

<b>Application Number</b>	21/1890/AS
<b>Location</b>	Garages south-west of 1, Harper Road, Ashford, Kent
<b>Grid Reference</b>	Easting (x) 599848; Northing (y) 141937
<b>Parish Council</b>	Central Ashford
<b>Ward</b>	Beaver
<b>Application Description</b>	Erection of 3 dwellings including associated parking and landscaping and the demolition of existing garages.
<b>Applicant</b>	Assistant Director – Housing, Sharon Williams (ABC)
<b>Agent</b>	Ms. Asri Asra
<b>Site Area</b>	0.10 hectares (approx. 1000sqm)

## **Introduction**

1. This application relates to an affordable housing scheme (3 dwellings) proposed by Ashford Borough Council.

## **Site and Surroundings**

2. The site lies within the town of Ashford. It is located approximately 2.1 miles away from Ashford town centre. Occupying an area of approximately 0.1 hectares (ha), the site is bordered by Harper Road to the southeast, Little Knoll to the south, and existing residential developments to the northeast, north, and west.
3. The site consists of two sets of domestic garages, totalling 24 units, with 14 of them currently being rented. Access to the garages is provided directly from Harper Road. Additionally, there is a small section of the landscaped area to the south, where Harper Road intersects with Little Knoll. Public Right of Way footpaths are present, connecting Harper Road to the rear gardens of adjacent houses on Harper Road and Old Pond Road. These footpaths run along the northeastern and northwestern boundaries of the site.
4. A pair of flag and post bus stops are located approximately 160 and 190 meters west of the site on Arlington. The primary bus service stopping at these stops is the 'A' service, which operates between Ashford and Singleton. This service runs at a frequency of 4-6 times per hour from Monday to Saturday, with two services per hour on Sundays.
5. The nearest railway station is Ashford International railway station, situated approximately 1.6 km (a twenty-minute walk or a six-minute cycle) northeast of

the site. This station offers connections to London St Pancras International, London Victoria, London Charing Cross, Ramsgate, Margate, Eastbourne, and Dover Priory.

6. A site location plan is as shown in Figure 1 below.



**Figure 1: Site Location Plan**



**Figure 2: Site Plan**

## Background and Proposal

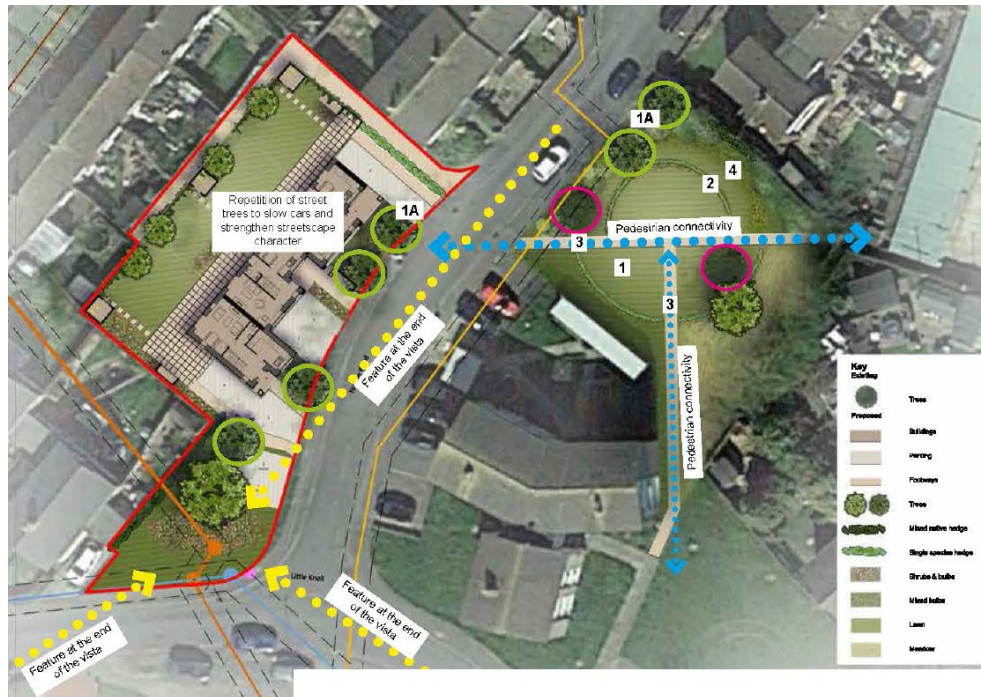
- The Strategic Housing Market Assessment (SHMA), updated in January 2017, sets out a need for 368 new affordable dwellings per year. The SHMA indicates that there will be a shortfall in all affordable housing if reliant upon open market schemes delivery through planning policy, especially a large shortfall of social and affordable rented homes. Ashford is growing significantly and this will have a proportionate effect on the demand for affordable housing. It is understood that in October 2017, there were 1668 live households registered with an increasing level of applications each month. In conclusion, there is an identified need for affordable housing in Ashford.
- The application seeks planning permission for the demolition of existing garages and the erection of 3 no. 2 bedroom dwellings. The intention is to provide 100% affordable housing. The proposed housing development would follow the existing urban pattern, consisting of a terrace configuration that fronts Harper Road. To optimise space and enhance the depth of rear gardens, the houses to the north of the site, where the plot narrows, are designed to be shallower, allowing for on-site parking. Additionally, tandem parking is proposed for the end terrace homes. The proposed dwellings would be finished in light and dark brickwork, composite windows, aluminium clad timber and plain tiled roofs.



Figure 3: Proposed Ground Floor Plan

- Each dwelling would have dedicated parking spaces for two vehicles. Two visitor parking spaces would also be provided for the development. The refuse stores are constructed using brick with timber doors and roofs. They are placed discreetly on the sides of the two corner properties (Plot 01 and Plot 03), while for Plot 02, the refuse store is located at the front of the property.

- All rear gardens would have external access, with the back gardens of the three terrace houses being accessible from rear pedestrian pathways. The existing pathways along the northeastern and northwestern boundaries of the site would be retained. The existing tree to the south of the site would be removed whilst further landscaping is proposed for that corner of the site. Additionally, to compensate for the loss of the garages and the tree within the site, it is proposed to enhance and landscape the adjacent area of green with a view to maximise pedestrian connectivity to the second garage site.



- Finally, proposal incorporates installation of photovoltaic panels within the south and southeast-facing roofs of the houses. It would also make provision for 1 EV charging point for each dwelling.



Figure 4: First Floor Plan

12. It is understood that approximately 15 tenants currently occupying the existing garages would be relocated to an adjacent garage site to the northeast of the site, where approximately 25 vacant garages are available (as confirmed by the ABC garage survey).

### Planning History

- The site has a history of use as agricultural land, until its development to domestic garages in the 1990s.
- The site does not have any relevant planning history.

### Consultations

13. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to the properties in the vicinity of the application site.
- KCC Highways – no objection raised subject to conditions.
  - ABC Environmental Protection – no objection raised subject to conditions in relation to EV Charging, land or groundwater contamination, unexpected contamination and an informative in respect of construction hours.

### Neighbours

37 letters of representations received objecting to the planning application and raising the following matters:

- concerned about the proposed density of the houses
- could lead to overcrowding, strain on existing infrastructure, and a detrimental impact on the quality of life for residents.
- Invasion of privacy
- Overlooking
- Concerned about the proposed location of the new garage being far away and unsafe due to frequent break-ins.
- Worries about houses being built at the bottom of their garden, compromising privacy and sunlight.
- Highlighting persistent problem of cars parked on the path
- privacy, quality of life, and mental health of all residents will be negatively impacted.
- Concerns about the stress, intrusion, and safety of possessions during construction.
- Increase in traffic and congestion
- Parking problems
- The road is extremely busy with cars and pedestrians at the start and end of the school days

- Congestion and safety issues during school run due to limited parking
- Safety concerns for children and parents walking to school during construction
- Health concerns for a family member with respiratory issues exacerbated by dust and noise
- Potential disruption to working from home due to noise and dust restrictions

Councillor Lyn Suddards - I would respectfully request that members of the planning committee undertake a site visit prior to decision making. The density of the housing within the location and close proximity is not demonstrable in the drawings and maps. Residents will then at least know that ABC has made the effort to understand their significant issues which inform the decision making process.

### **Planning Policy**

14. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
15. 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).
16. The Local Plan policies relevant to this application are as follows:
  - SP1 Strategic Objectives
  - SP2 The Strategic Approach to Housing Delivery
  - SP6 Promoting High Quality Design
  - HOU3a Residential Windfall Development
  - HOU12 Residential Space Standards (internal)
  - HOU14 Accessibility standards
  - HOU15 Private external open space
  - ENV1 Biodiversity
  - ENV7 Water Efficiency
  - ENV9 Sustainable Drainage
  - TRA3a Parking Standards for Residential Development
  - TRA6 Provision for Cycling
  - EMP6 Promotion of Fibre to the Premises (FTTP)
17. The following are also material considerations to the determination of this application:-

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

- Fibre to the Premises SPD, 2020

- Dark Skies SPD, 2014
- Residential Space and Layout SPD, 2011
- Sustainable Drainage SPD, 2010
- Residential Parking and Design Guidance SPD, 2010
- Landscape Character SPD, 2010

### **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) 2021
- Planning Practice Guidance
- National Design Guide 2021
- Technical Housing Standards – nationally described standards
- Article 6(3) of the Habitats Directive; Habitats Regulations 2017

## **ASSESSMENT**

18. The key areas for consideration in the assessment of this application are as

- Principle of Development
- Character and Appearance
- Impact on Highways
- Impact on Residential Amenity
- Impact on Ecology
- Stodmarsh Catchment Area

### **Principle of development**

19. The site lies within the settlement confines of Ashford. Therefore, the principle of development is considered acceptable subject to meeting the relevant criteria under policy HOU3a (Residential Windfall Development Within Settlements) of the Local Plan and other site specific considerations.

20. Policy HOU3a states that “Residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines... providing that the following requirements are met:  
a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;

- b) It would not create a significant adverse impact on the amenity of existing residents;
- c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
- d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
- e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;
- f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
- g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,
- h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.

### **Character and Appearance**

- 21. Local Plan policy SP6 seeks to ensure that new development is of high quality design and development should adhere to the set of design criteria listed in the policy. New development should also show how it responds positively to local design guidance, such as village design statements.
- 22. The Character Appraisal of the area (i.e. study of the local vernacular, proportions and materiality) has been carried out. It is noted that the majority of the neighbouring houses are bungalows and semi-detached houses dating back to around the 1930s/60s. Aside from occasional flatted development, the houses surrounding the site are fairly uniform although there are slight variations in respect of detailing and porch designs. In respect of roof forms, it comprises a mix of hip, side gable and mansard roof with shallow pitches. The key elements include entrance porches, headers above windows and brick chimneys. In terms of the materials palette, it is predominantly brick with variation in brick colour, timber shingles, timber panelling, UPVC/metal fenestration and tiled roofs.
- 23. The houses are arranged in a staggered fashion gradually stepping down towards the north. The design of the houses takes inspiration from the existing adjacent houses, ensuring a cohesive visual appearance within the neighbourhood. Two of the terrace houses feature side gable roofs, mirroring the architectural style of the neighbouring houses on Harper Road. Moreover, these houses incorporate front gable ends that rest on prominent brick piers, accentuating the inset entrance porches at the front.
- 24. The corner terrace house, situated at the junction of Harper Road and Little Knoll, draws inspiration from the adjacent detached houses on Little



Knoll/Arlington. Its front gable roof, with increased height, serves to highlight the corner of the site and establishes a visual connection with the neighbouring terrace houses and the existing three-story flat block opposite.



25. The design incorporates a simple material palette that aligns with the surrounding context. Light brickwork would be utilised for the upper floors and dark brickwork for the ground floors with a view to create a visual separation and horizontal emphasis. Additionally, a light brick pattern with a dark brown brick every third brick would be implemented on the three front gable ends, emphasizing the entrances and visually connecting the three terraces. Stacked soldier brick detailing has been incorporated under windows and along all facades, further accentuating the horizontal elements.

26. In respect of landscaping, private external amenity for each dwelling is proposed in the form of a secure, rear garden and has been designed to allow for a sitting out area, clothes drying area, small shed and area of play as well as space to plant shrubs and small trees. In respect of the wider landscaping proposal i.e. the amenity land opposite the site, the proposed landscaping works could be secured via a suitably worded condition.
27. Having regard to the above, it is considered that the design of the proposed development would be of a good standard and consistent with the established development within the wider area. It would positively contribute towards the improvement of the existing built environment. Therefore, the proposal would comply with policies SP6, HOU3a of the Local Plan and paragraph 130 of the National Planning Policy Framework.

### **Residential Amenity**

28. The application site has a rectangular shape, fronts Harper Road and is surrounded by houses on three sides with accesses off Harper Road. It is noted that regard has been had to the residential amenity of the neighbouring occupiers and appropriate separation distances have been retained between the proposed dwellings and the neighbouring properties. The proposed dwellings would be sited at a distance of approximately 16m from the neighbouring properties to the northwest (rear) and 14.5m from the property to the southeast. Whilst the separation distances between the properties is not ideal, members will note that it follows the prevailing relationship between the residential properties in the locality. Having regard for the sufficient separation distances, it is not considered that the proposed development would cause loss of light, sense of enclosure or overshadowing to the neighbouring occupiers. To mitigate the potential impact from the loss of privacy from the first-floor windows of the proposed dwellings, a suitably worded condition could be attached requiring them to be fixed shut and obscure glazed. Having regard to the above and subject to conditions, the proposed development is considered acceptable in terms of residential amenity impact.

### **Living conditions of the future occupants**

29. Regard must also be had to whether the proposed development would provide high standard of amenity to the future occupants. The proposed units, together with individual rooms, would be of a good size, whilst all habitable rooms would be naturally lit. The dwellings would meet the Nationally Described Space Standards in accordance with Local Plan policy HOU12. Each dwelling would have adequate external amenity area or access to communal areas. As such, the living conditions of future occupiers would be acceptable. It would therefore comply with policy HOU15 of the local plan and paragraph 130 of the NPPF.

### **Impact on Highways**

30. The site lies in a dense urban location. Policy TRA3(a) requires that development to provide adequate parking to meet the needs which would be

generated, balancing this against design objectives. It requires 2 bedroom house to provide 2 parking spaces. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces. The parking requirement for 3 dwellings would be 6 car parking spaces plus 0.6 visitor space. The proposal would make provision for 2 parking spaces per unit (6 spaces in total) plus 2 visitor parking spaces. The parking spaces would be equipped with EV Charging facility. It is understood that these would be provided via a wall mounted socket charging point (such as a Solo Smart Charger) fixed onto the side external wall adjacent to the front entrance for three of the properties, with one of the properties EVC to be provided via a stand to minimise trailing cables across public footway. The proposal would therefore comply with policy TRA3a of the local plan and paragraph 112 of the NPPF.

31. Cycle parking has been provided in line with ABC Local Plan 2030 Policy TRA6. A garden shed with capacity for 2no cycle spaces has been allowed for within the rear garden of the dwellings.
32. Regard must also be had to whether the loss of garages would result in an unacceptable impact on the highway network. Paragraph 110 of the NPPF states, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
33. The application has been accompanied by a Transport Statement. Based on the analysis, the proposed development is expected to generate a low number of vehicle trips during peak hours and throughout the day. Specifically, one vehicle trip in the morning peak hour and two vehicle trips in the evening peak hour, resulting in a total of 14 vehicle trips over a 12-hour day which equates to approximately one trip per hour on average.
34. To ensure that a car can reverse onto the driveways, swept path analysis has been undertaken for a large estate car. A refuse vehicle, pantechnicon and fire tender will be able to serve the dwellings on street via Harper Road. It has been demonstrated that the development is entirely within the stipulated hose distance of a fire tender and drag distance of a refuse vehicle parked on Harper Road.
35. An existing site survey revealed that only one of the garages is currently being used for parking. However, it was noted that that there were additional vehicles entering and exiting the site across all three days, but they did not park up for a prolonged period of time. It is therefore considered that a minimal number of vehicles are likely to be displaced as a result of the proposals and these could be accommodated in the other garage site. Additionally, an overnight parking stress survey was completed on the 16<sup>th</sup> and 17<sup>th</sup> June 2021. The survey used the Lambeth methodology and assessed the road network within a 200 metre walk distance of the site frontage. The survey demonstrated that there were 46 observed free parking spaces on the Wednesday night and 49 observed free parking spaces on a Thursday night. The existing site contains 24 garages,

however the above survey shows that only one of the garages is in use for parking. It is however considered that if all garages were in use that a maximum of 24 cars could be displaced as a result of the proposals. It is noted that there is adequate on street parking to accommodate this level of displaced vehicles. Furthermore, it should be noted that the garage site located approximately 60 meters to the north could be utilised by the current occupants of the existing site.

36. KCC Highways have raised no objection in respect of the proposed development, however, a number of conditions have been recommended to be attached to the including a construction management plan, highway condition surveys and any necessary repairs, conditions in relation to the access and parking, provision of EV Charging points and visibility splays.
37. In the light of the above, it could be reasonably concluded that the demolition of the existing garages and the development of three residential dwellings would not have a detrimental impact on the existing on-street parking provision i.e. the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network (relevant test in the NPPF) and would therefore accord with paragraphs 110 and 111 of the NPPF.

#### **Stodmarsh Catchment Area**

38. Advice has been received from Natural England in respect of the nationally and internationally designated protected sites at Stodmarsh Lakes, east of Canterbury. This relates to an increased level of nitrogen and phosphorus within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
39. In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, subject to an Appropriate Assessment prior to any decision to grant planning permission.
40. The importance of this advice is that the site falls within the Stour catchment 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.
41. 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.

42. As matters stand, it is very likely that an off-site package of mitigation measures will 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.
43. 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.
44. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), it is recommended that a resolution to grant planning permission should also be subject to the adoption by the Assistant Director - 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.

### **Impact on Ecology and Trees**

45. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Local Plan policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. The site lies in an urban location and lacks any significant features to support wildlife. Notwithstanding this, the application has been supported by a Phase 1 Habitat Survey to rule out the presence of any protected species on the site.
46. The preliminary ecological appraisal revealed that the site lacks priority habitats and the amenity grassland has limited ecological value.
47. It is noted that no ponds exist within the survey area, and connectivity to nearby ponds is poor, making the site unsuitable for great crested newts or amphibians. Reptiles are not present on the site, and no further work is recommended. The field maple tree provides breeding opportunities for birds, and if removal is necessary, it is recommended that it should be done outside the bird breeding season or with an inspection by an ecologist. The garages were not found to support nesting birds. It is advised that landscaping should incorporate native plants to support nesting and foraging opportunities for birds.

48. The site and garages have negligible potential for supporting roosting bats. Nevertheless, the survey notes that surrounding properties may have features suitable for bats, so lighting design should avoid affecting their behaviour. No further work is recommended. No additional work is necessary for hazel dormouse or badgers. Hedgehogs may be present, and areas where mammals may shelter should be checked prior to disturbance.
49. In conclusion, the site's ecological value is limited, and no significant species or habitats require further attention. Recommendations include consideration of native plantings for birds, and mindful lighting design to minimize impacts on bats. Also, a broad list of potential biodiversity enhancement measures has been included within the survey. It is considered that given the lack of habitat features on-site/habitat connectivity, the impact on ecology is considered acceptable. Suitably worded conditions could be attached to secure the recommendations made within the report.

### **Human Rights Issues**

50. 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).

### **Conclusion**

51. The application site meets the definition of previously developed land (PDL) as defined at Annex 2 of the NPPF. NPPF strongly advocates the use of PDL where possible. Therefore, having regard for the merits of this case, it is considered that the use of the site for the creation of 3 affordable dwellings of a good standard would provide a significant benefit to the community together with making the most efficient use of previously developed land. It would enhance the character and appearance of this part of the town. It would cause no harm to the residential amenity of the neighbouring occupants or the highway safety and is considered acceptable in all other material respects.

### **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.**

1. 3-year standard condition
2. Approved Plans
3. Construction Management Plan
4. Highway condition survey before and after construction and carrying out any repairs if required
5. Measures to prevent discharge of surface water onto the highway
6. Provision and retention of permanent parking spaces
7. EV Charging points
8. Cycle parking
9. Provision and maintenance of visibility splays
10. Completion and maintenance of the access
11. Contamination (Land or groundwater)
12. Reporting of unexpected contamination
13. Foul water disposal
14. Bin Storage
15. Submission of material samples
16. Landscaping scheme
17. Offsite landscaping works
18. Reveal of 100mm for the windows
19. PD rights removed [Classes A (extensions), B (Dormers), D (porches) and E (outbuildings)]
20. Obscure glazing (first floor windows to rear elevations)
21. Fibre optic broadband
22. Scheme of biodiversity enhancements
23. Removal of the tree outside of the bird nesting season

### **Notes to Applicant**

1. Working with the Applicant
2. List of plans / documents approved

## **Background Papers**

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

**Contact Officer:** Benazir Kachchhi  
**Email:** benazir.kachchhi@ashford.gov.uk  
**Telephone:** (01233) 330683