



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Wednesday, 12th October, 2022 at 7.00 pm.

The Members of the Planning Committee are:-

Councillor Burgess (Chairman)
Councillor Blanford (Vice-Chairman)

Cllrs. Bell (ex-Officio, non-voting), Campkin, Chilton, Forest, Harman, Howard, Iliffe,
Meaden, Mulholland, Ovenden, Shorter, Spain and Sparks

If any member of the public, Councillor or organisation wishes to submit any written, pictorial or diagrammatic material to the Planning Committee relating to any item 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, **before 3.00 pm on the second working day before the Meeting** so that it can be included or summarised in the Update Report at the Meeting, in the interests of transparency and fairness. Otherwise, the material cannot be made available to the Committee. Material should be submitted as above at the earliest opportunity and you should check that it has been received.

IMPORTANT INFORMATION FOR THE PUBLIC ABOUT THIS MEETING

This is a public meeting and the Council encourages everyone to take advantage of the opportunity to watch and listen to the proceedings at the Meeting via a weblink, which will be publicised on the Council's website at www.ashford.gov.uk about 24 hours before the Meeting.

Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure
Rule 1.2(c) 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. **Public Participation** 3 - 4

See Agenda Item 3 for details.

4. **Officers' Deferral/Withdrawal of Reports**

5. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 14th September 2022.

Minutes to follow.

6. **Schedule of Applications**

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".

(a) **22/01011/AS - Ashford Fire Station, Henwood, Ashford, Kent, TN24 8YF** 5 - 32

Partial remodelling and upgrading of existing fire station including demolition of existing live fire training building and construction of new live fire training building, support building, reconfiguration of Road Traffic Collision (RTC) training area and vehicle storage, minor amendments to existing fire station building, creation of secondary access off Henwood, provision of additional parking to front and side of existing building, erection of fence and gates to rear access road, erection of acoustic fence along and retaining wall and ancillary works.

(b) **22/00839/AS - 1 Grove House, The Grove, Pluckley, Ashford, Kent, TN27 0RR** 33 - 48

Proposed detached dwelling and associated garaging on existing residential classified land

(c) **22/00722/AS - 85 Kilndown Close, Stanhope, Ashford, Kent, TN23 5SU** 49 - 60

Change of use of doctor's surgery to one residential dwelling and first floor extension.

Note for each Application:

- (a) Private representations (number of consultation letters sent/number of representations received)
- (b) The Parish/Town/Community Council's views
- (c) The views of 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.

DS

3 October 2022

Queries concerning this agenda? Please contact Margaret Hill 01233 330564 Email: margaret.hill@ashford.gov.uk

Agendas, Reports and Minutes are available on: 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 Dispensation has been granted in advance, to speak and/or vote).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct 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 Dispensation has been granted in advance, to participate in discussion and/or vote). 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 or good governance reasons, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, 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: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, OR having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias (similar to that arising when a Member has made his/her views known in advance of the meeting), and require the Member to take no part in any motion or vote.

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
- (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 alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If in doubt about any matters that they may need to declare, Members should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer, the Deputy

Monitoring Officer, or other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

Agenda Item 3

Summary of the Scheme of Public Participation for Planning Committee Meetings

1. **Written notice of a wish to speak at the meeting** (by means of either procedure below) **must be given, either to membersservices@ashford.gov.uk or on the Council's website at <https://secure.ashford.gov.uk/committeesystem/haveyoursay.aspx>, by 15:00 hours on the second working day before the meeting.**

Hence, for example, for meetings of the Planning Committee on Wednesdays:-

- (i) If there is no Bank Holiday on the Monday preceding the meeting, written notice must be given by 15:00 hours on the Monday.
- (ii) If there is a Bank Holiday on the Monday preceding the meeting, written notice must be given by 15:00 hours on the preceding Friday.
- (iii) If the meeting immediately follows the Easter Weekend, written notice must be given by 15:00 hours on Maundy Thursday.

2. Registering to speak at the meeting confers the right to either make a speech in **person or submit a speech to be read on your behalf by a Council Officer, as follows:**

- (i) on a first-come, first-served basis, **one speech in support of**, and **one speech against**, an item for decision, or
- (ii) as a duly-authorised representative of the Parish Council¹ or Community Forum affected by an item for decision.

3. Those who have registered to speak and wish a Council Officer to read their speech on their behalf must submit a copy of the speech to membersservices@ashford.gov.uk by 10.00 hours on the day of the meeting. The speech must be no longer than 400 words, and must be in English and in a 12-point non-italic sans-serif font (e.g. Arial); any text above 400 words will not be read out. No speech should contain personal data about individuals, other than the speaker's name and (if relevant) postal address. Late or incorrectly-presented copies of speeches cannot be accepted, but any registered speakers who do not submit their speeches as above may speak in person at the meeting as set out below

4. At the meeting:-

(i) Speakers who are **present in person** may speak to the meeting for a **maximum of 3 minutes** when called to do so. No speech should contain personal data about individuals, other than the speaker's name and (if relevant) postal address. Please note there is no ability to present any material such as photographs or diagrams at the meeting.

(ii) If speakers are **not present in person**, but had previously submitted speeches as above, their submitted speeches will be read to the meeting by a competent

¹ The term "Parish Council" includes Town Councils and Community Councils.

Officer for and on behalf of the speakers, at the normal times and in the normal order (subject to the Chairman's normal discretion).

IMPORTANT:

An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements.

If any defamation, insult, personal or confidential information, etc. is contained in any speech received from any speaker, and/or is read to the meeting by an Officer, each speaker accepts by submitting the speech to be fully responsible for all consequences, thereof and to indemnify the Officer and the Council accordingly.

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 12 October 2022

Application Number	22/01011/AS
Location	Ashford Fire Station, Henwood, Ashford, Kent, TN24 8YF
Grid Reference	601683 /142889
Parish Council	Central Ashford
Ward	Furley
Application Description	Partial remodelling and upgrading of existing fire station including demolition of existing live fire training building and construction of new live fire training building, support building, reconfiguration of Road Traffic Collision (RTC) training area and vehicle storage, minor amendments to existing fire station building, creation of secondary access off Henwood, provision of additional parking to front and side of existing building, erection of fence and gates to rear access road, erection of acoustic fence along and retaining wall and ancillary works.
Applicant	Kent and Medway Towns Fire Authority
Agent	DHA Planning Ltd
Site Area	0.6 hectare

Introduction

1. This application is reported to the Planning Committee at the request of Ward Member - Councillor Buchanan.

Site and Surroundings

2. The site lies within the Henwood Industrial Estate, close to its entrance adjacent to the Hythe Road A292 roundabout. It measures approximately 0.6 hectare and comprises a functioning fire station with on-call function, a live fire training building and drill tower, training area, engineering workshop and vehicle parking.
3. The site is bound to the east by a surface pay and display car park for use by the general public. The car park is the subject of a planning application under reference 22/00249/AS for the **Erection of 23 no. Residential dwellings for short-stay accommodation with associated access, parking,**

landscaping and amenity space. The Planning Committee considered the proposal at its meeting on 17 August 2022 and resolved to grant permission.



Figure 1 - Ashford Fire Station – Application Site with red boundary in context

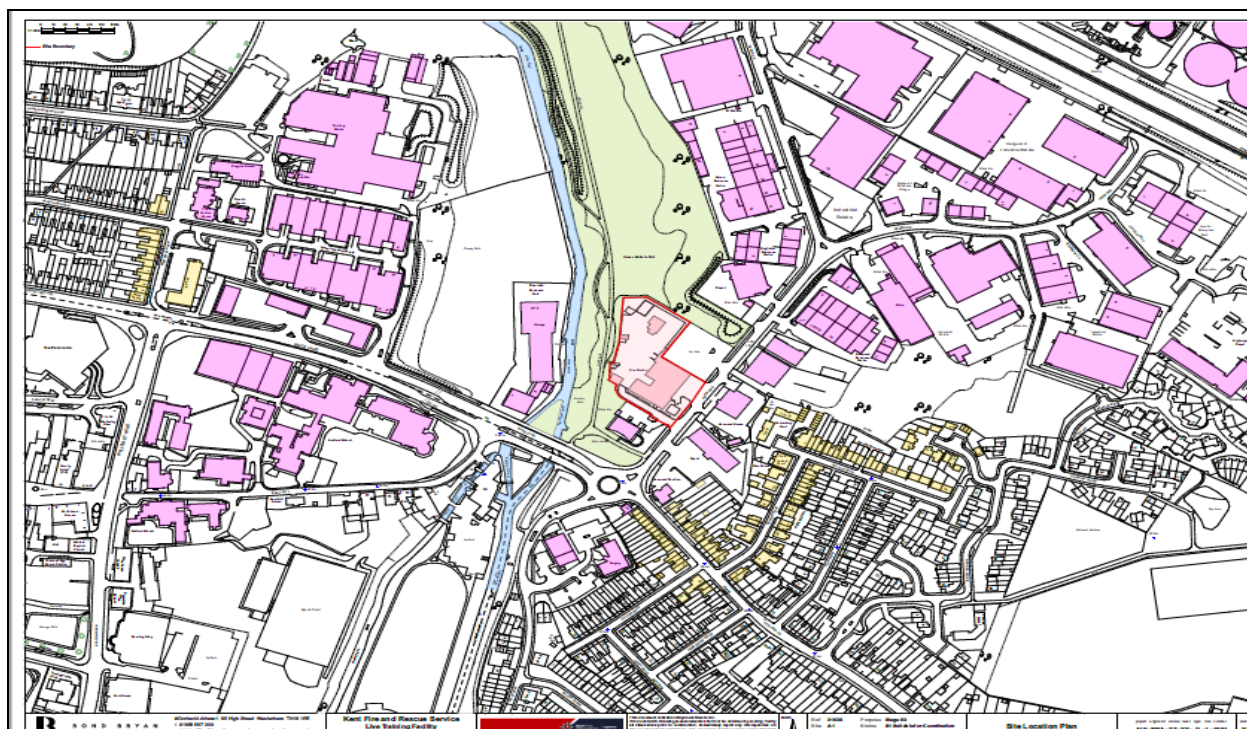


Figure 2 – The Application Site in its wider context

4. To the immediate west of the site is a defined pedestrian and cycle route which are within a designated Green Corridor in the Local Plan. Beyond these is a car sales building and forecourt. To the south-west is a two-storey office building and car park, and further east and southeast on the opposite side of Henwood Drive is Henwood House, a two-storey office building, and a car repair garage and forecourt. The site is part of site allocation S23 (Henwood Industrial Estate) in the adopted Local Plan and within Flood Zones 2 and 3.



Figure 3 - Existing Building



Figure 4 - Existing Training Tower



Figure 5 - The Existing Building - Viewed across the rear yard facing south-east

5. Henwood Industrial Estate comprises a range of commercial uses and a number of leisure uses occupying former industrial units. The site is reasonably self-contained and also bounded to the west by the Great Stour River and to the north by the M20. The nearest existing residential development is Canterbury Court on Wallis Road, approximately 80 metres from the application site and on the other side of Henwood Road. The site lies within the East Stour Catchment.

The Proposal

6. The proposal seeks approval for a partial redevelopment scheme comprising the demolition of the existing training complex, to allow for the construction of a new training facility. The proposed training facility offers live fire training, high rise training and ladder training and would provide versatility to offer multiple training opportunities. The training facility comprises a tower building (18 metres at its highest point) and ancillary detached 2-storey support building that would be used for debrief sessions and welfare. The new training facility is designed to incorporate a robust scrubbing system and smoke extraction giving a 'clean burn' and lowering the environmental impact.

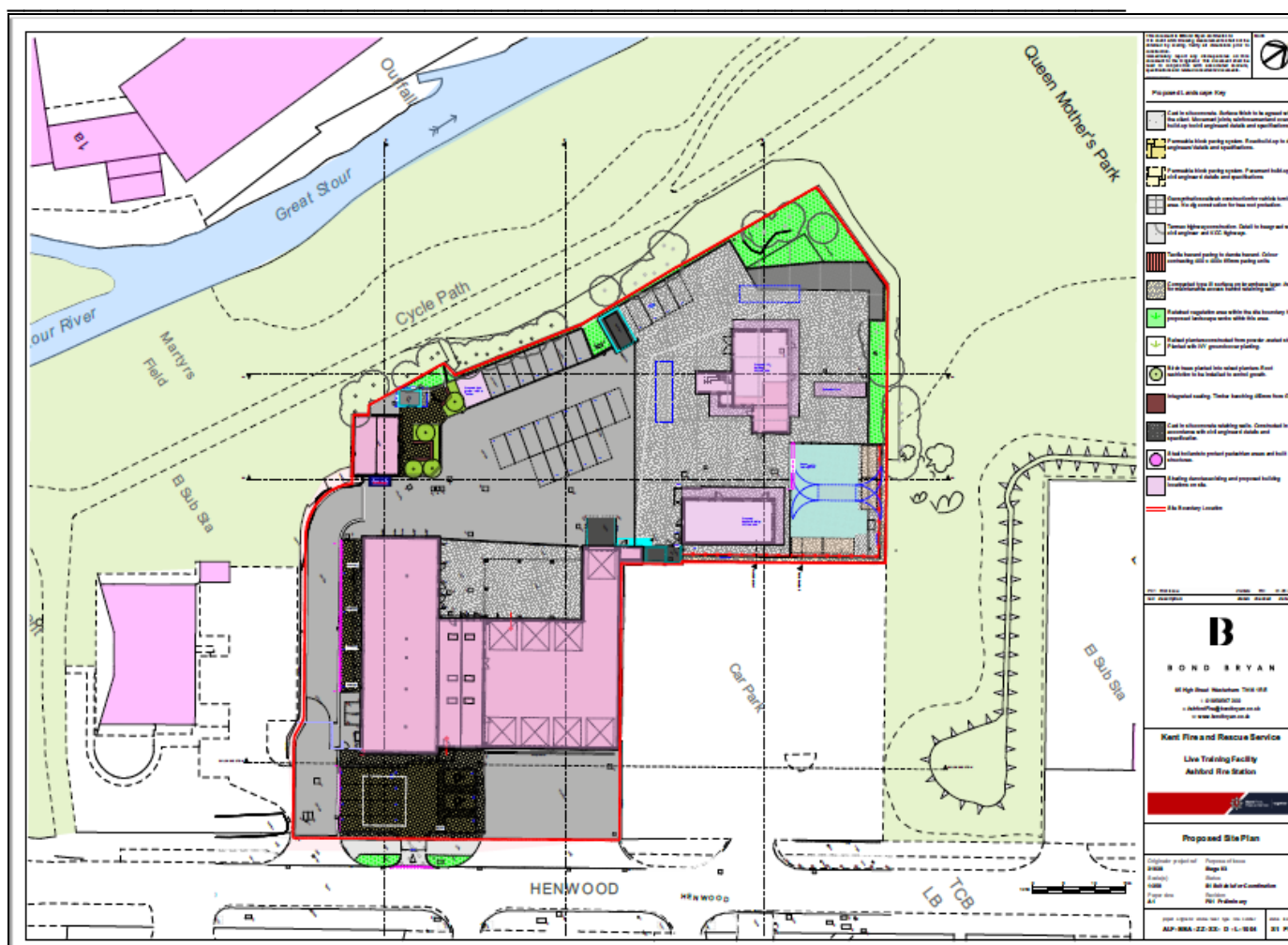


Figure 6 - Proposed Site layout Plan

7. Alongside the delivery of the new Training Facility, is a requirement to reconfigure the accommodation within the existing fire station to:
 - (1) Provide additional accommodation for Learning & Development to support training delivery; and
 - (2) Improve the flow and form of the internal spaces, space utilisation, inclusiveness.

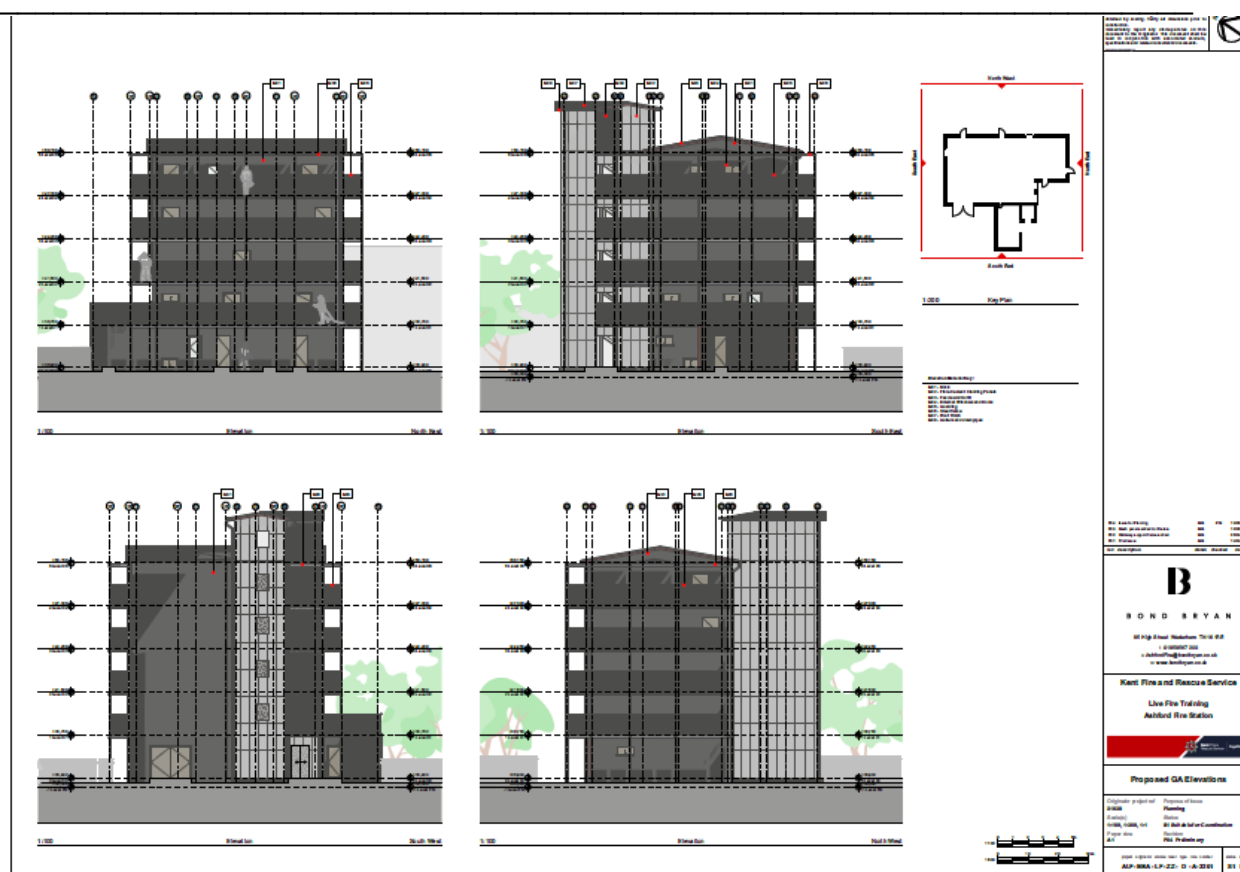


Figure 7 - Proposed Sections / Elevations of The Tower

8. It is stated in the accompanying Design and Access Statement that, to improve the quality of the internal spaces within the existing building, two main features have been added to the elevations.
 - (1) Brise soleil are to be installed to the front and side building elevations, these solar shading devices will reduce heat gains on the existing spaces and therefore reduce cooling requirements during summer; and
 - (2) The other item is the addition of further glazing to the side elevation to allow for increased daylighting and views from the rest space planned for the ground floor.
9. The proposal is in response to the Grenfell Tower incident, with the intention to facilitate learning from their own experiences in Kent and Medway in dealing with high rise incidents and incidents in complex buildings. The Kent & Medway Towns Fire Authority require realistic training environment for their operational crews to rehearse their practical skills and embed theoretical knowledge.

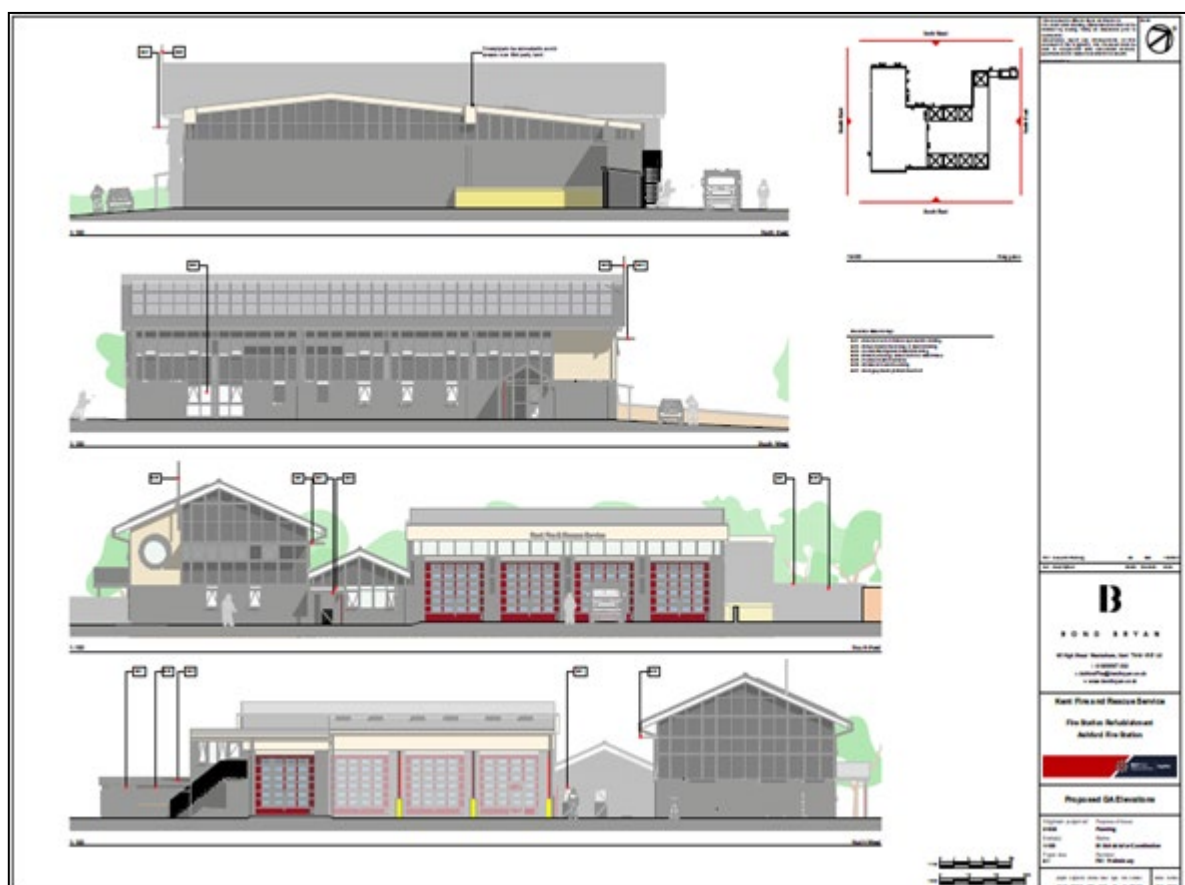


Figure 8 - Proposed Elevations

10. It is understood that, currently, the Kent & Medway Towns Fire Authority do not have any high-rise training facilities and have to rely on the use of local occupied buildings, where they can only carry out limited dry drill scenarios or familiarisation visit. As a learning organisation, it is a requirement to ensure their firefighters always have the ability to improve their professional practice. Their current live fire training provision at the Ashford Fire Station has been in use for many years, and the aging asset brings limitations in terms of offering effective and realistic training to crew members. Furthermore, there are a number of issues and constraints associated with the existing Fire Station, including:

- (1) The training facility is no longer 'fit for purpose';
- (2) Restricted use due to smoke and environmental issues;
- (3) General age and degradation of buildings;
- (4) Inadequate facilities within the fire station for Learning & Development for example, inadequate shower facilities;

- (5) Poor utilization of the existing footprint; and
 - (6) Insufficient on-site parking.
11. To address the above issues, permission is sought to replace the existing brick-built training structure with a new state-of-the-art Live Fire Training Facility.
12. The application is accompanied by the following documents:
- Design and Access Statement
 - Planning Statement (including Statement of Community Involvement)
 - Kent & Medway Towns Fire Authority Supporting Statement
 - Air Quality and Odour Assessment
 - Tree Survey
 - Arboricultural Method Statement
 - Arboricultural Impact Assessment and Tree Protection Plan
 - Tree Protection Plan
 - Archaeological Desk Based Assessment
 - BREEAM Pre Assessment
 - Drainage Strategy
 - Flood Risk Assessment
 - Ground Investigation Report
 - Phase I Desk Study
 - Phase II Site Investigation Report
 - Preliminary Ecological Appraisal
 - Noise Assessment
 - Transport Statement

Planning History

13. There is a lengthy history of approvals for this site. These are summarised below chronologically.
- 92/01392/AS: Fire station (outline application) - Raise No Objection
 - 93/00829/AS: New fire station - garages and fire training block with new approach road and drill yard with car parking - Raise No Objection
 - 94/00574/AS: New 4 bay appliance bay - Raise No Objection
 - 94/00788/AS: Construction of a training unit with a drill tower - Raise No Objection
 - 03/03868/AS: Proposed additional workshop and wash-down bays – Approved
 - 04/00606/AS: Addition of first floor office with oil storage beneath adjacent to washdown bay (revised scheme) – Approved

- 11/00238/AS: Decommission existing above ground diesel tank (capacity – 7,000 litre) and installation of new 15,000 litre cylindrical 110% self-bunded above ground (enclosed) diesel tank – new position – Approved

Consultations

14. It is understood that in February 2022, the Kent & Medway Towns Fire Authority wrote to approximately 900 residents and local businesses within a small radius of the existing fire station, providing the residents and businesses with an opportunity to provide feedback on the proposed development or ask any questions. However, no response was received.

KCC Highways: This proposal has been subject to pre-planning discussion with Kent County Council Highways and Transportation Team. Uplift in parking for the new facility appears reasonable and the public highway adjacent to the site is protected by double yellow lines, so overspill should not occur. It is noted that a cycle store is also being located to the rear of the site which is a positive addition.

The associated vehicle movements as described in the supporting Transport Statement are not sufficient to cause concern in relation to their impact on the wider highway network. Taking account of the above, I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority.

KCC Flood and Water Management: They have reviewed the application and regard the development as low risk and raise no objection. They have also provided advisory comments.

The Environment Agency, KCC Heritage and KCC Biodiversity were also consulted but no response from them to date. Any responses will be updated at the meeting.

ABC Environmental Protection: Raise no objection subject to conditions - Environmental Protection Team agree with the details of the reports submitted relating to noise and air quality. The Team require that additional details are submitted in relation to the smoke capture and filtration plant to be used on the site in relation to reducing smoke and odour disturbance to neighbouring residential properties. The applicant will need to ensure the recommendations made in the reports are adhered to and incorporated into the design, running and maintenance of the area and facilities. In addition, the Team have also recommended the imposition of conditions covering ground contamination and construction management.

Neighbours: 6 neighbours were consulted by the Council and no response received.

Planning Policy Context

The Development Plan

15. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Egerton Neighbourhood Plan (2022), Boughton Aluph & Eastwell Neighbourhood Plan and the Kent Minerals and Waste Local Plan (2016).
16. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

Ashford Local Plan Policies

SP1 – Strategic Objectives
SP3 – Strategic Approach to Economic Development
SP6 – Promoting High Quality Design
S23 – Henwood Industrial Estate
EMP1 – New Employment Uses
TRA3(b) – Parking Standards for Non-Residential Development
TRA5 – Planning for Pedestrians
TRA6 – Provision for Cycling
TRA7 – The Road Network and Development
TRA8 – Travel Plans, Assessments and Statements
ENV1 - Biodiversity
ENV2 – Ashford Green Corridor
ENV3a – Landscape Character and Design
ENV4 – Light Pollution and Dark Skies
ENV6 – Flood Risk
ENV8 – Water Quality, Supply and Treatment
ENV9 – Sustainable Drainage
ENV11 – Sustainable Design and Construction
ENV12 – Air Quality

National Planning Policy Context

17. National Planning Policy Framework (NPPF)
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 NPPF. The NPPF states 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:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

18. National Planning Practice Guidance (NPPG)

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPG was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application

Supplementary Planning Documents / Guidance

19. Sustainable Drainage SPD
Dark Skies SPD
Sustainable Design and Construction SPD;

Assessment

20. The main issues for consideration are:
- a) Principle of Development
 - b) Impact on the Green Corridor and Landscape Visual Amenity
 - c) Ecology and Biodiversity
 - d) Character and Appearance
 - e) Access Arrangement, Parking Provision and Highway Safety
 - f) Residential Amenity and Living Conditions
 - g) Flood Risk and Drainage

h) Archaeology

Principle of Development

21. Strategic policy SP1 of the Local Plan sets out the guiding principles by which development proposals are required to adhere to including the need to ensure that they are in accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities. In this case, the proposal will utilise, redevelop and improve an existing facility which is in a sustainable urban location. Furthermore, the site falls within the Henwood Industrial Estate which is designated as Site Proposal under Policy S23 in the Local Plan. The policy states:

The Henwood industrial estate is proposed for B1, B2 and B8 uses. This industrial estate has potential for gradual upgrading and replacement of older premises. Detailed proposals for any new development on vacant plots or redevelopment will need to ensure:

That future redevelopment or intensification of existing developments would not undermine the supply and availability of suitable premises of a particular size or type in Ashford;

Proposed uses would not have a significant adverse impact on the amenity of local residents; and,

Include a full flood risk and groundwater risk assessment to prevent pollution of controlled water both prepared in consultation with the Environment Agency and provide SuDS in accordance with ENV9.

22. The proposal is a consequence of Kent & Medway Towns Fire Authority's requirements for high quality and fit for purpose training facilities, and Ashford's Fire Station has been identified as an ideal site for this facility due to its central location within Kent. It is well connected via major road networks allowing firefighters efficient access to the site, which is also home to other key training facilities.
23. Training facilities are currently located at Ashford's Fire Station, however the site offers limited ability to provide the full breadth of training services required. This proposal therefore seeks to redevelop and improve an existing fire station, which would benefit both existing and potential fire fighters in their ability to serve the public. In this regard, the proposals will provide training and support key employment, whilst also offering a vital public service.
24. As the proposal seeks to redevelop an existing facility for the same purpose, in accordance with Policy S23 it would neither reduce the supply and availability of premises of a particular size or type in the Borough nor undermine the economic strategy of the prevailing Development Plan. As

detailed further on, as the Fire Station is currently operational, and the proposal seeks to improve the existing facilities at the site, the proposed scheme would not have a significant adverse impact on the amenity of local residents.

25. The application is accompanied by a Flood Risk Assessment (FRA) in accordance with Policy S23. The FRA has concluded that the proposed scheme would reduce the impact of the site in terms of built volume within the floodplain, which will provide an overall benefit compared with the existing situation.
26. In the light of the foregoing, the proposal is acceptable in principle.

Impact on Green Corridor and Landscape Visual Amenity

27. The site adjoins a designated Green Corridor, and as such careful consideration ought to be given to Local Plan policies SP1 and ENV2. LP Policy SP1 sets out a range of strategic objectives including the conservation and enhancement of the Borough's natural environment which is consistent with provisions in the NPPF. This includes designated and undesignated landscapes and the promotion of a connected green infrastructure network that should play a role in managing flood risk, delivery of net gains in biodiversity and improve access to nature.
28. Policy ENV2 echoes the provisions in the NPPF which identifies the conservation and enhancement of the natural environment as a core planning principle of sustainable development. The policy deals specifically with the Ashford Green Corridor which states, as a key objective, the protection and enhancement of the Green Corridor. The policy does not preclude development within the Green Corridor but allows for development that is 'compatible' or that provides 'overriding benefits' where 'it can be demonstrated that the proposal would not harm the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor.
29. The application site adjoins Wing A (A2 - Henwood, Gore Hill and Queen Mother's Park) of the Green Corridor. Specifically, Queen Mother's Park adjoins the western boundary of the application site. There is an existing footway and cycleway which run alongside the application site. Policy ENV2 states: *'Development proposals on land adjoining the Green Corridor shall provide suitable access and links to the existing movement networks of the adjoining Green Corridor wherever possible. They must not cause significant harm to any of the key features and functions and should make a positive contribution to the Green Corridor in respect of its environment, biodiversity, visual amenity, movement networks or functioning and its setting'.*
30. There is an existing line of established trees, which run along the boundary between the Green Corridor and the application site, and these will remain as

part of the proposed scheme. The function of Queen Mother's Park will remain clearly apparent, and views of the corridor would remain unobstructed by the proposed development. In addition, there would be no diminution of the park's openness and the overall environment, biodiversity value, visual amenity and movement networks of the Green Corridor would not be adversely affected by the proposed development.

31. The Landscape Design Strategy focuses on creating an appropriate setting for both the training and operational aspects of the facility. The site boundaries are secured by a weld mesh security fencing forming a secure line with the front of the building. The landscape response retains native planting on the boundaries to screen and enhance the proposed development with biodiversity benefits.
32. Amenity for staff wellbeing is provided by a landscaped breakout space in the secure access area. This features raised planters with integrated benching and new trees to mitigate the removal of other trees on the site. The mix of native species will serve to enhance the biodiversity of the immediate landscape around the Fire Station and will add to the existing habitat provided by existing boundary trees and vegetation.
33. There are a number of trees within and around the application site and a Tree Survey has been undertaken. A total of six individual trees, one collection of trees and six groups of trees were surveyed, with 6 being identified as Category B (Tree of moderate quality) and 7 being identified as Category C (Trees of low quality).
34. The Arboricultural Impact Assessment confirms that the proposed development would require the removal of 1 no. individual tree; 2 no. groups of trees and the partial removal of 2 no. groups of trees. The report concludes that the overall quality and longevity of the amenity contribution provided for by the trees and groups of trees within and adjacent to the site would not be adversely affected by the proposed development.
35. Given the nature of the application and the site constraints, no objection is raised provided it is carried out in strict accordance with the Arbtech documentation.

Ecology and Biodiversity

36. The KCC Biodiversity and Ecology Team have not provided a response to date and subject to them raising no objection, the proposal would not cause unacceptable harm to any protected species or habitat. A Preliminary Ecological Appraisal of the application site was undertaken in April 2021 and the report concludes that, providing the mitigation and enhancement strategies detailed within the report are implemented, the proposed development would be in conformity with relevant planning policy and legislation. Any mitigation / enhancement measures can be secured by condition.

Character and Appearance

37. Local Plan Policy SP6 is consistent with Chapter 12 of the NPPF. The policy requires all development proposals to achieve high quality design and demonstrate a careful consideration of and a positive response to the policy's design criteria. The accompanying Design and Access Statement fully demonstrates how the key design principles of Policy SP6 have been taken into account and reflected in the layout and design of the proposal.
38. The external appearance of the new buildings (Live Fire Training Building and the Support building) has been designed to accommodate the various functions of the Fire Station and Training Facility whilst the new five-storey Live Fire Training Facility would be used for the training of fire fighters by exposing them to controlled scenarios that simulate real-world fire incidents. The structure will be constructed from red brick and will utilise external balconies to facilitate access for trainees. The two-storey Support Building would be located to the southeast of the training facility and would also be constructed using red brick.
39. It is considered that the scale of the new buildings is commensurate with their purpose, functionality and intended uses and the development as a whole represents an upgrade and improvement in terms of condition and enhancement of the visual appearance of the area. The proposed tower is 18 metres at its highest point – just a metre higher than the existing tower which is 17 metres in height.
40. A BREEAM Pre-Assessment has been undertaken and submitted with the application. It concludes that, given the specialist nature of the live fire training facility, it cannot be assessed by the BREEAM methodology as it does not fit within the available building categories. It therefore states that the requirement of LP Policy ENV11, to achieve a BREEAM "Very Good" rating is neither appropriate nor practicable in this case. Notwithstanding, the Assessment confirms, the development would incorporate many sustainable features with the aim of delivering a sustainable development. Some of the sustainability features of the proposed development include;
- (1) A focus on passive design measures including use of natural daylighting and ventilation;
 - (2) Additional investment in the building fabric to increase air tightness and insulation levels significantly above current building regulations;
 - (3) Specification of environmentally friendly or recyclable materials wherever practical;
 - (4) Use of energy efficient heating systems and controls;
 - (5) Use of energy efficient lighting and controls, including daylight and motion sensors;
 - (6) Incorporation of facilities for separating waste and recycling with the external servicing and storage area;

- (7) Landscaping proposals minimise impact on the site with the intention of maintaining current biodiversity levels; and
- (8) The site is located in an urban area and therefore afforded good public transport links, with car sharing encouraged

41. In the light of the foregoing, it is considered that the design of the proposed scheme would be sustainable and together with its layout and choices of external materials would enhance the character and appearance of the industrial estate and the wider surroundings.

Access Arrangement, Parking Provision and Highways Safety

42. The application is supported by a Transport Statement, and a summary of the report is as follows:
43. Access: With regard to access, a new access off Henwood would be created to the site, including new drop kerbs and pavement design for parking access. The new car park has been designed to sufficiently accommodate visitors to the building including an allowance for accessible spaces. Fire appliance access and egress would remain as existing and access to the rear of the site would continue to be achieved via the existing access to the north of Henwood. Furthermore, new station parking is proposed to the side of the building behind the proposed secure line which will prevent civilian access to the training area at the rear of the site.
44. Parking Provision: In relation to parking provision within the site, Local Plan policy TRA3(b) sets out the parking standards for non-residential development and seeks to ensure new development does not compound existing inappropriate parking in residential streets. It states that proposals not falling within the listed use classes, including sui generis uses, should provide a level of parking proportionate to its activity, and be agreed with the Local Highway authority and the Council.
45. There are currently 27 parking spaces to the rear of the site with 2 additional spaces at the front of the extended drop kerb. The proposal would result in an increase in parking provision as follows:
- (1) 36 no. Staff Standard Spaces;
 - (2) 4 no. Visitor spaces;
 - (3) 2 no. Accessible spaces;
 - (4) 4 no. Passive EV spaces;
 - (5) 6 no. Cycle spaces; and
 - (6) 15 no. Operational Spaces.
46. With regards to servicing and deliveries, most delivery vehicles to the site are expected to be small vans with these utilising the access road to the side of the existing building and reporting to reception via the intercom system. A secure line is proposed to secure the rear operational/staff and training

yard. As confirmed in the TS, swept path analysis has been completed for the site layout to ensure it can accommodate all necessary vehicle types.

47. The Transport Statement confirms that the proposal would result in an uplift in trips of 20 movements in the morning peak hour and no increase in the afternoon peak hour and this will only be an increase every other day. It is therefore considered that the impact of the development would not have a 'severe' impact on the local highways network in accordance with paragraph 111 of the NPPF.
48. The application is also accompanied by a Travel Plan Statement with the aim of reducing the trip generation from the proposed development, encouraging existing and future staff, trainers and trainees of the site to utilise alternative methods of travel to the private car, and make use of local services and facilities to promote sustainability.
49. The proposal was discussed with Kent County Council Highways and Transportation Team prior to the submission of this application. The Highway Authority commented that uplift in parking for the new facility appears reasonable and the public highway adjacent to the site is protected by double yellow lines, so overspill should not occur. It should be noted that a cycle store is also being located to the rear of the site which is a positive addition.
50. The associated vehicle movements as described in the supporting Transport Statement are not sufficient to cause concern in relation to their impact on the wider highway network and road safety. Taking account of the above, the Highways and Transportation Team at the County Council have confirmed that, provided the certain requirements are secured by condition, they would raise no objection to the proposal.
51. It is therefore concluded that the proposed development would not have any adverse highway impacts.

Residential Amenity and Living Conditions

52. Both the NPPF and the Local Plan seek to ensure that new development is located, designed and constructed to safeguard the amenity of neighbouring properties and avoid adverse environmental impacts from noise, air, odour and light pollution.
53. The separation between the site and the nearest existing residential properties is approximately 80 metres (to the rear elevation of Canterbury Court, Wallis Road). It should be noted that the application site is an existing training facility and operational fire station, which sets the baseline for assessment purposes.
54. As mentioned above, the adjacent Henwood Car Park is the subject of a planning application proposing the erection of 23 apartments and with the Planning Committee's resolution to grant, this is consequently a material

consideration in the determination of this application. In developing the proposal under consideration, the Kent & Medway Towns Fire Authority have sought to actively engage with the Council as landowner of the car park. In these discussions, the Council informed Kent & Medway Towns Fire Authority of their plans to develop the car park to provide temporary accommodation for those in need in the Borough.

55. The Applicant has been keen to ensure that both proposals are developed to ensure compatibility. In this regard, it is noteworthy that the proposed tower and the support building does not have any windows along the south-eastern façade to avoid any potential future overlooking, whilst also providing active screening of the fire station site. The proposed tower is no nearer to the car park boundary than the existing building and can therefore be expected not to have a greater impact than the existing situation with regards to noise and air quality/smoke.
56. There is sufficient separation distance between the existing live fire building and the proposed car park residential block. The distance from the existing live fire building to the eastern site boundary is 17 metres, whilst the proposed live fire building to the eastern site boundary is greater at 20 metres. The existing live fire building to the proposed car park approved residential block is 35 metres, whilst the proposed live fire building to proposed car park block would be 43 metres. Therefore the proposals would increase the separation of the main tower element of the live fire training building from the proposed car park accommodation by 8 metres compared to the existing situation. In the circumstance, the siting, orientation, layout and design of the new training facilities would ensure that there would be no materially harmful effect on the living conditions of nearby existing and future residential occupiers in relation to overlooking, loss of privacy or loss of daylight/sunlight.
57. Local Plan policy ENV12 states that ‘development proposals that might lead to a significant deterioration in air quality or national air quality objectives being exceeded, either by itself, or in combination with other committed development, will require the submission of an Air Quality Assessment’. Accordingly, an Air Quality and Odour Assessment has been undertaken and a summary of the findings is set out below.

Construction Phase: It is noted that the construction phase impacts may have the potential to occur, due to fugitive dust and particulate matter emissions during the period of construction. The potential risk of dust impacts was predicted to be a maximum of ‘medium risk’ during the construction phase.

Mitigation: In the light of the foregoing, it is recommended that a dust management plan (DMP) is adopted for the duration of construction activities at this site. It goes on to state that if appropriate mitigation is implemented, the residual impact of the construction phase on air quality is likely to be ‘not significant’. The Environmental Protection Team agree with this recommendation and require that additional details are submitted in relation to

the smoke capture and filtration plant to be used on the site in relation to reducing smoke and odour disturbance to neighbouring residential properties.

58. It is considered that the anticipated volume and type of vehicles accessing the site and the proposed development would not result in a significant increase in vehicle emissions beyond that which currently takes place. Furthermore, the use of sustainable transport is encouraged in the submitted Travel Plan to reduce vehicle related emissions. Therefore, it is unlikely that vehicle movements would have a significant impact on public health as result of emissions.
59. With regard to concerns about noise relating to training activities, a Noise Assessment has also been undertaken and a report prepared in support of the proposal. The acoustic assessment is also considered to be satisfactory by the Environmental Protection Team. It is understood that training operations (such as vehicle cutting etc.) would continue to be restricted to daytime hours as far as possible in order to minimise the noise impact of the development on residential amenity and the local area. It should be noted that noise modelling was also undertaken to predict the potential noise impact from proposed plant items and training drills that will take place. The report confirms, the results of the modelling have determined that any noise associated with the new development would be unlikely to exceed the background sound levels during the operational live fire training periods. On this basis, no mitigation measures are required.
64. Based on the foregoing, it is concluded that air quality, odour and noise should not provide a constraint to the grant of planning permission in this case.

Flood Risk and Drainage

60. The application site falls within Flood Zones 2 and 3 and is located in a groundwater source protection zone. The supporting text to Policy S23 states that 'Any development proposals for this area of the site will require a flood risk assessment, which includes the vulnerability of the area to surface water flooding, and a groundwater risk assessment, to be produced in consultation with the Environment Agency'.
61. A Flood Risk Assessment has been prepared in support of this proposal. Part of the site is located in Flood Zone 3, and benefits from upstream flood storage areas which provide a 1 in 100-year level of protection for the site and surrounding area. The site itself is set at a level of 36.0m, 0.3m above the 1 in 100 year +20% allowance for climate change level. It is considered that as the works are associated with improvements to an existing fire station, and in the circumstance, the sequential test as set out in the NPPG is considered to have been passed (i.e. there is no other more suitable location). The Flood Risk Assessment also concludes that the proposals reduced the impact to the

volume within the flood plain so provide an overall benefit compared with the existing situation. The views of the Environment Agency are awaited and subject to them raising no objection then the proposal is acceptable in terms of flood risk.

62. Drainage: Local Plan Policy ENV9 (Sustainable Drainage) states that 'All development should include appropriate sustainable drainage systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to mimic the drainage from the pre-developed site'. It goes on to state that 'On Previously Developed Land, development must endeavour to achieve 4 l/s/ha runoff or seek to achieve 50% reduction of existing peak runoff rates for the site where existing discharge rates can be established'.
63. The Council's Sustainable Drainage SPD is also a material consideration in this case, which provides guidance on the measures and opportunities available to integrate sustainable surface water management into new developments. A Drainage Strategy has therefore been prepared to accompany the application and a summary of the proposed strategy has been set out below.
64. (1) Proposed Surface Water Drainage:
With the exception to the new car park areas to the east and south of the fire station main building, the impermeable areas would remain as existing. The new access road to these new parking areas would be constructed with an impermeable asphalt surface with falls towards a permeable surface using porous block paving for the parking bays. The surface water runoff would be attenuated within the parking bays subbase and a flow control would be located at each of these two new areas. The flow controls are currently proposed to be at 2 l/s to avoid blockages;
65. The new Road Traffic Collision (RTC) area would collect surface water runoff via a channel drain which will connect into the existing surface water network. Due to the high risk of contamination for the training to be carried out in this area, a full retention petrol interceptor has been sized and included in the design. Surface water from the roof of the new support building would be collected via downpipes and connected into the existing surface water network.
66. The surface water runoff from hard areas surrounding the new training facility building would also be collected via channel drains and kerb drains which would be connected into the existing surface water network. The rainwater from the new training facility would be collected via downpipes discharging into a channel drain in the perimeter of the new training facility.
67. A Rain Water Harvesting Tank (RWHT) would also be installed to collect the run off from some roof areas of the existing fire station main building and the fire engine park.

68. (2) Proposed Foul Water Drainage:

The new internal works of the main fire station building would connect to the existing foul water networks, as well as the new support building. With regard to the fire water used on the training exercises, it is proposed that the water would be collected via internal open grating chambers and the perimeter channel drain which then would be diverted into a settlement tank, then would go through the treatment process and then into the underground storage tank for reuse. The system would incorporate valves in order to isolate the system in case of flooding.

69. (3) Discharge from Proposed Development:

The report confirms that the impermeable areas would remain unchanged so the proposed discharge rate would remain as current. It also states that with the introduction of a grey water system and a RWHT, these would slightly reduce the surface water discharge into the adopted combined system as well as an improvement on the foul/trade effluent discharge and the usage of potable water from the main water supplies.

70. It is considered that the Drainage Strategy has demonstrated that the proposed development would lower runoff flow rates, incorporates appropriate pollution control measures to ensure there are no adverse impacts on the water quality of receiving waters and has taken the opportunity to incorporate new sustainable drainage measures, it is concluded that the proposed development is in compliance with LP Policy ENV9 and the Council's Sustainable Drainage SPD. The Kent County Council as the Lead Local Flood Authority have reviewed the application and regard the development as low risk but they have provided advisory comments in relation to any work in, under, over or within 8 metres of the banks of a designated main river or the toe of a flood defence requiring a Flood Risk Activity Permit (FRAP)

Archaeology

71. An Archaeological Desk-Based Assessment has also been undertaken to explore and disseminate the known and potential heritage resource within the site and the surrounding area, and to assess the likely impacts of the development proposals on this resource. In summary the Assessment recommends that the need for, scale, scope for further assessment in future would be agreed with the Council. A condition is recommended in this regard to secure the implementation of a programme of archaeological work / archaeological watching brief in accordance with a written specification and timetable which has been submitted to and approved in writing by the Council.

Working with the Applicant

72. In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained

in the note to the applicant included in the recommendation and the decision notice.

Human Rights

73. 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 represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) and the wider public interest.

Conclusion

74. The proposed development has been carefully designed and laid out to protect existing residential amenity and the proximity of the site to the adjoining Green Corridor. A comprehensive and detailed suite of technical assessments underpins the proposal and accompany the application, addressing issues of design, sustainability, landscaping, highways and parking, noise, ecology, archaeology, contamination and drainage. These have informed the proposals to ensure no significant or material impacts arise, and the reports demonstrate that the scheme is acceptable in planning terms.
75. Overall, given the importance of this facility for the county and the context of the site and the surroundings, the proposed development is satisfactory and in conformity with the prevailing Development Plan and the relevant provisions in the NPPF.

Recommendation

PERMIT - subject to the following conditions:-

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 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.

3. The development shall be carried out in accordance with the plans and the details (including mitigation measures) set out in the accompanying documents listed in the section of this decision notice headed Plans/Documents Approved by this decision.

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.

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 written approval of the Local Planning Authority.

Reason: In the interest of the visual amenity of the locality.

5. The areas shown on the approved drawings as vehicle parking spaces, turning and bicycle storage 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 these reserved parking spaces.

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

6. 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.

7. 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.

8. Prior to the use of the new buildings hereby approved, Electric Vehicle charging shall be provided at a rate of 10% of the additional parking spaces having active charging facilities, and 10% passive provision. Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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 in accordance with Local Plan policy ENV12.

9. Prior to the use of the new buildings hereby approved, details of the smoke capture and filtration plant to be used on the site in relation to reducing smoke and odour disturbance to neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the use and occupation of the buildings and thereafter shall be retained and maintained in an effective working condition.

Reason: In the interest of safeguarding the amenity of nearby residential occupiers.

10. Prior to the commencement of the development, a scheme to deal with contamination of land and/or groundwater shall be submitted to and approved in writing by the Local Planning Authority and no development shall commence 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 full copy of the completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To control pollution of land or water in the interests of the environment and public safety.

11. Part 1

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 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2.

Part 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.

12. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and IAQM guidance on controlling dust on construction sites unless previously agreed in writing by the Local Planning Authority. The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: To protect the amenity of local residents in accordance with Policy EN1 of the Local Plan.

13. Light trespass into the windows of any sensitive premises (e.g. residential properties, hospitals) shall not have a Vertical Luminance greater than 5 Lux.

Reason: In the interests of the amenities of neighbouring light-sensitive development.

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

15. Any further conditions as requested from consultees in relation to the development provided that they meet the 6 tests for conditions.

Informatives

1. In accordance with paragraph 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, as appropriate updating applicants/agents of any issues that may arise in the processing of their application where possible suggesting solutions to secure a successful outcome, informing applicants/agents of any likely recommendation of refusal prior to a decision and, by adhering to the requirements of the Development Management Customer Charter. In this instance the applicant/agent was updated of any issues after the initial site visit, was provided with pre-application advice, the application was acceptable as submitted and no further assistance was required. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in 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 the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

3. The applicant is advised that Any work in, under, over or within 8 metres of the banks of a designated main river or the toe of a flood defence requires a Flood Risk Activity Permit (FRAP). As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
4. The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not, in general, occur outside of these times, on Sundays or Bank/Public Holidays.

In addition, the applicant should note that 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.

Finally, the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 22/01011/AS)

Contact Officer: Olawale Duyile
Email: olawale.duyile@ashford.gov.uk
Telephone: (01233) 330380

Application Number	22/00839/AS
Location	1 Grove House, The Grove, Pluckley, Ashford, Kent, TN27 0RR
Grid Reference	592282/143405
Parish Council	Pluckley
Ward	Upper Weald
Application Description	Proposed detached dwelling and associated garaging on existing residential classified land
Applicant	Mr & Mrs Dale
Agent	Price Whitehead
Site Area	0.12 ha

Introduction

1. This application is reported to the Planning Committee at the request of Councillor Clair Bell.

Site and Surroundings

2. The application site consists mainly of incidental garden at the rear of residential properties on the north side of The Grove in Pluckley. It is deduced from the site location map and other accompanying documents that the site is under the ownership of one of a pair of 2-storey semi-detached properties known as 1 Grove House. The site is accessed via a narrow track from The Grove. It is laid to lawn with managed hedges and mature trees straddling its northern boundary. It is occupied by a summer house with an associated patio area, and a workshop/store.
3. Part of the site lies within the confines of Pluckley Station Village as defined in the adopted Local Plan and also within the Pluckley Station Conservation Area

The Proposal

4. Permission is sought for the construction of a 3 bedroom detached chalet bungalow with roof accommodation - intended to provide a suitable home for the applicants' family.

dwelling is now repositioned and has now been moved slightly to the south bringing more of the structure into the confines of the Pluckley Station Village.



Figure 2 – The Proposed Floor Plans and Elevations



Figure 3 – Proposed Site Plan & Street Scene



Figure 4 – Site Photo showing the Existing Summerhouse

Planning History

6. 21/02034/AS: Erection of a detached dwelling with garage within the existing amenity garden – Application withdrawn 02/02/2022

Consultations

7. **Pluckley Parish Council:** The revised application locates the proposed dwelling slightly to the south bringing more of the structure into the built confines of the Pluckley Station/Chambers Green settlement area. The pallet picks up rag stone to acknowledge the stone buildings adjacent. Concerns about fire risk have been addressed.

It should also be noted that, perhaps because of problems with the Borough Council Planning website, the Parish Council has not had an opportunity to see comments uploaded by residents. The planning department should take note of any comments from the immediately adjacent addresses, viz: Stone Lodge,

The Flats 2-6, Lantern Hall, and Number 1, The Grove, as these neighbours are the ones primarily impacted by the proposal.

In the 2021 Neighbourhood Plan (NP) review this site was considered and scored according to the system used in the previous version of the Plan. The Parish consultation permitted the development of 3 smaller new dwellings in the village. That allocation was satisfied in a single development. The proposal here, 22/00839, was the second highest scoring site, and was rejected on the grounds that the housing increase until 2030 had already been

satisfied. Therefore the Council is unable to support this proposal in that it lies outside the NP area.

8.

9. **Neighbours** - 24 neighbours were consulted; A total of 21 representations were received with three (3) expressing support for the proposal, with the remainder either raising objections or providing observations.

A summary of the objections is as follows:

- Conflict with the provisions in both the Local and Neighbourhood Plans;
- Out of keeping with the character of the surrounding area and harmful to the conservation area;
- The design (incongruous – with such examples found in every recent estate in the country) and materials (white weather boarding), would be out of character with the adjacent red brick Victorian buildings;
- Concerns about external lighting and the dark skies approach ;
- Over-development;
- The site lies outside the village confines;
- Harm to biodiversity;
- The area has sufficient housing already identified;
- Increased traffic would cause potential highway safety concerns;
- The site cannot be considered as "previously developed";
- It would be visible from public footpath AW 151 and block the view of the countryside therefrom;
- Damage to trees;
- Impact on drainage; and
- Little difference between the previous and current proposals.

A summary of reasons for support as follows:

- The proposed home is located in a secluded location not overlooking adjoining buildings;
- The design is sympathetic to the area and will be constructed to a high standard by the applicant for his own occupation;
- This is a sensible use of the land;
- The access is already in place and use; and
- Sensible alterations and amendments.

Planning Policy Context

10. **The Development Plan**

The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Egerton Neighbourhood Plan (2022), Boughton Aluph & Eastwell Neighbourhood Plan and the Kent Minerals and Waste Local Plan (2016).

11. The relevant policies in the Development Plan relating to the application are as follows:-

Ashford Local Plan 2030

SP1 – Strategic Objectives
SP2 – Strategic Approach Housing Delivery
SP6 – Promoting High Quality Design
HOU3a – Residential Windfall Development Within Settlements
HOU5 - Residential Windfall Development in The Countryside
HOU10 – Development of Residential Gardens
HOU12 – Residential Space Standards Internal
HOU15 – Private External Open Space
ENV1 - Biodiversity
ENV3a – Landscape Character and Design
ENV9 – Sustainable Drainage
ENV14 – Conservation Areas
TRA3a – Parking Standards for Residential Development
TRA6 – Provision for Cycling
TRA7 – The Road Network and Development

Pluckley Neighbourhood Plan 2016 - 2031

R1 - Landscape Character and Design
R2 - Protection of Views and Rural Setting
H1 - New Residential Development
H1A - Windfall sites
H2A - Design Standards
H2B - Encouraging Sustainable Development

National Guidance

12. National Planning Policy Framework (NPPF)
The NPPF reiterates the statutory provision at Section 38(6) of the Planning & Compensation Act 2004 which replaces section 54A of the Town & Country Planning Act 1990 and advises that the determination of all planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. The following sections of the NPPF are relevant to this application:

- 2. Achieving sustainable development

- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

13. National Planning Practice Guidance (NPPG)

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPG was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application

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

Supplementary Planning Guidance/Documents

Residential Parking & Design SPD 2010
Residential Space & Layout (External space standards) 2011
Landscape Character Assessment SPD 2011
Dark Skies SPD 2014
Fibre to the Premises SPD
Sustainable Drainage SPD 2010

Pluckley Parish Village Design Statement

Technical housing standards – nationally described space standards

Assessment

15. The main issues for consideration are:

- a) Principle of Development
- b) Character & Appearance and Effect on the Designated Conservation Area
- c) Trees and Landscape Visual Impact
- d) Residential Amenity and Standards

e) Access Arrangement, Parking Provision and Highway Safety

Principle of Development

16. As mentioned above, part of the site lies within the confines of Pluckley Station Village as defined in the adopted Local Plan and also within the Pluckley Station Conservation Area. In the circumstance, the applicable policies are HOU3a and HOU5 of the adopted Local Plan and H1, H1A and H2B of the adopted Pluckley Neighbourhood Plan.
17. The proposal complies with the listed criteria under Local Plan policy HOU3a in so far as it is partially within the defined Village confines and considered suitable for infilling and is of a scale that can be satisfactorily integrated into the existing settlement.

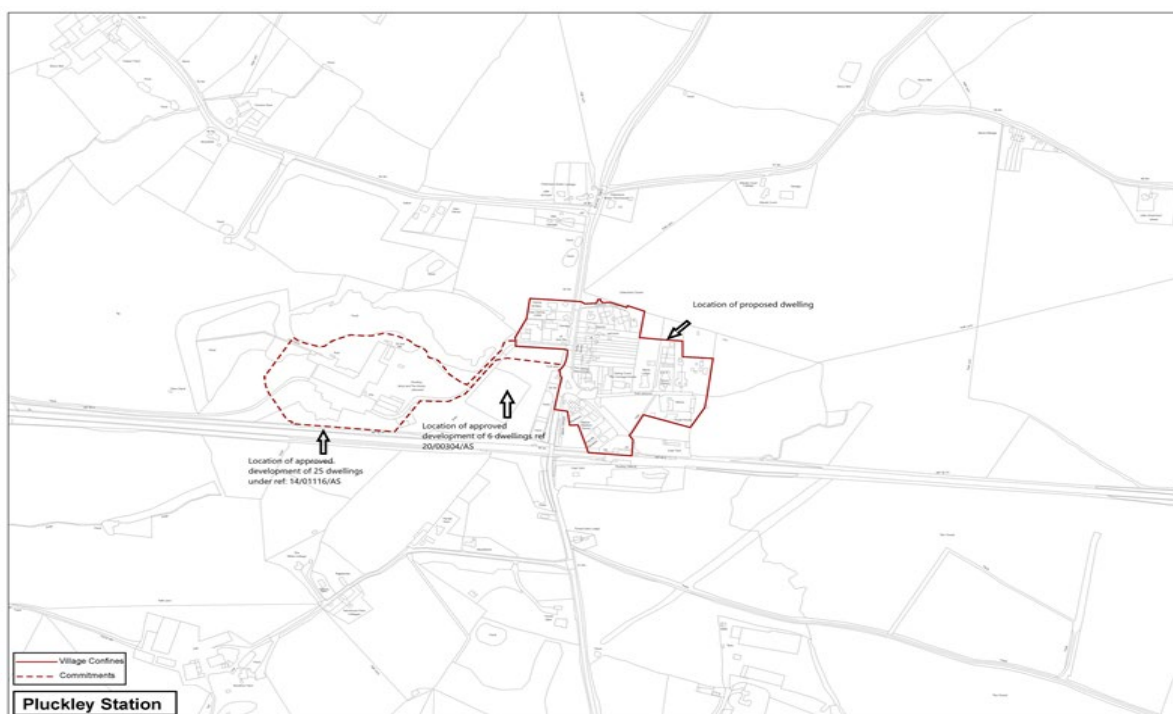


Figure 5 – Pluckley Station Confines Map showing the Site Location and the Location of the recently consented scheme for 6 dwellings ref: 20/00304/AS

18. In relation to HOU5, the policy lists a number of criteria for residential development which are adjacent to or near to a range of sustainable rural settlement, including Pluckley, which is a designated sustainable settlement and within 2km of Pluckley Station. Pluckley, Pluckley Thorne and Pluckley Station collectively form the whole settlement. The application site is within a two-minute walk of Pluckley mainline train station and bus service (120 metres to Pluckley Train station via path, 270 metres via PROW). A public house (Dering Arms) is also nearby (190 metres from the site). The nearest primary school and other services and facilities are located 2 km away in Pluckley Village. The nearest shop is the farm shop just over 1200m from the site. The Village Hall is exactly 1km from the site. This Hall is also 1km from Pluckley village centre evidencing how extended this settlement is. The village school serves the three identified centres and is also within 2km of the site. The bus route passes within 100m of the site and links with the school and other facilities in Pluckley
19. It is a generally accepted principle in Planning Law that every case should be judged on its own merit. Nonetheless, it is worth noting that permission was recently granted for 6 dwellings at nearby Pluckley Brickworks in Station Road under ref: 20/00304/AS. These were adjacent to the access serving the brickworks site which has permission for 25 dwellings and is currently under construction. The 6 dwellings are adjacent to the brickworks site but are outside of the defined village confines. The application site is no further removed from the available services and facilities than the approved

development in Station Road. It is therefore considered that there is an implicit acceptance that this part of Pluckley/Pluckley Station can support some limited growth.

20. Furthermore, policy H1A of the Pluckley Neighbourhood Plan requires consideration of those sites which have not been identified in the Plan, but which may come forward as windfall sites within *“the confines of the continuous developed areas of the three settlement areas of the parish”*. It is understood that the site was considered by the Parish Council as a modest single house infill during the call for sites as part of the preparation of the Village Neighbourhood Plan and was only rejected because another site was given priority due to its capacity for a larger number of dwellings.

21. Local Plan policy HOU10 states that:

Development proposals involving the complete or partial redevelopment of residential garden land will be permitted provided the proposed development complies with the Council's external space standards as set out in Policy HOU15 and; Windfall Housing Policy HOU3a or HOU5 (as relevant);

It does not result in significant harm to the character of the area including the surrounding grain and built pattern of development, the prevailing building density, line, frontage width, building distance from the road, existing plot sizes and visual separation between dwellings; and,

It does not result in significant harm to wildlife corridors and biodiversity habitats.

22. The proposed development satisfies part of this policy being partly HOU3a compliant. A planning balance is required and officers advice to the committee is that it would be difficult to argue the harm relating to the part of the development which lies outside the settlement confines when part lies within. In the light of the foregoing, the modest residential development on this site is, on balance, acceptable in principle.

Character & Appearance and Effect on the Designated Conservation Area

23. Local Plan Policy SP6 requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

24. In accordance with the statutory test at section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy ENV14 seeks to ensure that proposals preserve or enhance the character and appearance of Conservation Areas and their settings.
25. The proposed dwelling has an overall ridge height of 7.1 metres, with an eaves height of approximately 2.5 metres. The roof pitch is at 45 degrees, which is comparable with and similar to the adjacent roof profiles. The application site extends to 1216 square metres (0.12 hectare) with the proposed building footprint of 132 sq. metres and a gross internal floor area (GIFA) of 181.8 sq. metres.
26. The proposed development for a single, modest, residential dwelling of low profile is satisfactory in terms of scale, layout and appearance – in keeping with the pattern of the surrounding development. The proposed new dwelling would not harm the aesthetic and architectural integrity of the Conservation Area given that the choice of external facing materials are widely used in Pluckley and are therefore consistent with the provisions in the Pluckley Village Design Statement. The proposal would therefore preserve the character and appearance of the conservation area.

Trees and Landscape Visual Impact

27. The application is accompanied by an Arboricultural Report and together with the submitted plans indicate additional planting and retention of all significant existing trees. Owing to the existing hard surface, the retention of most of the trees and the planting to mitigate the loss of T7 and the apple trees the screening will be retained / enhanced. The key trees are sited to the north and east and would allow for a useable garden space. Moreover, as the trees are within the Conservation Area, they are protected by legislation and there is therefore control over their pruning and loss. The imposition of a condition is recommended to ensure that the trees are not impacted during the construction phase. The proposal therefore complies with Local Plan policies HOU3a, HOU5, ENV3a and policy R1 of the Neighbourhood Plan in this regard.

Impact on Residential Amenity

28. Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 130 (f) states, among other things that planning policies and decisions should ensure that developments:

“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.”

29. Policies HOU3a and HOU5 echo the NPPF’s objective on protection of amenity and seeks to ensure that new residential development do not harm the living conditions of neighbouring occupiers. Having regard to the design and siting of the proposed dwelling relative to the adjacent dwellings, the proposal would not give rise to overlooking or loss of privacy to the adjoining and surrounding neighbours. In relation to the dwellings fronting The Grove and to the south of the application site, the separation distance between the existing and proposed dwellings would ensure that there would be no adverse harm in terms of overlooking or overbearing impact. The bulk and height of the proposed dwelling would not result in adverse overshadowing of the neighbouring garden and neither would it appear visually intrusive.

Residential Amenity and Standards

30. In accordance with policy HOU12 and national guidance, the internal layout and floorspace disposition of the proposed dwelling meet the set standards. It is clear on the submitted drawing numbered 1815 D03 Rev 8 that the proposed dwelling is sited so that most of the existing garden is retained, and as such, the proposal ensures that an area greater than the minimum open space depth required by policy HOU15 is provided. The residual private external space to the applicants existing residential property is also satisfactory and in compliance with the policy standard.

Access Arrangement, Parking Provision and Highway Safety

31. Local Plan policy TRA3a requires the provision of 2 off-street car spaces for a 3-bedroom dwelling in rural and sub-urban locations. The parking provision accords with this policy with two spaces for a 3 bed dwelling and there would be sufficient space for vehicles to turn and leave in a forward gear. Covered cycle parking spaces would be provided in a store to the rear of the car port and an electric vehicle charging point would also be provided.

Conclusion

32. The proposed development has evolved from a scheme that was submitted as part of the pre-application request. The proposal is for a dwelling of a modest scale, sensitively designed to take account of the character and appearance of the area.
33. It is considered that the proposal accords with the relevant adopted policies and is considered to be in a sustainable location in line with the provisions in

both the Local and Neighbourhood Plans and would provide suitable external garden land, access and parking arrangements, and development appropriate to the area utilising materials found in the locality.

34. Footnote 8 of the NPPF establishes that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (the current HLS figure for Ashford is 4.54 years). the most important policies are out-of-date. As such, paragraph 11(d) criterion (i) applies. Footnote 7 lists the policies that protect areas or assets of particular importance. However, this is not relevant in the case of the application proposal, which is broadly in line with the Development Plan and National Guidance. The application therefore falls to be considered on its own merits and the tilted balance does not apply.

Human Rights

35. 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 represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) and the wider public interest.

Recommendation

Permit

Resolve to grant planning permission subject to the imposition of the following conditions.

Conditions

- 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 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.

- 3 The development shall be carried out in accordance with the plans and the details (including mitigation measures) set out in the accompanying documents listed in the section of this decision notice headed Plans/Documents Approved by this decision.

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.

- 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 written approval of the Local Planning Authority.

Reason: In the interest of the visual amenity of the locality.

5. 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) No roots over 50mm diameter shall be cut, and 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; (e) 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. (f) 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.

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. (*A specific time limit should be included). It is not considered to be reasonable to use conditions as an alternative to Tree Preservation Orders to secure long-term protection of trees.)

6. The areas shown on the approved drawings 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 these reserved 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.

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

Reason: To enable the Local Planning Authority to regulate and control the development of land and to protect the visual amenities of the locality

8. The approved dwelling shall be provided with at least one electric vehicle charging point prior to first occupation. This must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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.

Informative

Working with the Applicant

1. In accordance with paragraph 38 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,
- In this instance, the applicant/agent was updated of any issues after the initial site visit, was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ 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). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 22/00839/AS)

Contact Officer: Olawale Duyile
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Application Number	22/00722/AS
Location	85 Kilndown Close, Stanhope, Ashford, Kent, TN23 5SU
Grid Reference	59932/14076
Parish Council	Stanhope Parish Council
Ward	Stanhope Ward
Application Description	Change of use of doctor's surgery to one residential dwelling and first floor extension.
Applicant	Ashford Borough Council
Agent	N/A
Site Area	347.63 square metres

Introduction

1. This application is reported to the Planning Committee because the applicant is Ashford Borough Council.

Site and Surroundings

2. The application site comprises an extended two-storey building that was originally constructed as a dwelling but was converted into a doctor's surgery in the 1980's. It is located on a corner plot within Kilndown Close and forms part of a terrace of similarly designed properties. The surrounding area is characterised by two-storey residential properties. The site is within the urban area of Ashford, but is not located within any designated areas.

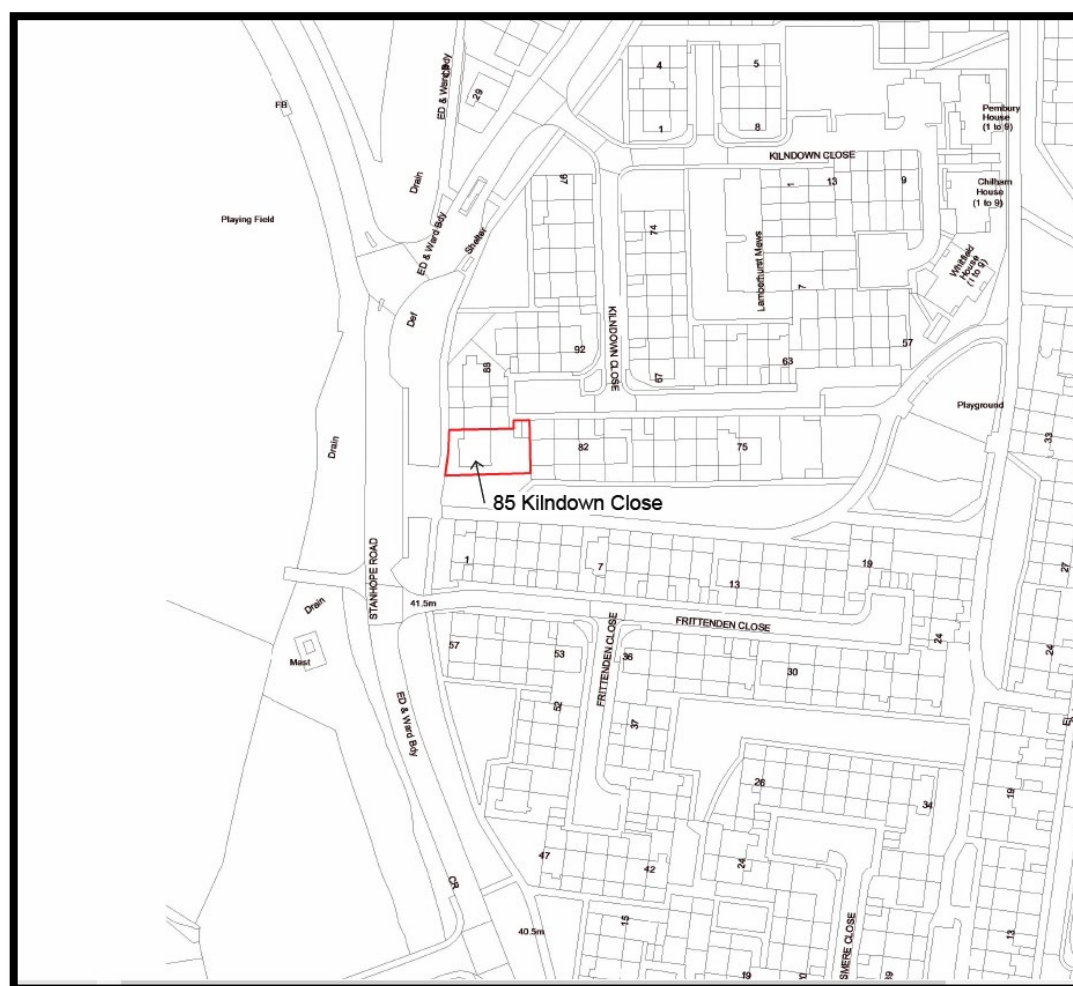


Figure 1 – Site Location Plan

Proposal

3. The application under consideration is the change of use of doctor's surgery to one residential dwelling together with a first-floor extension. The first-floor extension would be positioned atop an existing side extension and would match the existing building in terms of height and finished in similar materials.



Figure 2 – Existing and Proposed Front Elevation

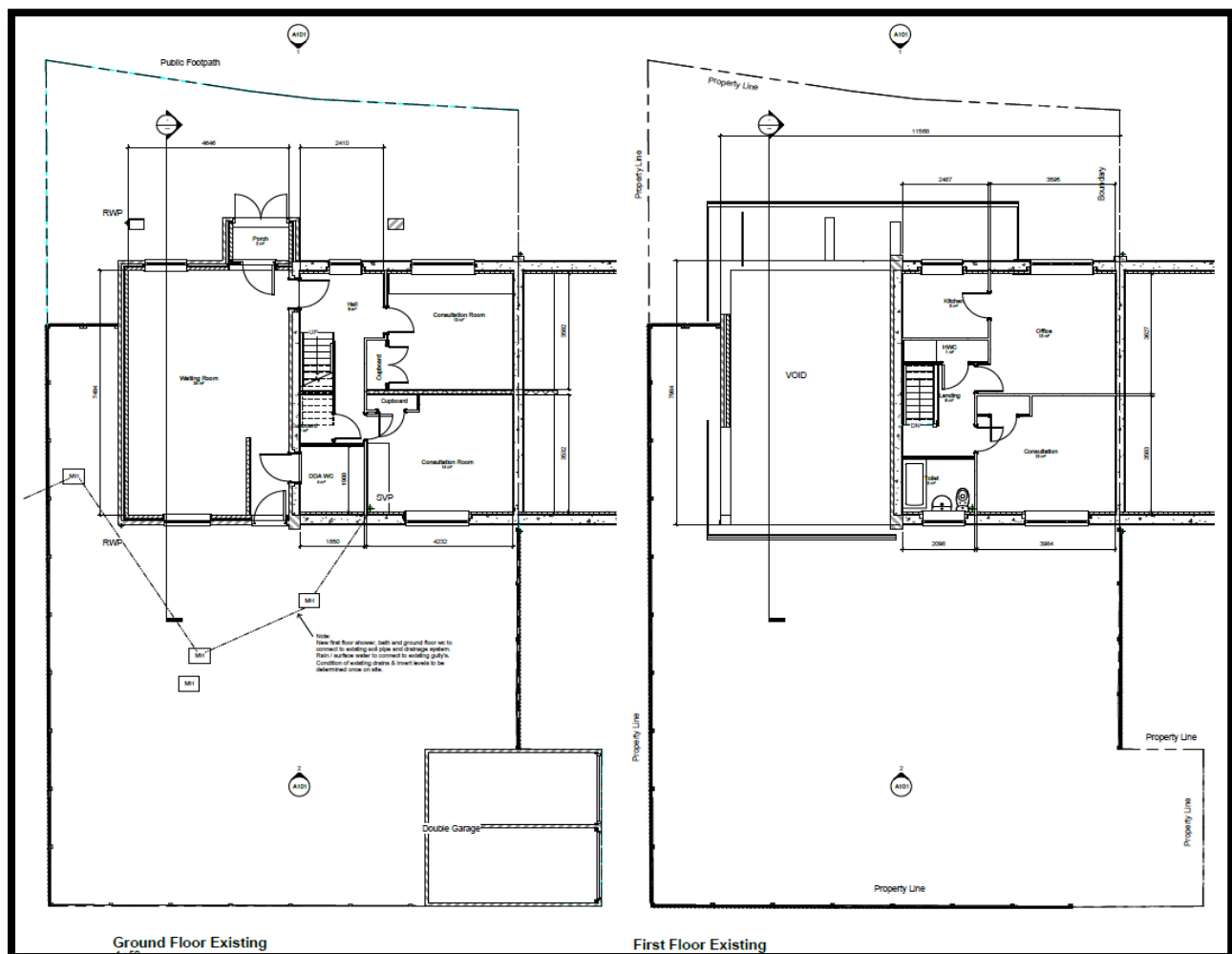


Figure 3 – Existing Floor Plans

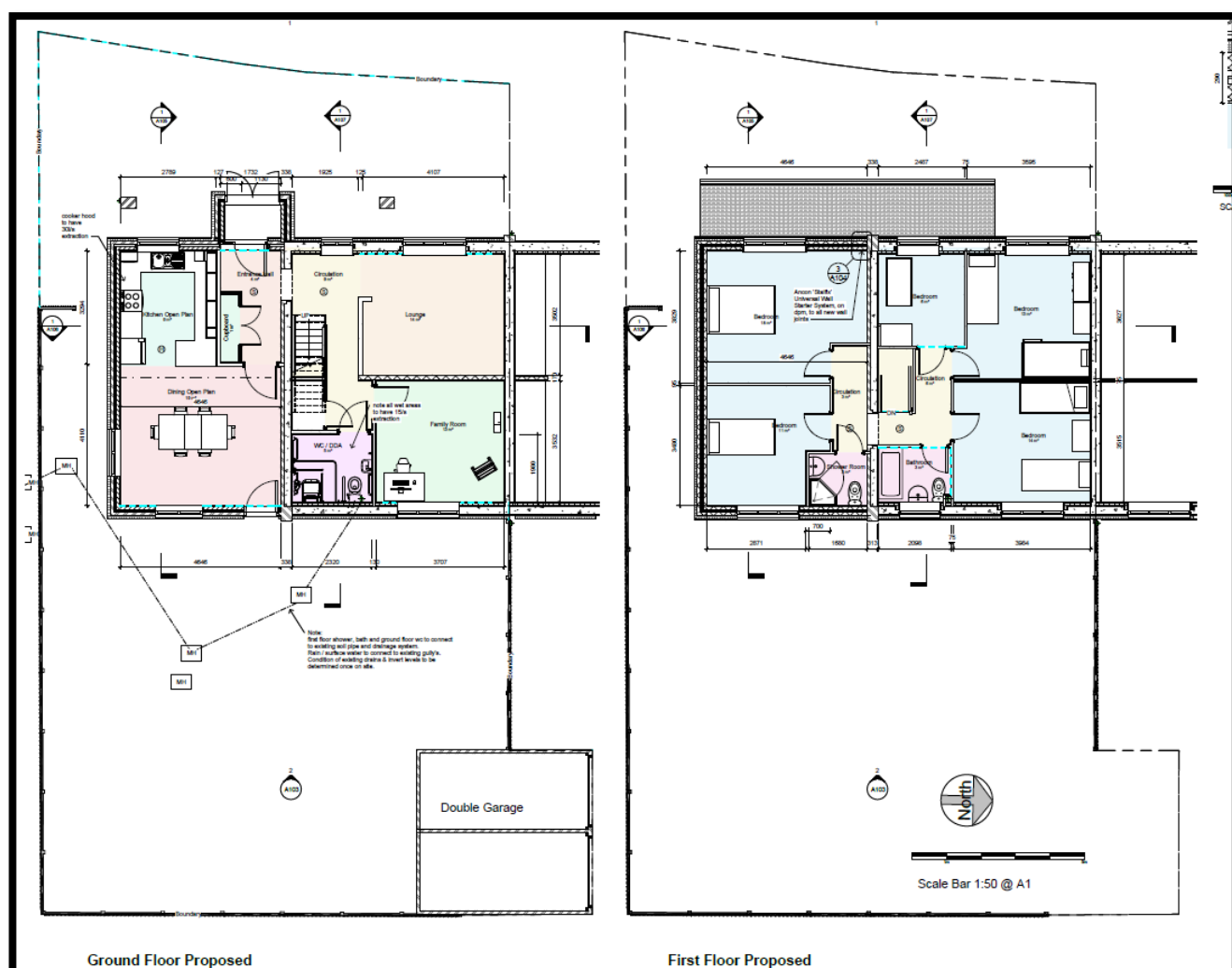


Figure 4 – Proposed Floor Plans

Planning History

DC	FA	20/00091/AS	Change of use from D1 PERM (doctor's surgery) to C3 (residential; creation of additional single dwelling house; demolition of garage and creation of a parking area for both properties.	24/03/2020
DC	FA	83/00419/AS	Doctors surgery.	PERT 01/06/1983

Consultations

Ward Member(s): No representation received.

Stanhope Parish Council: Comments on the application stating the following:

- Do not support the proposal if it is to be converted into a HMO and only support the application if it is to be used by a family. **[Officers comment:** The building is not proposed to be used for a HMO].
- When the building was originally converted from a bungalow to a doctor's surgery, it is thought that it would have to provide accommodation for disabled persons(s). **[Officers comment:** No condition on the original application has reserved this by condition]

6 Neighbours: No representations received.

Planning Policy

4. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) The Egerton Neighbourhood Plan 2022 and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
5. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan 2030 (adopted February 2019)

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

HOU5- Residential Windfall Development in the Countryside

HOU12- Residential Space Standards Internal

HOU15 - Private external open space

COM1- Meeting the Community's Needs

TRA3(a)- Parking Standards for Residential Development

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

Supplementary Planning Guidance/Documents

Residential Parking and Design SPD

Residential space & layout (External space standards) SPD

Government Advice

National Planning Policy Framework (NPPF) 2021

7. 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 NPPF. The NPPF states 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 130, Planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

Assessment

8. The main issues for consideration are:

- Principle of development
- Visual Amenity
- Residential amenity
- Highways and Parking
- Stodmarsh

Principle of Development

9. The site is within the built-up confines of Ashford and therefore, the principle of new housing is acceptable in accordance with Policy HOU5. In terms of the change of use from a doctor's surgery, there is an extant and implementable permission (reference number 20/00091/AS) that assessed the change from a doctor's surgery to residential was acceptable in principle under policy COM1. In that application, a letter from the NHS Ashford Clinical Commissioning Group set out that the loss of the surgery is acceptable as it is no longer required for primary care use. In view of this position, the change of use from doctors' surgery to residential use is considered acceptable.
10. The remaining relevant key issues of HOU5 are therefore visual impact, impact upon the residential amenity of existing and future occupiers and highway safety – all considered below.

Visual amenity

11. The property was originally built as a dwelling and was converted to a doctor's surgery in 1983. It therefore has the appearance of a dwelling at the end of a terrace of adjacent dwellings. The first-floor extension would be set to the same height as the existing ridge of the row of terraces. The materials would closely

match those of the existing dwelling which integrates the extension to the host dwelling and surrounding ensuring its visual impact is acceptable.

Residential amenity

12. No neighbour objections have been received in relation to this proposal. Due to the nature of the development and its position in relation to neighbouring properties, there would be no undue amenity impacts in terms of overlooking, overbearing impacts or loss of sunlight/daylight. Similarly, there would be no undue noise or disturbance as the residential use would be compatible with a predominantly residential context.
13. The proposal would meet the Nationally Described Space Standards and include garden spaces in accordance with Local Plan policies HOU12 & HOU15. It is therefore considered the proposed new dwellings would provide a good standard of amenity for future residents.

Highways and parking

14. Owing to the street layout of the area, there is no provision for off-road parking. However, within TRA3a of the Ashford Local Plan, it states that proposals may depart from the typical standards within the policy in order to take into account local circumstances. Kilndown Close has a wide road and there is room for on-road parking without obstruction to other vehicles, and there is also an extended road on Stanhope Road for the parking of vehicles. There is a garage on site which is considered as an additional parking resource. The site is within a sustainable location with public transport services in close proximity. Notwithstanding the provision for the parking of vehicles on the road, it is considered that it is likely that parking will be less intensive for a residential use compared to a doctor's surgery and the associated vehicular movements of staff and patients.

Stodmarsh

15. The Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site. This relates to an increased level of nitrates and phosphates within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
16. The importance of this advice is that the application site falls within the Stour catchment area and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the

Habitats Regulations 2017 (as amended) would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to lawfully grant planning permission.

17. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.
18. In the case of this application being located within the Stour Catchment, it is very likely that an off-site package of mitigation measures will be required in order for the development to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.
19. However, work commissioned by the Council has commenced the on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
20. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), I recommend that a resolution to grant planning permission should also be subject to the adoption by the Head of Planning and Development (having consulted NE) of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place.

Human Rights Issues

21. Human rights issues relevant to this application have been taken into account. 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

22. 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

23. The site is within the built-up confines of Ashford and therefore, the principle of new housing is acceptable in accordance with Policy HOU5. With respect to the loss of doctor's surgery, there is an extant and implementable permission (reference number 20/00091/AS) that assessed the change from a doctor's surgery to residential was acceptable in principle under policy COM1. In that application, a letter from the NHS Ashford Clinical Commissioning Group set out that the loss of the surgery is acceptable as it is no longer required for primary care use. In view of this position, the change of use from doctors' surgery to residential use is considered acceptable.
24. There would be no unacceptable harm to residential amenity, visual amenity or highway safety.
25. The site lies within the Stour catchment area and the proposal will generate nitrates and phosphates that will need to be mitigated through the strategic mitigation solution once available. Therefore, the recommendation to grant planning permission is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in this respect.
26. Overall, for the reasons set out above, it is recommended that planning permission is granted once there is a means of mitigating the Stodmarsh impacts.

Recommendation

Permit

- A. Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and

Ramsar Site; and with delegated authority to the Planning Applications and Building Control Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto; and,

- B. Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

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 details of external materials specified in the application which shall not be varied.

Reason: In the interests of visual amenity.

3. 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.

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.

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

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

through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Notes to Applicant

1. Working with the Applicant

Background Papers

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

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