

Application Number	19/01307/AS	
Location	Site of former Ashford Hospital N H S Trust land between 3 and 23, Chart Road, Ashford, Kent	
Grid Reference	00255/43056	
Ward	Victoria Ward	
Application Description	Full planning application for the development of a 75 bed care home and 7 residential dwellings at the site of the former Ashford Hospital, land between 3 and 23 Chart Road, Ashford, Kent	
Applicant	Frontier Estates & NHS Property Services Ltd, c/o Strutt & Parker , 201 High Street, Lewes BN7 2NR	
Agent	Strutt & Parker, 201 High Street, Lewes BN7 2NR	
Site Area	0.88 Hectares	
(a) 6 R 1X Amends 6R	(b)	(c) ABC Culture X, ABC ES X, ABC Housing X, ABC Refuse X, KCC DCU X, ABC Parking X, KCC Ecology X, Kent Fire X, KHS X, KCC Flooding X, KCC Heritage X, POL X, NE X, Gas X, SWS X

Introduction

1. Under the Council's scheme of delegation a delegated officer report for this application was previously circulated to the Planning Committee Members asking them whether it should be elevated to the Planning Committee for a decision. This was on the basis that the proposals involve a building totalling between 1,000 sqm and 5,000 sqm, as well as the site being entirely within an allocated site in the Ashford Local Plan 2030. The application was subsequently elevated to the Planning Committee for a decision at the request of one of the Ward Members.

Site and Surroundings

2. The application site is 0.88 hectares of undeveloped land that was previously part of the former old Ashford Hospital site located off the A28 Chart Road approximately 0.5km to the west of the centre of Ashford. The site is currently overgrown and contains a group of TPO trees on the western boundary. There is a significant change in levels within the site rising approximately 7m from the northern A28 Chart Road boundary to the southern boundary adjoining existing housing at Kings Avenue. The site location plan is shown as figure 1 below.



Figure 1: Site location plan.

3. To the north of the site are detached and semi-detached houses located along the Chart Road. To the east are two semi-detached three-storey houses (1 & 3 Albert Villas) which are currently unoccupied and in a poor state of repair. An outline planning permission ref 17/01049/AS granted in 2018 for two dwellings within the side garden adjacent to the application site has expired.
4. To the west/north-west are a group of six single-storey garages, beyond which are semi-detached houses facing Chart Road. These are set back and slightly elevated above the street level. The garages are used by the occupiers of these dwellings. There is an existing single vehicular access to Chart Road that currently serves the application site and the adjoining garages. Further to the west approximately 140 metres from the western boundary of the site is the Ashford to Maidstone railway line and Channel Tunnel Rail Link.

5. To the south are mainly two-storey dwellings located off Kings Avenue that have been developed over the last 10 years. These were also part of the former old Ashford Hospital site which, along with the application site, were part of the original site policy U10 allocation for residential development in the now superseded Urban Sites and Infrastructure DPD 2012.
6. There is currently no pedestrian footway fronting the site along the southern boundary of Chart Road. A continuous footway exists on its northern side. The site is not located near to a conservation area or listed buildings and it lies within Flood Zone 1 (low probability of flooding). The site has been identified as potentially containing contaminated land as a result of its previous use.

Proposal

7. This is a full planning application for the provision of a 75-bed dementia care home and 7 dwellings, both with associated parking and access. The care home would be located on the northern part of the site adjacent to Chart Road (0.45 hectares) and the 7 dwellings with associated woodland area (0.43 hectares) on the southern/western part. Both would have separate vehicular accesses, the care home accessed from Chart Road and the 7 dwellings from Kings Avenue with no vehicular linkage between them. The overall site layout of the care home and 7 dwellings is shown below as figure 2 below.



Figure 2: Proposed site layout.

Care home

8. The 75 –bed care home is for the frail elderly, nursing and dementia care needs, including end of life and palliative services. It would take the form of a single 2/3 storey building with a pitched roof set back from Chart Road behind a front car parking area providing 25 spaces that would serve the care home. The front northern and rear southern elevations are shown below as figures 3 and 4.



Figure 3: Front northern elevation of care home



Figure 4: Southern elevation of care home

9. The building would measure approximately 82m in width and 21.5m (Max) in depth. The main three-storey central section is approximately 11.8m in height and the two-storey side sections approximately 10.2m in height. The building frontage is slightly curved around the front car park and the building line is broken up with regular setbacks and protrusions in places. Due to the gradient of the site the care home and car park would be sited at a higher level (around 2.5 metres) than Chart Road. The site sections showing Chart Road, the care home, proposed 7 houses and existing Kings Avenue houses to the south are in figure 5 below.

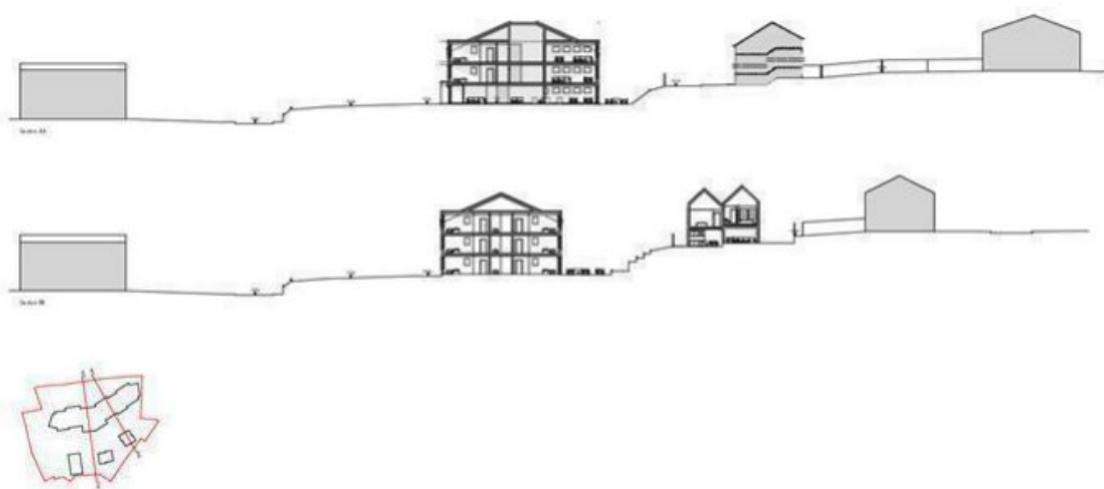


Figure 5: Site level sections from Chart Road to Kings Avenue

10. The care home windows would have surrounding projecting enlarged frames with the third storey windows extending into the roof in the form of flat roof dormers. The care home would be finished in brick (currently proposed as a hardwicke minster beckstone mixture which is buff in colour) with a slate roof. The projecting window surrounds finished in white concrete with aluminium window frames. A CGI image of the front elevation of the care home is shown in Figure 6 below.



Figure 6: CGI of northern front elevation of care home and car park

11. The care home would comprise of 75 individual rooms for the residents. Balconies for the individual rooms are not provided as it is not considered appropriate in view of the medical condition of the occupants. There would be a communal garden with terraces to its south (rear) for residents to use under supervision. Other facilities include residential lounge areas, cafe, restaurant, kitchen, offices, nurse station, hairdressers and cinema.
12. Vehicular access to the care home would be from Chart Road through a revision to the existing access that would continue to serve the adjoining western houses and garages. There would be no vehicular access link to Kings Avenue to the south. The vehicular access and car park would be finished in block paving.
13. Due to the elevated position of the care home and front car park, the Chart Road frontage would be demarcated by a combination of a new retaining wall (up to 2m high) in the location of a proposed new footway (as described below) and a narrow grass slope. The retaining wall would be clad in a similar brick to that of the care home with brick toppers. A new pedestrian footway would be provided along a small section of the southern Chart Road boundary with a new Zebra Crossing sited directly in front of the care home. This would allow pedestrian access to the northern Chart Road footway that is continuous in either direction and a footpath link to the pedestrian/cycleway access

proposed within the application site. The northern boundary would have a narrow strip of landscaping to plant a new hedgerow/the odd tree in front of the car park along with a slightly wider landscaping area in the north east corner. Plans of the northern Chart Road frontage showing the retaining wall view from Chart Road with sections and the pedestrian crossing are shown in

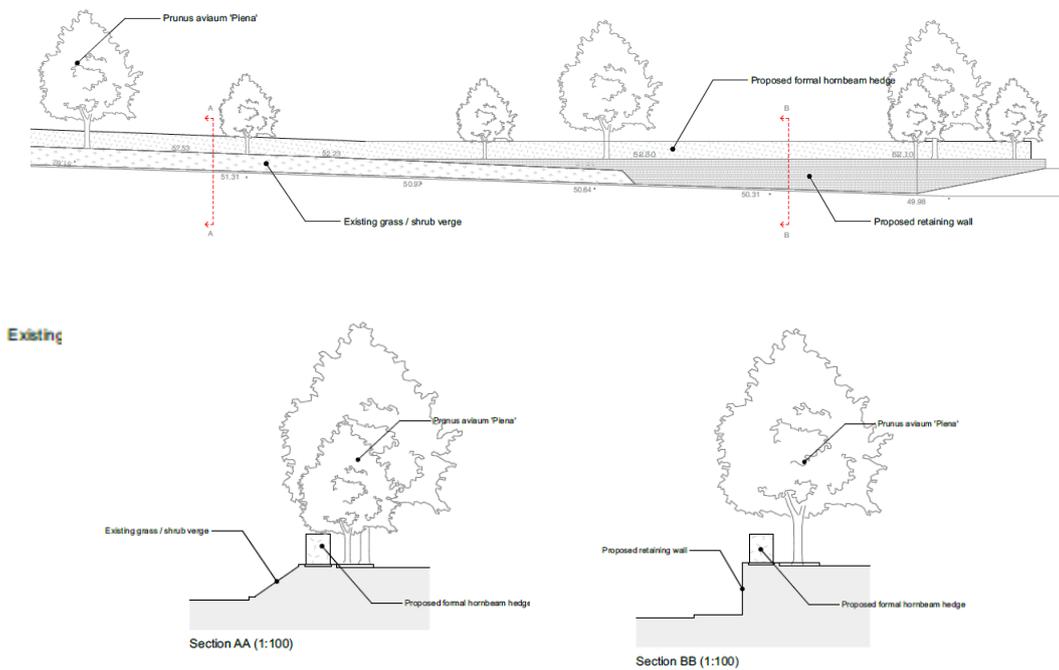


Figure 7: Northern Chart Road frontage showing the retaining wall view from Chart Road with sections

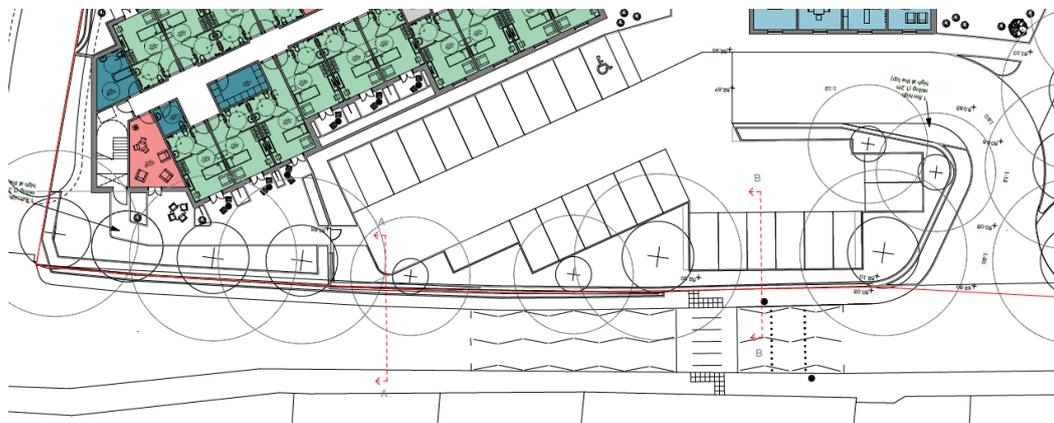


Figure 8: Chart Road pedestrian crossing

Seven new dwellings.

14. The proposed seven new 3-bedroom dwellings are located at the southern end of the site at a higher level than the care home due to the site's gradient (see figure 5 above). They are two-storey houses comprising a terrace of three dwellings and two pairs of semi-detached dwellings within a cul-de-sac arrangement accessed directly from Kings Avenue to the south (see figure 1 site layout above). Each house would have two off-street parking spaces and a further two on-street visitor parking bays are provided within the site. Each dwelling would have allocated areas for bin storage to allow the transfer of bins from their side/ rear curtilage area to the highway frontage for collection.
15. The dwellings would have pitched roofs finished in slate with brick elevations (shown as a Ivanhoe Westminster mutli red brick), and aluminium window frames. The terrace and eastern semi-detached dwellings would be 8.5m high while the central semi-detached dwellings have a split level and are 9m high at the front and 8.1m high at the rear. A small area for reptiles would be provided in the south-eastern corner beyond the rear gardens of the proposed end semi-detached dwellings. The elevations of the houses are shown in figures 9, 10 and 11 below



Figure 9: Eastern semi-detached dwellings



Figure 10: Central semi-detached dwellings



Figure 11: Western 3 dwelling terrace

16. A new pedestrian and cycleway footpath would run through the western TPO woodland area and provide a north-south pedestrian and cycleway connection through the site from Chart Road to Kings Avenue. The woodland would be maintained by a management company as an amenity area for the benefit of residents.

Trees and vegetation

17. A total of 39 individual trees, 2 tree groups and 1 hedgerow were identified in the tree survey the majority of which are located within the western TPO woodland area. A total of 3 moderate value trees, 14 low-value trees, 1 low-value group and 1 low-value hedge are proposed for removal. Most of these

are sited within the western woodland area and require removal to facilitate the new pedestrian / cycleway access and the western development area of the care home and 7 houses.

18. Other locations where existing trees and vegetation are to be removed are at the northern Chart Road boundary involving 2 short sections of low-value privet hedge and a low value plum tree in order to accommodate the development.

Planning History

Hybrid Application: 09/00962/AS: Full planning permission for the erection of new Health Centre with new access and associated parking and landscaping and outline application for new residential development with all matters reserved (comprising of up to 66 dwellings). **Planning permission granted subject to section 106 agreement: June 2010.**

This related to the whole of the old Ashford Hospital site allocated for residential development in the Urban Sites and Infrastructure DPD 2012. A new health centre with access to Chart Road was granted full planning permission on the northern part which relates to this current application site. The outline residential development with access from Kings Avenue was granted on the southern part. The health Centre planning permission was never implemented and lapsed in 2015.

Consultations

The original application scheme was amended, the main change being the reduction of the number of dwellings proposed from 9 to 7 and some layout changes to provide an area of frontage landscaping for the care home. These amendments were subject to full re-consultation

Ward Members: Cllr Suddards requested the application is determined at planning committee

ABC Open Space Planning Development Officer Cultural services: comment in summary.

- The application does not meet the threshold for S106 contributions and therefore no request is made.
- Minor comments made on detail.

ABC Environmental Services: comment in summary:

Request the following conditions to control potential harms associated with the proposed development.

- To provide electric vehicle charging facilities on driveways.

- ii) Scheme to deal with contamination of land.
- iii) Deal with unexpected contamination that is found.
- iv) A scheme for the control of noise and vibration of any plant.
- v) Scheme for protecting the dwellings / development hereby approved from noise.
- vi) Scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises.
- vii) External lighting detail.
- viii) An informative on construction hours.

ABC Housing comment.

“We understand from the application that the proposed care home is C2 use, so there is no requirement for affordable housing. Equally, housing will not seek affordable housing on the C3 homes on this self-contained site”.

ABC Refuse comment:

- Confirm they are happy with the current proposals.

KCC Economic Development: comment in summary:

- Request planning obligations contributions towards primary education, primary land, secondary education, community learning, libraries, youth and social care.
- A condition requested regarding the installation of fixed telecommunications infrastructure and high speed fibre optic

ABC Parking Services: comment in summary.

- ABC have the option of adding the new properties (both the existing new development and the additional homes) to the adjacent Controlled Parking Zone or (preferably) make another zone for the new area as a whole (not including the care home which should contain its parking needs on the car park).
- There are S106 funds to consider and ask for support for a permit/zone scheme or simply to put parking rules on all bays for all users (residents should have their own parking off-street).

East Kent NHS Care Commissioning Group: No response received to either consultations.

KCC Ecological Advice Service: comment in summary.

- Sufficient ecological information has been provided to determine the planning application.

- The surveys have concluded that badgers are not currently utilising the site. Badger surveys are highly mobile and therefore may re-establish in the site prior to works commencing (if granted). Request a condition to require a badger survey to be carried out prior to works commencing.
- Request conditions requiring the approval of an ecological mitigation and enhancement strategy, a site-wide ecological management plan and a lighting plan to minimise light spill within the open space areas.

Kent Fire and Rescue Service: comment in summary.

- The emergency access requirements for the Fire & Rescue Service under the County of Kent Act 1981 to the residential dwellings has been met.
- Access to the care home appears adequate, however subject to planning permission being granted, this part of the development will be subject to a full consultation with the Fire and Rescue Service, where the access arrangements and firefighting facilities will be assessed under B5 of the Building Regulations 2010

Kent Highways and Highways and Transportation: comment in summary.

- Are satisfied that the principle of this scale of development is acceptable in terms of parking provision and impact on the local highway network
- Are satisfied that parking provision proposed across the development is in accordance with the adopted standards for each element, with a provision of 2 spaces per dwelling, and 25 spaces for the care home. In the case of the care home, it is expected that a maximum provision of 1 space per 6 beds, and 1 space per 2 staff should be provided. This would equate to a maximum of 29 spaces being available, based on 75 beds and the 35 full time staff quoted in the application details. However, staff normally work across 3 shifts over a 24 hour period, and they would also be split between different days of the week. An allowance should therefore be made to account for this watering down of staff numbers on site at any one time, and it must be appreciated that the calculation is quoted as a maximum, not a minimum. Experience of existing care homes of this scale also indicate that the amount of parking proposed is appropriate.
- Are satisfied with the detail of the proposed footway along Chart Road which has been widened to the standard 1.8m width, and that sufficient space has been provided within the residential cul-de-sac for a refuse vehicle to turn around. No objection is raised, subject to the following conditions:
 - (i) Submission of a Construction Management Plan.
 - (ii) Provision of the off-site highway works on Chart Road for the footway and controlled pedestrian crossing.

- (iii) Provision and permanent retention of the vehicle parking spaces.
- (iv) Provision and permanent retention of Electric Vehicle charging facilities providing 1 on-plot charger for each dwelling, 2 active spaces and 2 passive spaces for the care home prior to works in accordance with details to be submitted to and approved by LPA.
- (v) Provision and permanent retention of the vehicle loading/unloading and turning facilities.
- (vi) Provision and permanent retention of cycle parking facilities.
- (vii) Completion and maintenance of the access details shown on the submitted plans.
- (viii) The proposed roads, footways, footpaths, verges, junctions, street lighting in accordance with details to be submitted to and approved by the Local Planning Authority.
- (ix) Provision and maintenance of the visibility splays shown on the submitted plan.

KCC Flood and Water Management: comment in summary.

- The Flood Risk Assessment and the Drainage Strategy is reviewed and agreed in principle to the proposed development subject to conditions as follows.
 - (i) Details of a sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority.
 - (ii) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

KCC Heritage: Comment in summary.

- The application site has potential for post medieval or earlier remains and request a condition requiring the submission and approval by the Local Planning Authority of archaeological field evaluation works and further archaeological investigation recording and reporting.

Kent Police: Comment in summary.

- Request a condition be included to ensure that Crime Prevention through Environmental Design PTED is included in the design.

Natural England: comment in summary.

- A habitats regulations assessment (HRA) is required to ensure that the proposal will not have an adverse effect on the integrity of Stodmarsh Special Area of Conservation
- Where an HRA, completed or adopted by the competent authority, concludes no adverse effect on the integrity of the site, Natural England will review the proposal.

Scotia Gas Networks: comment in summary.

- There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. (There are no mains with the application site).

Sport England

- No comment to make on this particular application as the proposed development does not fall within their statutory remit or non-statutory remit

Southern Water: comment in summary:

- Southern Water can facilitate foul sewerage and surface water runoff disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewers to be made by the applicant or developer.
- Request a planning condition that construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with southern water.

Neighbours: 124 neighbours consulted

Original scheme

Six objections in summary on the following grounds:

- (i) The three-storey part of the care home is too high. The topography of this application site is far higher than the opposite side of Chart Road which will make it overbearing to the dwellings on that side.
- (ii) The housing would be accessed from Kings Avenue rather than from Chart Road. That means Kings Avenue road will be opened and connected with a new street. There is no through road. That makes it a great location for our children to play safely outside and makes it quiet and nice area. Opening the road would take away from us this privilege.

- (iii) Considering this is a 75 bed care home, 25 spaces is unlikely to be enough for the staff and visitors. I would be highly concerned that both staff and visitors will be forced to start parking on the local roads around the care home adding to the already extremely congested residential areas. Parking is already an issue for residents on Kings Avenue.
- (iv) There is no need for a pedestrian/cycle access between the proposed new houses and the care home this will only encourage overspill parking in Kings Avenue (only part of Kings Avenue with parking restrictions).
- (v) There is no requirement for any new houses to be crammed in behind the care home, this area should be used to provide the extra parking that the scheme obviously requires.
- (vi) The plans pose a significant safety concern because the proposed access for the 75 bed care home, all its services, all of the 35 full time employees and the 35 part time employees and visitors is directly onto the A28, a main arterial road which is the signposted route into the town.
- (vii) The old Ashford Hospital was accessed from Kings Avenue and Chart Road was never in daily use just used as Emergency Access only.
- (viii) The access will make it more difficult for existing dwellings to access to the A28.
- (ix) Pedestrian crossing in Chart Road is not appropriate nor is it necessary for the scale of this application. A perfectly safe pedestrian route already exists and exits the Kings Avenue/Chart Road site by the pelican crossings enabling pedestrians to cross the A28 safely if they wish or walk into the town.
- (x) Pedestrian crossing was not necessary for the old hospital even when it became a wholly geriatric institution and one is not needed now as pedestrian access is simply and safely provided by the Kings Avenue development.
- (xi) The proposed siting of the crossing will increase light and noise and exhaust fume pollution for local properties.
- (xii) The three-storey design for the care home is dominating and out of keeping with the properties it faces. This prominence is emphasised as the land is higher because of the bank.
- (xiii) The current plan for the plot is very cramped. It is disappointing that as the land had been NHS land that the housing has not been designated for key workers or as social housing.

- (xiv) The three-storey town houses again will dominate the environment and are not in keeping with the traditional vernacular architecture of the surrounding area.
- (xv) Chart Road is a narrow road, it is one that is frequently congested particularly at school times and in the rush hours. The road has a concrete tank trap at one side and sight lines up and down the road are poor for the existing drives and roads.
- (xvi) The design of the buildings with three storeys will further dominant the skyline and the stark modern style jars against the older traditional style of architecture of the houses the proposed development faces. More thought needs to be given to the landscaping and the planting of trees to screen the development from the A28.

One neighbour made general comments as follows:

- (i) The proposals appear to be a rather high density use of what is currently a thriving wildlife area.
- (ii)The reptile area, whilst an excellent idea, seems only to consist of a few square metres and should ideally be enlarged

Amended plans

6 objections in summary on the following grounds:

- (i) We currently have parking problems with people from nearby roads dumping vehicles here meaning more pressure on residents of Kings Avenue to find spaces. This again would increase still further to an unacceptable level if the access for the new development goes ahead from Kings Avenue.
- (ii) The access point to the proposed site pasts parked cars, is very narrow and right by existing residents carports with no traffic or speed calming measures in place. This is an accident waiting to happen. This development should be accessed from Chart Road not Kings Avenue. Cars currently speed up main roads from Sackville Crescent with cars parked already having been hit by passing vehicles /hit and run.
- (iii) Currently the Road is unadopted by the council and the increased traffic will devalue our home/ homes in a cul de sac that command a higher price.
- (iv) I have concerns over the rear of my property becoming overlooked by some of the new residential properties as well as the damage accrued to the wildlife in this area.
- (v) Keep as many trees running to rear of Kings Avenue properties than shown.

- (vi) There is also parking problems as residents from surrounding roads dump their vehicles in the visitor parking bays and ,walk back to Western Avenue and Sackville Crescent. With additional housing and only 2 visitor parking spaces provided in new development people will then be dumping cars in Kings Avenue too. Currently there's not supposed to be commercial vehicles overnight but again this is not enforced. e.g parking permits.
- (vii) Allowing access onto Chart Road on a narrow 'A' road, with traffic speeding down and uphill with limited sight lines is simply an accident, or indeed accidents, waiting to happen.
- (viii) Access to and from my property from Chart Road will become very much more difficult than it already is given the proposed location of the new access road.
- (ix) There are practical considerations here....the width of the paths, the increase in noise and light pollution, not just from the crossing but from the 24 hour proposed facility itself and the proximity of the existing crossings in Chart Road. There is already a light controlled crossing less than 0.1 of a mile away! Why another is necessary.
- (x) 3 storey design of care home and increase in size of windows on the top floor. These would overlook my garden and the main rooms of my bungalow.
- (xi) The design of the building is not in keeping with the traditional designs of housing in the vicinity. I fail to see how the design can be approved when the materials are not named specifically. Which bricks? Grey/black/red/mixed brown all appear on plans but are not shown in situ....and "slate or similar" is suggested for the roof.
- (xii) There are no such examples of roofs in those materials (slate) in the vicinity only tiles. I would urge the Planning Committee to reflect on these points. Without this detail an already unwieldy design will be even more of an eyesore.
- (xiii) The site is too small for all of this and the number of vehicles using the site.
- (xiv) Any attempt to cut away banks and add areas of hard standing and tarmac will simply add to the flooding that already occurs under the railway bridge as yet more rain water will flow downhill.
- (xv) Neither is the existing Second World War tank trap shown which causes vehicles coming downhill to move into the road giving a wide berth to the verge.
- (xvi) Object to the proposed entrance to the care home site, being a garage owner who will have to share the drive onto Chart Road with the inevitable

large increase in traffic flow, because the drive would become inadequate to service the added amount of traffic this proposal would cause

Planning Policy

19. 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 Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022), the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
20. The relevant policies from the Local Plan relating to this application are as follows:-
21. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

Ashford Local Plan 2030 Policy

SP1 – Strategic objectives.

SP2 – Strategic approach to housing delivery.

SP3 – Strategic approach to economic development.

SP6 – Promoting high quality design.

HOU1 – Affordable housing.

HOU12 – Residential space standards (internal).

HOU14 – Accessibility standards.

HOU15 – Private external open space.

EMP6 – Fibre to the Premises.

TRA3(a) – Parking standards for residential development.

TRA3(b) – Parking standards for residential development.

TRA4 – Promoting the local bus network.

TRA5 – Planning for pedestrians.

TRA6 – Provision for cycling.

TRA7 – Road network and development.

TRA8 – Travel plans, assessments and statements.

ENV1 – Biodiversity.

ENV4 - Light pollution and promoting dark skies.

ENV6 – Flood risk.

ENV7 – Water efficiency.

ENV8 – Water quality, supply and treatment.

ENV9 – Sustainable drainage.

ENV10 - Renewable and low Carbon Energy.

ENV11 - Sustainable design and construction – Non-residential.

ENV12 – Air quality.

ENV15 – Archaeology.

COM1 – Meeting the community's needs.

COM2 – Recreation, sport, play and open spaces.

IMP1 – Infrastructure provision

Policy S46 - Chart Road

The site in Chart Road is proposed for residential development with an indicative capacity of 25 dwellings. Development proposals for this site shall:

- a) Provide vehicular access from Chart Road;
- b) Provide an extension to the existing footways and create a formal pedestrian crossing facility across Chart Road;
- c) Provide a pedestrian/cycle access through to Kings Avenue;

- d) Have a design/layout appropriate for the site's location adjacent to residential areas and addresses the possible noise impact from the railway and Channel Tunnel Rail Link;
- e) Provide replacement parking facilities for the residents of 23-33 Chart Road, if development is to include the current area which they are located; and,
- f) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider

The site plan allocation in the Ashford Local Plan is below as Figure 12.

Chart Road (A28), Ashford

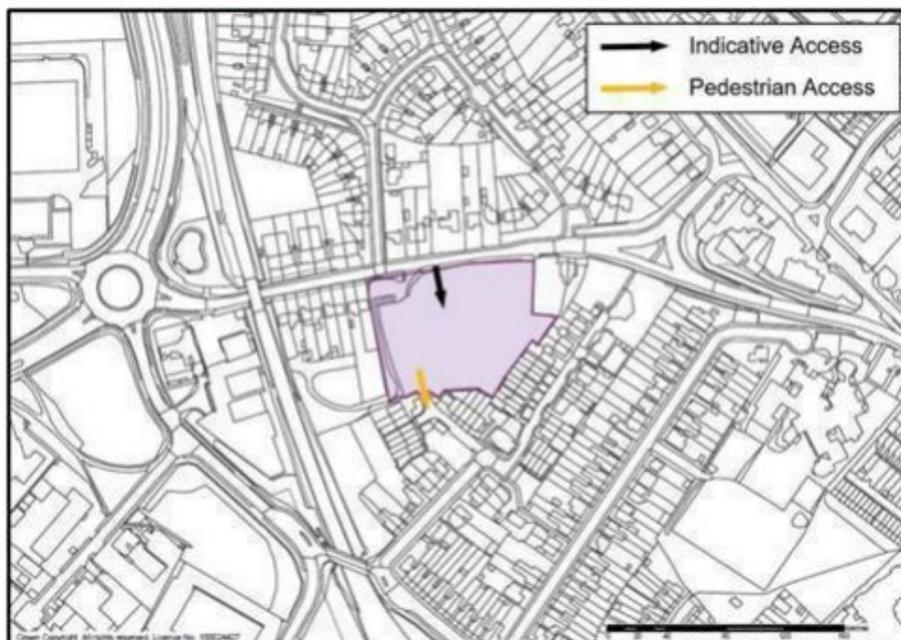


Figure 12: S46 site allocation in Ashford Local Plan

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Residential Space and Layout SPD 2011 (now external space only)

Sustainable Design and Construction SPD 2012

Public Green Spaces and Water Environment SPD 2012

Informal Design Guidance

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

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

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

Government Advice

National Planning Policy Framework (NPPF) 2018

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

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 20 – 23 - Strategic policies.

Paragraph 28 – 29 Non-Strategic policies.

Paragraph 34 - Developer contributions.

Paragraph 38 - Decision making.

Paragraphs 39 to 46 - Pre-application engagement.

Paragraph 47 – 50 - Determining planning applications.

Paragraphs 55 to 58 - Planning conditions and obligations.

Paragraph 60 to 67 - Delivering a sufficient supply of homes.

Paragraphs 68 to 73 - Identifying land for homes.

Paragraphs 92 to 97 - Promoting healthy and safe communities.

Paragraphs 98 to 103 – Open space and recreation.

Paragraphs 110 to 113 - Considering development proposals.

Paragraphs 114 to 118 - Supporting high quality communications.

Paragraphs 119 to 123 - Making effective use of land.

Paragraphs 124 to 125 - Achieving appropriate densities.

Paragraphs 126 to 136 - Achieving well-designed places.

Paragraphs 152 to 169 - Meeting the challenge of climate change, flooding.

Paragraphs 174 to 178 - Conserving and enhancing the natural environment.

Paragraphs 179 to 182 - Habitats and biodiversity.

Paragraphs 183 to 188 - Ground conditions and pollution.

Paragraphs 189 to 208 - Conserving and enhancing the historic environment.

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standard

Assessment

Principle

23. The site is allocated for residential development under policy S46 of the Ashford Local Plan 2030 with an indicative capacity of 25 dwellings. The proposed 75 bedroom care home falls within a C2 residential institution use class and therefore is compatible with the identified use of the site for residential development. The seven new houses are also in accordance with the allocation of the site for a residential use.
24. Whilst the form of development proposed would be different to that indicated within policy S46 as a result of the inclusion of the care home, the 25 dwelling capacity of the site identified in policy S46 is indicative only and does not preclude other forms of development taking place, subject to a detailed assessment of their impact. The principle of the residential use of the site as proposed in this application would therefore be acceptable and a detailed assessment of the impact of the proposed development is set out below.

Visual Amenity

25. The NPPF outlines that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better

places in which to live and work and helps make development acceptable to communities. Policy SP6 of the Ashford Local Plan 2030 requires that development proposals must be of high quality design. The site policy S46(d) requires the scheme to have a design/layout appropriate for the site's location adjacent to residential areas.

26. The development would be very visible within the street scene along Chart Road which at present comprises of detached and semi-detached mostly two-storey dwellings. The care home would be a single building much larger than the surrounding domestic development. The frontage and roofline of the building would be broken up with the higher three-storey elements centrally located lowering to two storeys on both flanks. The linear form of the care building is broken down into a series of elements with setbacks and protrusions in the building line which help break up its massing whilst establishing a rhythm along the street which is consistent with the local urban form. The pitched roof form is similar to the prevailing character of the surrounding houses.
27. I have no objection to the proposed material finishes with brick elevations and a slate roof. The main brick is a buff rather than a red colour, the later being more characteristic of the immediate area along with some light render dwellings. Parking is proposed in front of the building which would be visible when viewed from Chart Road. However, there is no space to put this elsewhere under the current proposals and this allows the main building to be setback from the street as are the existing houses to the west. This helps to reduce its dominance in the street scene compared to if it was sited right up to the road boundary.
28. The proposed seven dwellings are located on higher ground than the care home and would be arranged around a new cul-de-sac as an extension to Kings Avenue. The dwellings have active frontages facing the street and their two-storey scale is similar to the most of the existing dwellings at Kings Avenue. The dwellings have a mixture of pitched and gable roofs finished in brick and slate. Although their fine detail would differ a little from the Kings Avenue properties, such as not having projecting bays and slate rather than tiled roofs, I have no objection to their overall form, design and appearance.

Impact on existing trees and vegetation

29. The submitted tree survey identified a total of 39 individual trees, two tree groups and one hedgerow within the site. The proposals would involve the removal of a total of three moderate value trees, 14 low-value trees, one low-value group and one low-value hedge.
30. The vast majority of these removals are located in the western woodland TPO area to enable the development, notably the new north-south pedestrian

footway/cycleway and the vehicular access road to serve the seven dwellings from Kings Avenue. Vehicular access to the proposed seven dwellings can only be provided from one location at Kings Avenue. The location of the care home and the main access roads from Kings Avenue and Chart Road mean that the foot/cycleway can only be provided if it traverses the woodland.

31. I consider the loss of these trees would be acceptable because no high value trees are to be lost and the majority of the principal trees across the woodland area would be retained. The impact of the proposed tree losses would therefore be localised, and it would not adversely affect the overall structure and visual appearance of the woodland. A condition is recommended to ensure tree protection measures are in place during construction to protect the remaining TPO trees.
32. The other location where existing trees and vegetation would be removed are on the northern Chart Road boundary where two short sections of low-value privet hedge and a low-value plum tree would be removed to accommodate the development. Further road frontage boundary planting including the occasional new tree are proposed, albeit there is only limited space on this boundary adjacent to the car park. Overall I consider the impact on existing trees and vegetation and the proposed landscaping is acceptable.

Residential Amenity

Overlooking and overbearing impacts

33. The site is surrounded by existing residential development. The care home is up to three storeys in height, sited on elevated ground but set back from the Chart Road boundary. The dwellings on the opposite side of Chart Road and to the west are themselves set back. The separation distances from the front elevation of the care home to the front elevations of the Chart Road dwellings located opposite are at least 30m, with Chart Road in between. The relationships are acceptable and would not adversely harm residential amenity through overlooking or being too overbearing.
34. The care home height drops to two storeys on its east side where it abuts side-on and is 1m from the garden boundary of 1 and 3 Albert Villas. This relationship I consider is acceptable as both have similar building lines and there are no side windows above ground floor proposed on the care home. To the west the existing houses along Chart Road are set well away (over 25m) from the care home so there would be no adverse impact on these dwellings. These dwellings would continue to use the proposed revised Chart Road access that would also serve the care home.
35. The proposed seven dwellings would back onto the rear gardens of the existing two-storey houses at Kings Avenue which are located at a slightly

higher level. The western three terrace houses and two eastern semi-detached houses are located generally side-on to the Kings Avenue properties. There are no side windows on these facing elevations. Any overlooking of windows and rear gardens from their primary elevations would be at acute angles and would not be unacceptable.

36. The central two semi-detached houses face directly back to back to the Kings Avenue properties. Most of the window to window distances are 21 m. There are three Kings Avenue dwellings where this back to back distance is around 19m but these are at an angle and I am satisfied there would be an acceptable relationship in terms of adequate privacy and residential amenity. The additional vehicular traffic resulting from the seven dwellings that would use Kings Avenue would result in minimal further amenity impacts on the surrounding area.
37. The relationship between the proposed care home and the seven dwellings is also acceptable. Five of the dwellings are side-on to the rear elevation of the care home's main rear elevation. The two semi-detached dwellings that face the rear elevation of the care home are at a distance of 21m. There are no balconies on the care home and it is sited at a lower level. The care home would not be unduly overbearing on these dwellings and there would be acceptable levels of privacy and residential amenity for both.

Noise, disturbance and odour

38. The site is located close to the busy Chart Road and approximately 140m west of the site lies the domestic and international railway lines. A noise assessment was provided with the application that confirmed there was a medium to high risk of noise along the northern boundary by virtue of the road traffic and a low risk further to the south. Mitigation measures are recommended to deal with this. ABC Environmental Protection raise no objection subject to a condition requiring a final scheme for mitigating the impact of noise disturbance, to be submitted and agreed by the LPA.
39. ABC Environmental Protection have also commented that the inclusion of plant associated with the care home has the potential to impact on the amenity of noise-sensitive properties in the vicinity. A condition is therefore requested requiring a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used to be approved by the LPA.
40. The care home includes kitchen extraction apparatus. ABC Environmental Protection are satisfied odours and fumes can be dealt with through a planning condition requiring a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any

other activity undertaken on the premises is submitted to the LPA for approval.

41. In summary, I am satisfied subject to the imposition of recommended conditions that the proposals result in an acceptable impact on the residential amenity of existing and proposed properties

Highway Safety

Impact on surrounding highway network

42. A transport statement submitted in support of the application concludes that the proposed development would result in a negligible number of additional vehicle trips, which would not be expected to present a material impact on the operation of Chart Road, Kings Avenue, or local junctions. This has been assessed by Kent Highway and Transportation who raise no objection to the proposals subject to the implementation of planning conditions.
43. The care home would have direct vehicular access from Chart Road in accordance with policy S46 (a) of the Ashford Local Plan. The seven dwellings would have vehicular access from Kings Avenue as an extension to the existing residential layout. There would be no direct vehicular connection through the site from Chart Road to Kings Avenue avoiding the creation of a rat run through the site and which is a concern of some local residents. A planning condition is proposed to restrict such vehicular usage.
44. A new pedestrian/cycle access is proposed through the western part of the site from Chart Road to Kings Avenue in compliance with policy S46(c) of the Ashford Local Plan. A new pedestrian footway along Chart Road adjacent to the frontage of the site and a pedestrian crossing facility across Chart Road would be provided. These comply with the requirements of policy S46 (b) of the Ashford Local Plan. The row of garages to the NW of the site do not form part of the application site and therefore there is no requirement to provide replacement parking facilities for the residents under policy S46 (e). The policy acknowledges this is optional. The users of these garages would be able to use the revised access to Chart Road to access the garages.

Parking

45. There is no specific parking standard for a C2 use class care home outlined in the Ashford Local Plan. Policy TRA3 (a) relates to individual residential units and policy TRA3(b) relates to non-residential development and outlines that proposals that do not fall within a specific use should provide a level of parking proportionate to its activity, and be agreed with the Local Highway Authority and the Council. Kent Highways and Transportation have based their comments on their own Kent Vehicle Parking standards. The proposed

25 spaces to serve the care home is acceptable to Kent Highways and Transportation allowing for the use and shifts over a 24 hour period.

46. Policy TRA3 (a) requires the minimum provision of two spaces per unit for a three bed dwelling. Each of the proposed seven three-bed dwellings would have two parking spaces within their curtilage. The two visitor parking bays proposed within the site comply with the policy requirement of 0.2 visitor spaces per dwelling. KCC Highways and Transportation consider the parking provision to serve this development would be acceptable and I am also satisfied the parking provision is acceptable.

Turning

47. Turning facilities are provided within the site serving both the care home and new dwellings. Tracking diagrams for refuse and emergency vehicles have been provided. Kent Highways and Transportation are satisfied with the provisions and raise no objection to the proposals. ABC Environmental Services (Refuse) are also satisfied with the proposals. I consider the scheme to be acceptable in this regard.

Heritage

48. A Heritage Desk-Based Assessment Report submitted with the application does not identify any heritage constraints. The development does not impact on the setting of a conservation area or a listed building. KCC Heritage comment that the application site has potential for post-medieval or earlier remains. In view of the archaeological potential, a condition is requested requiring the submission and approval by the Local Planning Authority of archaeological field evaluation works and further archaeological investigation recording and reporting. Subject to the imposition of this condition I have no heritage objections to the proposals.

Flooding

49. The application includes a Flood Risk Assessment and Drainage Strategy. This outlines that the site is within Flood Zone 1 with a low probability of flooding and the risk of groundwater, surface water, reservoir and sewer flooding are also considered to be low. The proposed surface water drainage strategy comprises a network of pipes and attenuation features, permeable paving which store and convey surface water to the site boundary, where it would discharge to the public sewer at 2l/s, which has capacity. The peak rate of discharge from the site is a reduction of the calculated existing brownfield rate of runoff; therefore, there is no increase in off-site surface water flood risk.

50. KCC Flood and Water Management have reviewed the application and agree in principle to the proposals subject to two conditions. The first is to require a sustainable surface water drainage scheme based upon the Flood Risk Assessment and Drainage Strategy and secondly to require a Verification Report pertaining to the surface water drainage system. I consider the proposals are acceptable and satisfy policy ENV6 of the adopted Ashford Local Plan as the development is not at an unacceptable risk of flooding and there would be no increase to flood risk elsewhere.

Foul drainage

51. Southern Water confirm they can facilitate foul sewerage disposal to service the proposed development. Southern Water raises no objection subject to a condition requiring details to be approved for the proposed means of foul sewerage disposal. Subject to an appropriately worded condition, I consider the proposal would be in accordance with policies S46 (f) and ENV8 of the Ashford Local Plan.

Ecology

52. The application includes a Preliminary Ecological Appraisal that was updated during the course of the application along with Badger and Reptile surveys. A small fenced off area for reptiles is provided in the SE corner of the site. KCC Ecological Advice Service has assessed this information and they are satisfied sufficient ecological information has been provided to determine the planning application. They raise no objection subject to the imposition of conditions. These include further badger surveys to be provided prior to works commencing, implementation of reptile mitigation and site-wide management, a lighting plan to minimise light spill, breeding birds mitigation and ecological enhancements. Subject to the imposition of these conditions I am satisfied the scheme complies with policy ENV1 of the Ashford Local Plan 2030 requiring that proposals should conserve and enhance biodiversity.

Contamination

53. A Phase I Environmental Review has been undertaken by the applicant to assess the potential for soil or groundwater contamination, both at and in the vicinity of the site. This concludes that there is a low to moderate risk of the site being identified as representing a significant risk to site users or to other receptors due to contamination.
54. ABC Environmental Protection in their comments note the prior uses of the site, and the potential for contamination that may pose a risk to the environment and public. They recommend conditions requiring that development is not begun until a scheme to deal with contamination of land and/or groundwater has been agreed by the LPA, alongside a further

condition to deal with any unexpected contamination found at any time when carrying out the approved development to be agreed by the LPA. I consider these conditions are necessary to ensure there would be no risk to the future users of the site and recommend they are imposed on any grant of planning permission.

Space standards

55. Policy HOU12 of the Ashford Local Plan requires all new residential development to comply with national described space standards. The proposed dwellings exceed these minimum standards.
56. Policy HOU15 of the Ashford Local Plan requires all new dwellings are provided with a minimum external private garden area of at least 10m in depth or an equivalent acceptable area. The rear gardens of the proposed dwellings provide at least 10m deep gardens as required by the policy. For flats the policy requires the provision of external balconies. The proposal is for a C2 care home use rather than C3 dwelling use and balconies for individual rooms on the care home are not considered appropriate in view of the medical condition of the occupants. The care home would have a communal garden with terraces to its south (rear) for residents to use under supervision which I consider to provide an appropriate level of external amenity space. The proposals are therefore acceptable in terms of required space standards.

Accessibility standard

57. Policy HOU14 (a) requires that at least 20% of all new build homes shall be built in compliance with building regulations part M4 (2) as a minimum standard. In this case, one dwelling is required to be provided in accordance with this standard provision. This provision can be secured by a planning condition or as a S.106 planning obligation, should a S.106 Agreement otherwise be required.

Affordable Housing Policy

58. Policy HOU1 requires affordable housing on schemes promoting 10 dwellings or more and sites of 0.5 hectares in area or more. Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed (10 homes or more or site area of 0.5ha or more), planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, except in the case of specified exemptions.
59. The proposal is for seven new dwellings which is below the numerical threshold of 10 but the overall site area with the C2 care home and C3 dwellings combined is 0.88ha which is over the 0.5ha qualifying threshold.

60. In this case, I do not consider the provision of affordable housing would be in accordance with Local Plan policy and national guidance. The dementia care home proposed is a C2 specialist use for a targeted and specific part of the housing market. A development of this nature would not itself trigger a requirement for affordable housing because it would meet exemption (b) of paragraph 65 of the NPPF as it “provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students)”. As the proposed dementia care home falls within such an exception, this element of the proposal would not require the provision of affordable housing.
61. The C3 housing area of the site taken in isolation has an area of 0.43ha which is below the 0.5ha threshold for affordable housing provision set out in the Local Plan and the NPPF. This element of the development would therefore not require the provision of affordable housing.
62. In view of the above, the provision of affordable housing has not been sought from this development, in accordance with Local Plan policy and national guidance. I recommend the addition of a condition on any grant of planning permission to restrict the use of the C2 element of the scheme to ensure that the use remains as assessed in this application and that the need for affordable housing resulting from an alternative use can be assessed as part of a future application.

Water efficiency/Renewable and low carbon energy

63. The applicant confirms that scheme would target compliance with Policy ENV7 of the Ashford Local Plan requiring all new residential development to achieve a minimum of 110 litres per person per day of water consumption. This would be secured through a planning condition.
64. In terms of renewable and low carbon energy the applicant has stated there would be a commitment to provide solar panels on the care home building. Details can be provided through an appropriate planning condition.

Habitats Regulations

65. Since the application was submitted, 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.
66. 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 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.

67. The applicant has submitted a Nitrogen Balancing Assessment. This outlines that the proposals would result in an increase in total nitrogen output of 119.836 Kg/TN/yr and total phosphorous output of 2.797 Kg/TP/yr. The report concludes that in the absence of mitigation or amendments to the scheme, the development proposals would have the potential to result in an adverse effect on the integrity of the Stodmarsh European sites. The simplest method of providing mitigation is through land offsetting within the same water catchment.
68. 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 Natural England (NE) upon it, and amending and/or adopting it after taking into account NE's views.
69. As matters stand, an off-site package of mitigation measures would be required in order for the development proposal 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. The applicant's supporting documents acknowledge this.
70. However, work commissioned by the Council is moving forward 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.
71. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions and section 106 obligations), any resolution to grant planning permission would need to 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 would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary additional obligation(s) and/or planning conditions that are necessary in order to reach that assessment. This approach is included as part of my recommendation further below in this report.

Section 106 planning obligation matters

72. Policies COM1, COM2, COM3, COM4 and IMP1 of the Ashford Local Plan 2030 require that development shall make provision to meet the additional requirements for infrastructure to mitigate the needs for the community arising from the proposal with provision secured through a section 106 agreement.
73. KCC Economic Development have requested financial planning contributions towards primary education, primary land, secondary education, community learning, libraries, youth and social care. The C2 use proposed in this application would not be a 'qualifying development' for which these contributions would be required or justified. The seven dwellings also do not trigger the need for such contributions because the proposal is for fewer than 10 dwellings on a site area (C3 use) of less than 0.5 hectares. The request for these contributions would therefore not be in accordance with Local Plan policy or national guidance.
74. The Council's Open Space Planning Development Officer has not requested any planning obligation contributions. This includes any contributions to the maintenance of the play area in Kings Avenue that is mentioned in the text of policy S46 of the Ashford Local Plan. There have been no other requests received for planning obligations.
75. I have outlined above in paragraphs 58 to 62 the reasons that I do not consider an affordable housing provision is justified for this development.
76. There is a requirement for a minimum of 20% of new build homes within this development (one dwelling) to be provided to accord with part M4(2) of the Building Regulations as a minimum standard. This can be dealt with either as a planning obligation or as a condition. A S.106 monitoring payment would also be required to monitor any S.106 Agreement.
77. As I indicated previously, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions and section 106 obligations), any resolution to grant planning permission would need to 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, and to any necessary additional obligation(s) and/or planning conditions that are necessary in order to reach that assessment. This approach is included as part of the Recommendation further below in this report.

Planning Obligations

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

Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
Potentially applies to any size/scale of residential development				
1	Accessible and Adaptable Housing Level 2 access homes (M4(2)) to be provided	Minimum of 20% M4(2) across the whole site	Prior to first occupation of any dwelling comprised within the Development	<p>Necessary as providing a mix and type of housing is required to meet identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as the accessible/adaptable housing would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
2	Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£500 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored</p>

Human Rights Issues

80. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

81. 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

82. The site is allocated for residential development under policy S46 of Ashford Local Plan. I have no objection in principle to the proposal new care home and seven new houses on the site.
83. The proposals would have an acceptable visual impact on the surrounding area in terms of scale, design and appearance. Most of the existing trees including TPO trees would be retained within the site. The trees to be removed are necessary to facilitate the development and their loss would not have a significantly harmful visual impact. The development would have no detrimental impact on the residential amenity of the surrounding area in terms of overlooking, being overbearing, noise, disturbance and odour subject to specific mitigation conditions outlined in the recommendation section.
84. The proposals would have an acceptable impact on the surrounding highway network. Acceptable levels of parking are provided in line with adopted standards. A pedestrian and cycle access from Kings Avenue to Chart Road and new pedestrian crossing on Chart Road are provided in accordance with the S46 Ashford Local Plan policy. No direct vehicular access link is proposed from Chart Road to Kings Avenue. Kent Highways and Transportation raise no objection to the proposals subject to conditions outlined in the recommendation section.
85. I have also included a condition limiting the use of the care home as applied for so restricting any alternative uses allowed under the Use Classes Order and Permitted Development rights that may affect affordable housing provision, as well as parking provision and the amenity of the surrounding

- area. The council would therefore have control of any proposed alternative uses through the submission of a subsequent planning application.
86. The site is located in a low-risk flood area and the submitted Flood Risk Assessment and Drainage Strategy is acceptable to KCC Flood and Water Management. The proposals would result in no increase to flood risk or unacceptable risk of flooding subject to conditions outlined in the recommendation section. Southern Water confirm they can facilitate foul sewerage and surface water runoff disposal.
 87. KCC Ecological Advice Service are satisfied sufficient ecological information has been provided and raise no objection on ecology grounds subject to conditions outlined in the recommendation section. A Phase I Environmental Review has been provided and ABC Environmental Protection are satisfied that any contamination on site can be dealt with through appropriate conditions.
 88. KCC Heritage are satisfied that archaeological issues can be dealt with by planning conditions. The proposals comply with national and local space standards and the water efficiency requirements required by the Ashford Local Plan can be secured through an appropriate condition.
 89. A Nitrogen Balancing Assessment from the applicant shows in the absence of mitigation or amendments to the scheme, the development proposals would have the potential to result in an adverse effect on the integrity of the Stodmarsh European sites. The only practical solution to this is likely to be off site. The recommendation is subject to an acceptable mitigation scheme being provided to offset any harm.
 90. The proposal is for seven dwellings so there is no requirement for financial planning obligations. A planning obligation or condition would be required for an Accessible and Adaptable Housing Level 2 access home (M4(2)) to be provided, as well as a monitoring fee contribution for any S.106 Agreement.
 91. Overall I consider the proposals comply with Ashford Local Plan policies and national planning guidance.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the

planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(B) Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in her 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 Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 agreement/undertaking 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

© PERMIT subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

Conditions

1. Standard 3 year time condition.
2. External Material samples
3. Hardsurface finishes
4. Landscaping
5. Tree protection measures
6. Landscape management Plan.
7. Construction Management Plan
8. Vehicle parking and loading/unloading and turning facilities provision
9. Off-site highway works on Chart Road for the footway and pedestrian crossing
10. Provision of pedestrian and cycle link.
11. Cycle parking facilities
12. Restriction vehicular access through site
13. Electric vehicles charging
14. Cycle parking

15. Highway works implementation
16. Access details implementation
17. Visibility splays
18. Detailed sustainable surface water drainage scheme details
19. Verification Report, pertaining to the surface water drainage system
20. Details of the proposed means of foul sewerage and surface water disposal
21. Archaeological field evaluation
22. Scheme to deal with contamination of land and/or groundwater
23. Unexpected contamination
24. Scheme and maintenance schedule for the extraction and treatment of fumes and odours
25. Scheme for the control of noise and vibration of any plant
26. Scheme for protecting the dwellings / development from noise from A20
27. FTTP connection
28. Detailed ecological mitigation
29. Site wide management plan for the reptiles
30. Lighting
31. Renewable Energy
32. Water efficiency
33. PD side windows restrictions on care home
34. PD side windows restrictions on dwellings
35. Restriction in use to class C2 care home use only
36. Approved drawings

Note to Applicant

1. S106
2. Working with the Applicant
3. Breeding birds
4. Highway approvals
5. Construction hours
6. Police design out crime
7. Approved plans

Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,.
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01307/AS)

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