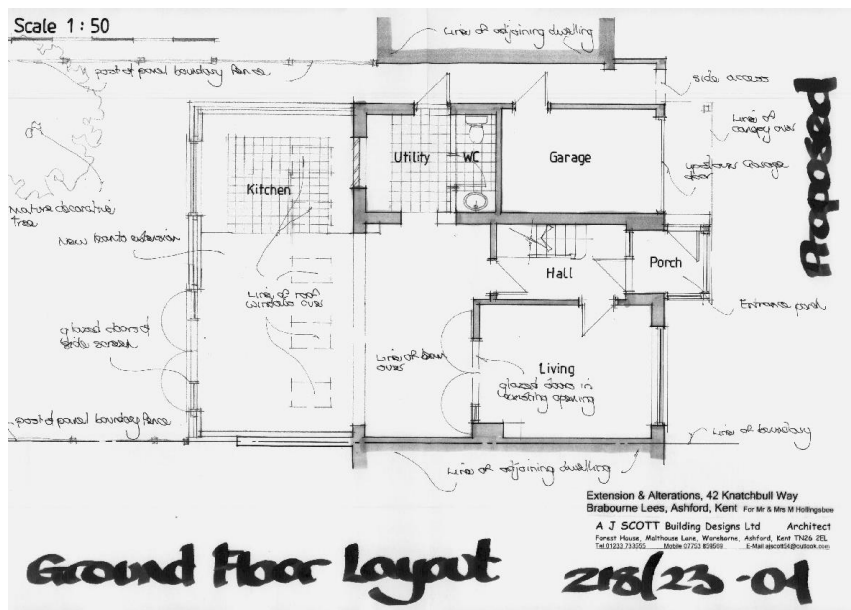


Figure 1 - Site location plan



## Proposal

4. Full planning permission is sought for the erection of a single storey rear extension and the addition of a pitched roof to the existing side extension. Materials are to match the existing house as shown below.



## Planning History

There is no recent relevant planning history

## Consultations

**Ward Members:** Are not members of the planning committee. No representation received at time of writing this report

**Brabourne Parish Council:** No objection

**Neighbours:** 7 neighbours consulted; no representations received at time of writing

## Planning Policy

5. 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.
6. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.
7. On 13 September the Council commenced consultation on the main modifications to the draft plan.
8. The relevant policies from the Development Plan relating to this application are as follows:-

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

CS1 Guiding Principles for Sustainable Development and High Quality Design

CS9 Design Quality

9. The following are also material considerations to the determination of this application.

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

SP1 Strategic Objectives

SP6 Promoting High Quality Design

ENV3a Landscape Character & Design

HOU8 Residential Extensions

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

SPG10 Domestic Extensions in Urban and Rural Areas

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2018

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:-
11. Paragraph 48 states in relation to the stages of preparing a Local Plan that:
- “Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

Paragraph 127 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

## Assessment

12. The main issues for consideration are:

- Visual Amenity
- Residential Amenity

### Visual amenity

13. The existing property is set well back from the road and the existing rear extensions are not visible in the public domain. The proposal for the demolition of the existing rear conservatory and erection of single storey extension will not result in an unduly overbearing development, nor would it detract from the wider street scene. A small pitched roof would become visible to the side of the existing house (above the utility room) but this is modest in scale and proportion and would appear subservient to the main dwelling. The use of matching materials is also appropriate. The introduction of a mono

pitched roof to the rear and a pitched roof to the site would improve the existing visual appearance of the dwelling and I am therefore satisfied that there would be no harm to visual amenity..

### **Residential amenity**

14. Regarding the potential impact of the development on the adjoining property, given the East/West relationship. The ground floor depth of the existing rear extension would increase by 1m. However, it would remain single storey in nature and whilst marginally deeper, an existing high wall would be removed and my assessment includes the fact that there is also an existing 2.0m closeboard fence. I am satisfied that there would be no adverse impact on light or privacy afforded to the adjacent occupiers, given the existing situation. To the East, I am satisfied that there is sufficient separation distance to ensure that there would be no loss of light or overbearing impact. This is also helped by the 45 degree separation angle between the two properties, and presence of a side and rear garden for the dwelling to the East. On balance, therefore, I consider that the proposal would not result in a harmful impact on the level of residential amenity currently afforded to adjacent occupiers.

### **Human Rights Issues**

15. 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**

16. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

### **Conclusion**

17. The objective of the development is to replace the existing single storey structure with a more uniform pitched roof extension that would be more visually appealing.

18. For the reasons above, I therefore recommend that the application is approved as it accords with the relevant Development Plan policies and there are no overriding material considerations to suggest otherwise.

## 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. 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.

3. 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.

4. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

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

## **Note to Applicant**

### **1. Working with the Applicant**

#### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

## **Background Papers**

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**Contact Officer:** Simon McKay

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**Email:** [Simon.McKay@ashford.gov.uk](mailto:Simon.McKay@ashford.gov.uk)

Annex 1



OS MasterMap 1250/2500/10000 scale  
Friday, June 8, 2018, ID: MDP-00718415  
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