Application Number	19/00516/AS
Location	The Poplars, Kingsnorth Road, Ashford, Kent,
Grid Reference	00445 41328
Parish Council	South Ashford
Ward	Norman (Ashford)
Application Description	Demolition of existing flats at 1 to 14 The Poplars & terrace of 3 houses at 5, 7 & 9 Beaver Lane. Redevelopment of site to provide a sheltered housing scheme of 31 apartments (15 x 1 bed, 16 x 2 bed) for affordable rent & associated parking
Applicant	Head of Housing. Ashford Borough Council, Ashford Borough Council
Agent	Ashford Borough Council
Site Area	0.43 hectares

(a)	60/1R	(b)		(c)	HM X, EHM (EP) X, SSOT X, EA X, ES (contracts0 X, KCC (DCU), KCC Ecology X, KCC drainage X KHS X, GAS X, SAC X, SW X, UK power X

Introduction

1. This application is reported to the Planning Committee because it is submitted by Ashford Borough Council and is a major application under the Council's scheme of delegation.

2. The scheme involves the demolition of all the 17 existing houses on-site and a proposed sheltered housing apartment block comprising 31 affordable homes (a mix of 1 and 2-bed units) for rent with occupation to be limited to people aged 50 years or older.

Site and Surroundings

3. The application site is 0.43 hectares in area and currently contains 2-storey dwellings comprising of 14 flats and 3 houses dating from the 1980's located at a prominent corner site at the junction between Kingsnorth Road and Beaver Lane. Vehicle access to the site is from the rear off Beaver Lane via Langholm Road. The dwellings are owned by the Council and have been rented as affordable/ general needs housing. However, all properties are in the process of being vacated pending the proposed redevelopment of the site. Photographs of the existing dwellings are shown in Figure 1 below.

Figure1. Photos of existing dwellings.

4. The surrounding area is mainly 2-storey residential brick properties with some render and tile hanging with tiled pitched roofs. There are some 3-storey buildings nearby at Beaver Court, Court Wurtin and on the Kingsnorth Road overlooking the road junction. The 2-storey Beaver Inn lies immediately to the north of the site.

5. The application site contains a significant area of open grass communal space along the Beaver Lane and Kingsnorth Road frontages. The Council also owns eight 2-storey properties located off Langholm Road/Beaver Lane immediately to the west/ northwest. These are shown in the land edged blue on the site location plan (Figure 2 below). A total of six individual trees and three groups of trees have been surveyed within the site. A number of these are larger mature specimens located mainly on the Beaver Lane/Kingsnorth Road corner and on the northern boundary with the Beaver Inn. None of these are subject to a TPO.

6. The site does not lie within any specially designated area. The site location plan is below as figure 2 below

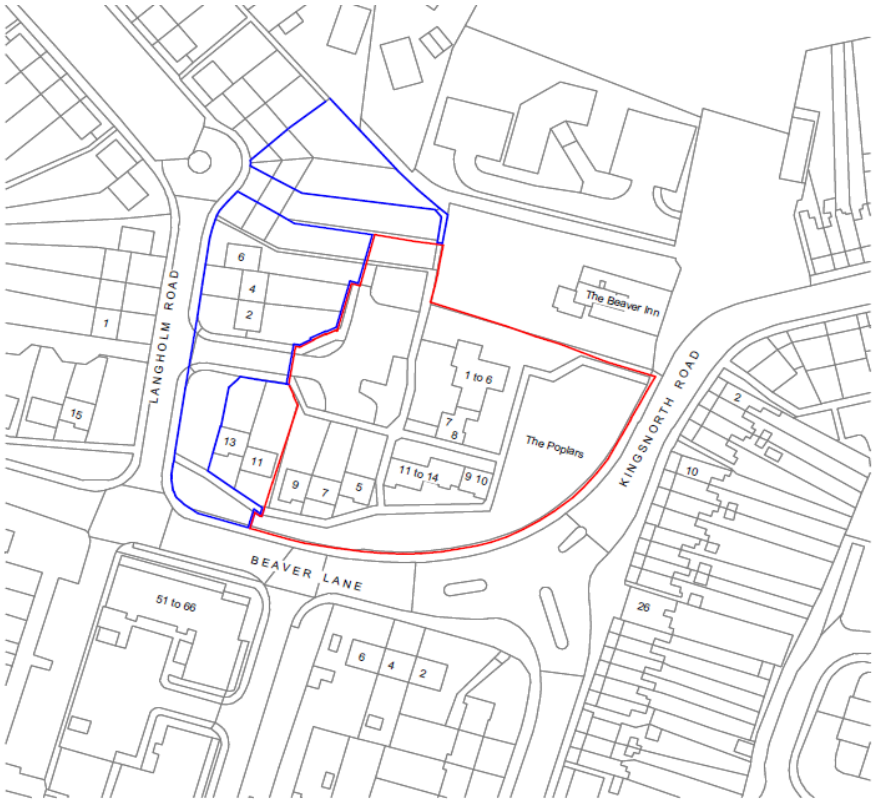

Figure 2: Existing site location plan (and adjacent land owned/controlled by the applicant shown edged blue)

Proposal

7. The application proposes the demolition of the existing 17 properties and erection of a sheltered housing scheme of 31 apartments (15 x 1 bed, 16 x 2 bed) for affordable rent in a single storey building with 2 and 3-storey elements together with associated parking.

8. In a covering statement. the applicant outlines that the proposals are part of the Council's plans to rebuild or remodel its stock of 4,600 homes including x 12 sheltered housing schemes to provide high quality accommodation for older people. By 2026, it is predicted that 40% of Ashford's population will be aged over 50 and the existing, outdated sheltered housing stock is no longer considered to meet the needs and aspirations of that group. Other similar schemes promoted by the Council helping to deal with these future needs are

referenced: Farrow Court in Stanhope (2013), Danemore in Tenterden (2016) and East Stour Court in Ashford (2018).

9. The redevelopment of the site for affordable sheltered housing will make a valuable contribution to the Council's housing stock as the demand for specialist accommodation for older people in the Borough continues to grow. The site is considered to be ideally placed to benefit from the wider facilities on offer at nearby Farrow Court, which includes a hairdresser and a Day Centre operated by Age UK. The new development would follow the core design principles established at Farrow Court, namely:

- Self-contained, care ready apartments offering the tenant the ability to live independently on their terms in a safe and secure environment.

- Apartments with their own kitchen bedroom, lounge and front door, so that residents can come and go as they please.

- Apartments fitted with the latest telecare technology giving the ability to access care and support services 24 hours a day depending on the needs of the tenant.

- Should a resident's health reach a point where they need care for day-to-day functions, the ability for that care to come to them and be provided in their own home

- Communal facilities, such as a communal lounge, to encourage social interaction to help overcome isolation and the damaging health impacts this can have.

- Private outdoor space for every apartment and carefully designed secure communal gardens, offering a variety of planting and places to walk, sit and socialise.

- The installation of a Scheme Manager during working hours to, (amongst other things), make regular checks on the tenants, liaise with other agencies on the tenant's behalf and play a key role in helping tenants sustain their independence.

10. The apartments would be within a single building complex with a series of 'wings' predominantly 3-storeys (max 14m in height to top of roof pitch) with the west wing dropping to 2-storeys where there are sensitive boundaries with existing 2-storey dwellings.

11. The footprint of the building would cover the majority of the site with its principal elevations fronting Beaver Lane, Kingsnorth Road and Langholm

Road. Access to the site would be as per the existing situation via Langholm Road off Beaver Lane. A total of 25 on-site car parking spaces including three parking spaces for Numbers 2, 4 and 6 Langholm Road would be provided to the north/northwest of the building. These homes currently have vehicular access to their rear gardens.

12. There would be 4 disabled parking bays provided nearest to the main entrance into the new building and infrastructure provided to enable the installation of electric vehicle charging points. The installation scheme will be dealt with through planning condition.

13. In addition to car parking, there would be an internal store for up to 8 buggies and 4 cycles, located immediately adjacent to the entrance to the scheme. Further external stands for up to 12 cycles would be also be provided. A single storey detached bin store would be located at the northwest part of the site which is accessed from the Langholm Road entrance.

14. The site layout plan with the footprints of the existing buildings to be demolished shown edged red together with a 3-D drawing of the proposals are shown as figures 3 and 4 below.

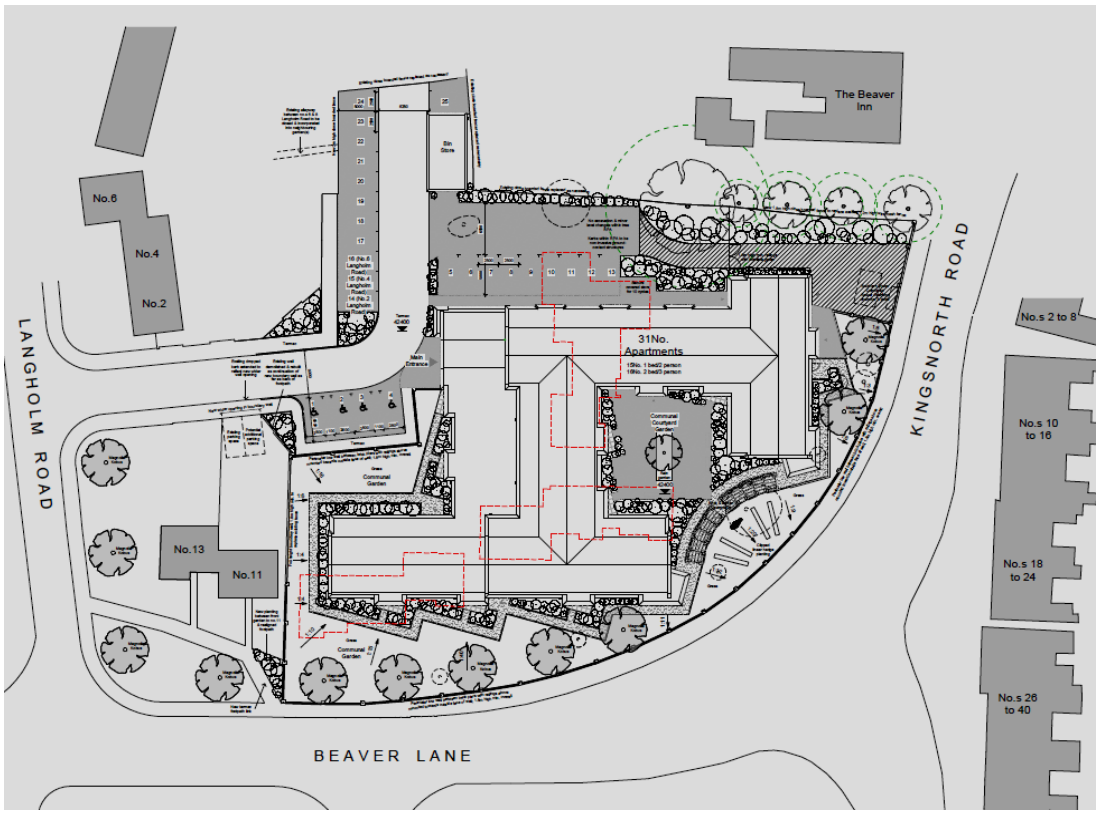

Figure 3: Proposed site layout

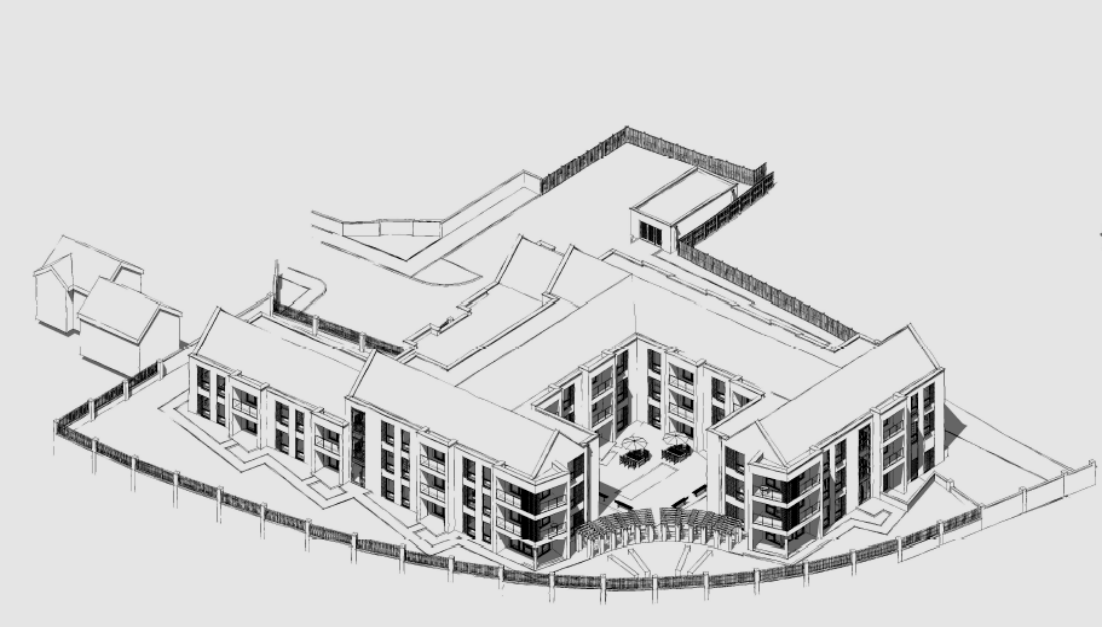

Figure 4: 3D drawing viewed from Kingsnorth Road/Beaver Lane junction

15. The design of the building includes a series of pitched roofs and gable ends and recessed balconies for each apartment. The design of the gable ends overlooking the road junction has been developed to include feature corner balconies, which together with the curved pergola and linear hedge planting at ground level, are provided to add a distinctive design element of the building at the prominent corner location. The main elevations of the building are shown below as Figures 5, 6, 7 and 8 below.

Figure 5. South (southwest) elevation to Beaver Lane

Figure 6. North (northwest) main entrance to Langholm Road

Figure 7. East (northeast) elevation to Kingsnorth Road.

Figure 8. South (southwest elevation)

16. The apartments would wrap around a communal courtyard garden located at the south-east corner which would gain privacy from the road junction via a curved pergola boundary feature The courtyard garden would be accessed directly from the communal lounge and would incorporate a variety of features including various seating areas, paths, planting, and a mixture of both ambient and functional lighting.

17. External materials would include a good quality red brick, artificial slate pitched roofs, single ply membrane flat roofs, light grey through-colour render balcony surrounds and grey polyester powder coated aluminium composite windows, parapet copings and rainwater goods. A maintenance strategy would be developed to include a cleaning regime for the render in accordance with the manufacturer's recommendations in order to prevent a build-up of staining. A 1-metre low perimeter brick wall with railings would surround the majority of the site. Various CGI images of the building are shown below as figure 9 below.

Figure 9. CGI images of the building

The following covering statement has been submitted with the application

18. The proposal would result in the loss of 5 existing trees on the site. A mature Elder (C category low quality) and large mature poplar (B category moderate quality) on the northern boundary, a large prominent mature poplar (B category) on the south east corner adjacent to the junction and two young Hornbeams (C category) on the eastern boundary.

19. The following supporting statements have been provided with the application

- Planning and design statement
- Phase I & II site investigation report

- Site Utility Appraisal
- Report on Tree inspection
- Ecological Audit
- Drainage statement
- Acoustic assessment

Planning History

Planning application 83/00020/AS. 25 houses and 14 flats. Permitted 24/2/83

Consultations

Ward Members: No comments received

Ashford Borough Council Development Partnership Manager. Comment

"The Poplars is currently a 14-unit general needs scheme in South Ashford. Built in the 1980s it sits inefficiently on a large plot on a 'significant corner' of one of the busiest junctions in the borough. It has unfortunately attracted a stigma for being an area of deprivation. The council has taken steps over a long period to own all of the units within The Poplars and now wants to address the accommodation within the area as well as improve the area's character

Therefore the proposal is to replace the existing structure and build in its place a brand new scheme that will contain accommodation that will enable older people to live independently.

The proposals, designed by an in-house architect at the council, see an attractive design using good quality materials, which will improve the look and feel of the area. The building is tall but there will be no sight line issues as the traffic lights regulate traffic flow at the junction on the corner. The proposals will also mean that there will be fresh residents making use of the local amenities, services and shops.

Since 2011 we have built 311 new homes across the borough and have a proven track record for delivery, being seen as a reliable partner by Homes England and the HCA before it.

We offer hope and comfort to older residents in Ashford, as by 2026 40% of them will be aged over 50. We know they will be keen to stay near family in later life. Furthermore, they will need care-ready accommodation that minimises their need to

move should they develop conditions such as dementia. Our commitment to fusing together the health and housing agendas mean that we are already anticipating the needs of this ageing population. While it is not anticipated that The Poplars will have a scheme manager, its proximity to Farrow Court will enable residents to easily access communal and day care facilities on that site – emphasising our holistic approach to housing provision in the area and how far advanced we are with delivery. We want even more people to call Ashford home and support the delivery of this important scheme".

ABC Environmental Protection. Comment;-

"The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.

In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

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 that a contamination condition is applied in order to ensure that potential contamination is subject to assessment and remediation where required. We would request that the following is inserted to allow for the demolition of existing structures to allow complete assessment of the site:

The development hereby permitted shall not be begun - "other than for the demolition of the existing buildings/structures to enable investigative works in respect of soil contamination" - until a scheme to deal with contamination of land and/or groundwater has been submitted

As with all developments on sites where there has been previous activity/development there is a potential for unexpected contamination to be found during the works. As such we would ask that the following condition is applied;

"If unexpected contamination is to be found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken and submitted to the Local Planning Authority for approval, and where remediation is necessary a remediation scheme must be prepared and agreed in writing prior to completion. Finally, a verification report must be submitted for approval by the Local Planning Authority prior to the occupation of the development."

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (LDF Core Strategy Policy CS1 and CS4)

We note that a noise assessment is to be submitted and would be grateful if this can be made available for comment as soon as it is available"

Further comments on noise survey.

Layout

There is a potential that noise impacts from pub operations could impact on the proposed development. Given the sensitive end user of the proposed development, who may reasonably be expected to retire to bed earlier than the average person, it would appear prudent to follow good design principles (NPPF p123) and relocate habitable rooms in Flats F12 and F57 (the bedrooms that overlook the public house and beer garden). These bedrooms could be replaced by less sensitive rooms such as kitchens or bathrooms, or more ideally the stairwell could have been located in this area at an earlier design stage.

In addition I would recommend against the inclusion of windows facing towards the pub in the above mentioned rooms. I consider that these conflicting uses would be liable to result in complaint. These windows should be removed from the scheme.

Balconies

In respect of any balconies to be provided in the façade facing the road, I would agree that a noise level of below 55`dB should not be a bar to development, as in terms of residential amenity it is more desirable to provide balconies than to exclude them on noise grounds. However, there are further design options available to 'mitigate and reduce to a minimum' the adverse impacts as far as possible in line with NPPF p.123. This includes the use of solid and imperforate balustrades and Class A acoustic insulation applied to the balcony undersides/soffits. This would achieve a small reduction in noise level on the balcony and also help somewhat with internal noise levels when relevant windows are open. Alternatively another option is to enclose balconies with sliding glass panels (known as winter gardens). Both options are mentioned in the CIEH/IOA/ANC Professional Practice Guidance on Planning and Noise May 2017. I would ask that such steps are taken in line with the NPPF.

Glazing/Ventilation.

I would ask that the following condition is applied in terms of glazing and ventilation

Prior to the commencement of development the scheme for glazing and ventilation of the dwellings, to meet the requirements of BS8223:2014, shall be submitted to and approved by the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

ABC Open Space Planning Development Officer: comments;-

"From my understanding of the documents the application is for a sheltered housing scheme, and therefore in this instance we would not ask for S106 contributions towards public open space. I note the S106 document for Farrow Court, and suggest that a similar approach is taken in respect of public open space contributions".

Environmental Agency: comment.

"We have assessed this application as having a low environmental risk. We therefore have no comments to make.

Environmental Contracts & Enforcement Manager: No objection

Kent County Council Economic Development: Comment;-

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution as follows

Primary/ Secondary Education**:** It is noted the proposal is for sheltered housing. Assuming there will be a legally binding restriction for age 55 and over in perpetuity, KCC will not be seeking any Education contributions

Libraries: 48.02 per dwelling total £672.22 towards additional bookstock for Ashford library for new borrowers generated by this development.

Request an informative on high speed fibre optic broadband connection.

"Although we would appreciate the age restriction to be higher at 55 as this would preclude child bearing occupations, in the light of the scheme proposals by Ashford Borough Housing, we will accept age 50.

Being sheltered, may we assume all the units will be constructed as wheelchair accessible to Part M4 (2) or (3) standard**"**

KCC Ecological Advice service: comment in summary;-

The submitted ecological survey has detailed that there is potential for breeding birds to be present within the site and a number of buildings within the site contain suitable features to be used by roosting bat.

Bats. It is advised that the recommended bat surveys and details of any mitigation required are submitted prior to determination of the planning application.

It is recommended that a plan is submitted confirming which ecological enhancements will be incorporated in to the site.

Kent County Council Flood and Water Management: comment;-

'In principle, we are satisfied with the drainage proposals where surface water will be attenuated into 2 catchment areas and discharged into an existing surface water sewer at a total discharge rate of 4l/s which complies with Ashford Borough Council's SPD.

However, it is not clear on the Preliminary Drainage Strategy Plan (drawing no. 23179 04) if the car parking areas will be permeably paved. At detailed design, we would recommend that detailed drainage layout drawings are submitted, annotated with pipe numbers, manhole cover and invert levels and key drainage features (such as attenuation devices, areas of permeable paving and flow controls, etc.

Please be aware that a lined permeable paving system will not be accepted by Southern Water over a public sewer.

At detailed design, we would request design specifics for the attenuation devices and rain garden in the communal area. We would also require confirmation from Southern Water for the diversion of the surface water sewer.

Should your local authority be minded to grant permission for this development, we would recommend the following conditions on detailed sustainable surface water drainage scheme and a Verification Report pertaining to the surface water drainage system.

Kent Highways and Transportation: No objection and comment;-

(i) The parking allocation meets Kent Vehicle Parking Standards SPG4 for a development of this size and business class (C3 - Sheltered Accommodation).

(ii) All dwellings with private off-street car park should have an electric vehicle (EV) charging point installed and this should be subject to a planning condition. Where communal car parks are proposed EV charging points should be provided at a rate of 10% of the total car parking provision.

(iii) Suggest conditions as follows:

- Submission of a Construction Management Plan,
- Completion and maintenance of the access shown on the submitted plans.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities.
- Provision and permanent retention of the vehicle parking spaces.
- Provision and permanent retention of secure, covered cycle parking.

Scotia Gas Networks: comment:

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.

South Ashford Community Forum: comment:

“Having examined the accompanying documents, South Ashford Community Forum is pleased to support this application”

Southern Water. Comment in summary;-

- The initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development.
- Request a condition on means of disposal of surface and foul water
- Request an informative that a formal application for connection to the public sewerage system is required in order to service this development.

UK Power Networks: Enclose records which show the electrical lines and/or electrical plant.

Neighbours. 60 consulted. 1 letter received making the following comments

- Lack of allocated parking spaces for current residents not allowing visitors to park, possibility of extending dropped curb if allocated space is not allowed.

- Boundary fence and overlooking (relating to number 11 Beaver Lane).

  A further consultation was sent to number 11 Beaver Lane showing minor changes providing a common boundary wall, wider parking area to their property and front pathway change resulting from discussions with the Council's Development and Regeneration Officer. No further comment has been received.

Planning Policy

20. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).

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 2030

SP1 - Strategic objectives

SP2 - The strategic approach to housing development.

SP6 - Promoting high quality design.

HOU1 - Affordable Housing

HOU3a - Residential windfall development within settlements

HOU12 - Residential space standard internal.

HOU14 - Accessibility standards

HOU18 - Providing a range and mix of dwelling types and sizes.

TRA3a - Parking standards for residential development.

TRA6 - Provision for cycling.

TRA7 -The road network and development.

TRA8 - Travel plans, assessment and statements.

ENV1 - Biodiversity.

ENV6 - Flood Risk.

ENV7 - Water efficiency.

ENV8 - Water quality, supply and treatment.

ENV9 - Sustainable drainage

ENV12 - Air Quality

COM1 - Meeting the community needs

COM2 - Recreation, Sport, Play and Open Spaces

IMP1 - Infrastructure provision

Supplementary Planning Guidance/Documents
Affordable housing SPD

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD2010

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

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

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

Government Advice

National Planning Policy Framework (NPFF) 2018

23. 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:-

24. Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 59 to 76 - Delivering a sufficient supply of homes.

Paragraphs 91 to 95 - Promoting healthy and safe communities.

Paragraphs 102 to107 - Promoting sustainable transport.

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to132 - Achieving well-designed places.

Paragraphs 148 to 165 - Meeting the challenge of climate change, flooding

Paragraphs 170 to 177 - Conserving and enhancing the natural environment.

Paragraphs 174 to 177 - Habitats and biodiversity.

Paragraphs 178 to 183 - Ground conditions and pollution.

National Planning Policy Guidance (NPPG)

Assessment

25. The main issues for consideration are:

(a) The principle of the development.

(b) The design quality of the scheme and the impact on the visual character of the surrounding area.

(c) The impact on residential amenity.

(d) The impact on the surrounding highway network and car parking/refuse provision

(e) Other planning issues such as affordable housing, contamination, flooding and drainage, accessibility and space standard, ecology (subject to further acceptable survey work required), water consumption and noise issues

(f) Section 106 planning obligations

(a) The principle of the development

26. The site lies within the urban area of Ashford. Polices SP1 and SP2 of the Ashford Local Plan 2030 outline strategic objectives of the council to provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including affordable homes. Policy HOU3a of the Ashford Local Plan 2030 allows residential windfall development within existing settlements that can be satisfactorily integrated.

27. The NPPF also encourages the effective use of land by re-using previously developed land. Amongst other things, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

28. The proposals involve the demolition existing 17 properties and erection of a sheltered housing scheme of 31 sheltered apartments. The dwellings to be demolished date from the 1980's and are of no particular architectural merit to warrant retention. The existing flats are surrounded by relatively extensive

communal gardens which lack any sense of privacy from the road and are not well used. Problems of antisocial behaviour have become common place and have stigmatised the development within the area.

27. The redevelopment of the site for affordable sheltered housing would make a valuable contribution to the Council's housing stock as the demand for specialist accommodation for older people in the Borough continues to grow. I agree with the applicant that it is also ideally placed to benefit from the wider facilities on offer at nearby Farrow Court which includes a hairdresser and a Day Centre operated by Age UK. The site is located within easy reach of bus stops, shops and other facilities and the scheme proposes on-site communal facilities for residents.

28. The details are the scheme are considered further below, however the principle of the improved sheltered housing scheme on the site is in accordance with adopted development plan polices, the objectives of the NPPF and therefore is considered acceptable.

(b) The design quality of the scheme and the impact on the visual character of the surrounding area

29. 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.

30. Policy SP6 of the Ashford Local Plan 2030 requires that development proposals must be of high quality design and demonstrate a careful consideration and a positive response to each of the following design criteria: a) Character, distinctiveness and sense of place b) Ease of movement c) Legibility d) Mixed use and diversity e) Public safety and crime f) Quality of public spaces and their future management g) Flexibility and liveability h) Richness in detail i) Efficient use of natural resources. Development proposals should show how they have responded positively to the design policy and guidance.

31. The proposals replaces previous undistinguished 2-storey housing with a more visually prominent single apartment block building predominantly 3-storeys in height. The development seeks to make efficient use of the site and introduces a contemporary development whilst still remaining sympathetic to its location. The footprint of the development would be brought closer towards the road junction with active frontages providing a stronger built up road frontage. I consider that the scale of the building would be appropriate providing more of a more prominent landmark building and focal point at this junction interchange. However, the building's scale drops to 2-storeys on the western boundary

reflecting the sensitivity of the scale of existing housing immediately adjoining the site along Beaver Lane.

32. The proposed design has taken its design cues from the new sheltered scheme at Farrow Court and East Stour. The building's design involves a series of wings with pitched roof reflecting the general character of roof form in the area. The apartments would wrap around a communal courtyard garden that is south facing to take advantage of sunlight. The palette of material finishes includes mainly red brick elevations with occasional render and a darker roof finish material (slate) reflecting the surrounding vernacular. These are all appropriate.

33. The low brick wall and railings around the boundary would provide security and enclosure for the premises. Although the new building footprint would result in the loss of some trees it still has some set-back from the road junction allowing planting within the semi-private area along the primary frontages to Beaver Lane/ Kingsnorth Road.

34. Five existing trees would be need to be removed to facilitate the development. The two most significant ones are a large and prominent poplar tree (moderate quality) on the SE corner. The footprint of the building necessitates the tree removal as it has a very large root protection area that would constrain the development. A large poplar on the northern boundary (B category of moderate quality) would be surrounded by new hardstanding for car parking that would dictate its removal. A further mature polar on this boundary would be retained. The three other removed trees are smaller specimens. None of these trees are subject to a TPO and additional landscaping/tree planting notably the planting of several Magnolia trees along main road frontages would enhance the development and help 'green' the surrounding area. I have no objection to the loss of trees subject to a landscaping condition requiring replacement planting.

35. Overall the proposed development is of a high quality design and would have an acceptable impact on the visual character of the area. The proposal is in accordance with local and national planning policy as a result.

(c) The impact on residential amenity

36. The nearest dwellings to the site are the retained 2-storey semi-detached dwellings numbers 11/13 Beaver Lane with number 11 currently lying adjacent to the boundary of a 2-storey existing dwelling to be demolished. This would be replaced by the western wing of the proposed building reduced to 2-storeys (albeit higher than the previous dwelling). It would align with the front of number 11 but would be setback further from number 11's rear building line by around 4 metres and is 5 metres away from the boundary. The street elevation relationship is shown in figure 10 below.

Figure10: Street elevation with number 11/13 Beaver Lane. 37. The applicant has provided diagrams showing compliance with the '45 degree rule' in respect of impacts on windows. As the proposed side elevation would extend beyond the rear building line of number 11 the side windows of the western elevation to the building would have obscure glazing and be fixed shut. On this basis, I consider the impact on the nearest dwellings at 11/13 Beaver Lane would be an acceptable one. The proposals do not result in any unacceptable residential amenity issues on any other neighbouring properties. The scheme would utilise existing access arrangements and the proposals include replacement parking for three of the adjoining council owned dwellings and other minor improvements for residents. <u>(d) The impact on the surrounding highway network and car parking/refuse provision</u>

38. The proposal involves the redevelopment of an existing residential site using the current established access arrangements from Langholm Road. Kent Highways and Transportation raise no objection to the proposals in terms of its impact on the surrounding road network.

39. The scheme provides 25 parking spaces within the site including three spaces serving or numbers 2/4/6 Langholm Road located to the rear of their gardens as a replacement of their current rear garden parking spaces. The proposed sheltered accommodation would have restricted occupancy rather than a general demand residential use which would require substantially greater parking provision under the Ashford Local Plan TRA3a parking standards than the 22 on–site parking spaces currently provided.

40. Policy TRA3a does not specifically mention sheltered accommodation and allows departure from its standards where an occupier/use requires fewer places to cater for their specific operational needs. The final parking requirement must be agreed with the Local Highway Authority and Council as a level of parking proportionate to its activity. Kent Highways and Transportation have based parking provision on the Kent Vehicle parking standards SPG4 (C3 - Sheltered Accommodation) of 1 space per 2 units and 1 space per resident warden. This is the same standard used for the East Stour, Danemore and Farrow Court

schemes. Kent Highways and Transportation confirm the parking provision meets this standard and raise no objection.

41 A tacking diagram confirms that a refuse vehicle can access the refuse store for bin collection. Ashford Borough Council's Environmental Contracts are satisfied with the bin store arrangements. The scheme has direct pedestrian access along pavements to and from the main entrance off Langholm Road via Beaver Lane. 16 cycle spaces are provided which significantly exceed the SPG4 (used as the basis if the car parking) standards of 1 space per 5 units.

42. In summary, Kent Highway and Transportation raise no objection to the proposals subject to conditions requiring (i) submission of a construction management plan (ii) completion and maintenance of the access (iii) provision and permanent retention of the vehicle turning (iv) use of a bound surface for the first 5 metres of the access, (v) provision and permanent retention of vehicle parking (including EV) charging points and cycle parking facilities. These conditions have been added to my recommendation and I consider that the proposals are acceptable in highways terms.

(e) Other planning issues

(i)Affordable Housing

43. Policy HOU1 of the Ashford Local Plan 2030 states the Council will require the provision of affordable housing on all schemes promoting 10 dwellings or more. The application site is located in "Town Centre zone A" with a total affordable housing requirement of 20% although flatted development will not be required to provide any form of affordable housing. For this development, all the proposed units are for affordable housing for rent, be managed by a registered provider of social housing or other body approved by the Council and have restricted occupancy by people aged 50 years or older.

(ii)Contamination

44 The site investigation report found no significant levels of contamination however some individual elevated concentrations of lead have been recorded. Ashford Borough Council's Environmental Protection unit have noted the prior uses of the site, and the potential for contamination that may pose a risk to the environment and public. They raise no objection subject to two conditions be imposed, (i) a contamination condition in order to ensure that potential contamination is subject to assessment and remediation, and (ii) an assessment if unexpected contamination is to be found.

(iii) Flooding and drainage

45. Policy ENV6 of the Ashford Local Plan 2030 outlines proposals for new development should contribute to an overall flood risk reduction. Policy ENV9 of the Ashford Local Plan 2030 states that all development should include sustainable drainage systems for the disposal of surface water. The site lies within flood zone 1 with a low probability of flooding. The application is accompanied by a drainage statement. Kent County Council Flooding and Drainage are in principle satisfied with the drainage proposals where surface water will be attenuated into 2 catchment areas and discharged into an existing surface water sewer at a total discharge rate of 4l/s which complies with Ashford Borough Council's SPD. A condition is requested requiring the submission of a sustainable surface water drainage scheme for the site to be approved in writing by the local planning authority. Southern Water have raise no objection commenting that they should be able to provide foul sewage disposal to service the proposed development. A condition on the detailed disposal of surface and foul water is requested. In summary there is no objection to the proposals in term of flooding and drainage.

(iv) Accessibility standard

46. 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. The applicant has confirmed this is the case and six flats are identified and this will be secured by planning obligation agreement. Policy HOU14 (b) requires a proportion (maximum 7.5% or two flats in this case) of wheelchair accessible homes built to M4(3) wheelchair adapted standards. This will be dependent on the number of households on the Council's housing waiting list requiring this type of accommodation. A further two flats are identified as potential M4 (3) wheelchair adapted and will be subject to a planning obligation requiring provision

(V) Space standards

47. Policy HOU12 requires all new residential development shall comply with the national described space standards. The flats exceed these minimum standards. Policy HOU15 requires the provision of a minimum of 5 sqm of private open space with a minimum depth of 1.5m. Each apartment has an external balcony space that exceeds this standard.

(vi) Ecology issues

48. Policy ENV 1 of the Ashford Local Plan 2030 outlines that new proposals should identify and seek opportunities to incorporate and enhance

biodiversity. Developments should avoid significant harm to protected species.

49. The ecological audit identifies that the site has potential to support a number of breeding birds and therefore tree, scrub and hedgerow clearance should be undertaken outside the bird breeding season (March – August).This will added as an informative.

50. The same audit recommended that for those buildings with hanging tiles on outside walls further surveys be undertaken to establish the presence/absence of bats using the buildings to roost. A further bat survey has been commissioned by the applicant. At the time of writing this report although two initial survey visits have been carried out the weather has delayed the completion of the entire survey work so it is currently too early for the ecologist to conclude the presence or not of bats.

51. All bat species, their breeding sites and resting places are fully protected by law: they are European protected species. It is unlikely that the presence of bats would stop a development in progress. However, KCC Ecological Advice service recommend that bat surveys and details of any mitigation that is required are submitted prior to determination of the planning application to ensure that ABC are considering all material considerations when determining the planning application If there are good reasons to believe bats are being affected by a development then English Nature should be notified, as there may be grounds for delaying or modifying the project, as the necessary licences and permissions will still have to be obtained.

52. In order to avoid delay in reporting this application to committee and in view of the fact that my recommendation is to permit subject to completion of a section 106 agreement, I recommend that the resolution to grant planning permission is subject to the submission and approval of an updated bat survey (and any necessary mitigation arising therefrom) and prior consultation with KCC (and Natural England if required). Subject to consultees raising no objection to the grant of planning permission (whether subject to conditions or not), my resolution is that the Head of Planning & Development be given delegated authority to approve grant permission and add any further ecological conditions as necessary.

53. The ecological audit also recommends that Ecological enhancements should where possible be included in the proposal. Biodiversity enhancements could include the provision of bird boxes. A condition will be added to require submission of these details.

(viii) Water efficiency

54. A condition will be imposed requiring all flats to achieve a minimum of 110 litres per person per day of water consumption as required under policy ENV7 of the Ashford Local plan 2030.

(ix) Noise issue

55. A noise survey report has been submitted with the application and concludes that development of the site may be acceptable in terms of noise, provided that the issues on ventilation, glazing and balconies are considered. ABC Environmental Protection have analysed the report and advised that the side bedroom windows for two flats that have elevations facing the adjoining pub are closed up. It should be noted other widows facing the pub are mostly serving communal area. The noise levels do not bar balconies on facades facing the road but some minor design change are suggested. These matters can be secured by planning conditions.

Section 106 matters.

56. An obligation is required limiting the dwellings to specialist Affordable Housing which includes that they shall be occupied by people aged 50 years or older and that the flats shall remain affordable in perpetuity and be let at rents that are below market rate. The proposals are permitted on the basis of sheltered accommodation including the level of parking provision which is significantly below the provision required for general demand schemes. The requirement is to provide some apartments built to M4(2) and M4 (3b) standards as required under policy HOU14. A further small financial contribution is requested by KCC for Libraries towards additional bookstock for Ashford library for new borrowers**.** ABC Open Space Planning Development Officer has not requested any contribution to public open space provision on grounds that the dwellings have restricted occupancy as sheltered accommodation

Planning Obligations

57. 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

58. 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

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	**Amount(s)**	**Trigger Point(s)**	
1.	Specialist Affordable Housing The flats shall only be occupied by people aged 50 years or older and (where relevant) any spouses/partners/children/carers, and the flats shall remain affordable in perpetuity. The flats shall be let at rents that are affordable. The flats shall be constructed to such standards and other particulars as the Council specifies. The flats and onsite manager provision shall be managed by a registered provider of social housing or other body approved by the Council.	None	None	**Necessary** as there is a clear and demonstrable need for the provision of such accommodation to address a current under provision and the level of parking provision is based on such a use and not general demand housing. **Directly related** as the scheme proposes redevelopment of existing affordable housing provision for new sheltered housing. **Fairly and reasonably related in scale and kind** as there is no intention for persons under the age of 50 and not in need of affordable accommodation to live in the units, and no provision has been made for

				contributions towards education or public open space infrastructure in view of this age restriction.
2.	Libraries contribution towards additional bookstock for Ashford library for new borrowers generated by this development.	£48.02 per additional dwelling Total £672.22	Upon occupation of 75% of the dwellings	**Necessary** as no spare bookstock available to meet the demand generated and pursuant to the adopted Ashford Local Plan 2030 policies COM1 and IMP1, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF. **Directly related** as occupiers will use library facilities and the facilities to be funded will be available to them. **Fairly and reasonably** related in scale and kind considering the extent of the development and because amount calculated based on the number of additional dwellings.
3	Accessible and Adaptable Dwellings	Dwellings within the development comprising the six (G1 G2 G3 G4 G5 and G7)	Prior to first occupation of any dwelling	**Necessary** as a requirement under policy HOU14 (a) of the Ashford Local Plan and guidance in the NPPF

		properties to be built in compliance with building regulations Part M4 (2) as a minimum standard as shown on drawing POPL01-003 B	comprised within the Development	**Directly related** to the number of dwellings to be brought forward under the approved scheme (20%). **Fairly and reasonably related** in scale and kind being 20% of all dwellings as per HOU14(a)
	Wheelchair User Dwellings	Dwellings within the development comprising the two (G6 and G10) properties to be built in compliance with building regulations Part M4 (3B) as shown on drawing POPL01-003 B.	Prior to the first occupation of any dwelling comprised within the Development	**Necessary** as a requirement under policy HOU14 (b) of the Ashford Local Plan and guidance in the NPPF **Directly related** to the number of dwellings to be brought forward under the approved scheme (7.5%) and need for wheelchair user dwellings based on the number of household on the Council's housing waiting list requiring wheelchair accessible homes and the location of the development **Fairly and reasonably** related in scale and kind being 7.5% of all dwellings as per HOU14(b)

4	Monitoring Fee Contribution towards the Council's additional costs of monitoring compliance with the agreement or undertaking.	£1,000 one- off payment	First payment upon commencement of development.	**Necessary** in order to ensure the planning obligations are complied with. **Directly related** as only costs arising in connection with the monitoring of the development and these planning obligations are covered. **Fairly and reasonably related in scale and kind** considering the extent of the development and the obligations to be monitored
Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into. Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid. **If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.**				

Human Rights Issues

59. 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

60. 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

61. The site lies within the urban area of Ashford. The proposals comply with polices SP1, SP2 and HOU3a of the Ashford Local Plan 2030 that seek to provide a mix of housing types and sizes to meet the changing housing needs of the Borough’s population including affordable homes that can be satisfactorily integrated into the existing settlement .

62. The proposals would demolish existing dwellings dating from the 1980’s which are of no architectural merit. The new apartment block is of a high quality design and of an acceptable scale and appearance with the surrounding area. It would and comply with the NPPF and policy SP6 of the Ashford Local Plan 2030 promoting high quality design.

63. The proposals would not result in any adverse harm to the residential amenity of surrounding properties. The scheme would not result in any adverse impact on the surrounding highway network and provides an acceptable level of parking provision based on the proposed sheltered accommodation use.

64. The proposal is acceptable and complies with development plan policies on matters of affordable housing, contamination, flooding and drainage, accessibility and space standards, ecology (subject to further acceptable survey work required), water consumption and noise issues.

65. The development complies with the development plan overall, provided that Section 106 planning obligations will be imposed for restrictions in occupancy and use and library contributions which comply with the regulation 122

assessment being necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Recommendation

(A) Subject to the completion and submission of the bat survey to Ashford Borough Council for approval and to the Head of Planning & Development approving it as satisfactory after consultation with KCC Ecological Advice service (and if required Natural England) with no fundamental objection being raised by consultees that the proposals cannot be approved whether subject to appropriate conditions or not

(B) 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 Head of Planning and Development or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Planning and Development or the Joint Development Control Managers 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,

(C) 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

1. Standard Time condition of 3 years.

2. Material submission

Construction conditions

3. Code of construction practice

4. Construction hours restriction

Highways

5. Completion access details

6. Use of bound surface first 5 meters of access

7. Measures to prevent the discharge of surface water onto the highway

8. Vehicle loading/unloading and turning facilities retained.

9. Vehicle parking space shall be provided and retained

10 EV charging parking points.

11. Submission of bicycle storage facilities

Contamination

12. Details of investigative works submitted in respect of soil contamination

13. Unexpected contamination

Drainage

14. Submission foul water sewerage disposal details

15. Submission sustainable surface water drainage scheme details

16. Submission Verification Report pertaining to the surface water drainage system,

Trees and landscaping

17. Tree protection

18. Submission of Arboricultural Method Statement

19. Submission of hard and soft landscape scheme

20. Details of soft landscape works

21. Submission of landscape management plan

Sustainable design

22. Water use of dwelling no more than 110 litres per person per day.

Ecology

23. Submission scheme for the enhancement of biodiversity

Opening requirements/ restrictions

24. Obscure glazing fro side NW window

25. PD Restriction opening NW elevation

Noise

26. Glazing and ventilation

Approved plans / monitoring

27. List drawing approved

28. Monitoring

Note to Applicant

1. Working with the Applicant

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 to our initial contact, the applicant/ agent responded by submitting amended plans/information, which were found to be acceptable and permission was granted.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Section106
3 Highway works
4. Highway approvals
5. Environment Agency consents
6. Contact Southern Water
7. illegal to burn any controlled wastes
8. Works outside bird breeding season
9. Planning permission does not convey any approval for construction on the highway
10. High speed fibre optic broadband connection

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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 19/00516/AS)

Contact Officer: Mark Davies

Email: mark.davies@ashford.gov.uk

Telephone: (01233) 330252

Annex 1

LANGHOLM ROAD
BEAVER LANE
KINGSNORTH ROAD
The Beaver Inn
The Poplars
1 to 6
11 to 14
51 to 66
6
4
2
1
15
13
11
9
7
5
8
10
26