

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.

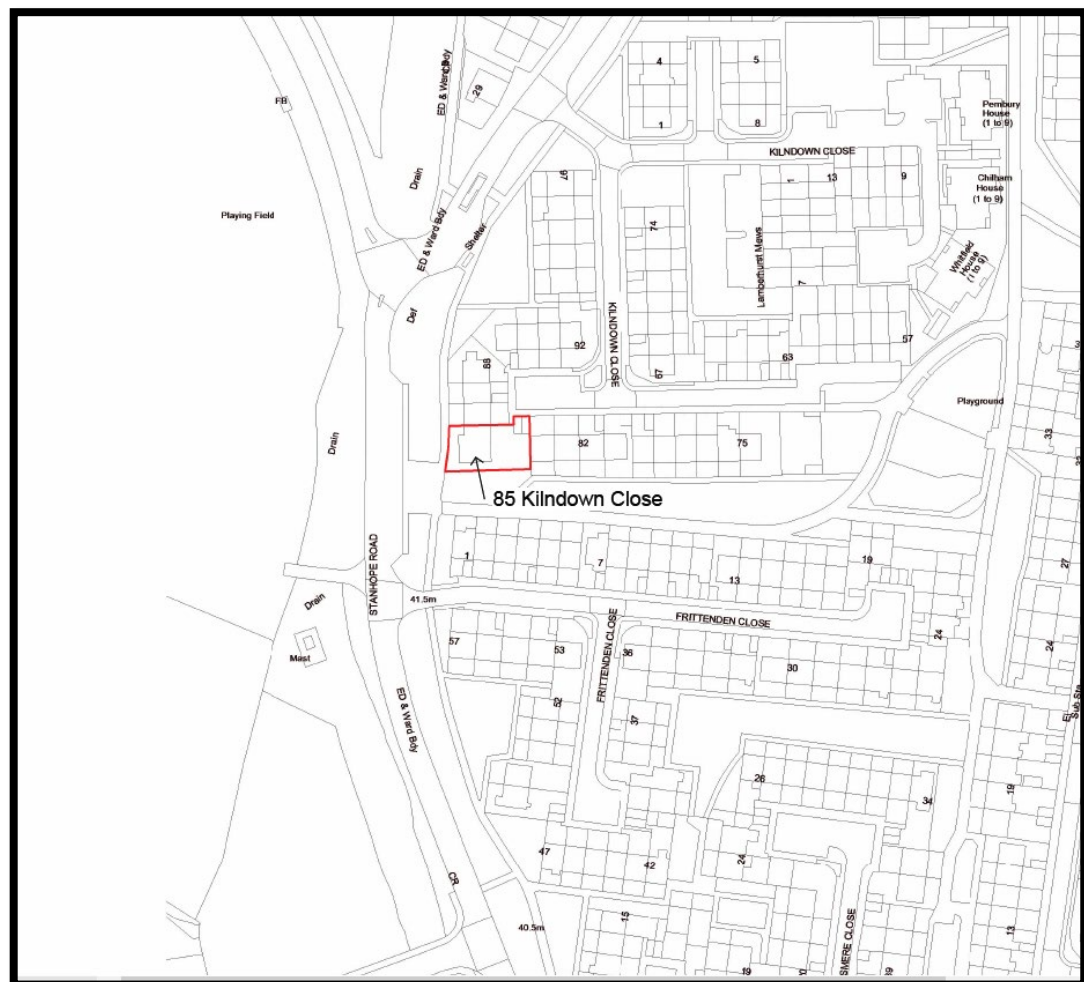


Figure 1 – Site Location Plan

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.

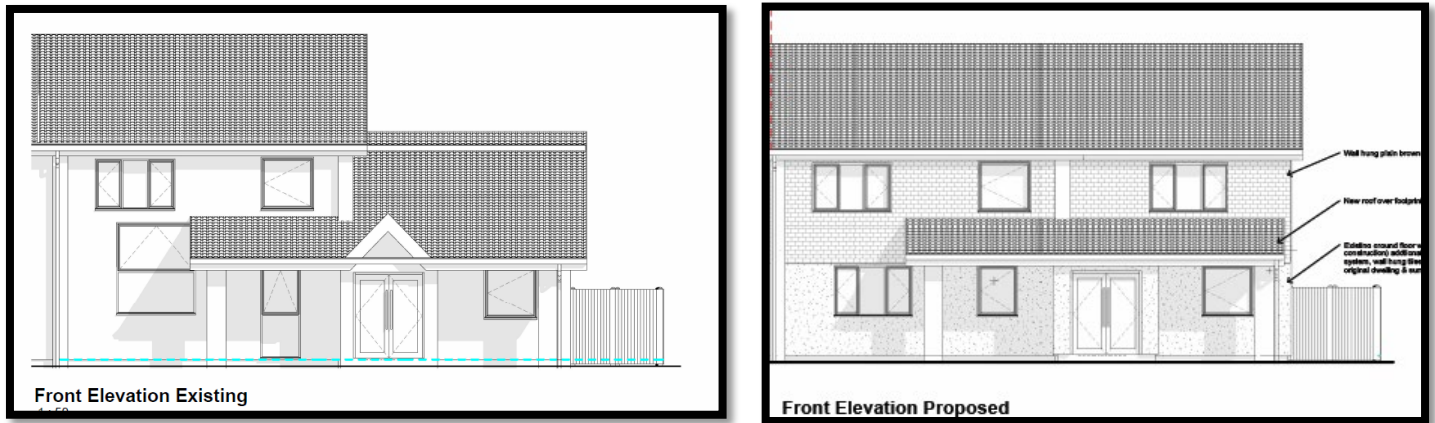


Figure 2 – Existing and Proposed Front Elevation

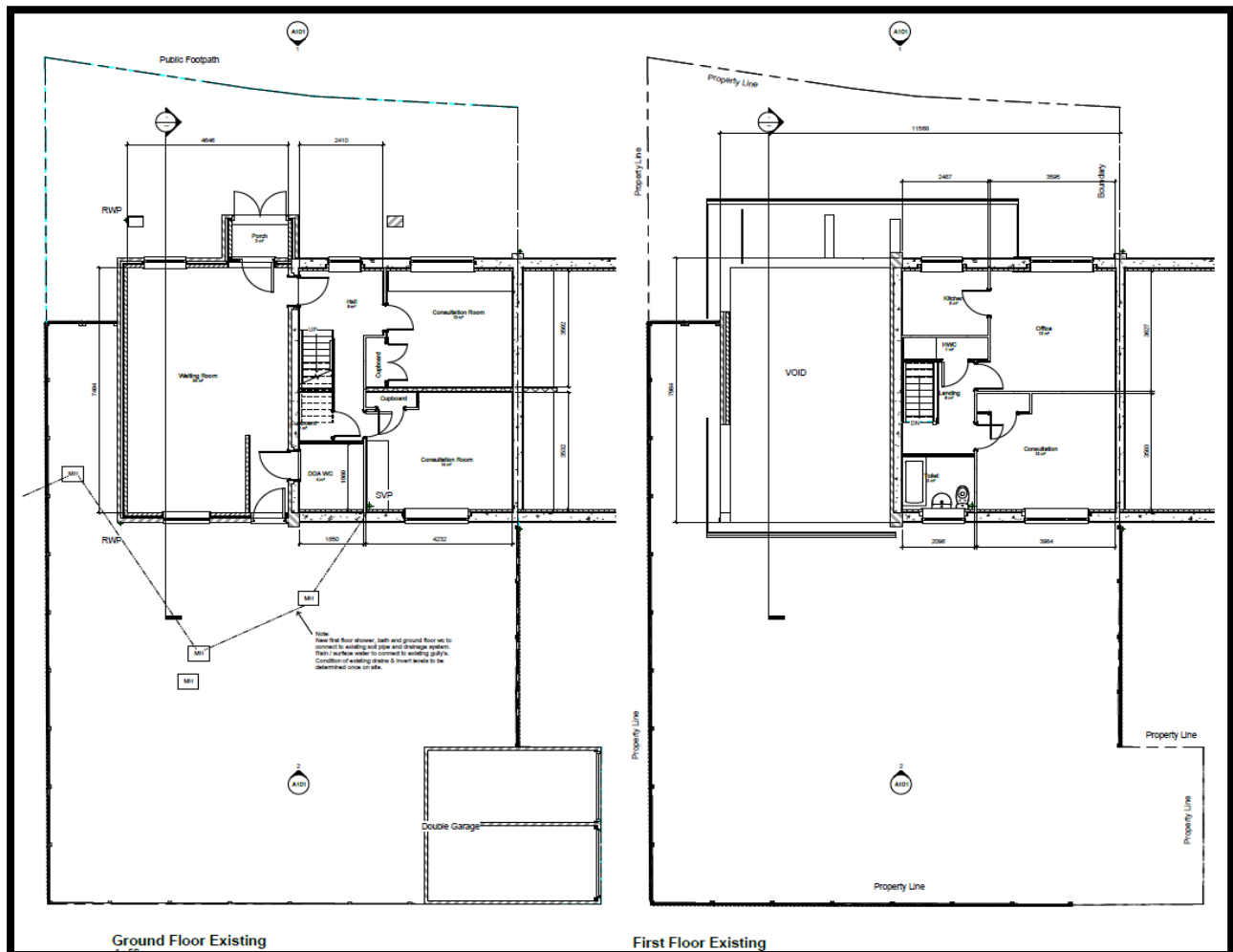


Figure 3 – Existing Floor Plans

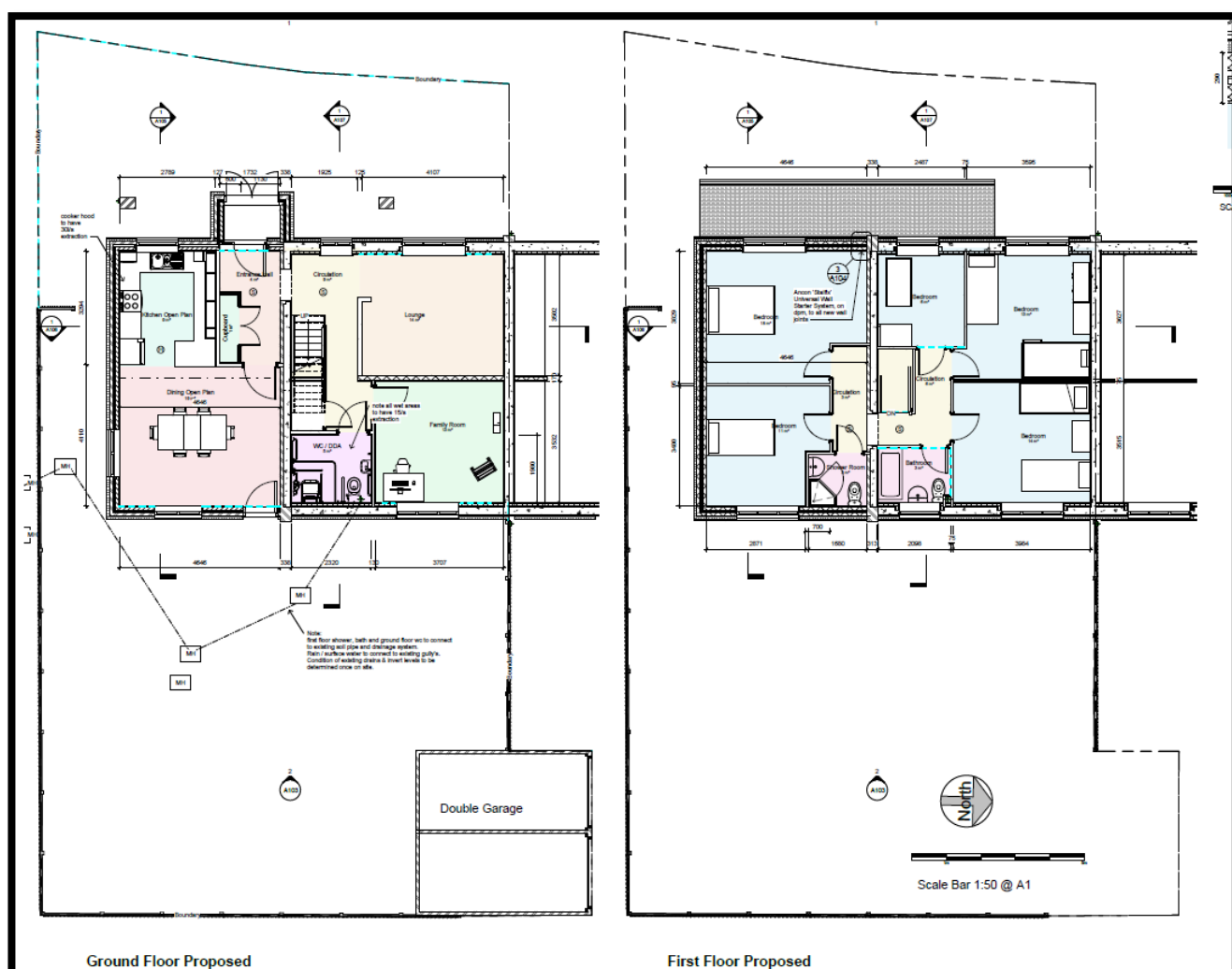


Figure 4 – Proposed Floor Plans

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)

Contact Officer: Lewis Berry
Email: lewis.berry@ashford.gov.uk
Telephone: (01233) 330269