

<b>Application Number</b>	PA/2023/0503
<b>Location</b>	13, 15, 17 and 19, Mill View, Willesborough, Ashford, TN24 0EL
<b>Grid Reference</b>	602661, 141711
<b>Parish Council</b>	Willesborough
<b>Ward</b>	Willesborough
<b>Application Description</b>	Redevelopment of site to provide 4no dwellings and associated parking and landscaping, to replace previously demolished terrace of four dwellings following extensive structural damage
<b>Applicant</b>	Mrs Sharon Williams, Ashford Borough Council
<b>Agent</b>	Mrs Elizabeth Mitchell, Ashford Borough Council
<b>Site Area</b>	0.23ha (approx. 1234sqm)

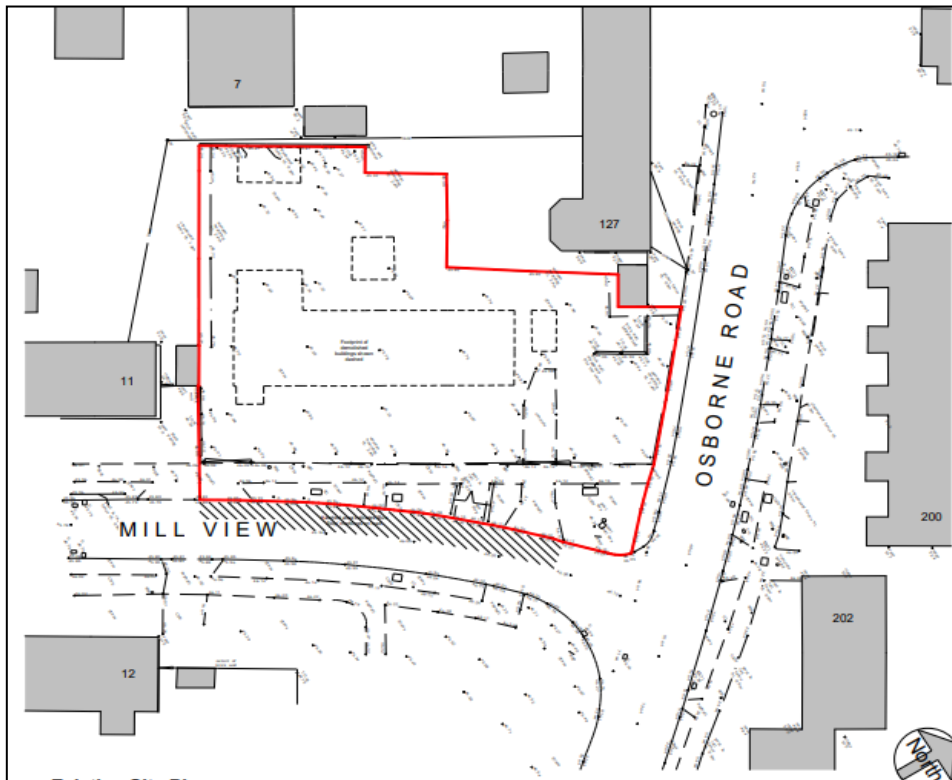
## Introduction

1. This application relates to a housing scheme (4 dwellings) proposed by Ashford Borough Council. It is anticipated that these will be affordable housing.

## Site and Surroundings

2. The site lies in a residential area of Willesborough, to the south east of Ashford's town centre, at the junction of Mill View with Osborne Road. It occupies an area of approximately 0.2 hectares (ha).
3. The properties surrounding the site are a mixture of one and two-storey terraced and semi-detached houses, predominantly constructed of red or brown brick with low-pitched concrete interlocking tile roofs and some tile hanging to the upper storeys.
4. The site was previously occupied by a single terrace of four dwellings. The mix comprised - 2no. 3 bedroom 5 person dwellings; 1no. 3 bedroom 4 person dwelling and 1no. 2 bedroom 4 person dwelling.

5. The terrace was demolished in spring 2022 following a major gas explosion in May 2021 which destroyed one of the properties and seriously damaged the adjoining properties.
6. A site location plan is shown in Figures 1 and 2 below.



**Figure 1 - Site Location Plan**



**Figure 2 - Location Plan**

7. It is understood that one of the properties was privately owned and was purchased by the Council after the explosion.

## **Background and Proposal**

8. 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.
9. Planning permission is sought for the erection of 4 dwellings that would compensate for the loss of the 4 dwellings on this site.
10. The development would follow the existing urban pattern, consisting of a pair of semi-detached houses configuration that fronts Mill View. The front façade would be set back from the adjacent terrace. The proposed footprint is slightly larger than the previous terrace and the overall height is also slightly taller. Flat entrance canopies are proposed with lighting recessed into the soffit. Red facing brick would be used, with double height string courses above the ground and first floor windows. Red concrete interlocking pan tile profile roof tiles are proposed and windows would be grey polyester powder coated aluminium composite.
11. Each dwelling would have dedicated parking spaces for two vehicles to the front. All rear gardens would have external access from pedestrian pathways adjacent to the side elevations of the dwellings. Storage areas for bins would be provided within the private rear gardens in addition to sheds for each house to have cycle storage.
12. Finally, the proposal incorporates installation of photovoltaic panels within the south-facing roofs of the houses. It would also make provision for 1 EV charging point for each dwelling.



**Figure 3 - Proposed Block Plan**



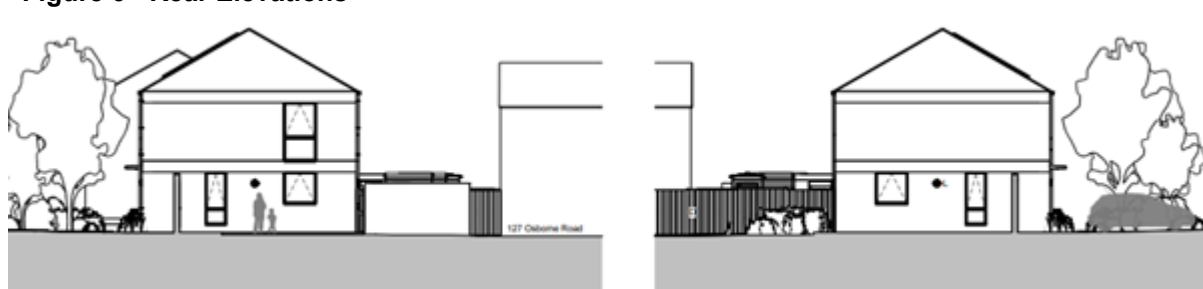
**Figure 4 - Previous dwellings (now demolished)**



**Figure 5 - Front Elevations**



**Figure 6 - Rear Elevations**



**Figure 7 - Side Elevations**

## Planning History

13. There is no relevant planning history relating to this application.

## Consultations

14. 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.

15. **KCC Highways** – The development proposal does not meet the criteria to warrant involvement from the Highway Authority.

However, their previous comments that are included in the applicant's submitted documents state:

- The plans for the proposal show 4x 3 bedroom properties with 2 allocated on plot parking spaces in front of each. These will require new/expanded vehicle crossovers on the highway verge.
- Pedestrian visibility splays are shown at the edge of each driveway.
- Each property is indicated as having 1 EV Charging Point per property, which is acceptable.
- The bus stop directly in front of the row of terraces has been acknowledged in your supporting information; I do not feel that the operation of this will cause any significant impacts to the proposal or highway safety concerns.
- I note that each of the properties has a shed in the back garden which is acceptable for secure cycle storage.
- The proposal is for a replacement of dwellings and the highway impacts are minimal.
- This development would not meet the threshold in terms of size for which Ashford Borough Council Planning Team would normally consult the highway authority. If we were to be consulted I do not foresee any issues that would warrant a recommendation of refusal on highways grounds.

16. **KCC Archaeology** – No comments received to date.

17. **ABC Housing Services** – Supports the application.

- This scheme comprises four properties all of which will be for affordable / social rent (depending on any grant that can be levered into the project) and we are satisfied that the proposed buildings not only fit in with the existing street scene but are providing much needed affordable housing for households on our waiting list.
- These will be homes of good quality, future-proofed for possible adaptation in future years - with straight stair cases and adaptable bathrooms.
- Green measures will be implemented as outlined.
- These homes are the product of discussions between multiple officers in the housing service. They represent an holistic approach to delivering the new homes on the site.

**18. ABC Environmental Health**

- The original property was demolished in 2022 after a gas explosion (from portable gas heater) damaged the properties.
- The applicant has submitted a Phase 1 desk study and site walkover report (Leap Ref: LP3219 15/2/22). The report identified a number of potential contaminants from the previous building and from the explosion/fire damage along with suspected asbestos containing material. The report requests an intrusive site investigation to establish the extent and level of risk. We note the prior uses of the site, and the potential for contamination that may pose a risk to the environment and public. We would therefore request conditions are applied in order to ensure that contamination is subject to assessment and remediation where required. Conditions also recommended for reporting of unexpected contamination and a lighting condition.

**19. Neighbours** – 18 consulted. No comments received.

## **Planning Policy**

20. 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), the Charing Neighbourhood Plan (2023), and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
21. 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).
22. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Local Plan to 2030**

- SP1 - Strategic Objectives
- SP2 - The Strategic Approach to Housing Delivery
- SP6 - Promoting High Quality Design
- HOU3a - Residential Windfall Development

- HOU12 - Residential space standards
- HOU15 - Private external open space
- ENV1 - Biodiversity
- ENV4 - Light pollution and promoting dark skies
- ENV5 - Protecting important rural features
- ENV6 - Flood Risk
- ENV7 - Water Efficiency
- ENV9 - Sustainable drainage
- ENV15 - Archaeology
- TRA3a - Parking standards for residential development
- TRA6 - Provision for cycling

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

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

- Fibre to the Premises SPD, 2020
- Residential Space and Layout SPD 2011(now external space only)
- Residential Parking and Design SPD 2010
- Sustainable Drainage SPD 2010
- Dark Skies SPD 2014.

#### **Informal Design Guidance**

- Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins
- Informal Design Guidance Note 2 (2014): Screening containers at home

#### **National Planning Policy Framework (NPPF) 2021**

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

- 2. Achieving sustainable Development
- 4. Decision Making



- 5. Delivering a sufficient supply of homes
- 12. Achieving Well Designed Places

Planning Practice Guidance (PPG)

Technical housing standards – nationally described space standards

Article 6(3) of the Habitats Directive; Habitats Regulations 2017

## **Assessment**

24. The key areas for consideration in the assessment of this application are:

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Living environment
- Impact on highways and parking
- Ecology and trees
- Archaeology
- Contamination
- Stodmarsh Catchment Area

## **Principle**

25. The site lies within the settlement confines of Willesborough where 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.

26. 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.
27. The proposed dwellings would occupy the same site and would compensate for the loss of the 4 dwellings on this site. The principle of development is therefore acceptable.
28. They would provide housing for households on ABC's Housing Service's waiting list.

### **Visual Amenity**

29. 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.
30. The proposed dwellings would be a two storey semi-detached pair in an area that is characterised by terraced and semi-detached two storey dwellings. The layout is therefore considered appropriate to and compatible with the character and density of the surrounding area.
31. The design of the houses takes inspiration from the existing adjacent houses, ensuring a cohesive visual appearance within the neighbourhood. The pitched roof design, with gable ends and simple flat roof front door canopies are satisfactory and would contribute to the design concepts of the area.
32. The dwellings would be finished in red brickwork with double height string courses above the ground and first floor windows, and red concrete interlocking pan tile profile roof tiles, which will align with surrounding context. Windows would be grey polyester powder coated aluminium composite that is different from the surrounding theme of white window frames on the surrounding properties, but this modern interpretation is considered acceptable.

33. In respect of landscaping, private external amenity for each dwelling is proposed in the form of a secure, rear garden.
34. Proposed photovoltaic panels would be provided on the front roof slope of each dwelling comprising 12no. panels per dwelling. The panels would have an all-black aesthetic with minimal frame and cell connection visibility so that overall, the visual impact would be acceptable.



Figure 8 - Rendered Views

### Residential Amenity

35. Given the siting of the proposed dwellings occupying similar positions to the previous dwellings, and the relationship to the surrounding residential properties, there would be no unacceptable harm to the amenities of the adjacent occupiers in terms of overshadowing, loss of outlook or loss of privacy.

### Living Environment

36. 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.

### **Highway Safety and Parking**

37. The site lies in a dense urban location. Policy TRA3(a) requires development to provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It requires 2 and 3 bedroom houses to provide 2 parking spaces. These figures are described as minimums.
38. 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 these four dwellings would therefore be 8 car parking spaces. The proposal would make provision for 2 parking spaces per unit (8 spaces in total).
39. The parking spaces would be equipped with an EV Charging facility. To ensure these are provided a suitably worded condition will be attached.
40. The parking to the front of the dwellings would be accessed over the grass verge. As an unclassified road, this is acceptable, a view with which KCC Highways concur.
41. Cycle parking has been provided in line with ABC Local Plan 2030 Policy TRA6 with garden sheds with capacity for cycle spaces within the rear gardens of the dwellings.
42. In the light of the above, the development of four residential dwellings would not have a detrimental impact on the existing on-street parking provision i.e. the proposal would not 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.
43. The development is therefore considered acceptable in terms of highway safety and parking and complies with policy TRA3a of the local plan and paragraph 112 of the NPPF.

### **Ecology and Trees**

44. The EU Habitats Directive, requires that the precautionary principle is applied to all new developments, 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. However, the site lies in an urban location and lacks any significant features to support wildlife.

45. In conclusion, the site's ecological value is limited and no conditions are considered appropriate in this regard. The matter of Stodmarsh is considered later in the report.

### **Archaeology**

46. The site is within an area of archaeological potential. KCC Archaeology were consulted, however they offered no comment on the application. Notwithstanding this, it should be noted that the proposed footprint of the development would cover the previous footprint of the dwellings. Therefore, it is considered that the proposal is unlikely to impact upon the archaeological heritage assets underneath. In conclusion, the proposal is considered acceptable in terms of the impact on archaeology and the proposal would comply with Local Plan policy ENV15.

### **Contamination**

47. Conditions will be added regarding the submission of a scheme to deal with contamination, reporting of unexpected contamination, lighting and the requirement for an electric vehicle charging point. An informative will be added regarding hours of construction/demolition/dust/burning of waste etc. This is in accordance with the advice from Environmental Health.

### **Stodmarsh Catchment Area**

48. 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.
49. In accordance 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.

50. 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.
51. A draft Appropriate Assessment has been prepared, which is currently awaiting consultation comments from Natural England. The Appropriate Assessment report sets out that as there were dwellings on site prior to the demolition at the time of the issuing of the Natural England nutrient neutrality advice, these dwellings would be releasing wastewater and nutrients into the Stour catchment and can therefore be taken into account when determining the net increase in overnight accommodation for the scheme. In this instance the Council considers that the proposed development would not result in a net increase in dwellings (or population), compared with the previous dwellings. As such, the development achieves nutrient neutrality as there is no net increase in nutrients released from the development.
52. 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 view.

## **Human Rights Issues**

53. 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**

54. 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

55. There would be no harmful visual impact, residential impact, highways impact or any other harmful impacts as a result of the proposal. It would have a positive impact on the overall appearance and character of the wider locality and provide much needed housing.
56. The proposed development would comply with the requirements of Development Plan policy and Central Government guidance and it is therefore recommended that planning permission is granted.

## Recommendation

### Permit –

- A) Subject to an Appropriate Assessment being adopted by the Assistant Director – Planning & Development following consideration of any comments received from Natural England 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

1. Standard 3 year time condition
2. Development carried out in accordance with the approved plans
3. Materials in accordance with approved plans
4. Provision and retention of parking spaces
5. Electric vehicle charging points
6. Bicycle storage in accordance with approved details
7. Contamination (Land or groundwater)
8. Contamination
9. Unexpected contamination
10. Maximum lighting luminance
11. Fibre optic broadband

### **Notes to Applicant**

- Working with the Applicant
- KCC Highways informative
- Hours of construction/demolition/burning of waste etc informative

### **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 PA/2023/0503)

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