



## AGENDA

### PLANNING APPLICATIONS COMMITTEE

Tuesday, 13th February, 2007, at 10.00 am      Ask for:      **Andrew Tait**  
Telephone:      **01622 694342**

*Tea/Coffee will be available from 9:30 outside the meeting room*

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

#### **A. COMMITTEE BUSINESS**

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 16 January 2007 (Pages 1 - 6)
4. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

#### **C. MINERALS AND WASTE DISPOSAL APPLICATIONS**

1. Applications AS/06/04 and 05 - (i) Permanent retention of existing railhead and importation of aggregate and demolition and construction waste together with associated processing plant including crushing and screening plant, concrete batching plant and storage silos for hot roadstone; (ii) construction and operation of a waste transfer station at Sevington Railhead, Waterbrook Park, Ashford; Robert Brett and Sons Ltd. (Pages 7 - 22)

#### **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. Proposal AS/06/2071 - Detached three storey block of 36 extra care apartments for the elderly with associated communal facilities together with access from Eastern Avenue, car parking and landscaping at Land at Hopkins Field, Eastern Avenue, Ashford; KCC Adult Services and Housing 21. (Pages 23 - 44)
2. Proposal SH/06/1287 - Demolition of existing buildings and erection of a detached three storey block of 40 extra care apartments for the elderly and a two-storey block of 7 supported apartments for people with learning difficulties, with associated communal facilities together with car parking and landscaping at Whitegates, Hythe; KCC Adult Services and Housing 21. (Pages 45 - 64)
3. Proposal TH/06/1300 - Demolition of existing building and erection of a two storey detached building comprising 7 supported apartments for people with mental health issues, with communal space together with access and car parking at former Tram Shed and part of rear garden of Westbrook House, 150 Canterbury Road, Margate; KCC Adult Services and Housing 21. (Pages 65 - 82)

4. Proposal AS/06/2179 - Two-storey detached building comprising 7 supported apartments for people with learning difficulties, with communal space together with car parking and landscaping at Land to the north of Westchurch House, Godfrey Walk, Ashford; KCC Adult Services and Housing 21. (Pages 83 - 100)
5. Proposal SH/06/1386 - Reinstatement of brick piers, railings and new gates to surround cycle enclosure at St Eanswythe CE (Aided) Primary School, Church Street, Folkestone; Governors of Eanswythe Primary School and KCC Children, Families and Education. (Pages 101 - 112)
6. Proposal DO/06/1424 - Retrospective application for the relocation of earth mound and slide, including ancillary works on landscaping and fencing at Cartwright and Kelsey Primary School, School Road, Ash, nr Canterbury; Governors of Cartwright and Kelsey Primary School and KCC Children, Families and Education. (Pages 113 - 124)
7. Proposal SE/06/2478 - Ten-bay performing art and drama mobile classroom at The Bradbourne School, Bradbourne Vale Road, Sevenoaks; Governors of The Bradbourne School and KCC Children, Families and Education. (Pages 125 - 136)

#### **E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matter applications (Pages 137 - 144)
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Detailed submissions under Channel Tunnel Rail Link Act 1996 (None)
5. Screening opinions under Environmental Impact Assessment Regulations 1999
6. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

#### **F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

##### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Peter Sass  
Head of Democratic Services and Local Leadership  
(01622) 694002

*(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)*

Monday, 5 February 2007

**KENT COUNTY COUNCIL**

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**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 16 January 2007.

PRESENT: Mr R E King (Chairman), Mr T J Birkett (substitute for Mr T A Maddison), Mrs V J Dagger, Mr D S Daley (substitute for Mr S J G Koowaree), Mr J B O Fullarton, Mrs E Green, Mr T Gates, Mrs S V Hohler, Mr G A Horne, Mr C J Law (substitute for Mr A R Bassam), Mr J F London, Mr R A Marsh, Mr J I Muckle, Mr W V Newman, Mr A R Poole and Mrs P A V Stockell.

OTHER MEMBERS: Mrs E Tweed.

OFFICERS: The Acting Head of Planning Applications Group, Mrs S Thompson (with Mr J Crossley); the Development Planning Manager, Mr A Ash; and the Democratic Services Officer, Mr A Tait.

**UNRESTRICTED ITEMS**

**1. Minutes**

RESOLVED that the Minutes of the meeting held on 12 December 2006 are correctly recorded and that they be signed by the Chairman.

**2. Site Meetings and Other Meetings**  
*(Item A3)*

(1) The Committee agreed to visit the proposed composting plant in Lydden, Dover on Tuesday, 20 March 2007.

(2) The Committee also noted that the training on 13 February 2007 would be on Sustainable Construction, Energy Issues and new Planning requirements.

**3. Application TW/06/1646 – Change of use from agricultural to new green waste open windrow composting facility at Little Bayhall Farm, High Woods Lane, Tunbridge Wells; Bowman and Sons**  
*(Item B1 - Report by Head of Planning Applications Group)*

RESOLVED that permission be refused on the following grounds:-

- (a) the proposal represents inappropriate development in the Green Belt and Area of Outstanding Natural Beauty and the applicant has failed to demonstrate the special circumstances necessary to override presumption against permitting the proposal. The proposal is therefore contrary to Policies WM2, E1 and E4 of the Adopted Kent and Medway Structure Plan 2006, and Policies W2 and W4 of the Kent Waste Local Plan; and
- (b) the applicant has failed to demonstrate that he has control over the passing places required to be maintained for the duration of operations applied for to ensure vehicular and pedestrian safety along High Woods Lane. The proposal is therefore contrary to Policy QL17 (c) of the Kent and Medway

Structure Plan and Policies W22, W27 and W33 of the Kent Waste Local Plan.

**4. Application SE/06/2415 – Variation of Condition 8 of Permission SE/87/1468 to extend operating hours for bagging plant to between 1800 and 2400 Mondays to Fridays between 1 April and 30 September at Sevenoaks Quarry, Sevenoaks; Tarmac Ltd**  
*(Item B2 – Report by Head of Planning Applications Group)*

(1) Mr J F London moved, seconded by Mrs PAV Stockell that the recommendation of the Head of Planning Applications be agreed subject to the deletion of Recommendation (c) and the operating hours at the bagging plan being extended to 2000 only.

(2) Mr J I Muckle moved, seconded by Mr T J Birkett as an amendment that the recommendations of the Head of Planning Applications Group be agreed as written subject to the inclusion of a condition requiring that there be no vehicle movements in, out and within the site after 1800. This amendment was carried by 13 votes to 1, became the substantive motion and was in turn carried with no opposition.

(3) RESOLVED that:-

(a) permission be granted to extend the operating hours for the bagging plant for the period between 1800 to 2200 hours, Monday to Friday, during the months from April to September (inclusive) subject to conditions including conditions limiting the use of the site for these hours up to 31 December 2018; restricting noise between these hours to no more than 50dB  $L_{Aeq}$  1 hour (free field); and requiring no vehicle movements (except for personal use) in, out or within the site after 1800.

(b) permission be refused for the proposed extended operating hours for the bagging plant between 2200 and 2400 hours on the grounds that the applicant has not demonstrated that the required 42dB  $L_{Aeq}$  1 hour (free field) limit can be achieved between these hours; and

(c) the applicants be informed that should they be able to satisfactorily demonstrate that the new 42dB  $L_{Aeq}$  1 hour (free field) limit can be achieved during the period 2200 to 2400 hours, the County Council may favourably view an application to extend the hours during this period on a similar basis subject to the imposition of such a limit.

**5. Proposal SW/06/1137 – Extension and modernisation to 1 F.E School, including parking area and temporary works, including mobile classroom at Boughton under Blean Methodist Primary School, School Lane, Boughton under Blean, Faversham; Governors of Boughton under Blean Methodist Primary School and KCC Children, Families and Education**  
*(Item B3 – Report by Head of Planning Applications Group)*

(1) A letter from Mr and Mrs Mayes was tabled objecting to the application on ecological, parking and access grounds.

(2) The Committee agreed to the addition of an Informative that it would prefer the installation of an internal sprinkler system to address fire safety aspects.

(3) RESOLVED that:-

(a) Permission be granted to the proposal subject to conditions including the standard time condition; submission of details of all external materials; submission of a detailed landscaping scheme to include details of trees to

be removed and replaced, shrubbery to minimise pollution impacts, fencing details and bunding details; temporary consent for mobile classrooms; the temporary access road being removed upon completion of the development and the land reinstated to its former state; a minimum 1200 mm landscape buffer zone to the southern boundary being created between the extended car park and neighbouring property; and details of any external lighting being submitted for prior approval; and

- (b) the applicants be informed that the Committee would prefer the installation of an internal sprinkler system.

**6. Proposal CA/06/1392 – Demolition of existing buildings and erection of a detached 3 storey block of 40 extra care apartments for the elderly with associated communal facilities together with car parking and landscaping at King Edward Court, King Edward Avenue, Herne Bay; KCC Adult Services and Housing 21**

*(Item B4 – Report by Head of Planning Applications Group)*

(1) Mr C J Law informed the Committee that as he had previously given his views on this application he would not participate in the decision-making process.

(2) The Acting Head of Planning Applications Group reported that the submitted Tree Protection Plan had been supported by Canterbury City Council and Jacobs Landscaping.

(3) The Committee agreed to the incorporation of a condition requiring low level lighting for the car park.

(4) RESOLVED that permission be granted to the proposal subject to conditions including the standard time condition; submission of details of materials; submission of a detailed landscaping scheme, including fencing details; provision of cycle parking; hours of use for construction, including use of machinery and plant; measures to minimise dust disturbance; measures to ensure mud is not deposited on the highway; the provision of low level lighting for the car park; a programme of archaeological work; and the development being carried out strictly in accordance with approved plans.

**7. Proposal AS/06/1422 – Integrated highways depot comprising offices, garaging, salt barn and storage areas with associated car parking and landscaping at Land adjacent to Henwood Industrial Estate, Ashford; Kent Highways Services**

*(Item B5 – Report by Head of Planning Applications Group)*

*(Mrs E Tweed was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)*

(1) The Acting Head of Planning Applications Group reported correspondence from CPRE objecting to the application and from both Natural England and Mid Kent Water raising no objection. She also referred to a letter received from Barton Willmore acting on behalf of Taylor Woodrow. This raised concern that the Borough Council had not requested a contribution be made by the applicant to highway infrastructure improvements in accordance with its adopted Supplementary Planning Guidance 6 “Providing for Transport Needs arising from the South Ashford Study”.

(2) Correspondence from Jones Homes and Jacobs Engineering was tabled.

(3) RESOLVED that subject permission be granted to the proposal subject to conditions including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; external materials being submitted for

approval; external lighting details being submitted for approval; a detailed scheme of landscaping, its implementation and maintenance being developed in line with the Method Statement proposals; tree protection and a methodology for working in close proximity to trees; provision of a 2 metre high noise barrier to the southern boundary; details of a scheme for the disposal of foul and surface waters; implementation of an archaeological watching brief; implementation and ongoing review of the Travel Plan; use of smart alarms; provision and safeguarding of parking and vehicular access routes within the site; location of and construction of contractors site compound and provision of vehicle parking; on site mitigation work being carried out in accordance with the submitted Method Statement; reptile capture not commencing until a suitable receptor site is found; identification of a suitable receptor site and its long term protection; enhancement, translocation and monitoring plans for the receptor site; protection of nesting birds; hours of working during construction; and measures to prevent mud and debris being taken onto the public highway.

**8. Proposal TM/06/2488 – Construction of new art and drama block and sports centre, introduction of a one-way traffic management system with new exit and slip road onto Pembury Road and refurbishment of the existing reception (Collectively Phase 2) at The Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge; Governors of The Weald of Kent Grammar School and KCC Children, Families and Education**  
*(Item B6 – Report by Head of Planning Applications Group)*

(1) The Acting Head of Planning Applications Group reported correspondence from the applicant confirming that the hours of use would complement those for the outdoor tennis facility. Weekend use would be from 9.00 am to 4.30 pm on Sundays. She also reported the further views of Jacobs (Landscaping) withdrawing their objection and a letter from a local resident withdrawing his objection subject to the imposition of a 30 mph speed limit.

(2) RESOLVED that the application be referred to the Secretary of State for Communities and Local Government and that subject to her decision, permission be granted to the proposal subject to conditions including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; external materials; tree protection and methodology for working in close proximity to trees; implementation of a scheme of landscaping and maintenance; new egress and slip road being constructed in accordance with the permitted details and/or as otherwise amended in accordance with stage 2 safety audit; subject to Traffic Regulation Orders, extension of parking restrictions and for the relocation of the 30mph speed limit nearer to the roundabout prior to use of the new egress; provision of new one-way access arrangements before the construction of the Sports Centre and safeguarding of vehicular access, drop-off and parking; external lighting; continuing implementation and ongoing review of the School Travel Plan; ecological surveys prior to work commencing on the relevant phases and submission for approval of any necessary mitigation measures; details of the hours of use relating to community use outside of normal school hours for the Sports Centre; measures to prevent mud and debris being taken onto the public highway; hours of working during construction; details of construction access; and removal of the temporary building (maths mobile) and the 2 standard mobiles at the front of the site within 3 months of the completion and first occupation of the new Arts and Drama block.

**9. Proposal SW/06/836 – Erection of a 1.5m high weldmesh fence around the school playground and stock fence around the playing field at Rodmersham Primary School, Rodmersham Green, Rodmersham, Sittingbourne; Governors of Rodmersham Primary School and KCC Children, Families and Education**

*(Item B7 – Report by Head of Planning Applications Group)*

- (1) The Acting Head of Planning Applications Group reported correspondence from Swale BC raising no objection to the proposal.
- (2) RESOLVED that permission be granted to the proposal subject to conditions, including the weldmesh fence being finished in black and at a maximum height of 1.5m; the development being carried out in accordance with the approved plans; and the development being carried out in accordance with the 3-year timescale.

**10. Proposal TW/06/3473 – Retrospective application for the widening of access road and addition of a footpath at the Meadows School, London Road, Southborough, Tunbridge Wells; KCC Adult Services**

*(Item D1 – Report by Head of Planning Applications Group)*

- (1) Correspondence from Mr Neil Heilpern of the Southborough Society was tabled together with colour photographs of the access.
- (2) The Acting Head of Planning Applications Group reported the views of the Mr J R Bullock, local Member in support of the recommendation for refusal.
- (3) RESOLVED that:-
  - (a) permission be refused for the proposal on the grounds that the development is contrary to Structure Plan Policies SP1, QL1 and QL6 and Tunbridge Wells Borough Local Plan Policies EN1, EN5, EN20 and EN21 given the scale, materials used and poor landscaping of the development and the effect that it has upon the Southborough Conservation Area and the important landscape approach to Southborough; and
  - (b) due to the retrospective nature of the application the applicant be advised to take urgent steps to regularise the breach of planning control and that the matter be referred to the Council's Regulation Committee.

**11. Proposal TH/06/1170 – Demolition of existing buildings and erection of a detached part two and part three storey block of 40 extra care apartments for the elderly together with communal facilities, car parking and landscaping at Appleton Lodge, Rumfields Road, Broadstairs; KCC Adult Services and Housing 21**

*(Item D2 – Report by Head of Planning Applications Group)*

- (1) Mr J B O Fullarton addressed the Committee in his capacity as local Member but did not take part in the decision-making process.
- (2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; external materials being submitted for approval; a scheme of landscaping, its implementation and maintenance; protection of nesting birds; archaeological watching brief; parking being completed in accordance with approved plans prior to occupation; the provision of cycle parking; hours of working during construction; prevention of access for construction vehicles at peak school times; prevention of mud being deposited on the highway; and measures to suppress dust.

**12. Proposal TM/06/3385 – Two storey detached building comprising 7 supported apartments for people with learning difficulties, with communal space together with access, car parking and landscaping at Land at the former Mill Stream School, Mill Street, East Malling; KCC Adult Services and Housing 21**  
*(Item D3 – Report by Head of Planning Applications Group)*

- (1) Correspondence from Mrs E A Simpson and Mr R Brookes was tabled.
- (2) RESOLVED that the application be referred to the Secretary of State for Communities and Local Government as a departure from the Development Plan, and that subject to her decision permission be granted to the proposal subject to conditions including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; external materials being submitted; details of windows design being submitted; a scheme of landscaping, its implementation and maintenance; recommendations of ecological scoping survey being adhered to; details of external lighting; details of access, turning car parking; details of refuse storage and collections points; hours of working during construction; and measures to prevent mud and debris being taken onto the public highway.

**13. Proposal DO/06/1247 – Demolition of existing buildings and erection of a detached three storey block of 40 extra care apartments for the elderly with associated communal facilities, a two storey block of 7 supported apartments for people with learning difficulties and two replacement bungalows for the elderly, together with access, car parking and landscaping at Roly Eckhoff House, Roosevelt Road, Dover; KCC Adult Services and Housing 21**  
*(Item D4 – Report by Head of Planning Applications Group)*

RESOLVED that subject to Dover District Council's views and no adverse views on the submitted Tree Protection Plan permission be granted to the proposal subject to conditions including the standard time condition; submission of details of materials; submission of a detailed landscaping scheme, including habitat enhancement methods; hours of use for construction, including use of machinery and plant; measures to minimise dust disturbance; measures to ensure mud is not deposited on the highway. and the development being carried out strictly in accordance with approved plans.

**14. County Matters dealt with under Delegated Powers**  
*(Item E1-E6 – Reports by Head of Planning Applications Group)*

RESOLVED to note reports on items dealt with under delegated powers since the last meeting relating to:-

- (a) County Matter applications;
- (b) Consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) Detailed submissions under Channel Tunnel Rail Link 1996 (None);
- (e) screening opinions under Environmental Impact Assessment Regulations 1999; and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).



SECTION C  
MINERALS AND WASTE DEVELOPMENT

BACKGROUND DOCUMENTS – the deposited documents, views and representation received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

**Item C1**

**Proposed Aggregate Importation Depot and Waste Recycling Facility, Sevington Railhead, Waterbrook Park, Ashford. – AS/06/4 & 5.**

A report by Head of Planning Applications Unit to Planning Applications Committee on 13 February 2007.

Application by Robert Brett & Sons Ltd for (i); the permanent retention of the existing railhead and importation of aggregate and demolition and construction waste together with associated processing plant including crushing and screening plant, concrete batching plant and storage silos for hot roadstone; Construction and (ii); operation of a waste transfer station. Sevington Railhead, Waterbrook Park, Waterbrook Avenue, Sevington, Ashford, Kent.

Recommendation: Subject to the satisfactory conclusion of a Section 106 Agreement, Permission be granted subject to conditions.

Local Member: Mr C. Findlay and Mr S.J. Koowaree

Unrestricted

**The Site and Background**

1. The site lies some 3 miles to the south east of Ashford Town Centre and approximately 1 mile south west of junction 10 of the M20. The application sites share the same boundary, cover an area of 53.55 hectares and, with the exception of the existing railhead are currently predominantly a mixture of agricultural and scrub land. The majority of the site would be engineered involving the importation of suitable materials in order to raise levels above the flood plain and the installation of associated drainage as preparatory works for future development together with proposed habitat enhancement areas.
2. The nearest housing lies some 80 metres off the northern and southern site boundaries along Church Road and Highfield Road which are partly screened from views directly into the site by an existing belt of trees and a substantial bund at the southern end. Those along Church Road are further segregated by the main London to Dover rail line and the CTRL whose 4.5 metre high wooden sound barrier also serves to help screen the site along this boundary.
3. The actual combined 'built' development footprint of the two applications (i.e. operational element) which is located in the north eastern section of the site would cover an area of

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approximately 5.8 hectares with the mineral element adjoining the eastern side of the existing rail siding and the waste adjoining the western side. This area was previously used to import materials in connection with the construction of the Channel Tunnel and then in 2002, the Channel Tunnel High Speed Rail Link. The site is currently occupied by Bretts who import and distribute aggregate from the site under the terms of a temporary permission. As part of this built element it is intended when preparing the site to create a 3 metre high bund along the western boundary which would be planted on its outer slope with trees, the intention being that this would then act as a screen to any future development within the remainder of the application area, the majority of which lies adjoining to the south west of where this bund would be created.

4. In August last year representatives from your Committee visited the site and heard the views of Ashford Borough Council and Sevington and Mersham Parish Council. A note of the meeting is attached under Appendix 1.

**Proposal**

5. Each application contains distinct elements;
6. The mineral application proposes the retention of the existing rail sidings for the import of aggregate, the erection of a building to enclose crushing and screening equipment for the production of recycled aggregate from demolition and construction waste, a concrete batching plant, storage silos for hot roadstone, storage bins to contain the waste material to be recycled, recycled aggregate and primary aggregates. It is proposed that some 630,000 tonnes of primary aggregate would be imported to the site by rail each year. Additionally some 200,000 tonnes per annum of construction and demolition waste would be imported by road for recycling together with some 20,000 tonnes of hot coated roadstone. Bretts estimate that in total this would generate some 342 Heavy Goods Vehicle (HGV) movements to and from the site each day.
7. The waste application proposes the erection of a building for the transfer of both Municipal Solid Waste (MSW) and construction and demolition waste. It would be intended to import up to 115,500 tonnes of material each year generating some 118 daily HGV movements to and from the site.
8. Together the two applications would generate a combined total of 460 vehicle movements to and from the site, which it is claimed is less than the 700 vehicles observed taken from baseline survey data in 2002. Furthermore with regard to peak hour movements the 2002 survey indicated a two-way traffic flow of 73 HGV's during the a.m. peak hour period and 75 HGV's during the p.m. peak. From the information contained in the applications, the transport assessments estimate the proposed mineral peak hour traffic to be 32 two-way and the waste application peak hour 10 two way amounting to some 42 two way movements in total. On this basis the applicant concludes that in their view the proposal is therefore within the capacity of the surrounding road network.
9. Access would be via Waterbrook Avenue which runs north-west/south-east across the site and joins the A2070 (Southern Orbital Road) linking via junction 10 with the M20, with a dedicated new access being built off Waterbrook Avenue leading to the operational areas.

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10. The applicant states that the hours during which raw materials would be imported by rail is dictated by pathways available on the rail network. These are given as being 0600 hours, 1200 hours and 1600 hours. With deliveries taking up to 4 hours to unload operations would therefore run from 0600 hours to 2000 hours. Normal operating hours for other activities would be between 0600 to 1800 hours Mondays to Fridays and 0600 to 1300 hours on Saturdays with no operations on Sundays or Bank Holidays. Fixed plant would not commence operating until after 0700 hours
11. The application is accompanied by an environmental statement which includes an assessment of the possible environmental effects of the proposed development in relation to the existing conditions on site and its surroundings. Having regard to the specified information as required under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (as amended), the following matters have been identified as having to be taken into account;
- (i) Noise
  - (ii) Socio Economics
  - (iii) Archaeology
  - (iv) Ground conditions
  - (v) Transport
  - (vi) Hydrology
  - (vii) Landscape
  - (viii) Ecology
  - (ix) Air Quality
12. Various mitigation measures have been proposed which take account of the possible environmental effects. This mitigation has been transposed into the overall project design.
13. The applications also share a common boundary with an application submitted to Ashford Borough Council. This application, which was made in outline, relates to the development of some 102,000m<sup>2</sup> of the site for employment development including B1 (light industry/offices), B2 (general industrial) and B8 (warehousing) use and adjoins the western boundary of the operational element of the Bretts site. The application was considered by the Borough Council's Planning Committee at their meeting last August when it resolved to permit the application subject to the completion of a Legal Agreement, with matters such as the detailed site layout and details of the various buildings and units being reserved for separate approval. A prime element of this proposal relates to the necessary enabling works identical to those set out in the Brett's applications relating to the need to import fill materials to raise existing levels across the site and the installation of associated drainage works, together with similar measures to enhance habitat for the purposes of nature conservation.

**National, Regional and Development Plan Policy**

Waste

14. Planning Policy Statement 10 (PPS10), PPS23 and Waste Strategy 2000 (as amended in July 2005) together provide for a more integrated and effective framework for

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delivering the significant expansion in new waste facilities required to meet EU obligations. The new PPS10 underlines the importance of planning for, and consenting the necessary number and range of facilities in order to ensure that adequate provision is made for the future management of our waste.

15. The key aim of moving waste management up the ‘ waste hierarchy ‘ has not been changed. However the proximity of waste disposed and ‘self sufficiency’ have been re-formulated and are now set out as objectives to ensure that communities should take more responsibility for their own waste (self sufficiency), and that waste should be disposed of in one of the nearest appropriate installations (proximity).
16. The role of the Best Practicable Environmental Option (BPEO) in decision making has also been reviewed. In future the tenets that underlie BPEO will be delivered in spatial planning through plan-led strategies that drive waste management up the ‘ waste hierarchy ‘.
17. Through more sustainable waste management, moving the management of waste up the ‘waste hierarchy’ through the descending order of reduction, re-use, recycling and composting, using waste as a source of energy and only disposing of waste as a last resort, Government aims to break the link between economic growth and the growth of waste.
18. Proposed changes to Regional Guidance for the South East (RPG9) Waste and Minerals (August 2005) contains policies which reinforce national guidance, particularly in relation to the need to aim for regional self-sufficiency (W4), targets for the diversion of waste from landfill (W5), recycling and composting targets (W6), capacity requirements (W7) and location of waste management facilities (W17).

Minerals

19. Minerals Policy Statement 1 (MPS1) ‘ Planning and Minerals ‘gives recognition to the essential role minerals play in the nation’s prosperity and quality of life and the need therefore to ensure an adequate supply of material to provide the infrastructure , buildings and goods that society, industry and the economy needs . With this principle in mind it advises that mineral planning authorities should therefore aim to provide a framework for meeting such needs whilst seeking to avoid any detrimental effects on the environment through appropriate mitigation. Particular emphasis is given towards the need to safeguard existing, planned and potential rail heads and associated storage, handling and processing facilities for the bulk transport by rail, of aggregates including recycled, secondary materials.
20. Proposed changes to RPG9 seek to encourage the development of construction practices with the long term aspiration that annual consumption of primary aggregates will not grow from the 2025 level in subsequent years (Policy M1). In order to help meet the objectives of Policy M1 the use of secondary and recycled materials shall be increased (Policy M2). Mineral planing authorities are also asked to assess the need for wharf and rail facilities for the handling and distribution of imported and processed materials, and identify strategic sites for safeguarding in their minerals development frameworks. Existing sites should also be identified and safeguarded.

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21. National Policy is therefore to increase the use of secondary aggregates and recycled materials together with a corresponding decrease in the use of primary aggregates to the extent that by 2016 (by the end of the plan period) growth in the annual consumption of primary aggregates as currently experienced will stabilise.

**22. Development Plan Policy**

Kent and Medway Structure Plan July 2006

Waste

- Policy SP1:** Promotes sustainable development ensuring a pattern of development and the enhancement of Kent's environment including the re-use of land and buildings more efficiently, reducing the need to travel and encouraging the availability of a choice of transport.
- Policy SS1:** Sets priorities for development and investment in certain areas of Kent including Ashford
- Policy NR5:** Requires development to be planned and designed to avoid or adequately mitigate pollution impacts.
- Policy WM1:** Provides for the integrated management of waste, reflecting the principles of BPEO, the national waste hierarchy and national and regional targets for waste management and requires wherever practicable that facilities should be located to enable the use of rail and /or water based transport.
- Policy WM2:** Proposals for the treatment, storage, transfer, processing or disposal of waste will be required to show that they represent the most efficient and environmentally sustainable method of managing a specific type of waste.
- Policy WM4:** Makes provision for and maintenance of integrated waste management capacity sufficient for 15 years.
- Policy WM6:** Seeks a pattern of strategic waste management facilities.
- Policy TP12:** Requires development proposals to be assessed against whether it would increase the risk of accidents and/or result in traffic delays.
- Policy TP15:** Requires development to be well related to the primary route network.
- Policy EN1:** Seeks to protect and enhance Kent's countryside for its own sake
- Policy EN3:** Requires Kent's landscape and wildlife habitats to be protected, conserved and enhanced.

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**Policy EN8:** Aims to protect, conserve and enhance wildlife habitat and species, especially through long term management and habitat creation schemes.

Minerals

In addition to the above Structure Plan Policies;

**Policy MN1:** Supports proposals for the provision of minerals through recycling, the use of secondary materials and the facilitation of imports.

**Policy MN3:** Sets criteria for assessing proposals for minerals including associated plant, buildings and minerals recycling facilities.

**Policy MN4:** Seeks to protect and safeguard existing marine and rail depots.

Kent Waste Local Plan March 1998

**Policy W1:** The Local Planning Authority will make provision in accordance with the principles of sustainable development for waste arising in Kent to be dealt with in Kent based on the waste hierarchy.

**Policy W2:** Waste management proposals will not be permitted if they would cause a significant adverse impact on ground water and sites of nature conservation interest.

**Policies W7 & W9:**

Identify the site at Sevington as suitable in principle for the transfer and recycling of category A, B and C waste and also set down criteria against which proposals at other locations would be considered including whether they seek to minimise impacts on the local and natural environments, have or could secure adequate access and are within or adjacent to an existing waste management facility or are part of an established or committed general industrial use.

**Policies W16 to W26:**

Set out the operational criteria against which applications for waste management will be assessed including the need to ensure matters such as noise, dust and odour can be satisfactorily controlled.

Kent Minerals Local Plan for Construction Aggregates December 1993

**Policy CA1:** Requires that proposals for Rail Depots should have no adverse impact on the road network and avoid residential areas.

**Policy CA3:** Proposals for depots to receive aggregates requires that they do not adversely affect local features of identified importance and can be operated consistent with the criteria set out in Policies CA16 to 26.

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**Policy CA4:** Identifies Sevington as being suitable in principle as an import point for construction aggregates.

**Policy CA5:** Supports the use of secondary and recycled materials in meeting the needs for construction.

**Policies CA16 to CA26:**

Set out the operational criteria against which proposals for minerals will be considered.

The Core Minerals Strategy Development Plan Document

Primary Mineral Development Control Policies Development Plan Document

Construction Aggregates Development Plan Document

23. In November 2006 following pre-submission public participation with the community and other stake holders on the preferred options, the County Council formally submitted these documents to the Secretary of State for independent examination. Once adopted the documents, which constitute Development Plan Documents (DPD) , will form the Kent Development Framework and also become a part of the Kent Development Plan. Their draft policies seek to develop the Government's objectives for minerals planning. As these documents progress towards formal adoption the extent to which they represent a material consideration will gain in weight. Consistent with the objectives of the existing development plan policies, and having regard to these two current applications, proposed Policy CA9 of the Construction Aggregates DPD makes specific reference to the application sites in so far as it recognises this relates to an existing planning permission for the importation of construction aggregates and which will therefore need to be protected from development that would prejudice its continued operation.

Ashford Borough Local Plan

24. Under Policy S14 Waterbrook Park is proposed primarily for warehousing and distribution uses (B8) and also suitable for light general employment uses (B1 and B2), whilst S14 (f) specifically seeks to retain the existing railhead and avoid prejudicing opportunities for its future use.

**25. Consultations**

**Ashford Borough Council:** - Originally commented on the application following the meeting of their planning committee held on 9 August 2006 (A copy of the minutes of their meeting is attached under Appendix 2). Following amendments made to the application by Bretts in order to specifically address the Borough Council's requirement for contributions towards highway improvements in accordance with Supplementary Planning Guidance SPG6, the Council made further comments ( These are also attached under Appendix 3 )

**Sevington and Mersham Parish Council:**– Raise objection on the grounds that the proposal would lead to an increase in noise and light pollution and irreversibly destroy a considerable amount of wildlife and ruin the rural character of the area



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**Southern Water:-** Raise no objections in principle to the proposals subject to the imposition of a condition requiring that ‘ Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water’.

**Natural England:-**(formerly English Nature)- Is pleased to see in the light of further information submitted in support of the application that the applicant is committed to the installation of Great Crested Newt Breeding Ponds at 250 metre intervals along the corridor. Recommends that a condition be imposed to any consent requiring that ‘ no development shall commence on the site until a mitigation scheme for Great Crested Newts has been implemented in full

**Environment Agency:** Raise no objection subject to the imposition of conditions requiring the submission and prior approval of surface water drainage works before development commences and the retention of an 8 metre marginal strip of land on the side of the East Stour river, alongside the development site. The addition of informatives drawing attention to the requirements of the Wildlife & Countryside Act 1981, and the need to obtain a separate Waste Management Licence from the E.A.

**South East England Development Agency:** Support the applications on the assumption that much of the material will be used within the Ashford Growth Area and in recognition that the use of rail to transport material will reduce the amount of HGV traffic on the local road network. Also welcomes the creation of new jobs.

**South East England Regional Assembly:** Requires more information on the source type and quantity of material in order to be satisfied that the proposal is consistent with the aims of Policy M1 of RPG9 and Policies W3 and W4, M1 and M3 of the Government’s Proposed Changes to the Regional Waste and Minerals Strategy. Also requests that the local authority be satisfied that the proposed mitigation measures to maintain and enhance biodiversity are appropriate in line with Policy E2 of RPG9

**Union Property:** Objects to the proposal on the grounds that it conflicts with the policies of the adopted Ashford Local Plan insofar as the proposed use is in direct conflict with the objectives of Policy S14 which would diminish the attractiveness of the remaining part of the area allocated on the proposals map for B2/B8 uses. Unacceptable impact on their property located in Highfield Lane

**Highways Agency:** Comments that both applications fall within the criteria set out under SPG6 given that the site is located within the 5 minute isochrone of J10 of the M20. Requests in the event of permission being granted that a condition/s be imposed restricting vehicle movements to and from the site to within peak hours subject to the County Council being satisfied that such conditions can be properly enforced

**EDF ENERGY:** No objection but requests that the applicant contact their connections team given the proximity of their underground cables.

**Southern Gas:** No objection but has contacted the applicant given the proximity of their pipeline to the site.

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**British Pipeline Agency:** No Government Pipeline are located within the vicinity of the site.

**Jacobs (Noise/Dust /Odour):** With regard to the potential impact from noise notes that the existing background noise levels from the M20 is the dominant noise source which does not vary significantly between weekdays and weekends. Is of the opinion that ground bourne vibration will not be a significant issue. Levels of PM10 (small particulates)is not a significant pollutant in the area whose levels measured were in the order of 29ug/m<sup>3</sup> compared to an air quality objective of 40ug/m<sup>3</sup>. Considers it unlikely therefore that the proposal will significantly increase this

**Jacobs (Landscape):** Notes that views into the site from surrounding residential properties are obscured by existing screening particularly from along Church Road whose view is obscured by the 4.5 metre CTRL barrier. Therefore considers the impact from the proposal ,including proposed lighting where it is recognised current lighting is already visible, would be of slight – negligible influence given that the site would be viewed within the current setting of the CTRL and other urban influences . Whilst the top of the storage silos for hot coated road stone would be visible, in the event that it is not possible to relocate their position within the site, recommends that a condition be imposed as recommended by Ashford Borough Council in respect of landscaping expanded to include screening of these silos.

**Divisional Transport Manager:** Is satisfied that the new 7.3 metre wide carriageway leading to the site from off Waterbrook Avenue, which will replace the existing private road serving the site, which must be closed, and the dual c/w of Waterbrook Avenue junction will be suitable to serve the proposed development. The effect of the development on the Waterbrook Avenue/A2070 junction will be considered by the H.A.

**Public Rights Of Way:** No public rights of way crossing the site shall be obstructed until such times as the necessary Diversion Orders are confirmed and the noew routes provided. The minimum width of any path diverted shall be 4 metres whose surface shall either remain as grass where they fall outside the immediate development area or surfaced with a type 1 material and finished with a limestone topping or similar where they fall within it.

**County Archaeologist:** No objection subject to the imposition of appropriate conditions preventing the commencement of the development until the applicant has secured the implementation of archaeological field evaluation works including preservation in situ and/or further archaeological recording in accordance with a written specification and timetable, details of which shall first be submitted to and approved by the Local Planning Authority.

**County Ecologist:** Agrees that the mitigation strategies for these applications are consistent with that which applies to the outline employment application submitted to Ashford Borough Council. Considers it would be appropriate to impose a condition requiring that a licence shall be obtained from DEFRA in respect of the translocation of Great Crested Newts and the creation of mitigation ponds.

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**Local Members**

26. The two local Members Mr Findlay and Mr Koowaree were notified of the applications on 18 January 2006. To date I have not received any written comments from them.

**Representations**

27. The applications were advertised in the local; press and notices posted on site. In accordance with neighbourhood notification procedures I also wrote to 33 properties in the surrounding area. As a result I have received representations from 9 local residents objecting to the applications on the grounds that the development would result in an unacceptable impact in terms of;

- Noise
- Dust
- Visual impact
- Odour
- Traffic
- Nature Conservation

**Discussion**

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Therefore in considering these applications the policies referred to under paragraphs (14) to (24) are particularly relevant.

29. In addition to the saved policies of the Minerals and Waste Local Plans account should also be taken of the emerging Development Plan Policies. The operational area of the site is identified under the saved policies of the Kent Minerals Local Plan for Construction Aggregates and also the Kent Waste Local Plan as being suitable in principle for the transfer and recycling of Category A, B and C waste, together with its use as an import point for construction aggregates. Notwithstanding comments made by SEERA requesting more information on the source, type and quantity of material in order to be satisfied that the proposals are consistent with proposed changes to RPG9, I am satisfied that the proposal is consistent with the objectives of those policies to which they refer. This is particularly in terms of helping to meet Kent's apportioned contribution towards regional mineral requirements together with making future provision for sub-regional self sufficiency by increasing capacity for waste recycling.

30. The site is also shown in the Greater Ashford Development Framework (GADAF) for mixed employment use. This together with the Borough Council Core Strategy identifies alternative development to that in the current Borough Local Plan in terms of the proposed density and form of development. For this reason in resolving to grant permission for the outline employment application the Borough Council made this conditional upon the completion of a Section 106 Agreement which, whilst allowing the enabling works to go ahead similar to those proposed in the Bretts submission, reserved the details relating to the built development for separate approval. Most importantly, in

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the context of the determination of the Bretts applications, the Agreement also specifically excluded any development being located on the operational area of these sites

31. Also of relevance to these applications are the broader implications of the GADAF which represents a 30 year Master Plan and which seeks to direct the comprehensive growth of Ashford leading to the expansion of the town by adding a further 31,000 homes to the existing housing stock. To achieve such growth will require a significant volume of construction materials along with associated facilities to ensure the towns future waste management requirements can be satisfactorily met.
32. The two applications do not therefore conflict with either existing Development Plan Policies or emerging Development Plan Documents.

**Main Determining Issues**

32. Given that the principle of such developments at this site have already been established via existing development plan policies and where clearly there will be a future need for such facilities if the longer term growth aspirations of the town are to be realised, in the light of consultee comments and representations received, I consider the main determining issues fall under the following categories;

- Traffic
- Ecology
- Noise, Dust, Odour, Vibration and Air Quality
- Visual Impact
- Archaeology

Traffic

33. Whilst no objections have been raised by statutory consultees on highway grounds I am mindful of their comments, particularly those made by Ashford Borough Council in respect of SPG6 relating to the South Ashford Transport Study. Waterbrook Park is specifically listed as one of a number of sites in the locality falling within the scope of SPG6. Furthermore it is also clear that the site falls within the criteria set out against which any other future development proposal would need to be considered, given that it is well within a 5 minute off peak isochrone of junction 10 of the M20 and would generate at least 100 two-way vehicle trips between 7a.m and 7p.m. In response to the Borough Council's initial comments as set out in their letter dated 18 August 2006 together with attached minutes (see Appendix 2), the applicant amended the applications such that vehicles entering and leaving the site would avoid the morning and evening peak hours. The Highway Agency have recommended that this be imposed as a condition on any future permission which would overcome the need for a condition as was originally being suggested by the Borough Council (see their recommended condition (7) in Appendix 2) for the completion of improvements to the Waterbrook Avenue/A2070 junction .
34. In their letter dated 21 December 2006 providing further comments in the light of these amendments (see Appendix 3) the Borough Council confirmed their agreement that the

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peak hours periods should be taken to be 0800-0900 and 1700-1800 hours. On this basis when considering the applications against the requirements of SPG6, given the specific nature of the operations and with an absolute requirement to prevent traffic movements to and from the site during peak hours would mean a zero SPG6 contribution. Members will see their letter also advises on what they consider would be the most appropriate means by which this requirement should be conditioned.

35. In the event that permission is granted I would recommend that conditions be imposed which prevent vehicle movements during the morning and evening peak hour periods, together with a restriction on the maximum number of heavy Goods Vehicle movements to those stated in the applications as set out under paragraph 8. Above.

Ecology

36. An ecological appraisal of the site identified habitats supporting European protected species, namely Great Crested Newts and Bats and reptiles. Provision is made as part of a Landscape Management Plan to mitigate against the impact of the proposals on these habitats including the translocation of the newts from their existing breeding pond into newly created habitats together with the provision of Owl and Bat boxes and refugia for reptiles. These works will need to be subject of a separate licence obtained from DEFRA before they are undertaken. The licence will cover various matters, including for example the precise location of the newly created ponds. Natural England who welcome the creation of these new breeding ponds have recommended that a condition be imposed on any permission requiring the scheme of mitigation is implemented in full prior to the commencement of the development. I am satisfied that provided such a condition is imposed the proposal would be consistent with those development plan policies, which seek to protect ecological interests.

Noise, Dust, Odour, vibration and Air Quality

37. Concerns have been raised over the potential impacts from these matters by local residents. Ashford Borough Council have also recommended that further information be provided on the predicted emissions from the proposed activities including dispersion modelling. With regard to air quality the County Council's consultant Jacobs do not consider that PM10 (small particulates) is currently a significant pollutant in the area and it is therefore unlikely that the proposal will significantly increase this with levels expected to stay below the current air quality objectives.
38. In terms of the impacts from noise Jacobs point to the existing background levels produced dominantly by traffic on the M20. Those Members who attended the site visit may also recall at the time of their visit there were frequent occasions when the meeting was disrupted by noise from passing trains both on the main line and CTRL. In my opinion, under these circumstances and having regard to the proposed noise mitigation measures as set out in the applications, together with the attenuation already provided by the existing CTRL noise barrier, noise from operations would be satisfactorily controlled to acceptable levels. Furthermore I am also satisfied that the proposed dust and odour controls would ensure that these do not cause a nuisance.
39. With regard to ground vibration Jacobs do not consider this will create any significant impacts on nearby properties given the nature of the operations. I share this view where

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in my opinion, ground vibrations if any are far more likely to be caused by the existing rail infrastructure which is positioned closer to these properties.

Visual Impact

40. As I have already mentioned under paragraph 2, the site is currently partially screened from views into the site, particularly along the northern and eastern boundary by a combination of existing trees and the CTRL sound barrier. It is also proposed as part of the site preparation works to create a 3m high bund along the south western side of the operational area which will also be planted with trees. The proposed Landscape Management Plan, includes a tree survey and assessment which highlights the existing landscape features on site. It also makes provision for additional planting across the remainder of the application site as part of the habitat creation proposals. Whilst I am mindful that as part of the site preparation works some of the existing trees along the northern boundary will be removed a substantial amount of the existing plant will remain and therefore continue to help screen the development.
41. In the light of the objections raised regarding visual intrusion and having regard to the comments made by Jacobs (landscape) I consider it would be appropriate for a condition to be imposed on any permission requiring the submission of further proposed landscaping details in order to supplement that already proposed. In my view this would then overcome the objections raised and help further assimilate the development into the landscape.

Archaeology

42. The County Archaeologist is satisfied that the provision made in the application to safeguard any archaeology interest is consistent with the approach already adopted in respect of the outline employment application and accordingly has recommended appropriate conditions which secure the implementation of a programme of works. In my view this will ensure archaeology interests are properly safeguarded.

**Conclusion**

43. The site represents an important strategic location in terms of providing the key facilities necessary to meet the future demand for aggregates and also in being able to ensure the satisfactory management of future waste arisings in the locality. In my view this is particularly important given the planned future growth of Ashford. The importance of the site for such purposes is already recognised in both existing and emerging development plan policies. I am satisfied that provided appropriate conditions are imposed controlling operations there are no overriding objections to the proposal which would be consistent with the relevant development plan policies against which this type of development should be considered. Accordingly I recommend that permission is granted subject to the imposition of appropriate conditions.
44. In the event that permission is granted Bretts have also indicated that this would effectively replace similar facilities which exist at their site at Conningbrook Quarry along with an unimplemented permission for a waste recycling/transfer station at Chart Leacon

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industrial estate in Ashford. Therefore should Members be minded to grant permission I consider it would be appropriate secure such matters by way of a Section 106 Legal Agreement. In this respect I have already agreed Draft Heads of Terms with the applicant and these are set out under Appendix 4.

**Recommendation**

45. I RECOMMEND that SUBJECT TO the satisfactory completion of a legal agreement to secure the Heads of Terms as set out under Appendix 4 PERMISSION BE GRANTED subject to conditions including; hours of working including peak hour restrictions, number of vehicle movements, landscaping and floodlighting, noise, dust, and odour controls, archaeological investigation, drainage, footpath diversions and ecological mitigation.

Case Officer – Mike Clifton
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tel no. 221054
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Background Documents - see section heading
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SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposal dossier for each case and also as might be additionally indicated.

## **Item D1**

### **New 3 storey block of 36 extra care apartments, Hopkins Field, Eastern Avenue, Ashford – AS/06/2071**

A report by Head of Planning Applications Group to Planning Applications Committee on 13 February 2007.

Application by Kent County Council Adult Services & Housing 21 for the erection of a detached three storey block of 36 extra care apartments for the elderly with associated communal facilities together with access from Eastern Avenue, car parking and landscaping, land at Hopkins Field, Eastern Avenue, Ashford – AS/06/2071

Recommendation: Subject to any further views received by the Committee Meeting, permission be granted subject to conditions.

**Local Members:** Mrs E Tweed and Mr D Smyth

**Classification:** Unrestricted

#### **The Site**

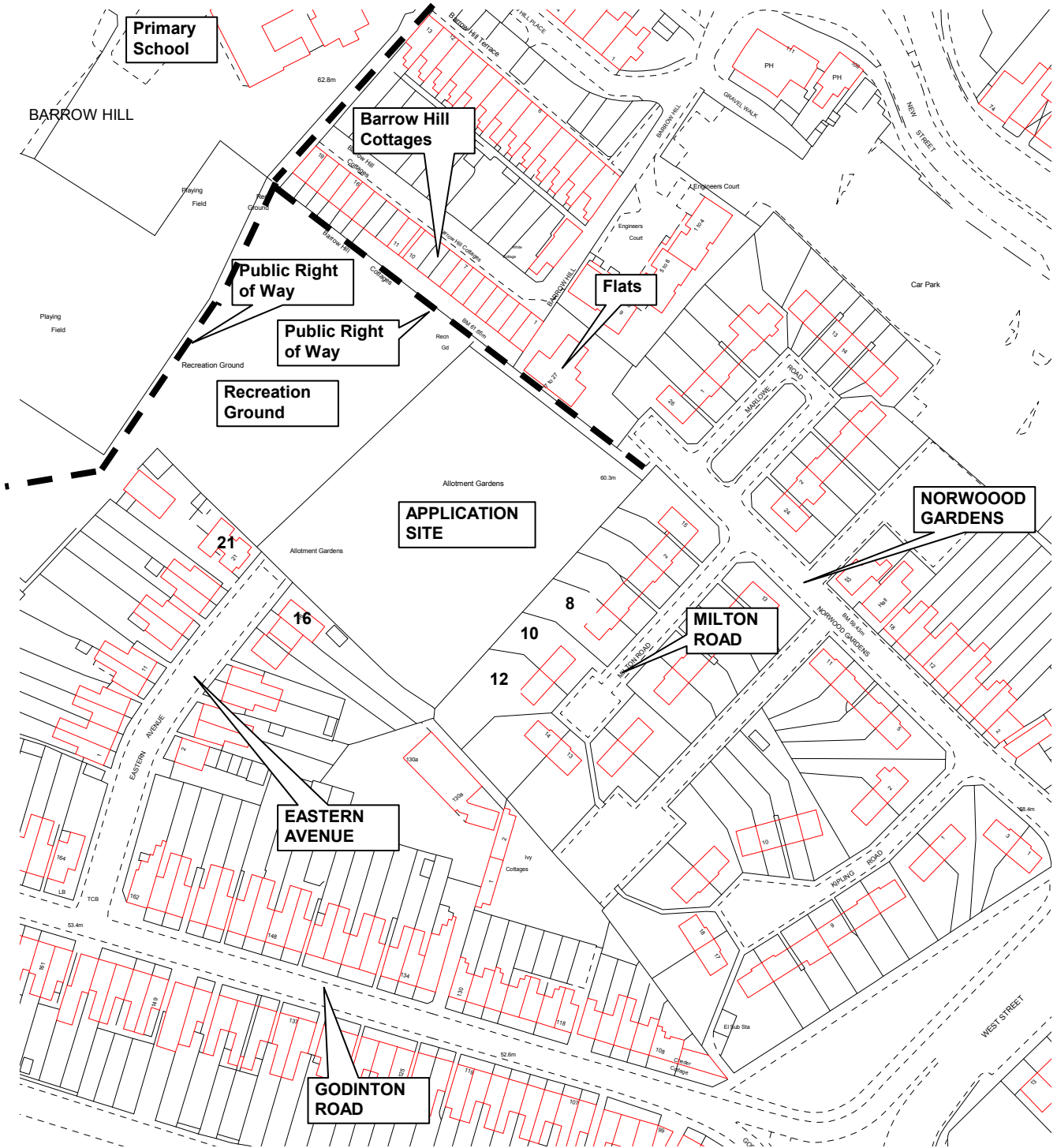
1. The application site, an area of about 0.44 hectares, site lies within the built confines of Ashford urban area and comprises disused allotment land owned by Ashford Borough Council located to the west of Ashford Town Centre. It is surrounded by housing that borders the site on three sides, and adjoins a recreation ground on the north west boundary which is identified in the Ashford Borough Local Plan as public open space. The site is overgrown with some scattered trees and saplings. A mature hedgerow with trees runs along and encloses the north west boundary. There are also trees, hedgerows and vegetation to parts of the other boundaries. The existing access to the site is from Norwood Gardens to the north east and there is an informal access through the hedge fronting onto Eastern Avenue to the south west. A public right of way runs along the north east boundary from Norwood Gardens westwards and along the edge of Barrow Hill Cottages. Another public right of way crosses the open space in a north east to south west direction. There is a row of terraced cottages known as Barrow Hill Cottages adjoining the north west corner of the site, which are Grade II Listed Buildings. The application site lies at a higher level than Eastern Avenue and slopes gently upwards towards Norwood Gardens and also slopes gently upwards across in the other direction from Milton Road to the recreation ground. *A site location plan is attached.*

#### **Background**

2. An outline planning application for the erection of a new building to accommodate 40 extra care apartments and communal facilities for the elderly with associated car parking spaces on the site was submitted in October 2005. The application was not determined because there were unresolved issues to address and was withdrawn when the current detailed application was submitted.

# Item D1

## New 3 storey block of 36 extra care apartments, Hopkins Field, Eastern Avenue, Ashford – AS/06/2071



### SITE LOCATION PLAN

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### **New 3 storey block of 36 extra care apartments, Hopkins Field, Eastern Avenue, Ashford – AS/06/2071**

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3. The current proposal forms part of a Private Finance Initiative to redevelop a number of sites in Kent with new extra care accommodation for the elderly and supported flats for people with learning disabilities. The accommodation would be provided in partnership between Kent County Council Adult Services and Housing 21, a registered social landlord who are active throughout the country and who specialise in providing housing and care for the elderly, together with their development partners, Denne Construction and United Housing Ltd.
4. Extra care housing enables older people who would otherwise have entered into institutional care to remain independent in specially adapted community settings. Adult Services have undertaken a need analysis, which indicates across the County there is a serious shortfall of this type of accommodation. The applicants consider that the application site with its central location provides an ideal location for such a facility.

#### **Proposal**

5. The application proposes the redevelopment of the site with the erection of an 'L' shaped, detached, 3-storey block of 36 extra-care (*originally 40*) apartments for the elderly with associated communal facilities, car parking and access from Eastern Avenue. The accommodation would include 24 one bedroom flats and 12 two bedroom flats. A central 'courtyard' area is located to the north east side of the building with an adjoining communal garden area which would be overlooked by many of the apartments. The car parking area is on the south west side of the building, with 13 spaces plus 5 spaces for disabled use, together with a turning and drop off area.
6. A Design and Access Statement, a Tree Report and a Reptile Presence/Absence Report accompany the application. Since being submitted the details of the proposed development have been amended a number of times to address concerns raised during the course of consultation. *Drawings showing the proposed site layout, floor plans, elevations and site sections (as amended) are attached.*
7. As site levels rise from the Eastern Avenue boundary to the north eastern boundary by almost 3 metres, it is proposed to reduce levels across (see cross-sections) in order to lower the finished floor-level and the height that the building would sit in relation to adjoining properties. This would necessitate the construction of retaining walls along the north west, and parts of the north east and south east, boundaries.
8. The development would necessitate the removal of some trees, hedging and other vegetation. The applicant has shown indicative proposals for landscaping but has requested that full landscaping details be reserved by condition.
9. Most of the building would be 3 storeys high but accommodation has been removed from the second floor (third storey) at either end of the 'L' shaped wings to reduce the overall height at these points. This includes removal of 2 two-bedroom flats adjoining properties in Milton Road to the south east and 2 one-bedroom flats adjacent to the two-storey flats off Norwood Gardens to the north east. The staircase from the second floor at both ends would remain.
10. The building would have shallow pitched red clay, interlocking tiled roof, with hips and gables. The main elevations are long with a strong horizontal emphasis and have been broken up into modules with projecting bays in contrasting materials in order to provide a vertical rhythm. A central gable has been added to the external facing elevations to the north west and south west of the roof slope to also break up the long line of the

## **Item D1**

**New 3 storey block of 36 extra care apartments, Hopkins Field,  
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## **Item D1**

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roof. The materials would be a combination of multi-red brickwork and ivory through render, with the projecting window bays clad with horizontal cedar boarding. The windows would be polyester powder coated aluminum frames with triple glazing. The main entrance would have a projecting canopy facing Eastern Avenue. The end walls of the two wings are blank except for doorways at ground floor.

**Planning Policy**

11. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) The adopted 2006 **Kent & Medway Structure Plan**:

Policy SP1 States that the primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development.

Policy NR5 The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.

Development should be planned and designed to avoid, or adequately mitigate, pollution impacts. Proposals likely to have adverse implications for pollution should be the subject of a pollution impact assessment.

In assessing proposals local authorities will take into account:

- (a) impact on prevailing background pollution levels; and
- (b) the cumulative impacts of proposals on pollution levels; and
- (c) the ability to mitigate adverse pollution impacts; and
- (d) the extent and potential extremes of any impacts on air quality, water resources, biodiversity and human health.

Development which would result in, or significantly contribute to, unacceptable levels of pollution, will not be permitted.

Policy QL1 Requires that all development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

Policy QL8: Listed buildings will be preserved and their architectural and historic integrity and the character of their settings will be protected and enhanced. Development which will adversely affect them will not be permitted.

Policy QL11 Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

Policy E9 Seeks to maintain tree cover and the hedgerow network. Additionally, states they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats. Ancient and semi-natural woodland will be protected and, where possible, enhanced.

Policy TP19 States that development proposals should comply with vehicle parking

**New 3 storey block of 36 extra care apartments, Hopkins Field, Eastern Avenue, Ashford – AS/06/2071**

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policies and maximum standards adopted by the County Council.

(ii) The adopted **Ashford Borough Local Plan 2000:**

- Policy GP2 Seeks to protect and improve the quality of the urban environment by safeguarding the setting and character of settlements and buildings.
- Policy GP3 Seeks new development be located to reduce the need to travel, and take best advantage of existing public transport and infrastructure.
- Policy GP5: Seeks to ensure that the community facilities and infrastructure needed to cater for a growing population are provided when required.
- Policy GP6 Seeks a high design quality in new development.
- Policy GP9 Promotes the best use of land within urban areas (whilst protecting important open areas) in a way which adds to local character and is well related to public transport.
- Policy DP1: Planning permission will not be granted for development proposals which are poorly designed in terms of their scale, density, height, layout, massing, landscaping, access or detailing.
- Policy DP2: New development proposals must satisfy certain criteria including, the development must respect the character and appearance of the area around it, the ability of neighbours to enjoy reasonable levels of privacy etc., the local transport system must be capable of serving the development, safe access to the site, sufficient car and cycle parking, and adequate space for safe manoeuvring.
- Policy EN2 Development proposals in or close to residential areas which are likely to damage significantly people's enjoyment of their homes will not be permitted.
- Policy EN21 Proposed development which affects a Listed Building or its setting will be considered in the light of a number of factors including the building's scale, architectural features and materials, structure, historic character and setting. Loss or damage of historic fabric in the execution of the work should be minimised.
- Policy HG5 Requires residential development on 'windfall' sites (*i.e. those not identified on the proposals map but within the confines of the built up area*) in Ashford to provide easy opportunities for residents to walk or cycle when travelling, not to result in the displacement of other uses such as employment, leisure or community uses for which there is a need in the area, not to result in town 'cramming', and to be of good design.
- Policy TP11 Development proposals should provide for the parking of vehicles in accordance with the Kent Vehicle Parking Standards.
- Policy LE16 Proposals for the built development of allotment land will only be permitted where:
- a) the allotment site is significantly under-used and suitable alternative provision for allotment holders is available nearby;
  - b) the allotment site is not needed to rectify any local shortages of open space; and,
  - c) the proposed development would not lead to the loss of an important undeveloped area which contributes to the character of the local environment
- Policy LE17 Identifies the need to protect public rights of way.

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**(iii) Ashford Borough Local Development Framework Core Strategy November 2006.**

- Policy CS1 Sets out key planning objectives in seeking sustainable development and high quality design.
- Policy CS4 Sets out the basis on which development sites for dwellings and jobs within the urban area will be identified including that priority will be given to identifying brownfield sites.
- Policy CS9 Seeks development of a high quality in accordance with a list of design criteria.
- Policy CS10 All major development must incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford.
- Policy CS11 Seeks protection, maintenance, enhancement, restoration and expansion of biodiversity.

**Consultations**

12. **Ashford Borough Council** does not raise objection to the application (*as amended*) subject to a range of conditions being imposed covering, the standard time limit, external lighting being submitted for approval, retention of existing hedgerows, tree protection measures, details of both hard and soft landscaping being submitted for approval, details of walls and fencing being submitted for approval, external materials, provision and safeguarding of car parking, details of parking for site personnel engaged in construction, wheel washing facilities, finished floor and ground levels being completed in accordance with the details submitted.

**The Environment Agency** has no objection to the application but has set out its standard advice on water conservation and storage of fuel, oil & chemicals. It also states that the applicant should ensure that the existing mains drainage systems are well maintained and of sufficient capacity to cope with any additional flow or loading that may occur as a result of the proposal.

**Area Public Rights of Way Officer** has no objection to the proposal. Whilst noting that the adjoining Public Right of Way is not directly affected by the proposal she sets out the standard advice about not diverting or obstructing the Public Right of Way or disturbing the surface of it.

**Divisional Transportation Manager** has no objection to the proposal.

**Jacobs (Landscape)** has commented as follows:

“Housing overlooking the site, along Milton Road and Barrow Hill Cottages and the properties closest to the site on Eastern Avenue, would incur a slight adverse impact as a result of the development. Whilst the site is not currently visually appealing, the proposed building would be out of scale, both in height and overall footprint, in the context of surrounding residential properties. The building is located very close to the housing and it is felt that it would be imposing on these properties. Landscape proposals should be made clear, with proposed plant species, sizes and densities of planting illustrated. This would, however, be acceptable as a condition to the development. It is essential that a tree protection plan to BS5837: 2005 Trees in Relation to Construction – Recommendations, should be submitted by a

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qualified arborist to ensure the protection of the existing hedgerow boundaries which filter views of the site.”

**Local Member**

13. Mrs E Tweed, the local County Member for Ashford Central and Mr D Smyth, the local County Member for the adjoining ward, were notified of the application on the 19 October 2006. I have also notified them of subsequent amendments to the application.

**Publicity**

14. The application was publicised by an advertisement in a local newspaper, the posting of site notices. These referred to the development affecting the setting off nearby Listed Buildings and a Public Right of Way. 60 neighbouring properties were individually notified of the application. In addition those properties around the perimeter of the site were subsequently notified of amendments to the application on two occasions.

**Representations**

15. I have received letters of representation from 7 nearby residents to the proposal as originally submitted. The issues raised/points made includes the following.

Milton Road

- Have no objection to the proposed use but has objections to the overbearing effect on properties in Milton Road in terms of how close it is to the boundaries and how high it is. Further comments that there is a vast amount of land and do not feel that best use of it has been made.
- Do not oppose the idea of accommodation for elderly people and with the right development the site could be an improvement. However wishes to express strong concerns regarding the effects of the development on her property.
  - A building of 12 metres high within 1 metre of the boundary is completely unacceptable, would block out a significant amount of light and would be an overwhelming and daunting sight.
  - There are no other properties in the surrounding area that are over 2 storeys high and it would be overbearing for existing residents.
  - Concerned that it would devalue her property.
- Although they support the use of the land for the elderly they are concerned about the detail, including the following:
  - Loss of the ‘little orchard’ area that backs onto the garden which provides habitat for birds and privacy.
  - Points out that car park will be right next to an annex at the bottom of their garden where their elderly parents live and that they will be overlooked by the development.
  - Concerned about the great big wall of the building facing them and their neighbours a metre from the boundary fence.
  - Would like the plan changed so that the building is moved further away and turned to face the playing field, with parking in the middle and garden area adjoining the residential properties so everyone gets privacy.
  - Further comments that as the building is 3 storeys high it is going to be difficult not to affect people who live around the site but a plan to keep the building as far away from properties as possible would be great. They ask for help to

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achieve this so that they can all get peace of mind and be happy with the plans.

#### Eastern Avenue

- Do not object to the actual building proposal but objects to the proposed access from Eastern Avenue during construction and thereafter for the following reasons:
    - It is a quiet cul-de-sac where children play and it would no longer be safe for them to do so due to the increased volume of traffic.
    - Residents park on both sides of the road leaving little space for construction vehicles. Questions how this would be managed to allow easy and safe access for residents and visitors to their homes.
    - Increased traffic noise for all residents in the area.
    - Godinton Road is already difficult to negotiate as with parking on one side it is not wide enough for two vehicles to access at the same time. The increase in traffic would make it more difficult for residents to access Godinton Road on their way to the town centre.
  - Has no major problems with the use of the site but has concerns about the access from Eastern Avenue, including the following:
    - Parking is already difficult in Eastern Avenue and any overflow parking from the development would make it worse. This is a particular concern as she is a Veterinary Surgeon working late hours and it makes her very anxious when she has to park away from her house.
    - The increased in traffic in this quiet cul-de-sac is likely to affect property prices.
    - Questions why Norwood Gardens or the road accessing Barrow Hill Cottages is not being used. Comments that there is always plenty of parking in Norwood Gardens, the road is directly off the ring road and fewer houses would be affected.
  - Considers the proposed use is a good idea but is concerned about:
    - Only one access to the site, and asks whether consideration has been given to using Norwood Gardens. Suggests that removal of the obsolete substation might help give more space.
    - Existing drainage problems in Eastern Avenue and asks that the drainage of the site be looked into robustly.
  - The owner of no. 16 comments that the project has moved away from all the houses except hers. Points out that there was a covenant on the allotments, that all users were asked to leave in 1995 and that with no maintenance in the last five years it has regenerated and there is wildlife as a result. Also points at the site is up to 5 feet above the level of her garden. Has the following concerns:
    - The building would impinge on her privacy, as the dining room, bedroom and whole length of garden would be overlooked. Being 3 storeys and 15 metres in height would make it worse.
    - The proposal makes Eastern Avenue the only access compared to the outline proposal, which included Norwood Gardens. Eastern Avenue would take on the overflow car parking from the site. At the moment there are more cars than houses in the road and the proposal would make it worse.
16. I have also received a letter of a representation from the Central Ashford Community Forum raising objection for the following reasons:
- At 3 storeys high it will over dominate the properties in Eastern Avenue and around the site and be detrimental to their amenity.

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- It would further erode the green space within the Town Centre. It should be compensated for the equivalent elsewhere ideally within the Town Centre.
17. In response to the first set of amendments consulted upon, which included adjusting the position of the building and a reduction in site levels, I received one further representation from a resident in Milton Road. They reiterate their objections making the following points:
- The adjustment of the site levels is very insignificant and would have little benefit for Milton Road residents. The building would still have an unacceptable overbearing impact because of its proximity and height.
  - There is also the possibility of being overlooked from the higher levels above the dining room and they do not consider that simply having new planting would counteract these problems.
18. In response to the second set of amendments consulted upon, which included a reduction in the height at the end of each wing of the building, I received one further representation from a resident in Milton Road. They reiterate they would like the trees at the back of their boundary to be left so that it would still give them including their parents living in an annex some privacy and help to keep the birds. Comments that they would also like a brick wall behind the trees to help keep the noise down from the cars using the car park adjoining the annex.

**Discussion**

Introduction

19. This application seeks permission for building a 3-storey block of 36 extra-care apartments for the elderly with associated communal facilities on vacant land previously used as allotment land. It raises a number of issues generally related to siting, visual impact, amenity issues, transport and access, and ecology, but also the principle of developing the site. These issues have to be considered in the context of the Development Plan policies referred to in paragraph (11) above, and other material planning considerations arising from consultation and publicity.
20. Policy LE16 of the Borough Local Plan [set out in paragraph (11) above] deals with the circumstances where built development of allotment land would be acceptable. As part of a review of allotments in the 1990's, the Borough Council resolved to make the site available for development and the Secretary of State's consent for disposal was given in 1995 since when I understand the site has been redundant. The Borough Council would have taken account of the use of the site and alternative provision for allotment holders. I am not aware that the land is required to rectify any local shortages of open space and I do not consider that development of the site would lead to the loss of an important undeveloped area that contributes to the character of the local environment. I do not therefore consider that the proposal would be contrary to Policy LE16 of the Local Plan. Furthermore I understand that the Borough Council has already commenced the formalities required in order to dispose of the land by way of a long lease in connection with the proposed development subject of this application.
21. The site is not identified in the Local Plan for housing (or safeguarded for any other reason) but it is within the confines of the built up area and therefore falls to be considered under Policy HG5 of the Local Plan. It would therefore be regarded as a 'windfall' site and its acceptability dependent on certain criteria being met as referenced

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in paragraph (11) above. Being close to the town centre arguably there would be easy opportunities to walk or cycle when travelling for staff even if in this case most of the residents may not be able to. The development would not result in displacement of other uses. The issue of whether or not the development would result in town 'cramming' and design are considered below with other detailed issues, and subject to consideration of such issues, I would not raise an objection to the principle of developing the site for the proposed use.

Siting, design and appearance

22. With a footprint of some 1450 square metres and an overall height of about 12 metres the building would be a significant size, particularly in relation to the domestic scale of the mainly two storey dwellings surrounding the site. The impact of the building has therefore been of concern to local residents and needs to be considered in the context of its impact on their amenity. Its relationship to the nearby Listed Buildings and impact on their setting also needs to be considered. Development Plan policies require all development to be well designed, of high quality, respond positively to the scale, layout, pattern and character of their local surroundings, and residential amenity to be respected, including the ability of neighbours to enjoy reasonable levels of privacy, peace and quiet, natural light etc. Development Plan policies seek to protect and enhance the settings of Listed Buildings.
23. The scope to alter the position of the 'L' shaped building is constrained by the size of the site, the proximity of neighbouring properties and the desire to retain as far as practicable boundary trees and hedging. Although it has been positioned as far west and to the north as possible so that the longest sections of the building are a reasonable distance from adjoining housing the ends of the 'L' wings of the building are considerably closer. It is 3 to 5.5 metres from the site boundary to the north east and 4 to 5.5 metres from the boundary to the south east, respectively. With a building of 3 storeys in height there is potential for this to have a significant impact on residential amenity. Mindful of that the building has been designed, for example, with no windows in these end walls to prevent any direct overlooking. In respect of the other elevations, these are further away than the widely recognised window to window distances of 21 metres for habitable room of facing residential properties. In addition, responding to objections received and concerns I have raised, the applicants' agents have made a number of amendments in order to mitigate the impact of the development on the locality in general and amenity of adjoining properties in particular. These include the following:
  - Rotating the building from being parallel with the boundary clock wise away from the south east boundary.
  - Reducing the site levels to enable the building to be lowered relative to adjoining properties and adjusting the position of the retaining wall to minimise the impact on trees and hedging.
  - Removal of one car parking space to allow additional width for landscaping/boundary treatment adjoining no.12 Milton Road.
  - Removing 4 apartments from the second floor to reduce the height and mass of the building at the end of the two wings of the 'L' adjacent to properties in Milton Road and Barrow Hill/Norwood Gardens.
24. Overall these amendments would improve the general relationship with adjoining properties by reducing the perceived height and the bulk of the building. Moreover, the elevation treatment including the projecting bays, window fenestration and contrasting



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use of materials with a good balance of solid and void assist in reducing the relative scale of the building. Also a central gable has been added to the external facing elevations, which breaks up the long line of the roof. In addition, retention of the existing hedging and trees together with new planting, which are discussed below, would further assist in reducing and softening the visual impact. Final details of materials could be reserved by condition but in my view the design and appearance of the development are broadly acceptable and would accord with the Development Plan policies that seek a high standard of design. Furthermore, I consider that with the building sitting lower down (as amended) there is an improvement of the relationship of it with the nearby Listed Buildings, per se, to the north west/north east corner of it. To that extent, providing the boundary trees and hedging can be retained I consider that the setting, largely provided by the foreground of adjoining open space, would not be adversely affected and therefore I would not raise a planning policy objection in this respect.

25. Given the proximity of the ends of the 'L' wings of the building to adjoining properties to the north east boundary and to the south east boundary, it is appropriate to consider these particular relationships in more detail. These will be noted from the site layout plan on page D1. 4 and the site sections on page D1.9.
26. To the north east, the end of the building is closest to a 2 storey building off Norwood Gardens which houses 10 flats, some of which would face the new building. Measured from the escape staircase, which projects 3 metres at the end and is just over 8 metres wide, it is between about 7.5 and 9.4 metres from its façade. The end of the building is otherwise between about 12.4 and 14 metres away from it. On the west side of the flats the first floor façades of, the Listed, Barrow Hill Cottages are between about 10 and 12 metres away from the nearest corners of the building. As already mentioned there would be no direct overlooking as there are no windows in the end of the building but there is potential for it to be overbearing when viewed from both Barrow Hill Cottages and the Flats. However at the end of the building the section shows that the roof is at about, or lower, than the eaves height of these properties. There are also some intervening trees on the boundary which at the closest point would to some extent filter views of the building. On the basis of these factors, I do not consider that a planning policy objection on the grounds of loss of amenity, arising from the proximity of the building, would be warranted subject to appropriate boundary treatment including retention of existing trees as far as is practicable together with new planting.
27. The other issue arising particularly for the flats, in that the new building would be close to their southern aspect, is the potential impact on their daylight and sunlight. In view of this the applicants' agent carried out a Daylight and Sunlight study on the basis of Building Research Establishment (BRE) guidance. This concludes that the proposed development has very little impact on the existing properties and in all cases they would continue to receive sufficient daylight and sunlight according to BRE guidance and at a level significantly above the range advised by BRE. Where reductions do occur the report considers these to be well within the range of acceptability and, according to BRE guidance, should not be noticeable to the occupants.
28. To the south west, the end of the building is closest to nos.10 and 12 Milton Road, a pair of two storey semi-detached properties with rear ground floor extensions. In addition, no. 12 which has a large corner plot has a detached single storey annex close to the boundary with the proposed car parking area. Measured from end of the escape staircase, which projects 3 metres, the first floor façade of no.10 is about 17 metres away. Measured from the other end of the escape staircase, the first floor façade of

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no.12 is about 18 metres away. The end of the building is otherwise between about 18.5 metres and 21.5 metres from the first floor façade of these two properties. The corner of the building is about 21 metres away from the corner of the first floor of no. 8 the next nearest property.

29. As already mentioned there would be no direct overlooking as there are no windows in the end of the proposed building. However, concerns have been raised by residents that it would be overbearing. Reduction in the ground levels at this point would only be about 0.5 metre and therefore whilst making some difference to the overall height it would not be significant for these properties. On the other hand now that the height of the building has been reduced at this end of the building by removal of two apartments an appreciable improvement has been made to the outlook from these properties. Although, compared with the end of the other wing (discussed above) where the reduction in site levels makes a difference, the building is higher (see section) than the eaves level of nos.10 and 12 Milton Road, the distances apart are greater. I have discussed with the applicants' agents the possibility of a further reduction in the height at this end of the building but this is not possible due to the need for the escape staircase to also be accessible from the second floor of the building. Providing appropriate boundary treatment is undertaken, including fencing or walling and retention of existing planting where possible together with new planting, I do not consider that a planning policy objection on the basis of loss of amenity due to the proximity and height of the building would be warranted.
30. The access and car parking areas also adjoin residential properties, in particular the access is between nos. 21 and 16 Eastern Avenue, and the car parking adjoins the side of no. 16 Eastern Avenue including its garden, and also the end of it adjoins the garden and annex of no. 12 Milton Road. There would obviously be some disturbance to these properties from vehicle movements including manoeuvring on the site but on the whole given the nature of the development activity is likely to be low key for the most part. The area would also have a visual impact, albeit I do not consider that this would be significant and could be adequately addressed by appropriate boundary treatment. That could be reserved by condition if permission is granted.
31. The other element of this development is the garden area to the north east of the building an area of approximately 1000 metres including a patio/courtyard area adjoining the building. This would provide a reasonable space between the building and the other properties adjoining not already discussed. Landscaping and boundary treatment would be appropriate and this could be included as part of a comprehensive scheme for the site if planning permission is granted. Bearing in mind the provision of this space within the development, the open space of the recreation ground to the north west and the separation between buildings provided by the car park area on the south west side, I do not consider that it could be argued that the development would result in town 'cramming'. Therefore it would meet this particular criteria of Local Plan Policy HG5 referred to in paragraph (21) above.

**Tree protection and landscaping**

32. As already indicated it is proposed to reduce site levels in order to lower the building in relation to adjoining properties. This would necessitate the construction of retaining walls. These would to some extent impact on existing boundary trees and hedging. In response to concerns raised the position of the retaining walls has been adjusted to minimise the impact as far as possible. A tree protection report has also been submitted with certain recommendations for protection of existing trees that can be

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retained, removal of some trees including those on the north western corner of the site as noted on the site layout drawing, re-laying the existing hedgerow along the north west boundary, and for new planting. I have sought the further views of Jacobs Landscape Architect. She has no objection to tree removal subject to replacement planting and supports the proposals for re-laying the hedge. She reiterates the importance of the tree protection for retained trees and hedging, and confirms that the proposals for this are considered to be acceptable. If planning permission is granted appropriate conditions covering, tree/hedgerow protection and for a comprehensive scheme of landscaping and boundary treatment to be submitted for approval prior to development commencing could be included. It would also be appropriate to condition finished floor levels to those indicated on the submitted drawings and to reserve details of site levels and contours.

Spoil removal and construction

33. The other issue raised by reducing levels is the need to remove surplus soil from the site. The applicants' agents have estimated this to be some 3000 cubic metres and are considering the possibility of taking it to another of the project's sites where clean imported material may be required subject to final design. This would inevitably involve a significant number of HGV movements with some impact on local residents and local roads. Mindful of this and to minimise the impact it is proposed to limit the working day to six hours between morning and evening peak periods and take measures to keep roads clean. These could be covered by appropriate conditions if permission is granted. The applicants' agent has also indicated that it would be the intention to liaise with local residents prior to such operations and are also considering a temporary access at the north east of the site to ease the burden on Eastern Avenue.
34. In addition to conditioning hours of operations relating to the spoil removal, as with other developments in close proximity to residential properties it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect their amenities. I would suggest that this should be between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. Similarly if permission is granted details of the site compound and temporary accommodation for contractors, and provision being made for the parking of contractor's vehicles could be covered by condition.

Drainage

35. In the light of the Environment Agency's comments and local residents concerns about runoff down Eastern Avenue, drainage details could be reserved by condition if permission is granted. Its advice on water conservation, and storage of fuel, oil & chemicals could be covered by an informative.

External lighting

36. No details have been provided on external lighting for the development. This can often be a cause for concern raised by neighbouring residents. If permission is granted, it would therefore be appropriate to reserve details by condition so that the type and position of external lighting can be controlled to ensure nuisance from light pollution can be minimised and to accord with Structure Plan Policy NR5.

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Ecology

37. A reptile presence/absence survey of the site has identified the presence of slow worms on the site, the population size of which is assumed to be high. There is also a high potential that other native species such as a common lizard would be present. It is proposed to carry out further survey work at the appropriate time. Mitigation proposals for the slow worms would involve translocation to a suitable receptor site, which I understand the applicants' agents are currently investigating. Further survey work cannot be undertaken until March and in my view it would be unreasonable to delay determination of the application until the results were known or the mitigation proposals finalised. However no development should take place on site unless and until these matters are resolved satisfactorily. Therefore if permission is granted appropriate conditions could be imposed to ensure that the necessary further survey and mitigation work is carried out prior to the commencement of any development.

Transport and access issues

38. The use of Eastern Avenue for access has given rise to a number of objections on the basis of increased traffic as a result of the development proposed, the road width being restricted by on street parking on both sides and possible additional on street parking. These will be noted. The Divisional Transportation Manager is satisfied with the access arrangements and the on site parking provision and has raised no objection to the proposal. Furthermore, in my view, any alternative access arrangement, for example, from Norwood Gardens or a one-way arrangement as proposed in the outline application, would result in a compromise of the site layout with a likely greater impact on residential amenity, particularly in terms of the buildings position.

**Conclusion**

39. The proposal is one of a number of similar proposals across the County which seek to meet a need for supported care apartments for elderly people. In my view development of the site for such a use, in principle, accords with Development Plan Policies and has generally been supported by third parties. Some issues of detail have been of concern, as discussed above. In particular the proximity of the ends of the two wings of the 'L' shaped building to adjacent residential properties is not ideal. However amendments have been made in lowering the base level of the building generally, and lowering height of the building at the ends in particular, in order to improve the relationship with these adjacent properties as well as the wider setting, as discussed above. Therefore, on balance, subject to appropriate boundary treatment I would not raise a planning policy objection on the grounds of loss of residential amenity. I consider that the proposal would otherwise accord with the general aims and objectives of the Development Planning Policies. Subject to any further views received by the Committee Meeting, I recommend that permission be granted subject to conditions.

**Recommendation**

40. SUBJECT TO any further views received by the Committee Meeting, I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT To conditions, including conditions covering:

- the standard time limit,
- the development to be carried out in accordance with the permitted details,
- external materials,
- tree protection and methodology for working in close proximity to trees,

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### **New 3 storey block of 36 extra care apartments, Hopkins Field, Eastern Avenue, Ashford – AS/06/2071**

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- implementation of a comprehensive scheme of both hard and soft landscaping and boundary treatment, and maintenance of planting,
- details of retaining walls,
- finished floor levels, and site levels and contours,
- external lighting,
- ecological surveys and mitigation measures,
- hours of working during spoil removal and construction,
- measures to prevent mud and debris being taken onto the public highway, contractors compound, temporary site accommodation and vehicle parking,
- provision of and safeguarding of access and car parking and turning areas, drainage, and
- the development only being used for the purpose set out in the application as Extra Care Accommodation.

I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informative:

- Account should be taken of the comments made by the Environment Agency relating to drainage, water conservation, and storage of fuel, oil & chemicals.

Case officer - Paul Hopkins	01622 221051
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Background documents - See section heading
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**Item D2****40 Extra Care apartments for the elderly and supported apartments for people with learning difficulties, with associated communal facilities, car parking and landscaping at Whitegates, Hythe – SH/06/1287**

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 January 2007.

Application by Kent County Council Adult Services and Housing 21 for the demolition of existing buildings and erection of a detached three storey block of 40 extra care apartments for the elderly and a two storey block of 7 supported apartments for people with learning difficulties, with associated communal facilities together with car parking and landscaping at Whitegates, Whitegates Close, Hythe.

Recommendation: Permission be granted subject to conditions.

Local Member(s): Mr. C. Capon

Classification: Unrestricted

**Site**

1. The application site comprises the existing Whitegates care home at the end of Whitegates Close, off Stade Street, Hythe. The site is approximately 0.6 hectares and includes a number of mature trees. It is bordered by residential properties in Napier Gardens to the south and Hanover Court immediately to the west by Oaklands park, a bowling green and pavilion to the north and by South Road Recreation Ground to the east. Ladies Walk, a Public Right of Way, also passes the site to the immediate east. Beyond the bowling green are the Royal Military Canal, a Scheduled Ancient Monument and an area of Archaeological Potential. The application site lies immediately adjacent to the Hythe High Street Conservation Area and to a Historic Park/Garden. A site location plan is attached.

**Background**

2. The application was the subject of a Member's Site Meeting on 10 January 2007. A copy of the notes from the meeting will be distributed to Members separately.
3. The application is one of a number of applications, which have been submitted on behalf of Kent County Council Adult Services and Housing 21. The proposals form part of a Private Finance Initiative (PFI) to redevelop a number of sites in Kent with new extra care accommodation for the elderly and supported flats for people with learning disabilities.
4. Outline planning permission was granted (ref: SH/05/729) by the Planning Application Committee on 11 October 2005 for a similar development. That outline planning permission for the site approved the principle of a part 3-storey building for use as 40 extra care apartments, 6 supported apartments and parking facilities, using a site layout that differs from the current application. The outline permission addressed siting and access details. It excluded consideration of design, landscaping and external appearance. However, the current application has been submitted as a fresh submission and not pursuant to the outline consent.
5. Following the submission of a new full planning application, Housing 21 has held an exhibition for local residents regarding the proposed development of the site, which

## **Item D2**

### **40 Extra Care apartments for the elderly and supported apartments for people with learning difficulties, with associated communal facilities, car parking and landscaping at Whitegates, Hythe – SH/06/1287**

A report by Head of Planning Applications Unit to Planning Applications Committee on 16 January 2007.

Application by Kent County Council Adult Services and Housing 21 for the demolition of existing buildings and erection of a detached three storey block of 40 extra care apartments for the elderly and a two storey block of 7 supported apartments for people with learning difficulties, with associated communal facilities together with car parking and landscaping at Whitegates, Whitegates Close, Hythe.

Recommendation: Permission be granted subject to conditions.

**Local Member(s): Mr. C. Capon**

**Classification: Unrestricted**

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**40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at Whitegates, Hythe – SH/06/1287**

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**40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at Whitegates, Hythe – SH/06/1287**

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**40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at Whitegates, Hythe – SH/06/1287**

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**40 Extra Care apartments for the elderly with associated communal facilities, car parking and landscaping at Whitegates, Hythe – SH/06/1287**

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coincided with the submission of the planning application. Responses submitted in response to the exhibition have been conveyed to myself and are incorporated in those received in response to the planning application (see paragraph (25) of this report).

6. As a result of comments received during the public consultation process, the applicant submitted amendments to the proposal. Further amendments were also made following the Member's Site Meeting held on 10 January 2007, these are summarised in the letter from the applicant dated 25 January 2007 attached to this report, and are discussed throughout this report.

Environmental Impact Assessment

7. At the request of the applicants, a screening opinion pursuant to the Environmental Impact Assessment Regulations 1999 was carried out. It concluded that the planning application does not need to be accompanied by an Environmental Impact Assessment, as defined under Regulation 5 and 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

**Proposal**

8. Full planning permission is now sought for the demolition of the existing buildings and the erection of a detached part 2-storey, part 3-storey block of 40 extra care apartments for the elderly and a 2-storey block of 7 supported apartments for people with learning difficulties, with associated communal facilities together with landscaping.
9. The amount of development is an increase over both the existing number of units on the site and the floor space of the existing buildings. A total of 16 car parking spaces, plus 2 disabled spaces, would be provided on the site, some of which are shared with the existing day centre on site.

**Layout**

10. The layout of the development on site is constrained by the need to re-use the existing access to Whitegates and by surrounding residential development. The site is an extended rectangle running east/west with the rear gardens of substantial residential plots bounding to the south. The natural entrance to the site is from the west whilst there are some good specimen trees on the southeast boundary. The existing arrangement has led to the decision to place the Learning Difficulties facility at the entrance of the site. In that position, it could have its own discrete entrance and parking and any activity around the building would have little impact on the residents of the proposed care home.
11. The amended site layout indicates that the building would have a linked footprint which follows the northern boundary of the site and at a greater distance than the previous submission, and which would offer an angled elevation to the Ladies Walk boundary.
12. The development has been designed to comply with Secured by Design principles. The applicant has stated that an integrated approach to the development has been taken to ensure that a well designed environment is created with good natural surveillance over

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the car parking areas, a secure and well maintained access through Whitegates Close and private amenity space for the residents which is overlooked from each unit within the building and secure from intruders. It is also proposed to introduce low level lighting to the parking court and pedestrian access route.

**Proposed Building**

13. The site is located in a residential area, adjacent to a Conservation Area and the design of the new buildings (the care home apartments and 7 supported apartments) has been influenced by the need to provide a building which addresses both the character of the Conservation Area whilst complementing domestic properties to the south. The building has long principal elevations with a strong horizontal emphasis. In order to provide interest and activity in the elevations, the front and rear elevations have been broken into modules with projecting bays in contrasting materials in order to provide a vertical rhythm. The amendments, which included the introduction of the 2-storey elements either side of the central 3-storey section, helps to break up the roof line, which reflects the smaller proportions of surrounding buildings at either end of the site.
14. The amendments also include ancillary accommodation in the form of a single storey arm from the southern elevation. The building retains a shallow pitched roof, which was to be clad in red plain clay tiles but has subsequently been amended to accommodate a shallower profile with interlocking slates. The horizontal emphasis would be delineated by differing materials with the third floor set within a tiled mansard style roof and lower floors marked by fair faced brick. The projecting bay windows are a key feature of the design, which provides residents with a safe and secure area for viewing the gardens to the front and rear of the building. The projecting bays are also distinguished by horizontal cedar cladding to provide a softer contrast to the other materials. In order to complement the other materials, windows and doors would be constructed of powder coated metal frames to provide a crisp, understated finish.
15. The main entrance to the extra care building would be easily identified by its location alongside the drop-off point and the car parking spaces.
16. The two storey supported apartments building would be constructed in a similar palette of materials, including light coloured render with fair faced brick work and a matching interlocking slate roof. This building is proposed to also feature a form of tile hanging on the external bays together with steel and glazed balconies.

**Access**

17. Given the site constraints and the layout of the surrounding development, the existing site access is being re-used. The site is well located in relation to the town centre in Hythe and pedestrian access from the rear of the site onto the open space to the north. The town centre location puts the facility within easy reach of other public facilities in the area. Full access for refuse and emergency vehicles would be maintained.
18. The building has been designed with full disabled access to all parts of the site. The entrance to the building would be prominently located and well marked and provided with ambulance drop off points as close as possible to the front doors.

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**Landscaping**

19. The south facing landscaped area adds to the experience of arriving at the building, augmenting the sense of welcome. The garden area allows a range of environments, permanent and temporary, to suit the needs and aspirations of those that would live and work on site. The Learning Difficulties facility has sufficient room to allow for its own garden to the west. This would act as a buffer zone between the proposed building and the houses, which run close to the site boundary to the west.
20. The Care Home lies in a wooded part of the site. A formal sensory garden is also proposed in an area to the south of the building. This would be framed by a new hedge and have an internal path allowing a short but calming walk amongst scented plants. The centre of the garden would be a raised bed allowing wheel chair users' contact with the plants. Around the immediate edge of the Care Home block, low to medium height flowering and scented shrubs would be planted in areas where there is no paving to enhance and frame the view from the windows.
21. The Learning Difficulties unit would be separated from the Care Home and parking area by a series of new hedges. The main garden lies to the west of the unit and would comprise a paved courtyard with seating areas and outdoors eating area. A trellis with arch would lead through to a secret garden. The planting would combine scented and foliage to create a contemplative scheme to enjoy.

**Planning Policy**

22. The Development Plan Policies summarised below are relevant to the consideration of the application:
  - (i) **The Kent & Medway Structure Plan, 2006:**
    - Policy SP1** - Seeks to conserve and enhance Kent's environment and ensuring a sustainable pattern of development.
    - Policy QL1** – All development should be well designed and be of high quality.
    - Policy QL3** – Requires the provision of safe pedestrian and cycle routes.
    - Policy QL5** – Promotes mixed use development.
    - Policy QL6** – Seeks to preserve and enhance the special character of Conservation Areas.
    - Policy QL7** – The archaeological and historic integrity of scheduled ancient monuments and other important archaeological sites, together with their settings, will be protected and, where possible, enhanced.
    - Policy QL11** – Existing community services, will be protected as long as there

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is a demonstrable need for them.

**Policy EN8** – Relates to the protection and enhancement of biodiversity.

**Policy EN9** – Tree cover and the hedgerow network should be maintained and enhanced.

**Policy TP3** – Development sites should be well served by public transport, walking and cycling or will be made so as a result of the development. Requires travel plans to be established for larger developments that generate significant demand for travel. Developments likely to generate a larger number of trips should be located where there is either a good choice of transport already available or where a good choice can be provided in an acceptable manner.

**Policy TP19** – Development proposals must comply with the adopted vehicle parking policies and standards.

**Policy NR5** – The quality of Kent's environment will be conserved and enhanced, this includes visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.

**Policy NR10** – Development will be planned to avoid the risk of flooding and will not be permitted if it would be subject to an unacceptable risk of flooding. Where development is necessary it should be designed and controlled to mitigate the impact of flood risk.

(ii) **Shepway District Local Plan, 2001:**

**Policy INT1** – All development proposals should take full account of the need to protect the environment.

**Policy BE1** – A high standard of layout, design and choice of materials will be expected for new development.

**Policy BE3** – The District Council will resist proposals which would affect the character of a Conservation Area, and seek to enhance and preserve the appearance of Conservation Areas

**Policy BE13** – Provision shall be made for landscaping, amenity areas and the need for nature conservation.

**Policy HO10-** Set out criteria for nursing homes, residential homes for the elderly and other industrial uses within Use Class C2 of the Use classes Order 1987.

**Policy HO11** – Proposals for sheltered accommodation will be refused unless the location is considered acceptable in terms of access to

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shops, places of worship, public transport routes, adequate parking and that the development does not adversely affect the character of the area.

**Policy TR3** – Relates to the efficient and safe movement of traffic, and the road network.

**Policy TR4** – Proposals for new development which would attract vehicle traffic will be required to provide operational vehicle parking off street.

**Policy TR8** – Relates to the cycling strategy.

(iii) **Shepway District Local Plan Review Revised Deposit Draft 2002:**

**Policy SD1** – Promotes sustainable development.

**Policy BE1** - Requires high standards of layout, design and materials.

**Policy BE4** – Relates to Conservation Areas.

**Policy BE16** – Requirement for comprehensive landscaping schemes.

**Policy HO13** – Relates to applications for nursing or residential homes.

**Policy SC2** – Criteria for new social and community facilities.

**Policy SC3** – Deals with the loss of community facilities

**Policy TR5** – Cycling strategy.

**Policy TR6** – Needs of pedestrians.

**Policy TR11** – Relates to the efficient and safe movement of traffic, and the road network.

**Policy TR12**- Vehicle Parking Standards.

## **Consultations**

**Shepway District Council:** objects to the proposal.

### The original proposal

On the original proposal the Council advises: “The Council considers that the proposal as submitted fails to respect the character and appearance of the surrounding area and does little to conserve or enhance the character or appearance of the adjacent Conservation Area. The design is uninspiring and elevationally uninteresting. The unbroken roof structure merely emphasises the linear form.



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“The Council shares the view expressed in the original Kent County Council planning Committee report that the building should not be universally three-storeys in height, and should be designed with significant breaks in the form and roof structure.

“Significantly, the Council is concerned that the frontage to the Conservation Area should make a positive design contribution rather than offer an almost blank wall and roof. The current proposal neither preserves nor enhances the Conservation Area.

“Of particular importance both to the Conservation Area and the privacy of houses in Napier Gardens are the trees in the southeast corner of the site. The proposed building comes too close to these trees to ensure their continued survival.

“A three-storey building would overlook the Napier Gardens properties. The building should not be universally three storeys, and where it is, there needs to be a clear indication that there is scope for additional boundary tree planting.

“The Council would not want to be seen as being too prescriptive on the design freedom of the architects, but there does seem to be some scope for the western third of the building, where it is further from the southern boundary, being three-storey with supplementary tree planting on the boundary. For the central section being two-storey, and for the eastern end to again being three-storey where the existing trees offer some screening, but of a design that would complement the Conservation Area, and subject to the over-riding concern in respect of proximity to the existing trees, and to there being scope for further landscaping in that area.

“The Council would also wish to see conditions in respect of the method and hours of work imposed on any consent to ensure a minimum of disturbance for local residents during demolition and construction works”.

On the first amendments to the design

Shepway District Council maintains its objections to the *amended* proposal. The Council does not consider that the amended details sufficiently address the concerns raised on the original proposal and the previously expressed concerns still stand. “More specifically it is considered that the amendments do not address the harmful effect the development would have on the adjoining Conservation Area. No elevations were provided as part of the amendments as to how the development would appear when viewed from the east but from the plans the Council considers that the effect would be harmful, not least because the movement of the proposed building closer to the southern boundary would result in the loss of the boundary tree cover, making the proposal even more prominent”.

“The additional loss of trees and the move to the south would also increase the harm to living conditions for the occupiers of the houses at the eastern end of Napier Gardens. It is the Council’s view that in order not to have a harmful effect on the Conservation Area the proposed building has got to step back from the eastern boundary of the site. It is the Council’s view, therefore, that no building works should be permitted any closer to the eastern boundary than 15 metres to ensure the reasonable retention of the boundary trees. However, it is also important that the end

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elevation incorporates the necessary detailing to be seen from within the Conservation Area”.

“The Council also asks that consideration be made to the Hythe Bowling Club’s concerns.

*No comments have been received regarding the latest amendments.*

**Hythe Town Council:** objects to the proposal as originally submitted for the following reasons:

- The proposal represents intensive development by virtue of its mass, size and scale.
- Lies adjacent to Conservation Area and design is not deemed to be appropriate in its location.
- Developers to be requested to resubmit a more appropriate design on this sensitive site.
- No landscaping details provided.

*No comments have been received regarding any of the revised designs.*

**Divisional Transport Manager:** has no objection to the proposals subject to conditions to deal with the following: prevention of mud/debris being carried onto the highway during construction; parking for site personnel involved in construction; provision and retention of approved car parking; provision and retention of a minimum of 4 secure, covered cycle parking spaces; provision and retention of a turning facility for delivery vehicles.

**Jacobs (Landscaping):** make the following comments:

“We do not object to the revised proposals. We support the alterations in design in terms of reducing overall building footprint and creating a varied roof profile. The revised car parking layout, with minimal paved area to the north of Napier Gardens and the retained hedgerow boundary is preferable to the original application. This would be less imposing on housing along Napier Gardens and allow an extension of existing retained vegetation from the east”.

**County Archaeologist:** According to present information, there is no archaeology recorded on the site or close by except for the Royal Military Canal which lies about c.90m to the north. The canal is part of a 19<sup>th</sup> Century defence network and relates closely to the Martello towers and batteries along the coast between Folkestone and Hythe. The canal is a Scheduled Monument.

I do not consider there is much potential for archaeological remains.

**County Conservation Officer:** “In summary the general scale of construction in the area is two storey, with larger and taller buildings fronting the sea. The adjacent conservation area is characterised by the Royal Military Canal, a scheduled ancient monument of national significance, and the adjacent two storey buildings from the 18<sup>th</sup> and 19<sup>th</sup> century within a generally green urban landscape including local sports facilities and attractive public walks along the canal, which is linked to the sea front by Ladies Walk, Lucy’s Avenue, Stade Street, Albert Road and St Leonards Road.

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“This has been a difficult proposal to resolve due the general scale and bulk of the proposals that were originally given outline planning permission and the sensitive context. The proposals have improved through further negotiation and further enhancements are unlikely without a reduction in accommodation. The applicant has revised the proposals in order to reduce the bulk of the building. This has been achieved by omitting a floor of flats on the east and west end of the main block. Landscaping and important trees to the eastern end have further been retained by shifting the main block westwards. The large and bulky roofline has also now been broken up and reduced, which should improve the roofline when viewed from a distance. This aspect of the design would have been more successful if the elevation was symmetrical around the central bay and this could be achieved by giving further attention to the plan layout and the number of single and double bed roomed accommodation. A symmetrical plan would have allowed three separate pyramidal roofs instead of the two with a section of pitched roof connecting them. However the overall appearance will result in the breaking up of the roofline, which is appropriate and acceptable in this location. The applicant has agreed to build a brick boundary wall to the north, which will be an improvement on the close boarded fence. The height and brick type will need to be agreed and it will be important to ensure that foundation design takes into account any trees that are close to the boundary wall. Subject to detail conditions on materials and external fenestration, landscaping and boundary treatments I raise no further objections”.

**English Heritage:** “The proposal is bland, bulky and lacks interest; moreover unfortunately, it does nothing to visually lift the surrounding area and the Conservation Area. However, despite this, we are content that the Conservation and design team of the County Authority seek to negotiate changes with the owners and their advisors to the design of this proposal without further reference to English Heritage”.

**Environment Agency:** objects to the proposal and states that “although set back some distance from the shoreline, the application site is located within a low lying area, and is at risk to tidal flooding should the sea defences which protect the area become breached or severely overtopped during very extreme tidal conditions.

“This site must be considered at high risk for the true lifetime of the development. The development is also for the elderly and people with learning difficulties and these groups of people would be particularly vulnerable in a flood situation.

“We note that the proposed sleeping accommodation is at a particularly low level of 3.65 metres above Ordnance Datum Newlyn (preferred at 5.37 metres). This would not meet the Agency’s recommendations and guidance, as there would be a significant risk for residents. Ideally all the main habitable areas should be at a significantly higher level to reduce the risk to life and damage to property. The site is also relatively close to the Royal Military Canal, a source of possible ‘main river’ fluvial flooding when prolonged periods of very intense rainfall coincides with extreme high tide conditions.

**Local Member**

23. The local County Member, Mr C. Capon was notified of the application on the 12 October 2006.

**Publicity**

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24. The application was publicised by advertisement in a local paper, the posting of two site notices and the notification of 59 neighbouring properties.

**Representations**

25. 17 letters of representation have been received (including those from Hythe Bowling Club) to the original design. The main planning concerns and objections are as follows:

- The development would create overlooking and privacy issues with neighbouring properties.
- Landscaping is inadequate. A detailed landscaping scheme is required.
- Number of trees to be removed is worrying.
- Confirmation that trees would be protected during construction is needed.
- The building would disturb the quietness of the residential area.
- 3-storeys is too big for the area. Concern that the Mansard roof is really disguising a 4-storey building and is not 3-storey at all.
- Building design is not in keeping with others in the area.
- Increased height of the building will damage people's views of the Conservation Area. It will be one solid block of unvarying height.
- Building will do nothing to preserve the area's character and recent developments in the area seem to be 'making a mockery of the vicinity's Conservation status'.
- Not clear if there will be an increase in traffic as a result of the proposed development. Lack of parking facilities.
- People's special care needs are unlikely to be met in the new style development.
- Original building is only 30 years old, why is there a need to re-build? Existing care home has only recently been refurbished.
- A similar, more sympathetic building would be much more suitable on site.
- Level of noise pollution caused by the development will be unbearable.
- Dust pollution will have an affect on people's health.
- Negative impact on property values.

7 letters of representation have been received following the first amendments to the proposal. The main concerns are as follows:

- Object to the 2-storey element of the building as would be closer to properties in Napier Gardens.
- The three-storey element would have detrimental effects of the playing surface of the bowling green.
- The size of the proposed building would significantly overshadow and overlook properties in Napier Gardens, and prevent views into the Hythe Conservation Area.
- Proposed bin storage is too near to residential properties and would cause a nuisance.
- It is not acceptable to be expected to wait until replacement trees are fully-grown.
- The site is not big enough for 40 care apartments and re-arranging buildings on site have not solved the problem.
- Concern over the removal of trees, including evergreens, along the eastern boundary. This would expose the boundary and remove screening.
- The 2-storey element should be in the centre of the building to break up the hard roofline.
- Concern regarding the adequacy of parking spaces and whether this would have an impact on Stade Street, particularly with regards to the potential for on street parking.

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- Considerable amount of light pollution will be experienced at night.

**Discussion**

26. This application needs to be determined with regard to the relevant Development Plan Policies and in the light of other material planning considerations, including relevant planning objections raised by the consultees, set against the need for the proposed development.

**Policy**

27. The key policies for consideration regarding the proposed development are SP1 (environment), QL1 (design), QL6 (Conservation Areas), QL11 (community) and EN9 (trees). The principle of the development accords with Policy SP1 and QL11, although there are design and layout issues and Conservation Area issues that need to be addressed.

28. The overall layout proposed in this application is similar to that agreed at outline application stage. The proposed development would also be erected broadly over the existing footprint of the existing care home facilities. The use of the site is not proposed to change as a result of this application and is in fact used currently as a care home and sheltered accommodation facility.

29. Overall, therefore, I consider that the proposed development is in general accordance with the relevant Development Plan Policies and I see no overriding objection on planning policy grounds. In particular the proposed use of the site is currently taking place on site and the development would be erected broadly over the existing footprint of the buildings, which has previously been agreed in principle at outline application stage.

**Conservation Area**

30. Shepway District Council and the County Conservation Officer raised concern with regard to the proposed development's potential impact on the adjacent Conservation Area. The original design of the care home building was considered too uninspiring and too imposing on the surrounding landscape compared with other buildings in the area. The applicant has submitted further amendments following discussions with the Conservation Officer. These amendments include changes to the disposition of the buildings on site and the form of the roof.

31. The changes would allow for more trees to be retained at the eastern end of the site, providing natural screening for the proposed building(s) from the Conservation Area and wider landscape. The amended roof design would aid in reducing visual impact on the area and changing the colour of the roof tiles from red to grey would also reduce the overall visual impact as grey is a more neutral colour.

32. Although the building would still be 3-storeys in height, which is considered by some objectors as too imposing, I consider that the roof design has been altered enough to satisfactorily address the concerns of the Conservation Officer and the District Council. However, further suggestions have been made regarding the symmetry of the proposed elevations and further drawings addressing this would need to be submitted prior to issuing any planning decision.

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**Design and Layout**

33. In order to address the concerns raised regarding the overall design and layout of the proposed development, particularly with regard to the potential impact on the Bowling Club, trees and visual amenity, the applicant submitted a second amendment. The proposed Learning Difficulties accommodation has now been rotated 180°, which allows the care home building to be moved at least 4m westwards, away from the east boundary. This allows all significant trees to be retained and pulls the building further away from the properties at the end of Napier Gardens. The closest window to window relationship now exceeds 21m.
34. As discussed above, the roofing design has been addressed and has reduced the perceived bulk of the building, creating a more fitting design for the site adjacent to a Conservation Area.
35. The siting of the building in this revised position is almost exactly in line with the location of the building approved at outline stage and therefore I consider the amended location and design of the care home building to have a degree of sensitivity to its surroundings and adjacent Conservation Area. I do not consider it to have a detrimental impact on the area. I consider that given the efforts made by the applicant to maintain trees on site and the proposition of planting further trees and providing boundary treatment (which can be conditioned to any planning consent), the visual impact experienced from Ladies Walk, Napier Gardens and the Bowling Club would be softened further.
36. The details of external materials would be submitted via a condition to the planning permission, should Members be minded to permit, and would be required for consideration prior to the commencement of operations on site. This would allow influence to be made on the materials used in order to further mitigate any potential impacts on the visual amenity. The change from red roof tiles to grey is a positive amendment to the design of the buildings.
37. As to whether the development would result in an intensification of the use (residential home for the elderly) and thereby give rise to a change in the character of the neighbourhood, I would advise that the surrounding area is predominantly residential, and although the capacity of the site for social care uses would increase, this should not in itself alter the character of the neighbourhood. The existing site is presently used for residential care.

**Residential Amenity**

38. A number of residents living in Napier Gardens have raised concerns about the possible loss of privacy, overlooking and loss of light as a result of the proposed development. Following the amendment to move the building further away from the eastern boundary, a higher degree of screening would be provided by existing trees, creating a shield between residential properties and the proposed care home building. In terms of loss of light, I note that the proposed building would be to the north of the existing housing, so although the building would be more dominant than at present in private views from these properties, I do not consider that any significant loss of light (nor of privacy) would result.

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39. I note that the proposed 3-storey building would be around 8 metres from the boundary with the bowling green to the north. Here there may be some loss of light as a result of the building, which would only be apparent during winter months. Although the new building would be higher than the existing the closest point of the existing building would be 2 metres away from the bowling green, the closest point of the proposed building would be 8 metres. Whilst this would no doubt alter the local environment for the bowling club, it does not itself affect residential amenity, and I would advise that such an impact would have to be accepted should Members resolve to permit the application. A condition requesting further landscaping and planting, especially along the northern boundary, in order to soften the appearance of the development and mitigate potential impact onto the bowling club can be included on the planning permission should Members be minded to permit.

**Parking and Access**

40. The site would be accessed via the existing site access at the end of Whitegates Close and the parking spaces would be provided off the access road, adjacent to the main entrance to the new care home building.

41. There are a number of concerns have been raised relating to traffic, access and parking from neighbours of the site. These are reflected in the letters of representation summarised in paragraph (25) above and include concerns about additional traffic and the potential for increased on road parking along Stade Street as a result of providing insufficient parking facilities on site. However, the proposed car parking provision of 16 spaces plus two disabled spaces is considered by the Divisional Transport Manager to be sufficient to accommodate the demand from the proposed level of staffing, as well as meeting the requirements of 8 spaces for visitors. I do not consider that this would cause additional on-street parking. It is not expected that parking problems would occur as a direct result of the development. It should be borne in mind that car ownership levels of residents is usually very low.

42. The Divisional Transport Manager requests that number of conditions be attached to the planning permission, should Members be minded to permit. These should include, amongst others, the prevention of mud and debris being carried onto the highway, parking for site personnel involved in construction, provision of approved parking, and the inclusion of cycle parking on site. I therefore see no objection to the application on parking and access grounds.

**Landscaping**

43. There are a number of existing trees on site, a small number of which would be lost, but most of which could be retained as part of the proposal. A further Tree Protection Plan has been requested and I await its submission following the recent amendments to the proposal, however, I expect it to address those concerns raised by consultees and residents regarding the protection of trees on site. Given that the applicant has shown willing to pull the proposed building away from the eastern boundary, the location of many trees which would require retention, I am satisfied that all efforts have been made to retain as many trees on site as possible. I consider that detailed and thorough landscaping on site would help mitigate any visual amenity and overlooking issues, which have been of particular concern for neighbouring residents of the site. I also

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consider that detailed landscaping would add character and attractiveness to the site and proposed buildings.

**Flooding and Water Resources**

44. Structure Plan Policy NR10 requires that development is planned to avoid the risk of flooding, that proposals involving unacceptable flood risk to be refused, and for developments in areas of flood risk to be designed and controlled to mitigate the impact of flood risk.
45. The Environment Agency (EA) has objected to the proposal on the grounds that the proposed development would be in a high risk area and that it includes accommodation at a low level of 3.65m above Ordnance Datum Newlyn. Following discussions with the EA, it is apparent that they were not aware of the planning history on site. The outline permission clearly establishes the principle of redeveloping the site with extra care accommodation. At outline stage the EA made a number of comments about the presence of ground floor sleeping accommodation in the new proposals, and stated that they would wish to see floor levels in the new development raised as high as possible.
46. In preparing the design for the proposals, the applicant has been aware of the Environment Agency's concerns and has sought to address these issues. It should be noted that the EA previously noted that there would be no increase in the amount of sleeping accommodation at ground floor level, and that where living accommodation is located at ground floor, a permanent and unobstructed route to higher ground is provided, and this can still be conditioned on this current application should Members be minded to permit. The amount of sleeping accommodation on the ground floor is proposed to be less than it is at present in the existing building. A total of 16 bedrooms are located at ground floor level in the existing building and the current proposal shows a total of 15 bedrooms. The finished floor level of the building in the most recent amendments has been raised by 0.5m to accord with the requirements of the Environment Agency. A copy of a detailed Emergency Planning Flood Procedure has also been prepared and submitted with this application. In practice the residents of the care home would enjoy better protection and attention in the event of flooding than surrounding residents in private housing because of Kent County Council's own emergency planning provisions for its own properties.
47. My view is that, whilst the applicant has addressed the concerns of the EA, given the fact that the site has already been developed as a care centre, I do not consider that the issue of flooding would be a reason to refuse this application, and feel that the changes made to address these are enough to satisfactorily mitigate any potential problems.

**Archaeology**

48. The application site lies close to the Royal Military Canal, which is a scheduled monument and lies about 90m to the north. The County Archaeologist has stated that this Canal is part of a 19<sup>th</sup> Century defence network and relates closely to the Martello towers and batteries along the coast. However, there have been no objections raised to the proposal on archaeological grounds and I do not consider there to be much potential for archaeological remains within the application site. The County Archaeologist advised that consultations be carried out with English Heritage. English Heritage has raised objections to the proposal on conservation grounds and has not raised any concerns in



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terms of archaeology in the area. I therefore do not consider there to be any planning objections in archaeological terms.

**Demolition and Construction**

49. It is proposed to demolish the existing care home building on site, which has the potential to have an impact on local amenity, particularly on the nearest residential properties. In order to minimise the impact of the development on local residents during demolition and construction, especially in terms of noise and dust, I would seek to limit construction hours to 0800 to 1800 Mondays to Fridays and 0900 to 1300 Saturdays. Conditions should also require best practice measures to be taken to minimise dust emissions and to ensure that mud and other construction debris is not deposited on the public highway.

**Conclusion**

50. The application has to be considered in the context of the Development Plan and in relation to the location of the proposed development set against the impact of the proposal and the need for the proposal. Whilst issues have been raised relating to the potential loss of amenity and impact on the adjacent Conservation Area due to the proposed removal of trees on site, and the general size of the proposed building, I consider that the location and design of the development, especially following receipt of the recent amendments, to be acceptable and that any impacts on vegetation, landscaping and flooding can be suitably mitigated with the implementation of an approved landscaping scheme and screening plan. I do not therefore consider there to be any overriding planning objections to the proposal and recommend accordingly.

**Recommendation**

51. I RECOMMEND that SUBJECT TO the submission of an acceptable Tree Protection Plan, PERMISSION BE GRANTED, SUBJECT to conditions including:

- the standard time condition,
- submission of details of materials,
- submission of a detailed landscaping scheme, including fencing details, and boundary treatment;
- provision of cycle parking,
- hours of use for construction.
- measures to minimise dust disturbance
- measure to ensure mud is not deposited on the highway
- programme of archaeological work needed.
- a permanent unobstructed route from the ground floor to the second floor shall be provided for residents to be used should flooding occur;
- development to be constructed strictly in accordance with approved plans.

Case officer – Helena Woodcock	01622 221063
Background documents - See section heading	

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**Item D3****Demolition of existing building and erection of 7 supported apartments. Former Tram Shed + garden of Westbrook House, 150 Canterbury Road, Margate – TH/06/1300**

A report by Head of Planning Applications Group to Planning Applications Committee on 13 February 2007.

TH/06/1300 – Application by Housing 21 and Kent County Council Adult Services for the demolition of existing building and erection of a two storey building comprising 7 supported apartments for people with mental health issues, with communal space together with access and car parking. Former Tram Shed and part of rear garden of Westbrook House, 150 Canterbury Road, Margate.

Recommendation: Permission be granted.

**Local Members:** Mr R. Burgess

**Classification:** Unrestricted

**Site**

1. The application site is located at 150 Canterbury Road (A28), Margate, approximately 1.7 km to the south-west of Margate town centre. The site currently consists of a former tram shed and part of the rear gardens of Westbrook House, a two storey residential home providing care for the elderly. The proposed site extends to approximately 0.28 hectares and is bounded by a high brick wall and railway line to the north, Westbrook House to the west, Canterbury Road to the south, and residential development immediately to the east (please see attached site plan).

**Background**

2. The application is one of a number of applications, which have been submitted on behalf of Kent County Council Adult Services and Housing 21. The proposals form part of a Private Finance Initiative (PFI) to redevelop a number of sites in Kent with extra care accommodation for the elderly and supported apartments for people with learning difficulties.
3. Outline planning permission was granted by the County Planning Authority on 21 February 2006 (ref: TH/05/1263) for a similar development on the same site location. The outline planning permission approved the principle of the demolition of the tram shed and the development of a 2-storey building, comprising 7 supported apartments for people with mental health issues. Within the outline application details of the external appearance, landscaping and design were reserved for consideration at a later point in time.
4. The former tram shed in question once comprised the western terminus of a tramway built and operated by the Isle of Thanet Electric Tramways & Lighting Company, which closed 1937. The building comprises a double height brick built shed with a corrugated metal/asbestos roof. The tram shed is open to the south with a cobbled access onto Canterbury Road with the original tram tracks retained in-situ.
5. The former tram shed adjoins the Westbrook House site, which has recently been partially redeveloped. This development work involved the demolition of the old Westbrook Day Hospital and the construction of a new two storey residential home providing care for elderly people.

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**Proposal**

6. Full planning permission (ie. not pursuant to the outline consent) is being sought for the demolition of the former tram shed and the construction of a new detached building housing 7 supported apartments for people with mental health issues, including communal space, and the creation of new vehicle and pedestrian access arrangements and car parking.
7. The proposed development consists of a 2-storey brick built apartment building under a pitched roofline. The building would create 558m<sup>2</sup> of floorspace, and would measure approximately 20m by 19m, rising to a height of 5.5m at the eaves and a maximum height of 7.5m at the ridgeline. The application details a contemporary palette of materials, drawing from the architecture of the adjoining Westbrook House, to include buff brickwork, off white (ivory) render, natural cedar cladding and blue/ grey aluminium window and door frames under a red tiled roof. The design of the building indicates windows to the principal habitable rooms (lounges and bedrooms) to the north and south elevations, with a restricted number of windows to the kitchens, bathrooms and windows to the communal halls shown on the east and west elevations.
8. The application sets out the proposed development and access arrangements along a north south orientation between the Westbrook House nursing home and the site boundary, locating the access road over part of the footprint of the former tram shed with the building and associated car parking on land currently forming part of the gardens of Westbrook House to the rear of residential property at 146, 144 and 142 Canterbury Road.
9. The access arrangements proposed for the site would link the development into the existing internal road layout at the Westbrook House site, using the established entrance and exit arrangements on to Canterbury Road. As part of the development the existing access point from the tram shed onto Canterbury Road would be permanently closed and the public footpath reinstated. The new access road layout proposes a separate entry and exit points onto the internal Westbrook House road layout, with 7 car parking spaces, and turning space to allow vehicles to drop off/ collect adjacent to the proposed building.
10. The application documentation includes a Ground Contamination Report into potential land contamination on site. The report recommends further ground investigation to enable detailed consideration of geotechnical and contamination issues prior to the development of the site.
11. The documentation confirms that the proposal was designed to comply with the principles of Secured by Design, creating good natural surveillance over the car park and private amenity space. The final scheme would include low level lighting to the parking area and pedestrian access, details of which have not been provided at this stage.

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12. The proposed development includes the felling of a number of recently planted trees within the grounds of Westbrook House and a number of closely spaced self sown Sycamores within the tram shed site.

**Additional Information provided by the Applicant**

13. During the processing of this application, the proposed access arrangements to the site, boundary treatment and the orientation of the building have been amended in response to concerns being raised. The revised access arrangements, shown in the attached drawing, sets out traffic flows to allow safe use of the existing entry and egress onto Canterbury Road. The orientation of the building has been amended to reflect the positioning of Westbrook House, and off-set the proposed building to the adjoining residential property.
14. The application includes an Arboricultural Survey, that concludes that the smaller recently planted trees on the site have no visual impact on the wider landscape and the self sown Sycamores are considered to be short term specimens due to their close spacing and are not considered significant to local amenity.
15. The applicant has also provided the following statement in response to the concerns being raised by nearby residents to the future residents of the proposed apartments:

*'The proposed development forms part of the National Health Service (NHS) East Kent Inpatient redesign process, which would see the development of an additional 33 units of supported accommodation across the East Kent area. These 7 units would be for local mental health service users, all of which are already on the Local Authority Housing register and would have a local connection with the Thanet area.*

*Individuals living in these units would have their own dedicated support. This would be from professional workers such as Community Psychiatric Nurses, Occupational Health Therapists as well as support workers who would offer daily input to meet individual need. This support is a new service and would not place any burden on existing resources locally.*

*All the 7 service users would have been thoroughly assessed to ensure that they do not pose a risk to themselves or others and are capable of living in this type of environment, and are able to participate in local vocational resources. It is anticipated that these service users will be able to fully participate in the local community.*

*It is unlikely that these service users would have their own cars and would be using public transport. The only traffic onto the site would be from the staff that would be based on site. The same staff would provide support to all 7-service users and so traffic would be kept to a minimum.*

*There have been plenty of examples where initial concerns have been raised at the beginning of these types of projects but once people have moved in they have been fully accepted as neighbours and the local community.*

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*The Thanet District Local Authority Housing Strategy and Homelessness strategy both identify the need for additional supported accommodation units for people with mental health problems.'*

**Development Plan Policies**

**16. Kent and Medway Structure Plan (2006)** – the most relevant Structure Plan Policies include:

- |             |  |
|-------------|--|
| Policy SP1  | Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development.  |
| Policy SS6  | Seeks to improve the built and natural environment, functioning and appearance of the suburbs of the major urban areas, including the provision of services and facilities that serve local needs.   |
| Policy EN9  | Seeks to maintain tree cover and provision of new habitat as part of development proposals.  |
| Policy QL1  | Seeks all development be well designed and of high quality that respond positively to the local character. Development, which would be detrimental to the built environment, amenity, function and character of settlements or the countryside, will not be permitted. |
| Policy QL7  | Seeks to protect potentially important archaeological remains.   |
| Policy QL8  | Seeks to protect buildings of architectural or historic importance.  |
| Policy QL11 | Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient.  |
| Policy HP6  | Seeks to secure a mix of dwelling sizes and types which will contribute towards meeting the identified needs of all sections of the community, including sheltered housing.  |
| Policy TP3  | Local Planning Authorities should ensure that development sites are well served by public transport, walking and cycling.  |
| Policy TP19 | Seeks development proposals to comply with the respective vehicle parking policies and maximum standards adopted by Kent County Council and Medway Council.  |

**17. Thanet Local Plan (2006)** – the most relevant Local Plan Policies include:

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|-----------|--|
| Policy H1 | Permission for new residential development will be granted only on sites allocated or on other sites where there is no conflict with |
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- Development Plan Policies. Seeks all proposals to demonstrate adequate infrastructure and access to serve each unit.
- Policy H4 Requires all windfall sites to be assessed against set criteria, including location and accessibility, capacity of existing and potential infrastructure, and the physical and environmental constraints.
- Policy TR11 Seeks new development to provide safe convenient access and movement for all pedestrians.
- Policy TR12 Seeks provision for secure parking and storage of cycles.
- Policy TR16 Requires proposals to make satisfactory provision for the parking of vehicles.
- Policy D1 All new development is required to provide high quality and inclusive design, sustainability, layout and materials. Requires new development that, respects or enhances the character of the surrounding area; is compatible neighbouring buildings and spaces and does not lead to unacceptable loss of amenity; incorporates disabled access; retains features that contribute to biodiversity and the quality of the local environment; and promotes public safety and security.
- Policy D2 Requires landscaping proposals for all new development that enhance the development in its setting and incorporates the retention of as much of the existing vegetation on site as possible.
- Policy HE11 Seeks appropriate assessment of archaeological or historic importance of the site and the likely impact of development.
- Policy HE12 Seeks to preserve and protect archaeological sites.
- Policy CF1 Supports applications for new community facilities provided the proposals are not contrary to other local plan policies and the community use and location are demonstrated as appropriate.

**Consultations**

18. **Thanet District Council** – no formal comments have been received at the time of writing this report; any views received prior to the Committee meeting will be reported verbally.
19. **The Divisional Transport Manager** – no objection to the revised submitted drawing (7003 Rev.J), subject to conditions covering wheel washing facilities to be provided on site during construction to prevent the deposit of mud on the highway, and any works carried out within the existing highway to be carried out to KHS specification and satisfaction.
20. **Environment Agency** – no objection, subject to conditions covering:

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- further investigations at the site into ground contamination to determine any required appropriate remediation works;
- procedures to be put in place if contamination not previously identified is found;
- completion of relevant remediation works and submission of a closure report for approval prior to construction commencing on site;
- groundwater protection measures.

21. **The Airport Director, Kent International Airport** – no objection to the proposed development; should the maximum overall height of the development exceed 7.5 m above ground level, it will be necessary for the Airport to reconsider its opinion.

22. **The County Archaeologist** – no objection to the proposed development, subject to conditions securing building recording work on the tram shed before demolition, and a programme of archaeological work to evaluate the site's archaeological potential and mitigate for potential impacts from the development.

Comments that the tram shed formed the western terminus of a tramway built and operated by the Isle of Thanet Electric Tramways & Lighting Company. It ran for 11 miles between Garlinge and Ramsgate through Westgate, Margate and Broadstairs. The line opened April 1904 and closed in 1937 when its services were replaced with buses. The shed may retain elements of early Twentieth Century architectural and industrial archaeological significance.

### **Representations**

23. The application has been publicised by a site notice and the notification of 41 neighbouring properties.

24. 6 letters of representation have been received. The comments/ objections raised relate to the following points:

- the proposal potentially represents over development of the site and would detract from the character of the surrounding residential area,
- the building would be too close to the site boundary and represents an unnecessarily imposing structure,
- the two storey building would result in overlooking to the adjoining gardens,
- the car parking is too close to the boundary and would generate excessive noise,
- objects to loss of the tram shed, due to its local historic importance as part of Margate's heritage which should be preserved for future generations
- the demolition of the tram shed would open up overlooking issues from Westbrook House to property on 144 and 146 Canterbury Road,
- the loss of trees within the grounds,
- concerns about highway safety in terms of any increase in traffic using a dangerous and very busy section of road, particularly with the junction between King George V Avenue and Canterbury Road close by and the bus stop yards from the junction and access arrangements which obscures vision of oncoming traffic,
- concerns about the safety of future vulnerable residents being housed near a busy road,
- concerns about the use of the existing tram shed access for construction traffic,

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- the proposed development would overburden the local infrastructure and support services,
- a unit for those with identified mental health issues is likely to lead to more people with such chronic illness and/ or those requiring significant support being placed into the area; thereby exacerbating the issues already faced by the services in Thanet,
- concerns about the future tenants that would be housed within the development,
- prior to the redevelopment of the old Westbrook Day Hospital in February 2002 a public meeting was held with local residents, at which assurances were given that there would be no facilities for those with mental health problems at the site; and
- perceived security and well being of the local community and nearby residents.

**Local Member**

25. The Local County Member for Margate West Mr. R. Burgess was notified of the application on 2 November 2006.

**Discussion**

26. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (16 – 17) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

**Siting**

27. The proposed development would be located on an area of land currently occupied by a former tram shed and part of the rear gardens of Westbrook House residential care home. The application site is located off Canterbury Road, and is bounded by residential property, Westbrook House and a railway line. The surrounding properties vary in height with predominantly two storey residential housing located to the south and east along Canterbury Road, with the two storey Westbrook House located to the south west. The apartment block proposed would effectively be constructed to the rear of the gardens of residential property at 142, 144 and 146 Canterbury Road within the grounds of Westbrook House. Access to this site would be provided through the demolition of a former tram shed that adjoins 146 Canterbury Road.

28. There are no existing land designations in association with the site proposed. I would advise Members that the layout and use of the development is largely unchanged from that proposed in the outline application permitted by the County Planning Authority in February 2006 (under reference TH/05/1263). That decision effectively establishes the premise of a building on the proposed site subject to the details of the external appearance, landscaping and design being approved. Whilst the current application is for full planning permission, not approval of reserved matters under the earlier permission, the changes from the outline layout permitted are principally minor alterations to the access and car parking arrangements proposed, albeit that the current proposal includes details of design and external appearance which need to be considered carefully to ensure they are acceptable.

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**Impact on residential amenity**

29. The submitted drawings show the proposed building, at the closest point, would be approximately 3.5 metres from the site boundary with the rear gardens of adjoining residential property, and over 40 metres distance from the façade of the nearest houses. Westbrook House would be approximately 16 metres to the south west of the proposed building with a railway cutting 13 metres to the north. A new pedestrian and vehicular access that would link the proposed apartments to the existing internal road layout within the Westbrook House site. At the closest point, the access road would be situated adjacent to the site boundary with residential property at 146 Canterbury Road.
30. As detailed above, the proposed development would be situated in close proximity to surrounding property. A number of objects regarding the location of the proposed development have been received from nearby residents, and these are summarised in paragraph (24) above.

**Overlooking**

31. Given the location proposed there would be potential for the development to impact on the residential amenities of adjoining properties, particularly the rear gardens. As such careful consideration needs to be given as to whether the development would result in an unacceptable impact on residential amenity through overlooking, loss of light or creation of an unacceptable sense of enclosure.
32. The application proposes a building that has been designed to reduce the opportunities for overlooking to occur, avoiding direct views towards residential property. The elevations of the building proposed show all windows that serve the principal habitable rooms (lounges or bedrooms) within the various apartments in the north-east and south-west elevations. A reduced number of windows are shown to the south-east and north-west elevations, serving bathrooms, kitchens or communal hallways. This approach would reduce opportunities for overlooking to occur from the south-east elevation over the rear of the adjacent gardens. In addition to the above, during the processing of the application the applicant has amended the proposal, re-orientating the building to further increase the angle at which overlooking could potentially occur from the south-west elevation; offsetting the proposed building to the adjacent boundary line. The application also includes an undertaking to provide further landscape work and a boundary wall to the east of the site to a height of 1.8 metres, with a 0.3 metre trellis on top of the section of the wall bounding the adjoining rear gardens. Consequently, further reducing opportunities for overlooking from ground floor windows and offering opportunities for a planting scheme to soften and break up views of the development.
33. The standard advice on distances between windows of habitable rooms in order to prevent loss of privacy is 21 metres. The distances between window and wall, or wall to wall can be much closer. The Kent Design Guide advises that normally the area directly outside the rear doorway of residential property should be treated as private outdoor space. This should not be directly overlooked from adjacent property or public areas.
34. The distances from the proposed apartment building to residential property at 144 and 142 Canterbury Road would be in excess of 40 metres, with the main facade of property at 146 Canterbury Road in excess of 50 metres. Given the above, the issue of views

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into residential buildings from the proposed apartments is considered to be within the acceptable guidance.

35. Concern has also been raised by nearby residents that the demolition of the tram shed would potentially open up overlooking from the existing Westbrook House nursing home into residential property. The distances between the closest elevation of Westbrook House and property at 146 Canterbury Road are less than those quoted above (approximately 15 metres). In my opinion, the provision of a boundary wall at least 1.8 metres in height along with an suitable landscaping scheme, to include appropriate planting to either side of the access road between the two buildings, would reduce the likelihood of an unacceptable loss of privacy occurring at this location.
36. Given the location of the development proposed the first floor windows would have the potential to overlook the rear gardens of residential property. The Kent Design Guide advises that the area directly adjacent to residential property should be afforded the most protection, with views over the far end of residential gardens less likely to impact on amenity. As detailed above the distances from the proposal to the area of garden directly adjacent to residential property would be in excess of 40 metres. Taking account of the distances involved, in my opinion, the design of the building coupled with a carefully thought out scheme of hard and soft landscaping should limit the potential for unacceptable levels of overlooking to occur.

**Proximity**

37. Objections have been raised by nearby residents about the proximity of the building to the boundary and potential for overshadowing of residential gardens. The comments received also raise concern that the application as proposed represents over development of the Westbrook House site. Consideration should be given to whether the layout and scale of the development as proposed is acceptable in relation to the existing neighbouring uses and open spaces, bearing in mind the outline planning permission that was granted last year.
38. The proposed layout shows the building within 4 metres of the boundary line, rising up to a height of 5.5 metres at the eaves. Whilst the positioning of the building would be close the adjacent gardens, the built structure would be located to the north and west of residential property and as such would not have an unacceptable impact on the sunlight or daylight reaching the gardens or cause an unacceptable level of overshadowing. I would also note that the area of land directly adjoining the site to the east represents the far end of the residential gardens.
39. Further to the above, I would point out that the development as proposed would involve the demolition of the tram shed building which has a far greater overshadowing/overbearing impact on the residential property at 146 Canterbury Road.
40. The proximity of the proposed access road to the side and rear quarter of property at 146 Canterbury Road has the potential to impact on residential amenity in terms of noise and disturbance generated by any traffic using the site. The access road as proposed is positioned directly along the boundary line with 146 Canterbury Road, passing within approximately 2 metres of this property. I would acknowledge that the site plans provided in association with this application do not detail an extension to 146 Canterbury

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Road, which moves the façade of the building closer to the boundary with the tram shed site.

41. Noise and disturbance from vehicle movements is difficult to assess due to its intermittent nature. However, due to the nature of the potential future residents of the supported apartments proposed, the applicant has advised that they are unlikely to drive. As such any traffic movements generated by the scheme are likely to be as a result of staff and/ or visitors attending the site. Given the number of apartments proposed these movements are likely to be intermittent and unlikely to result in an unacceptable level of disturbance. The provision of a brick built boundary wall would provide some acoustic screening to the access road. Taking all of the above into account alongside the outline planning permission, I would not consider the impact of disturbance from vehicle movements would be sufficient to justify a recommendation for refusal of this application.
42. Therefore, subject to the consideration of design, visual impact, access and highway safety, security and well being, heritage, landscaping, and ground contamination below, in my opinion the proposal would accord with Kent and Medway Structure Plan Policies SP1 and QL1 and Thanet Local Plan Policies H1, H4 and D1.

**Design and visual impact**

43. The proposed development consists of a 2-storey apartment building that could potentially have an impact on the visual amenity of the surrounding environment. The design of the building and the way that it would potentially integrate with the character of the surrounding built environment should be considered against the appropriate Development Plan Policies.
44. The application details the proposed building as brick built, under a red tiled roof, finished in contemporary materials including buff brickwork, ivory render, natural cedar cladding with blue/ grey aluminium window and door frames. The configuration of the windows and the materials proposed would reflect the built style adopted within Westbrook House, with the render and roofing material drawing on residential property in Canterbury Road.
45. The height and mass of the proposed apartment is sympathetic to the adjoining buildings, being not considerably larger in mass than the residential property on Canterbury Road and less significant than Westbrook House. The pitched roofline proposed would be similar in height to the existing buildings and would create an interesting and not inappropriate visual impact. In my opinion, the overall effect of the design is not out of character with the area given the adjoining nursing home. The siting of the building to the rear of residential property and Westbrook House mean that views of the development from the street scene would be limited. The use of contemporary materials coupled with the provision of landscaping within the site would serve to break up views of the structure and reduce any impact the development may have on the surrounding area. Therefore, subject to the consideration of access and highway safety, security and well being, heritage, landscaping, and ground contamination below, and the imposition of a conditions covering, amongst other matters, the submission of a landscape scheme, the proposal would accord with Kent and Medway Structure Plan Policies SP1, SS6 and QL1 and Thanet Local Plan Policies H1, H4 and D1.

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**Access and highway safety**

46. Concern has been raised by nearby residents about the highway safety implications of siting a new development within the Westbrook House site. The objections relate to the potential for additional vehicle movements associated with the development adding to the existing traffic levels in the area and the potential safety implications of any increased use of the existing Westbrook House entry and exit arrangements onto Canterbury Road.
47. I would advise that the outline planning permission (TH/05/1263) establishes the use of the Westbrook House access arrangements in association with an apartment building at the site. The Divisional Transportation Manager commented on the outline planning application that the construction of 7 new apartments would not generate sufficient traffic over that already using the site to cause a problem, or to justify the need for further investigation of the traffic issues in the surrounding area.
48. In response to the current application, the Division Transportation Manager has advised on amendments to the internal road layout to take account of highway safety considerations and is raising no objections on highway grounds, subject to conditions. Please see paragraph (19) above.
49. The application includes 7 car-parking spaces, which would accord with the provisions set out with the current Kent Vehicle Parking Standards. Further to this, the applicant has advised that given the nature of the potential residents they are unlikely to own a car and any vehicle parking arrangements would mostly be used by staff/ visitors attending the site. Provision for cycle parking has been included within the proposed scheme, and should planning permission be granted further details could be required by way of a condition on any decision notice. The pedestrian access arrangements shown would require further clarification, as it is not clear how visitors entering the site on foot would reach the building without entering the internal access road and conflicting with vehicle movements. However, this detail could be covered by way of condition should Member be minded to permit the application.
50. Concern has also been raised within correspondence received from local residents about the housing of vulnerable people close to a busy road. I would advise that the Westbrook House nursing home already accommodates vulnerable people at the site. The location enjoys large grounds, easy access to the local footpath network and to public transport. Whilst the location of a busy road in close proximity to the development may not be ideal, this would be a concern in any urban location. Adult Services would have taken account of this when considering possible sites. In my opinion, the easy access to the footpath and public transport network, coupled with the existing nursing home, establishes the acceptability of the site in terms of access and highway safety. The applicant has advised that the type of people who would be housed with the proposed development would be fully capable of using these arrangements.
51. Integrated Care Solutions who currently operate the Westbrook House project for the County Council have raised concern over the use of the existing tram shed access during construction. As this could potentially impact on the safety of staff, clients and visitors when exiting the Westbrook House. They have asked that detailed consideration be given to the management of the site traffic during construction, particularly lorries and parking arrangements for delivery vehicles, site staff and visitors.

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The Divisional Transportation Manager has considered the use of the existing access arrangements to the tram shed during construction and has advised that this would be appropriate provided the arrangements are carefully managed and the access closed prior to first occupation of the building. I would advise that, were Members minded to recommend approval of the application, these issues could be covered by way a condition.

52. Taking the above into account, and subject to the imposition covering details of the pedestrian access arrangements, details of cycle parking, the closure of the existing tram shed access and reinstatement of footpath, provision of car parking prior to occupation, details of site compound and access arrangements, and a management plan for construction traffic, I would consider the proposal acceptable in highway terms. Therefore, subject to consideration of security and well being, heritage, landscaping, and ground contamination below, the proposals accord with Kent and Medway Structure Plan Policies QL1, TP3 and TP19 and Thanet Local Plan Policies D1, TR11, TR12 and TR16.

**Security and well being**

53. Local residents have raised concerns about the security of the site and whether the location is acceptable for the housing of vulnerable people. I would acknowledge that the site is bounded to the north by a railway line and to the south by the A28. However, Westbrook House already comfortably accommodates elderly residents providing 24-hour care and medical facilities in close proximity. I would suggest that in accompaniment to the staffing to be provided to support any future residents, the acceptability of the site to accommodate vulnerable individuals has been established. The railway line is screened by a high boundary wall and whilst Canterbury Road is a busy primary route, the footpath arrangements in the locality are acceptable and the road allows immediate access to public transport. I would advise that the low boundary treatment to the north east should be improved as part of the scheme, and the applicant has confirmed that this would be increased to a minimum height of 1.8 metres with an additional 0.3m trellis on top.
54. In addition to the above concerns have been raised, by local residents, about the potential future residents of the apartments proposed and their potential impact on perceived safety within the community. In response to these concerns, the applicant has provided further comment on the potential residents and the care they could expect to receive; these comments can be found in paragraph (15) above.
55. Reference has been made to a public meeting undertaken as part of the consultations for the redevelopment of Westbrook House back in 2002. I am unable to comment on the content or outcomes of this meeting, and can only assess the acceptability of application that has been brought forward on this occasion based on the provisions set out in the Development Plan and appropriate Government Guidance.

**Heritage**

56. The application involves the demolition of a tram shed currently occupying part of the site. The tram shed consists of a double height brick built building with corrugated metal/ asbestos roof, open at the southern end with cobbled access and tram tracks.



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The County Archaeologist has confirmed that the shed formed the western terminus of the tramway built to service the Thanet area.

57. Concerns have been raised by local residents about the demolition of the tram shed building and loss of heritage from the local area. This issue was carefully considered during the processing of the previous outline planning application (ref: TH/05/1263). The considerations included an application made to English Heritage by Thanet District Council to have the tram shed formally Listed. That application for Listing was turned down on the grounds that whilst the tram shed has some local interest as a survivor of an old tram system, the depot building lacks sufficient architectural or historic interest, in a national context, to merit Listing.
58. The outline planning permission effectively establishes the principle of the demolition of the tram shed. This planning permission requires by way of condition that the tram tracks and cobbled access be retained in place as part of the development of the site. The applicant has advised that retention of the tracks and cobbled access in place is not practicable as part of the current application, and propose to reuse the materials as part of the wider landscaping for the development. Members should take account of this within their considerations. In my opinion, whilst the loss of the tram tracks and cobbled access is not ideal, as it would have provided a link to the past uses of the site, this would not be an overriding issue in the considerations given to the application, and I would not raise objections on these grounds, subject to a condition covering details of a landscape scheme for the site.

**Landscaping**

59. The application proposes the felling of a number of trees within the grounds of the tram shed and Westbrook House. Most of the trees proposed for removal are small specimens, planted in recent years after the completion of construction work on Westbrook House. A small number of semi-mature Sycamore trees are located within the tram shed site and would be removed as part of the current scheme. These trees appear to be self-seeded, growing in close proximity to each other and are not considered to be of any long-term merit to the immediate locality.
60. I would consider that the provision of a well thought-out landscape scheme that takes account of the need to screen and soften the impact of the proposed apartments, as well as providing replacement planting, would mitigate for the loss of existing trees on site. Therefore, I would not raise an objection to the removal of trees on site.

**Contamination**

61. A Ground Condition Report has been prepared in association with this application and recommends further investigations at the site to determine any ground contamination and appropriate remediation work. Conditions covering the submission of a further detailed report, the completion of any appropriate mitigation, and the submission of a closure report, as advised by the Environment Agency, would be an appropriate means of addressing this issue.

**Need**

**Demolition of existing building and erection of 7 supported apartments. Former Tram Shed, 150 Canterbury Road, Margate – TH/06/1300.**

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62. Due to the material planning objections that have been raised, need becomes a balancing factor. The applicant has provided further comment on the need for the development, please see paragraph (15) above. The development is required to improve the County Council's provision of appropriate accommodation for vulnerable people in the local area. Planning permission is being sought in order to facilitate the Private Finance Initiative (PFI) process to obtain the funding required to realise extra care and supported accommodation required in Thanet and around the County.

**Conclusion**

63. This application proposes the provision of 7 supported apartments for vulnerable people within the local community. The layout of the proposals would site the apartment building to the rear of residential property on Canterbury Road, siting the access road in close proximity to the boundary of the site. In February 2006 the County Planning Authority permitted outline planning permission for a similar proposal, including the demolition of the tram shed, that establishes the principle of the use of the site. However, the current application has given rise to a number of concerns (as discussed above), particularly those relating to the impact of the building through overlooking and proximity to adjacent property, highway safety, perceived security and well being, and loss of heritage through the demolition of the existing tram shed.

64. Overall, taking account of the outline planning permission, I consider that the development as proposed would not have an unacceptable impact on residential amenities and is in accordance with the relevant Development Plan policies. Therefore, I consider that the benefits of the provision of such a facility to the wider community outweigh any detrimental impacts the proposal may have. I recommend that subject to conditions, proposed to mitigate for any harm resulting from the development, planning permission be granted.

**Recommendation**

65. SUBJECT to any views received from Thanet District Council prior to Committee Meeting, I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions including:

- the standard time restrictions,
- the development being carried out in accordance with the approved plans,
- a programme of building recording,
- a programme of archaeological work,
- the submission of a landscape scheme for approval,
- the re-use of the cobbled entrance and tram tracks within the general landscaping,
- a boundary wall to be provided to 1.8m in height,
- the submission of a further ground contamination report(s) and completion of remedial work,
- hours of operation during construction and demolition,
- a programme for the control of construction traffic and access,
- details of the contractors compound,
- incorporation of dust suppression measures,
- measures to ensure no mud is deposited on the public highway,
- details of all works within the public highway, including the permanent closure of the existing vehicle access to the tram shed site from Canterbury Road,

### **Item D3**

#### **Demolition of existing building and erection of 7 supported apartments. Former Tram Shed, 150 Canterbury Road, Margate – TH/06/1300.**

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- details of the pedestrian access arrangements proposed,
- the submission of an external lighting scheme,
- the provision of car parking spaces prior to the first occupation, and
- details of cycle parking and bin store.

66. I FURTHER RECOMMEND that the applicant be advised by informative of the concerns raised about loss of amenity and privacy, and the need to provide strong boundary screening to the eastern boundary through hard and soft landscaping.

Case officer – James Bickle	01622 221068
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Background documents - See section heading
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**Item D4****Erection of 7 supported apartments. Land north of Westchurch House, Godfrey Walk, Ashford – AS/06/2179**

A report by Head of Planning Applications Group to Planning Applications Committee on 13 February 2007.

AS/06/2179 – Erection of a two storey detached building comprising 7 supported apartments for people with learning difficulties, with communal space together with car parking and landscaping. Land to the north of Westchurch House, Godfrey Walk, Ashford.

Recommendation: Permission be refused.

**Local Members:** Mr D. Smyth

**Classification:** Unrestricted

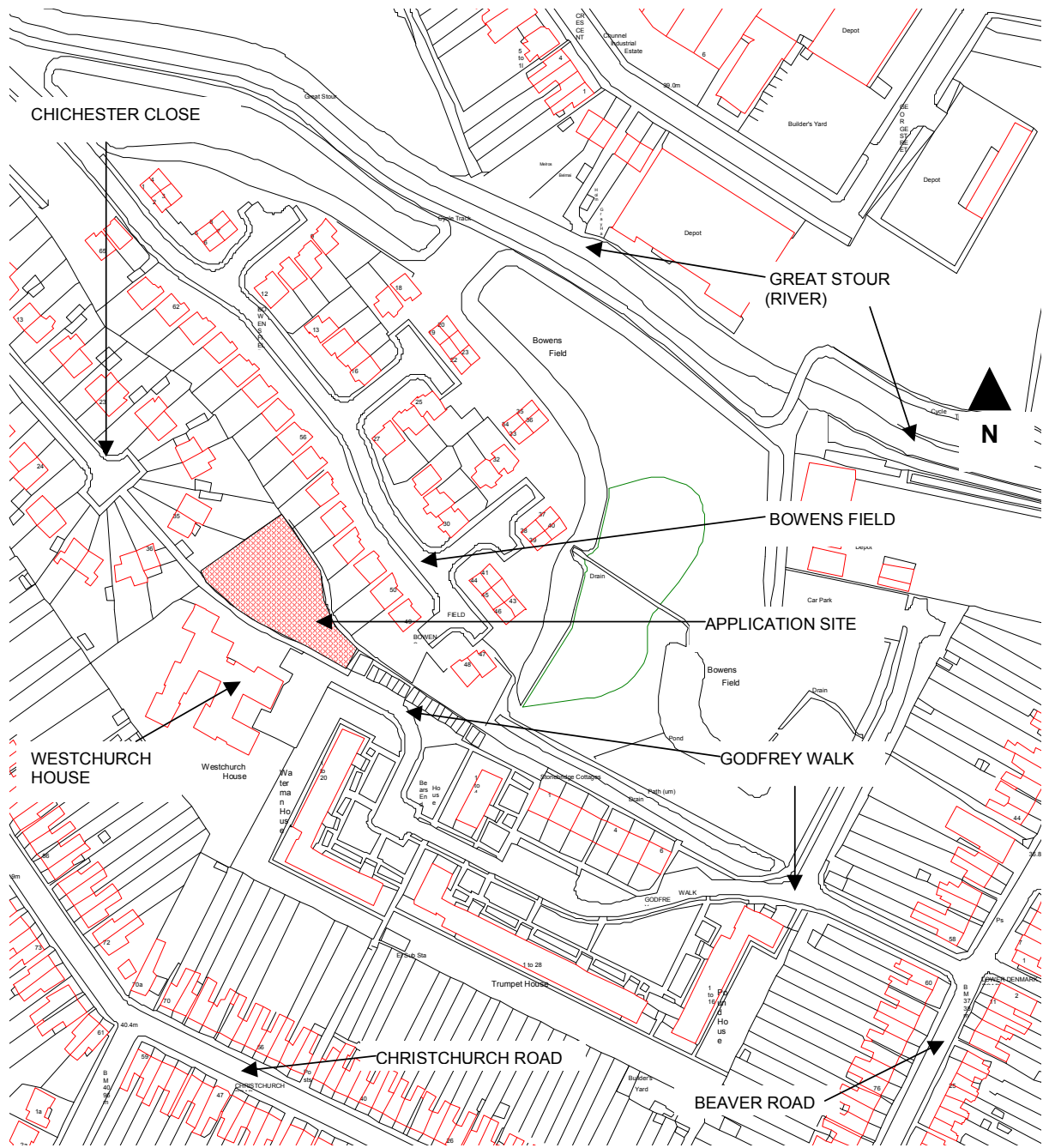
**Site**

1. The application site lies to the north of Westchurch House (a County Council Family Centre) off Godfrey Walk in Ashford, less than 1km to the south of the town centre. The site comprises a triangular grassed open space approximately 0.12ha in size, adjacent to a footpath that connects Godfrey Walk with Chichester Close. The ground levels vary across the site between 36.8m Above Ordinance Datum (AOD) and 38.3m AOD and generally fall towards the north-east boundary, rising again on the other side of the boundary toward residential property. Two storey residential properties adjoin the site to the north-east and north-west in Bowens Field and Chichester Close with a garage block and further residential property located to the south-east on Godfrey Walk. Westchurch House is positioned to the south, and comprises a series of single storey buildings located at the western end of Godfrey Walk. Please see attached plan.
2. The application site lies within 150m to the south of The Great Stour, within the flood plain associated with the river. Most of the site lies within a Flood Zone 3, as defined by the Environment Agency, below 38.192m AOD. As such, the area is at a high risk from flooding where the indicated probability is 1 in 100 or less (1-% risk per annum).

**Background**

3. The application is one of a number of applications, which have been submitted on behalf of Kent County Council Adult Services and Housing 21. The proposals form part of a Private Finance Initiative (PFI) to redevelop a number of sites in Kent with extra care accommodation for the elderly and supported apartments for people with learning difficulties.
4. An outline planning application was received by the County Planning Authority on 12 May 2005 (ref: AS/05/883) for a similar development on the same site location. Albeit that the number of apartments proposed by the outline application totalled 6 instead of the 7 apartments detailed in the current application. The outline planning application was reported to Planning Applications Committee at its meeting on 13 September 2005, where Members resolved to grant planning permission subject to the submission of a Flood Risk Assessment and any necessary mitigation measures/ amendments and no objection being raised to these details from the Environment Agency. The issue of flood risk was never fully addressed at the outline stage and that application remains undetermined.

**Erection of 7 supported apartments. Land north of Westchurch House, Godfrey Walk, Ashford – AS/06/2179**



**Site Location Plan**

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**Erection of 7 supported apartments. Land north of Westchurch House, Godfrey Walk, Ashford – AS/06/2179**

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5. Full planning permission is being sought for the construction of a new detached building, housing 7 supported apartments for people with learning difficulties, including communal space and the creation of 5 vehicle parking spaces, provided to the south-east of the proposed building, off Godfrey Walk.
6. The proposed development consists of a 2-storey brick built apartment building under a pitched roofline. The building would create 558m<sup>2</sup> of floorspace across 7 individual one bedroom apartments and communal areas/ ancillary accommodation shared by the whole building. The apartment block would measure approximately 16m by 22m, rising to an approximate height of 5m at the eaves and a maximum height of 7.5m at the ridgeline. The application details a contemporary palette of materials including buff brickwork, off white (ivory) render, natural cedar cladding under a red tiled roof. The balconies proposed to each apartment would be constructed in steel with glazed panels, with the windows and doorframes finished in aluminium colour coated in blue/grey.
7. The development involves the raising/ levelling of ground height across the footprint of the building and car parking area to a level height of 37.94m AOD. With an overall finished floor height raised to 38.250m AOD to raise the building in relation to the predicted flood risk for the site.
8. The building would be oriented to place windows to principal habitable rooms on the north-west and south-east elevations, and would include the provision of balconies for each apartment. The main pedestrian access to the building would be located within the south-west elevation onto the Public Footpath that passes along the boundary of the site. The north-west elevation proposes windows to the respective bathrooms that would include obscured glazing. The other access/ windows shown on the north-west elevation relate to communal hallways and the balconies provided for the respective apartments.
9. The documentation received accompanying the application confirms that the proposal was designed to comply with the principles of Secured by Design. This would create good natural surveillance over the car park, a secure/ maintained access from Godfrey Walk and secure private amenity space for residents to the north and west of the building. The final scheme would include low level lighting to the parking court and pedestrian access, details of which have not been provided at this stage.
10. The proposed apartment building would house seven people with learning difficulties within individual flats, supported by five members of staff with at least two present during the day and one over night.
11. Details of a landscape scheme are not included with the application at this stage and would be submitted for approval pursuant to any planning permission. The documentation received includes a tree survey on the condition of the existing planting on site. The application sets out that there would be no trees felled as a result of the development proposed, with the existing trees retained on the northern and western boundaries and enhanced with additional planting.

**Additional Information provided by the Applicant**

**Erection of 7 supported apartments. Land north of Westchurch House, Godfrey Walk, Ashford – AS/06/2179**

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12. The application is accompanied by a Flood Risk Assessment (FRA) that considers the issue of flooding and the like impact on flood risk of the development of the site as proposed. The report includes mitigation measures proposed in response to the potential flood risk to the building and the surrounding area; the loss of flood storage capacity as a result of the building footprint and associated raised external ground levels; and the surface water run off into the culvert passing through the site. These mitigation measures include the raising of the Finished Floor Level of the building to 38.250m AOD, in response to potential flood levels at the site. The replacement of potential flood storage capacity on site through the provision of attenuating storage capacity beneath the floor slab of the building, and below the 1 in 100 flood level. The provision of temporary storage volume and associate measures to attenuate for increased surface water run-off as a result of the development.
13. In addition to the FRA, the applicant has provided a statement on Planning Policy Statement 25 'Development and Flood Risk' as it relates to the site, setting out the considerations given to the provisions of the Sequential Test and Exception Test set out by the guidance. Amongst other matters this issue is considered further within the Discussion section below. The applicant also provided an Emergency Flood Procedure for the proposed building. This procedure details the emergency response to flood warnings and potential flood events. Please see a copy of the statement on flood risk and the Emergency Flood Procedure attached to this report within Appendix 1 and 2.
14. During the processing of the application minor amendments to the design of the building have been made in response to concerns being raised by consultees. This included the provision of two additional windows in the south-west elevation, and an undertaking to provide additional boundary planting to screen the development from adjoining properties.

**Development Plan Policies**

15. **National Planning Policy Guidance** – the most relevant National Planning Policy guidance are set out in PPS1, PPS3, and PPS25.
16. **Kent and Medway Structure Plan (2006)** – the most relevant Structure Plan Policies include:
- |             |  |
|-------------|--|
| Policy SP1  | Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development.  |
| Policy SS6  | Seeks to improve the built and natural environment, functioning and appearance of the suburbs of the major urban areas, including the provision of services and facilities that serve local needs.   |
| Policy QL1  | Seeks all development be well designed and of high quality that respond positively to the local character. Development, which would be detrimental to the built environment, amenity, function and character of settlements or the countryside, will not be permitted. |
| Policy QL11 | Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient.  |

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- Policy HP6 Seeks to secure a mix of dwelling sizes and types which will contribute towards meeting the identified needs of all sections of the community, including sheltered housing.
- Policy TP3 Local Planning Authorities should ensure that development sites are well served by public transport, walking and cycling.
- Policy TP19 Seeks development proposals to comply with the respective vehicle parking policies and maximum standards adopted by Kent County Council and Medway Council.
- Policy NR10 Requires development be planned to avoid the risk of flooding and not be permitted if it would be subject to an unacceptable risk of flooding, or increase the risk of flooding elsewhere. Where development is necessary in areas at risk of flooding development should be designed and controlled to mitigate the impact.

In-addition, Policy NR10, seeks Local Development Documents to include polices to ensure a risk based sequential approach guiding specified categories of development away from flood risk areas, secure appropriate drainage provision, and seek appropriate flood risk assessments.

**17. Ashford Borough Council Local Plan (2000) – the most relevant Local Plan Policies include:**

- Policy GP2 Seeks to protect and improve the quality of the urban environment by safeguarding the setting and character of settlements and buildings.
- Policy GP3 Seeks new development be located to reduce the need to travel, and take best advantage of existing public transport and infrastructure.
- Policy GP4 Seeks development to minimise damage to the local environment by respecting the character of surrounding areas.
- Policy GP5 Seeks community facilities and infrastructure to meet local needs.
- Policy GP6 Seeks a high design quality in new development.
- Policy GP9 Promotes the best use of land within urban areas (whilst protecting important open areas) in a way which adds to local character and is well related to public transport.
- Policy DP1 Planning permission will not be granted for development proposals which are poorly designed in terms of their scale, density, height, layout, massing, landscape, access or detailing.
- Policy DP2 New development should be well designed and respect its setting, safeguarding the ability of neighbours to enjoy reasonable levels of privacy, peace and quiet, and natural light, and be well related to the local transport system.

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- Policy EN2 Development proposals in or close to residential areas which are likely to damage significantly people's enjoyment of their homes will not be permitted.
- Policy EN12 Private areas of open space should remain free from built development where they are: (a) undeveloped areas of land which provide visually important breaks between existing and proposed development (b) areas which make an important contribution to the setting of a town, village, conservation area or other group of buildings.
- Policy HG5 Requires residential development on 'windfall' sites within Ashford to provide easy opportunities to walk or cycle when travelling, not result in the displacement of other uses for which there is a need in the area, not result in town 'cramming', and be of good design.
- Policy TP11 Development proposals should provide for the parking of vehicles in accordance with the Kent Vehicle Parking Standards
- Policy CF3 Seeks to not permit development which would be subject to an unacceptable risk of flooding, or which would adversely affect the ability of the land to drain, or which would worsen flood conditions elsewhere.
- Policy CF15 Proposals to provide for an increased range of community uses will be permitted subject to meeting the criteria in policy DP2.

**18. Ashford Borough Local Development Framework Core Strategy (November 2006).**

- Policy CS1 Sets out key planning objectives in seeking sustainable development and high quality design.
- Policy CS9 Seeks development of a high quality in accordance with a list of design criteria.
- Policy CS19 Proposal development within 100 year floodplain will not be permitted unless:
- It would not be at an unacceptable risk of flooding itself, and
  - Would not result in any increased risk of flooding elsewhere.

In exceptional circumstances development on a brownfield site may be allowed if:

- the development were compatible with potential flood conditions;
- there were no alternate sites;
- the development made a substantial contribution to sustainable development objectives;
- the development demonstrated to the Borough Council and the Environment Agency satisfaction that residual flood risks are mitigated to avoid an increased flood risk on site or elsewhere.

**19. Ashford Borough Local Development Framework Core Strategy Documents: Strategic Flood Risk Assessment (SFRA) (October 2006)**

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**Consultations**

**20. Ashford Borough Council** – raises objection to the proposal on the following grounds:

*The proposal is contrary to Policy QL1 of the Kent & Medway Structure Plan 2006. Policies DP1, DP2 and EN2 of the Ashford Borough Local Plan 2000, Policies CS1 and CS9 of the Ashford Borough Council Local Development Framework Core Strategy (November 2006), the advice contained in Kent Design and Government advice contained in PPS1 and PPS3, and is therefore contrary to interests of acknowledged planning importance for the following reasons:*

- *The south west elevation of the proposed building does not provide an active frontage to the new development and, due to the lack of windows, does not provide natural surveillance of the footpath.*
- *The north east elevation represents a bland, poorly designed elevation that fails to demonstrate the design excellence appropriate for a public building.*
- *The inclusion of balconies at first floor level is likely to cause overlooking of the private garden areas of the properties in Bowen Field to the detriment of the occupants of the close properties.*

In response to amendments to the proposals provided by the applicant the Borough Council comments further:

*The revised proposals are relatively minor. The Borough Councils objections still remain, as the building is still excessively bulky lacking a domestic scale, with a large expanse of roof. Breaking it up would result in a better design outcome, but this may not be possible without changing the shape of the building.*

*The insertion of two windows is welcome and would clearly provide more visual interest along the front elevation and greater surveillance of the public realm. Is there any reason why a further two windows could not be inserted at first floor level?*

**21. The Divisional Transport Manager** – No objection to the proposal in respect of highway matters.

**22. Environment Agency** – raises objection to the principle of the proposed development on flood risk grounds and to the mitigation measures proposed within the Flood Risk Assessment. The Agency comments on the Flood Risk Assessment (FRA) as follows:

*Although it is appreciated that the proposed floor level of 38.25m ODN is above the current defended level, we now have predicted flood levels that take into account climate change. If the proposed development is to go ahead we would wish to see the floor levels a minimum of 600mm above the climate change "100 Year" level, of 38.35m ODN.*

*The use of a void for compensation has not been quantified and we would therefore need to see further details before confirming this solution is satisfactory. In addition, no compensation has been found for the raising of the car park. Ideally this would be lowered rather than raised. We would also like to see further information regarding the drainage of the car-park area.*

*The FRA does not include details of flood storage calculations. Although the flood storage tanks are an option we would prefer an open feature that does not have the*

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*maintenance issues associated with underground features. The Integrated Water Management Strategy for Ashford recommends discharge rate of 4l/s/ha. This means a discharge rate of 0.5l/s at this site. In practice this is likely to be difficult to achieve so we would also recommend rainfall harvesting for domestic non-potable use. This may result in a higher discharge rate than the 4l/s/ha but does reduce the total volume of surface water discharge. The FRA has not detected the exact location or condition of the culvert that is believed to run through the site. Although the assumption that it runs the course of the original ditch is reasonable, we would not wish to see any permission granted without first ensuring building works will not adversely affect the integrity of, or the ability to maintain the culvert.*

*We also expect all developers proposing development in flood risk areas to incorporate appropriate mitigation measures into their design. The kind of measures we would wish to have seen here include bringing all electrical services down from ceilings, providing covers for doors/airbricks, and avoiding studwork partitions on the ground floor.*

*As we have previously stated we have fundamental issues with the suitability of this site for this sort of development. In order for the site to be considered at all appropriate for residential development of any kind, your Authority should first be satisfied that Sequential Test has been applied. Following the guidance contained within the new PPS25, The Exception Test also needs to be passed. Is your Authority satisfied that there are no other suitable sites in a lower-flood risk area and that the flood risk here is outweighed by other wider sustainability benefits? Is the site considered previously developed land? Finally does the FRA demonstrate that the development is safe?*

*I regret that at this stage we cannot consider that the proposal is "safe" The FRA does not provide sufficient information relating to the issue of compensation or the potential impact on the surrounding properties. The freeboard allowed for floor levels does not take into account climate change. The mitigation works necessary to make this site developable seem unsustainable and contrary to the precautionary approach encouraged in PPS25. We are unable to confirm that the proposal is appropriately flood resilient and resistant. If your Authority still conclude that this site is essential for such development, it is our view that further work regarding the design and the impact of the development must be incorporated into a revised and more comprehensive Flood Risk Assessment.*

23. **The River Stour Internal Drainage Board** – no comments received that the time of write this report, any received prior to Committee meeting will be reported verbally.

**Representations**

24. The application has been publicised by a site notice and the notification of 41 neighbouring properties.
25. 1 letter of representation has been received. The comments/ objections raised relate to the following points:
- The local area is already overcrowded with dwellings and the development of the site would result in the loss of open amenity space;
  - The proposed building would directly overlook neighbouring gardens;
  - The development would be too close to existing residential development;

### **Erection of 7 supported apartments. Land north of Westchurch House, Godfrey Walk, Ashford – AS/06/2179**

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- Concerns that the development would result in overshadowing of neighbouring gardens;
- Concerns about the increased flood risk as a result of any additional construction;
- Concerns about the local drainage and proximity of the proposal to a culvert that runs under the site.

#### **Local Member**

26. The Local County Member for Ashford South Mr. D. Smyth was notified of the application on 6 November 2006.

#### **Discussion**

27. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraphs (15 – 19) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

#### **Flooding and flood risk**

28. Most of the site proposed for development by this application is located within a Flood Zone 3, as designated by the Environment Agency for the River Stour. As such, the site is considered to have a high probability of flooding with a 1 in 100 or greater annual probability (>1%). The predicted level for a 1 in 100 flood event for the site is considered to be at least 38.192m AOD. However, further to the Environment Agency's advice set out in paragraph (23) above, the 1 in 100 predicted flood level is considered to rise to 38.35m AOD as a result of climate change.

29. Given the general height of the land at the site, the flood levels identified would present a risk to any development for housing, particularly housing for vulnerable people and especially given the apartments proposed on the ground floor. In addition to this any development of the site would also have wider implications on the flood storage capacity and drainage for the local area, which could have implications for the surrounding residential properties. Any planning considerations given to the application would need to given suitable weight to the issue of flood risk and the impact of developing the site on the wider area.

30. Government policy guidance on 'Development and Flood Risk' is set out in Planning Policy Statement 25. PPS 25 aims to *ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing risk overall.*

31. The guidance advises that Planning Authorities adopt a sequential risk-based approach to determining the suitability of land for development in flood risk areas. This classifies land uses to take account of their flood vulnerability, identifying residential institutions including residential care homes and social services homes as 'more vulnerable' to flood

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- risk. Annex D of PPS25 sets out that 'more vulnerable' land uses should not be permitted on land at high risk of flooding (Zone 3), unless in exceptional circumstances.
32. When assessing land for development PPS25 sets a Sequential Test that should be applied to development in flood risk zones to demonstrate that there are no reasonable available sites in areas with a lower probability of flooding that would be appropriate to the type of development being proposed. If following the application of the Sequential Test it is not possible, or consistent with wider sustainability objectives, for the development to be located in a zone with a lower risk of flooding the Exception Test can be applied.
33. The Exception Test should to be passed to allow a Planning Authority to consider permitting a 'more vulnerable' use in a high-risk flood zone. The Test sets out three key criteria that should be met, summarised as follows: a) the development provides wider sustainability benefits to the community that outweigh flood risk; b) the development should be on previously-developed land; c) a Flood Risk Assessment (FRA) must demonstrate that the development will be safe, without increasing flood risk elsewhere.
34. In response to the guidance set out in PPS25 the applicant has provided their considerations on the issue of flood risk, the Sequential and Exception Tests as they relate to the site, please see Appendix 1. The statement confirms the identified need for social accommodation for people with learning difficulties across the County, and specifically in Ashford. It then considers the availability of alternate sites for the proposed development in Ashford within areas of lower or no flood risk. The statement identifies a number of sites owned and formerly owned either by the County Council or the Borough Council that were considered for the proposed development prior to the selection of the Westchurch House site. Taking account of the constraints imposed by the Private Finance Initiative that either Ashford Borough Council or the County Council must own the site, the conclusion is drawn that Westchurch House is the only suitable site available.
35. I consider that the assessment undertaken by the applicant using the criteria set out in the Sequential Test has been guided by the strict economic considerations necessary to facilitate the PFI process. This has resulted in a limited number of sites being considered and conclusions drawn that may not be strictly in the spirit of the Government guidance. However, you could argue that a development of this nature, providing a wider community service, has a strong need attached and a number of limiting factors imposed, not least economics. Whilst in the strictest sense this is not a planning consideration, for the applicant to be able to deliver these type of schemes they are reliant on identifying a 'windfall' site to develop housing of this type, and as such are reliant on land under the Authorities' control to achieve this. As such, the assessment of possible sites in the Borough Council's or KCC's ownership could be considered appropriate, and the further consideration of the Westchurch House site justified.
36. Should Members consider that the Sequential Test has been completed in an appropriate manner and it cannot deliver a more acceptable site within Ashford, and that the need for the development justifies considering an application in a higher risk flood zone, the Exception Test should be applied to the development site.
37. The first part requires the demonstration of the wider sustainable benefits to the community that outweigh the flood risk, informed by a Strategic Flood Risk Assessment (SFRA) where one has been prepared. Ashford Borough Council has a SFRA as part of their Local Development Framework, which in general terms seeks to protect floodplains and prevent development that would create an unacceptable increase in risk of flooding



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on site or elsewhere. The SFRA advises caution over the location of development accommodating vulnerable people in flood risk zones. The apartments would provide accommodation for local people with learning difficulties allowing dedicated support from Social Services, providing a necessary community service. The applicant has argued that there is a recognised shortage of this type of accommodation and the location proposed is the only suitable site for the development available to the County Council within Ashford. As such, the benefits/ need for the development could be argued to warrant the further consideration of the proposed development against the Exception Test criteria.

38. The second principle set out in the Exception Test requires the development be located on previous developed land. The proposed site is located within the curtilage of Westchurch House and as such is considered to be previously developed land under the definition set out in Planning Policy Statement 3 'Housing'. I would therefore consider that the proposed site meets the second prerequisite.
39. The third and final principle within the Test requires that a Flood Risk Assessment for the site must demonstrate that the development would be safe, without increasing flood risk elsewhere. In response to this requirement the applicant has provided a FRA that sets out mitigation measures for the development within the high risk flood zone, to include raising the finished floor level to 38.250m AOD, the provision of replacement flood storage capacity, and measures to compensate for surface water run off to include temporary storage volume within the site. In addition, the applicant has provided an 'Emergency Planning Flood Procedure', see Appendix 2. This sets out the procedure's that would be put in place to safeguard the future residents from the risk of flooding; to include a 24 hour staff presence on site, the measures to be put into effect during a possible flood event and the organisational responsibilities.
40. In considering the proposed development of the Westchurch House the Environment Agency has considered the application in the context of the FRA provided by the applicant, along with the 'Emergency Planning Flood Procedure'. The Agency has advised serious concerns over the development of a site within a high-risk flood zone for the type of use proposed. They are raising technical objections to the FRA provided and the mitigation measures, advising that the assessment does not quantify the concepts being proposed and that it does not provide sufficient information relating to the issue of compensation or the potential impact on the surrounding properties.
41. The Agency has provided revised predicted flood levels for the site that take account of climate change. They acknowledge that the proposed floor level of 38.25m AOD is above the current defended level. However, they are advising that the '100 Year' level is now considered to reach 38.35m AOD, and have recommended that if the proposed development were to go ahead they would wish to see the floor levels a minimum of 600mm above the revised predicted flood level. I would advise that a finished floor level of 38.25m AOD would already raise the building above the existing ground levels by up to 1m toward the boundary with residential property in Bowens Field. This would already have implications on the screening provided by any boundary treatment and on the scale of the building in relation to its surroundings. To further increase the height of the development by an additional 700mm would have implications for the general amenities of the surrounding property that would have to be taken into account when considering this application.
42. The Agency advice is that at this stage they cannot recommend that the proposal is 'safe'. The development is not considered acceptable given the revised flood levels that take account of climate change. The mitigation work necessary to make the site

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developable seem unsustainable and contrary to the precautionary approach encouraged in PPS25. The Agency is unable to confirm the proposal is appropriately flood resilient and resistant.

43. Taking account of the above advice, I cannot conclude that the development would be safe for the future occupants, or whether the proposal would increase the flood risk to the surrounding area through loss of flood storage capacity or changes in the drainage arrangements for the local area. On these grounds the proposed application would fail to pass the third principle of the Exception Test under PPS25 and is therefore contrary to Government policy guidance on flooding and would not be considered acceptable for development as a 'more vulnerable' land use.
44. Therefore, I would raise a planning objection to the application on the grounds of flood risk and would consider that the development is contrary to Government guidance contained in PPS25, Policy NR10 of the Kent and Medway Structure Plan 2006, Policy CF3 of the Ashford Borough Local Plan 2000, Policy CS19 of the Ashford Borough Council Local Development Framework Core Strategy (November 2006), and the advice contained in the Ashford Borough Local Development Framework Core Strategy Documents: Strategic Flood Risk Assessment (SFRA) (October 2006).
45. Should Members be minded to approve the development as proposed against the Environment Agency's advice, the guidance sets out that the Planning Authority should contact the Environment Agency to allow discussion of the case and the opportunity for further representations or comments to be made.

**Siting**

46. Notwithstanding the flood issues discussed above, I would advise that there are no existing land designations in association with the above site. In considering the siting of the building proposed Members should be mindful of the provision of the Development Plan and in particular the potential impact the development of the site would have on the local environment.
47. The proposals would see the development of the northern part of the Westchurch House site. This would position the building in close proximity to adjoining residential property in Chichester Close to the north-east and Bowens Field to the north-west. The closest of which would be approximately 5m from the north-west corner of the proposed building in Bowens Field, with the closest built façade approximately 16m distance.
48. When considering the siting of the building and the potential impact on the surrounding residential environment, I would acknowledge that the building as proposed would be approximately 5m in height at the eaves and 7.5m to the ridgeline. However, any consideration would need to take account of the levelling work necessary to complete the development. The drawings received detail a built platform for the development at a height of 37.94m AOD with a finished floor level 38.25m AOD. The existing ground levels across the site vary from 38.3m AOD to the east and 36.8m AOD to the north-west. Land forming work would be necessary to complete the building as proposed and I would advise that, along with the raised floor height, the balconies at both ground floor and first floor level would potentially allow views into adjoining gardens. This increased height would also impact on the overall scale of the building in relation to adjoining property.
49. In considering the siting of the building Members should take account of the resolution of Planning Applications Committee on 13 September 2005 to grant permission for the

**Erection of 7 supported apartments. Land north of Westchurch House, Godfrey Walk, Ashford – AS/06/2179**

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outline planning application for a similar use at the site, subject to resolution of the Environment Agency's concerns about flood risk (reference: AS/05/883). The flood risk issue was never fully addressed at the outline stage and that application still remains undetermined. In addition, I would advise that the outline application differed from the current proposal in that it detailed 6 apartments, not the 7 currently being applied for.

50. One letter of representation has been received from a nearby resident, which raises concerns, amongst other matters, relating to the location of the development, its proximity to residential properties, the potential for overlooking and overshadowing of adjoining gardens, and the loss of open amenity space from the local area, please see paragraph (25) above. I would also acknowledge Ashford Borough Council's comments that in their opinion the building is excessively bulky and lacking a domestic scale, with a large expanse of roof. Further to this the Borough Council advises that the inclusion of balconies at first floor level is likely to cause overlooking of the private garden areas of the properties in Bowen Field to the detriment of the occupants of the close properties.
51. As within the considerations given to the outline planning application, I acknowledge that the development would result in a loss of open space and that Policy EN12 of the Ashford Borough Local Plan seeks to retain areas of open space from built development in appropriate cases. I agree that this area of land is of some benefit as an informal open space, however, the land has no formal designation as such and the loss of open space should be balanced against the need to provide community facilities, particularly where local services are considered deficient.
52. In considering the siting of the building, I would acknowledge that the application site is relatively small. The increased height of the building as a result of the built platform and the raised finish floor level would have an impact on the perceived scale and bulk of the building, as well as the potential for overlooking of adjacent property. In order to reduce opportunities for overlooking to occur, the design of the building as proposed would locate the windows to principal habitable rooms within the north-west and south-east elevations, with a limited number of windows to bathrooms and communal corridors shown to the north east elevation. However, the inclusion of balconies to each apartment increases the opportunities for overlooking to occur and would allow wider views across the surrounding area. In response to concerns raised about residential amenity, the applicant has confirmed that the development would retain the existing landscaping and would provide additional planting to reinforce the screening along the boundaries of the site.
53. I would advise that the Committee resolution of the 13 September 2005 effectively establishes the principal of the use of the site for a two-storey apartment building, subject to considerations on flood risk. Whilst the bulk and scale of the building may not exactly match the adjacent residential property, in my opinion, it would not be incompatible with the local area. The building has been positioned in the most appropriate location within the limitations of the site to balance the distances between the surrounding buildings and reduce opportunities for direct views between windows. Notwithstanding this, I would agree with Ashford Borough Council's comments that the inclusion of balconies is likely to cause overlooking of adjoining residential property, especially when taking account of the increased height of the building as a result of the finished floor levels proposed. As such, I would consider that the development would have an unacceptable impact on residential amenity through loss of privacy to private areas within the rear gardens of nearby residential property and is therefore considered contrary to Policy QL1 of the Kent & Medway Structure Plan 2006, Policies DP1, DP2 and EN2 of the Ashford Borough Local Plan 2000, Policies CS1 and CS9 of the Ashford Borough Council Local Development Framework Core Strategy (November 2006).

**Erection of 7 supported apartments. Land north of Westchurch House, Godfrey Walk, Ashford – AS/06/2179**

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**Design**

54. Development Plan Policies require new developments to be well designed and respect their setting. The application proposes the construction of a two storey detached apartment building within a residential area of Ashford. It needs to be considered whether the proposed design of the development is an appropriate solution that is suitable in the context of the surrounding buildings.
55. With regard to the design approach that has been taken, the applicant has stated that, *'the scale of development closely follows the scale development in the outline application. The scale also relates well to adjoining two storey properties in Chichester Close, Godfrey Walk and Bowens Field. The predominant building style in the area is two storey domestic properties of a mix of ages together with the single storey Westchurch House. The new ... apartment building will have its own design language with external finishes carefully selected to compliment surrounding properties.'* The elevations of the building would feature buff facing brickwork with off white render and natural cedar cladding. Balconies would be finished in steel with glazed panels and windows constructed of powder-coated aluminium. The pitched roof would be finished in red plain tiles.
56. Ashford Borough Council has objected to the design of the building proposed, please see paragraph (20) above. In response to the Borough Council's objections, the applicant provided revised elevations that included the addition of two more windows to the south-west elevation, and an undertaking to enhance the boundary screening achieved through landscape planting along the boundaries. The addition of extra windows to the south-west elevation goes some way to increase the natural surveillance that would be achieved to the public footpath and main entrance.
57. I acknowledge Ashford Borough Council's objections to the bulk of the building in relation to residential property in Bowens Field and Chichester Close. However, the size of the building proposed is similar in nature to that considered by Planning Applications Committee through the outline application, which at the time was considered to be appropriate. Members now have the benefit of details of external finish and design to inform the current decision. Whilst the design of the north-east elevation, identified by Ashford Borough Council's comments as bland, does lack the interest of windows to break up the elevation, this approach has been proposed in order to respect the amenities of adjoining properties. In addition, I would advise that this elevation is in effect private, facing away from the public approaches to the site. The use of a variety of materials across the various elevations would, in my opinion, break up the bulk of the building, creating interest and a distinctive design approach.
58. I acknowledge the Borough Council's comments on the impact of the balconies, and as discussed above would agree with the concerns over the potential impact on privacy for adjacent properties. The retention of existing landscaping and the provision of further planting would go some way to break up views of the building from the surrounding area. However, the new landscaping would take time to mature and in the mean time due to the restrictions of the site views from the balconies on both floors would potentially occur toward residential property. With regard to the scale and bulk of the development, whilst being greater than some of the surrounding buildings, I would not consider it would result in an unacceptable impact on the surrounding area. However, should the building require further increases in overall height as a result of flood risk this situation may require further consideration.

**Erection of 7 supported apartments. Land north of Westchurch House, Godfrey Walk, Ashford – AS/06/2179**

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**Traffic and Access**

59. The application details access to a car parking area off of Godfrey Walk. 5 car parking spaces would be provided off the public highway, along with associated manoeuvring space. The area of land would be finished to provide level hard surfacing at a height of 37.94m AOB.
60. The Divisional Transportation Manager has considered the scheme and raised no objections on highway grounds. The location of the site close to Ashford town centre allows easy access to public transport and would offer opportunities for walking and cycling in accordance with Policy TP3 of the Kent and Medway Structure Plan 2006 and Policy GP3 of the Ashford Local Plan 2000. Under the circumstances, I would not raise a planning objection to this aspect of the development. In line with the previous recommendations for the site, should Members be minded to grant planning permission, I would recommend conditions covering the provision of the car parking proposed prior to first occupation of the development and details of the provision of dropped kerbs in the existing footway opposite the proposed access, to provide a pedestrian crossing point for the site.

**Need**

61. Due to the material planning objections that have been raised, need becomes a balancing factor. The applicant has advised that the development is required to improve the County Council's provision of appropriate accommodation for vulnerable people. Planning permission is being sought in order to facilitate the Private Finance Initiative (PFI) process to obtain the funding required to realise extra care and supported accommodation required in Ashford and around the County. The development of community facilities receives support from Policies QL11 and HP6 of the Kent and Medway Structure Plan, and Policies GP5 and CF15 of the Ashford Local Plan 2000.

**Further information provided by the applicant**

62. The applicant has supplied further information in response to the objections being raised within this report, included in Appendix 3. In my opinion, the information supplied is not sufficient to address the objections being raised on flood grounds or loss of residential amenity, and my recommendation remains as set out below.

**Conclusion**

63. I acknowledge the need for the proposed housing to accommodate vulnerable people, however, the Flood Risk Assessment provided fails to demonstrate that the proposed development would be safe, without increasing flooding risk elsewhere. The area proposed is located within an area considered to be at high risk of flooding from the Great Stour and as such caution should be exercised when considering the provision of a vulnerable land use. Further to this, whilst the development has been designed to limit direct views toward residential property, taking account of the increased floor height being proposed, I would consider the inclusion of balconies within the design would have an unacceptable impact on private amenity space within adjoining residential gardens. Therefore, I would recommend that the application be refused on the grounds set out below.

**Recommendation**

## Item D4

### **Erection of 7 supported apartments. Land north of Westchurch House, Godfrey Walk, Ashford – AS/06/2179**

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64. I RECOMMEND that PERMISSION BE REFUSED on the following grounds:

- The Flood Risk Assessment received accompanying the applications fails to demonstrate that the proposed development would be safe, without increasing flood risk elsewhere, as such the development of the site as proposed within a high risk flood zone would be contrary to the guidance set out in Planning Policy Statement 25, Policy NR10 of the Kent and Medway Structure Plan 2006, Policy CF3 of the Ashford Borough Local Plan 2000, Policy CS19 of the Ashford Borough Council Local Development Framework Core Strategy (November 2006), and the advice contained in the Ashford Borough Local Development Framework Core Strategy Documents: Strategic Flood Risk Assessment (SFRA) (October 2006).
- The inclusion of balconies within the development is likely to cause overlooking of the private garden areas of the properties in Bowens Field to the detriment of the occupants of close properties and is therefore contrary to Policy QL1 of the Kent and Medway Structure Plan 2006, Policies DP1, DP2, EN2 of the Ashford Borough Local Plan 2000.

Case officer – James Bickle
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Background documents - See section heading
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**Item D5****Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure at St. Eanswythe CE (Aided) Primary School, Folkestone SH/06/1386.**

A report by the Acting Head of Planning Applications Group to the Planning Applications Committee on 13 February 2007.

Application by The Governors of St Eanswythe CE (Aided) Primary School and KCC Children, Families and Education for the reinstatement of brick piers, railings and new gates to surround cycle enclosure. SH/06/1386.

Recommendation: Planning permission be granted subject to conditions.

**Local Member(s): Mr. R. Tolputt**

**Classification: Unrestricted**

**Site**

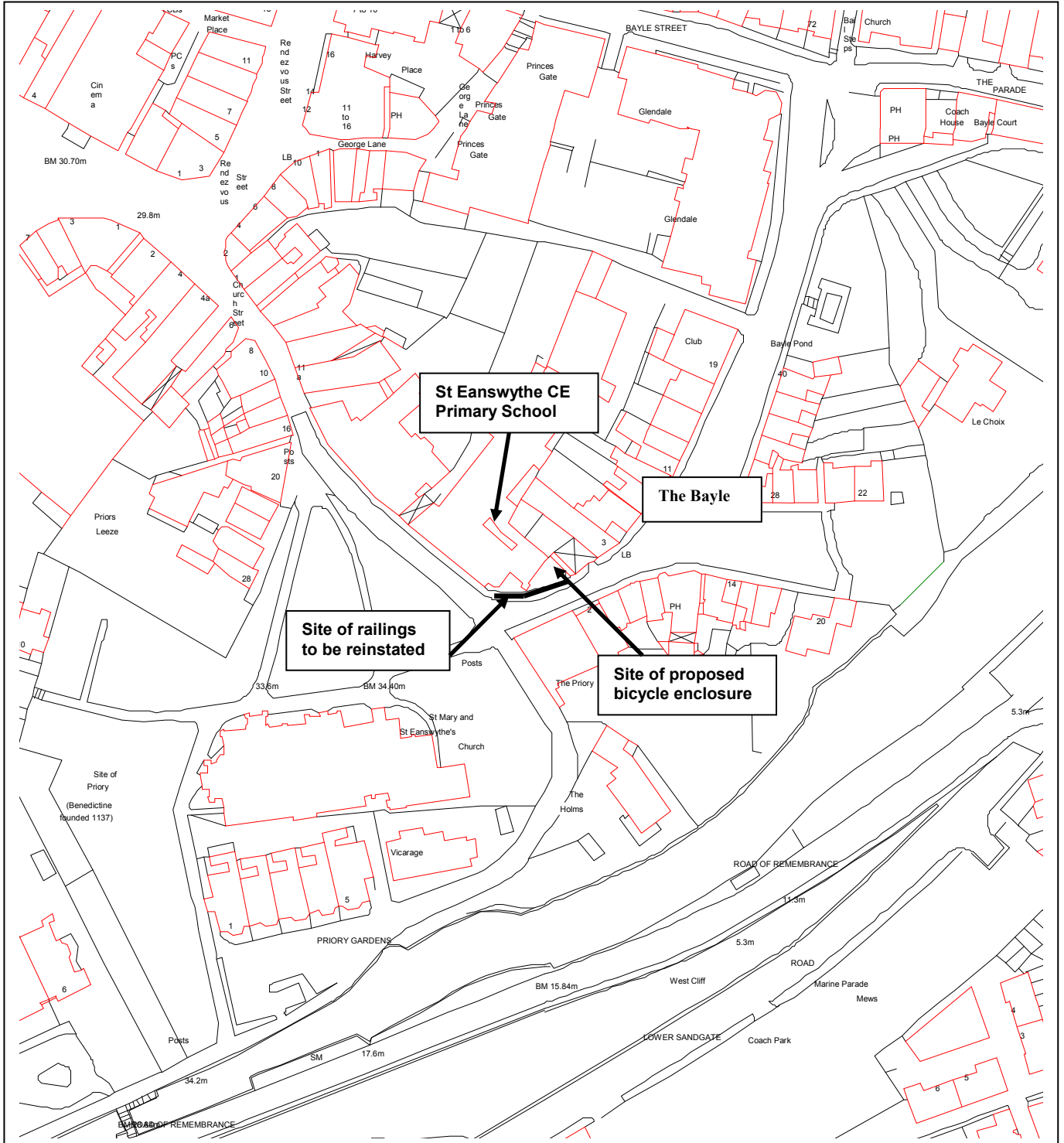
1. St. Eanswythe CE (Aided) Primary School, built in 1901, is situated on Church Street in the Bayle Conservation Area of Folkestone. Residential properties surround the site. A site location plan is attached.

**Proposal**

2. St Eanswythe CE (Aided) Primary School consists of seven classes with 205 pupils and 25 members of staff. The proposed site for development is at the corner of St Eanswythe Primary School as it turns onto The Bayle. This part of the school building has not been restored and evidence is visible of demolished piers and cut off wrought iron railings. The space behind is unused and open to the street gathering litter and leaves, see Figs. 1 & 2 on page D5.3.
3. When the application was originally submitted in October 2006 it proposed the retention of the existing magnolia tree and the provision of bicycle racks around the tree and along the line of the railings. That met with objection from Shepway District Council, the Bayle Residents Association and a local resident. Following this, the design of the scheme was amended and it is the amended design that will be discussed throughout this report.
4. The proposal seeks to restore the three existing pillars and rebuild two pillars to create five fully restored pillars in total. There are two proposed sets of gates to be erected, one double set at 2.5 metres wide to the school entrance and a 1.2 metre single gate to provide access to the bicycle enclosure, which will have sufficient storage for 12 bicycles.
5. The new railings would provide security to the area behind allowing it to be used to store bicycles during the day. The use of bicycles has been greatly encouraged in this congested part of Folkestone and is a key feature of the School's Travel Plan along with other schemes such as the walking bus. There is a young magnolia tree situated in this area as shown in Fig. 1 on page D5.3, the proposal seeks to remove the tree and replant it in the churchyard of St Mary and St Eanswythe Church for which its Reverend has consented. The proposal also seeks to plant a privet hedge along the railings preventing any stored bicycles from being visible from The Bayle.

**Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure SH/06/1386.**

**Site Location Plan**



Scale 1:1250



**Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure SH/06/1386.**

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Fig. 1 - Proposed site of phase one of development.

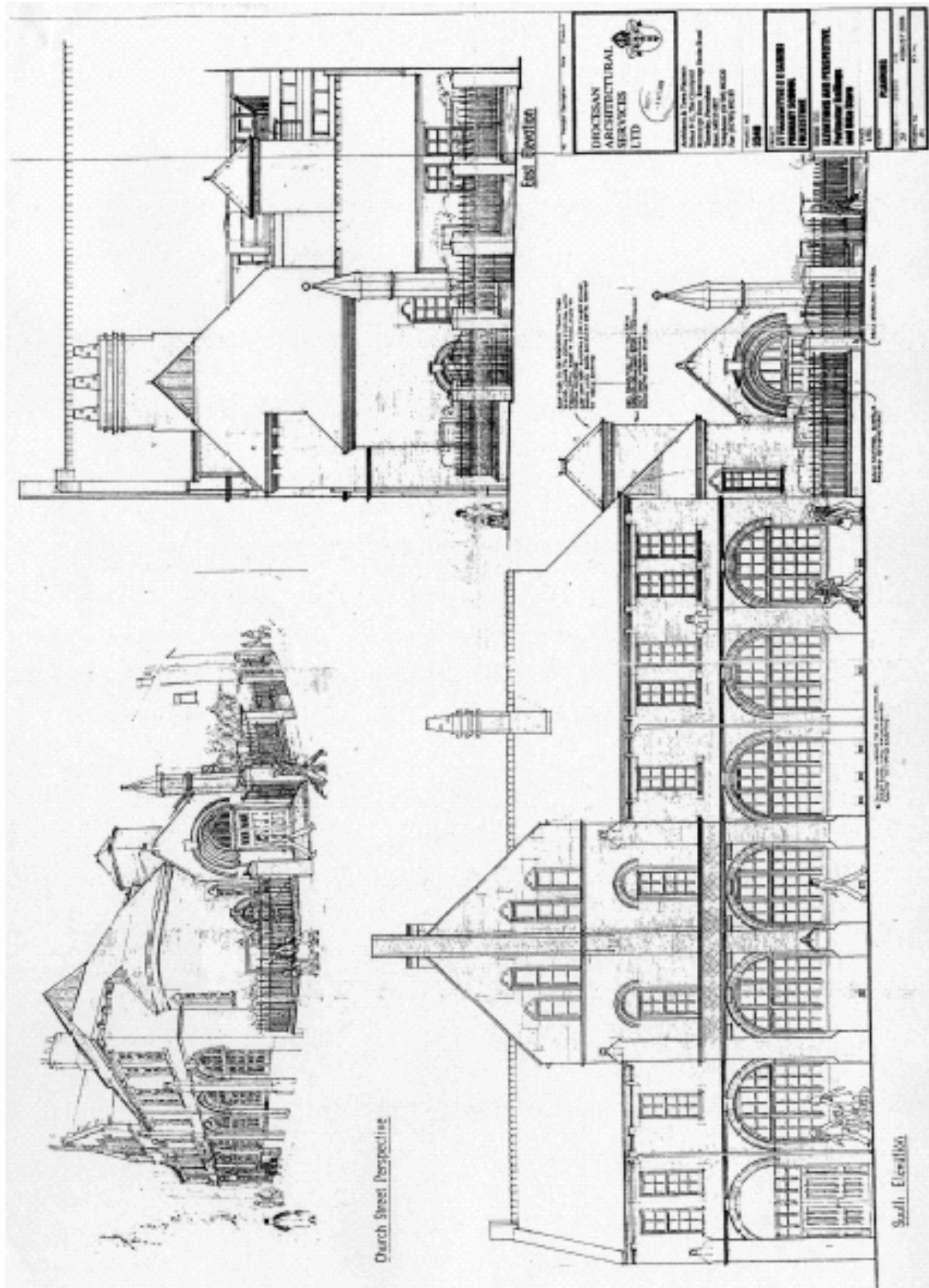


Fig. 2 - Proposed site of phase two of development (both phases to be constructed concurrently subject to funding).

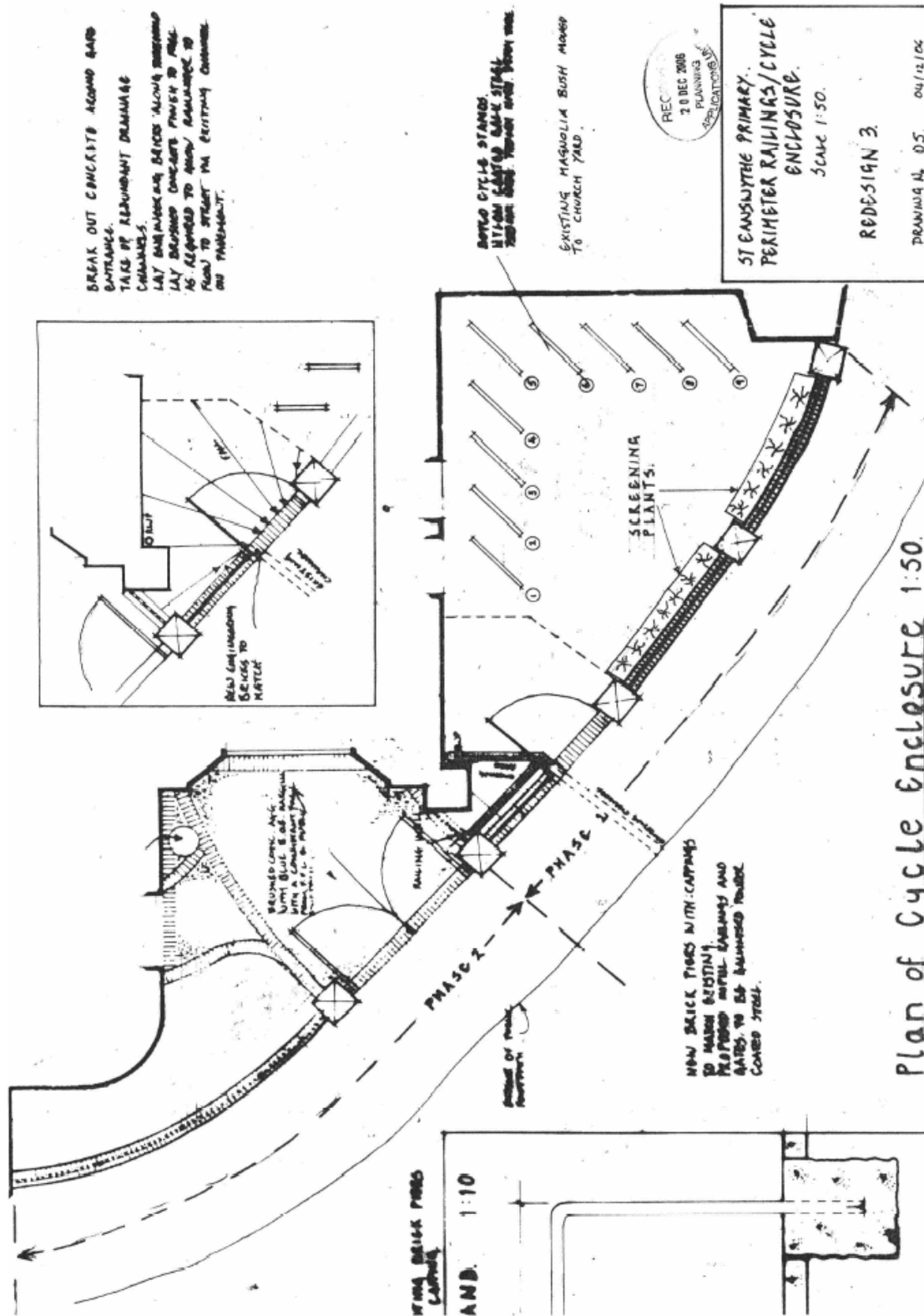




**Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure SH/06/1386.**



Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure SH/06/1386.



**Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure SH/06/1386.**

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6. The design for the railings was decided by of a study of the recently reinstated railings at The Bayle pond. The proposal was amended upon the request of the KCC Conservation Officer as the railings in the initial proposal would result in a railing section that would be too slender and the finials would look out of scale with the railings. The railing size was therefore increased by 25mm and the main stanchions 30mm.

**Planning Policy**

7. The Development Plan Policies summarised below are relevant to consideration of the application:

**(i) Kent & Medway Structure Plan: 2006.**

**Policy SP1** Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development. Encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments

**Policy QL1** Development should be well designed and respect its setting. Development that would be detrimental to the amenity of settlements will not be permitted

**Policy QL6** Development within conservation areas should preserve or enhance their character or appearance. Development, which would harm the character or appearance of a conservation area, will not be permitted.

**Policy QL11** Protection and enhancement of existing community services.

**Policy SH1** Proposals which assist in regenerating Folkestone, including improvement of its shopping, service and tourism functions will be supported.

**(ii) Shepway District Local Plan: 2006.**

**Policy SD1** All development proposals should take account of the broad aim of sustainable development. Preserve and enhance built and cultural heritage including Listed Buildings and their settings, conservation areas, sites and settings of nationally and locally important ancient monuments and archaeological sites, historic parks and gardens and, historic landscapes.

**Policy BE1** A high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture.

**Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure SH/06/1386.**

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**Policy BE4** The District Planning Authority will require the height, scale, form and materials of new development, including alterations or extensions to existing buildings, to respect the character of conservation areas; and seek to retain materials, features and details of unlisted buildings or structures which preserve or enhance the character or appearance of conservation areas.

**Consultations**

8. **Shepway District Council** – Raises no objection given the proposed relocation of the magnolia tree and the planting of the privet hedge along the railings.

**Folkestone Town Council** – Raises no objection but requests the safeguarding of the magnolia tree.

**Divisional Transport Manager** - Raises no objections to the application from a highway point of view.

**Conservation Officer** – Raises no objections providing suggestions are implemented into the scheme relating to size of the railings and stanchions.

**English Heritage** – Raise no objections.

**Local Member**

9. The Local County Member Mr R. Tolputt was notified on 13 October 2006.

**Publicity**

10. The application was advertised in the Folkestone Extra newspaper on 8 December 2006 and by the posting of a site notice. A neighbour notification exercise was also carried out involving the individual notification of twenty-eight neighbouring residential properties.

**Representations**

11. To date one letter of representation has been received from a local resident and two letters from the Bayle Residents' Association regarding the initial proposal and a further two letters received regarding the amended proposal. One letter was received in support of the application from the Kent Police Crime Reduction and Architectural Liaison Officer. The main comments / points of concern include the following:

**In opposition to the application**

- Is there not room for bicycle stands behind the school out of public view, away from the risk of vandalism?

**Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure SH/06/1386.**

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- The Bayle is one of very few picturesque and historic areas in Folkestone and to have the approach to it marred by a stack of cycles occupying such a significant corner indicates a complete disregard of civic pride.
- The School shows little regard for the local environment judging by the amount of litter that is allowed to remain around the school entrance.
- Child cyclists emerging from the proposed area will worsen the chaotic congestion of vehicles in the morning and afternoon and result in safety concerns for the elderly and children.
- Inappropriate for cycle stands in such a key position.
- Revised plans do not carry the application any further forward.

**In support of the application**

- Bicycle storage facilities are welcomed in historic cities like Oxford & Cambridge.
- Current arrangements for storing bicycles are not satisfactory – being pushed through the building with doors having to be left open and stored in a part of the playground. This creates security and health and safety issues.
- The new area can be locked and secured affording good security with any stored bicycles proving to be barely visible through the privet hedge.
- Encouraging children to cycle to school is one of the Government's objectives for a healthier and fitter generation.

**Discussion**

12. This application proposes the reinstatement of railings and brick pillars that were in position pre-World War II and the creation of a bicycle storage area in the newly created defended space. The approved School Travel Plan sets out a series of objectives and targets that aim to promote and encourage a healthy lifestyle for pupils and staff. The main targets aim to decrease the number of cars in the immediate vicinity of the school, increase cycling/scooter use by 10% by September 2007, reduce the number of single occupancy journeys to school by 4% and to improve pupils awareness of travel options thus improving road safety.
13. As a result of a pupil School Travel Survey carried out in January 2006 a need was highlighted for bicycle storage facilities. The nature of the school's design severely restricts the number of suitable sites at the school for such a storage area. There are not suitable access arrangements at the rear of the school, so the storing of bicycles at the rear of the school result in bicycles having to be taken through the school which is highly impractical especially when considering Health and Safety. The decision was therefore taken to apply for planning consent for the reinstatement of the brick pillars and for the creation of a bicycle storage area as proposed. Whilst the need for education provision is acknowledged in Structure Plan Policy QL11, the proposal must also be considered against the relevant Development Plan Policies outlined in paragraph 7 above.

**Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure SH/06/1386.**

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14. Members will note the objections received to which the applicant has made the following points in response:
- “The KCC approved School Travel Plan highlights the requirements for Schools to encourage cycling to increase children’s overall health and decrease traffic congestion - a problem of which is very significant at this particular site.
  - The encouragement of staff and parents/pupils to walk and cycle to school can only help to ease the traffic congestion situation.
  - Other sites at the school have been considered but all result in bicycles being dragged through the school, which is not a practical solution.
  - It seems strange that some of our most architecturally significant cities such as Oxford and Cambridge so readily accept the bicycle yet one or two people in the Bayle area see them as unsightly. Is the same felt about the parking of their vehicles in the area?
  - Railings on the wall will prevent people sitting on the wall and congregating in this area, depositing litter and beer cans as happens currently. Therefore improving residential amenity.
  - The revised plans do further the application, as the introduction of a privet hedge will all but remove any visibility of bicycles stored behind”.
15. The locality of the site in a Conservation Area dictates the high quality of design and materials to be used as part of any development. Shepway District Local Plan Policy BE1 enforces this requirement by stating that materials should be sympathetic to those predominant locally in type, colour and texture. The design of the development submitted is to a very high standard, which has taken into account the wider Bayle area and has been conscious throughout the design process of respecting the locality and of producing a sympathetic design. The railings proposed are to be constructed of galvanised welded steel and powder coated black with silver finials, which are similar in design to the railings surrounding the Bayle pond area. The proposal would seek to restore and reinstate the brick pillars and railings that were in situ prior to 1939, which is amplified in Shepway District Local Plan Policy BE4 which seeks to retain materials and features which preserve or enhance the character or appearance of Conservation Areas.
16. Members will note from the objections received, that they do not relate to the development in its entirety but rather the principle of the space behind the railings being used for bicycle storage and ensuring the safeguarding of the magnolia tree. It is therefore necessary to consider the suitability of a bicycle storage facility in this location and assess this against relevant Development Plan Policies. Members will recognise the importance of encouraging pupils and parents to travel to and from school by way of more sustainable methods of transport and for design that reflects Kent’s identity and local distinctiveness. These factors are amplified in Kent and Medway Structure Plan Policy SP1.
17. The magnolia tree is not protected by a TPO and is relatively young and undeveloped; it does not stem from one main trunk but rather three smaller shoots. The Royal Horticultural Society states that Magnolia trees can grow up to 15 metres tall and up to 10 metres wide. In my opinion given the space available and the fact that it is currently entirely surrounded by concrete paving, relocation to the churchyard would be the best long-term solution for the tree.

**Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure SH/06/1386.**

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18. It is important to ascertain whether the creation of a bicycle storage area constitutes an unacceptable and unsightly development in this Conservation Area and if it is to be deemed a contravention of the relevant Development Plan Policies. It is also important to assess whether bicycles are to be deemed unsightly or indeed, conversely, whether they can be deemed beneficial to residential amenity and the overall locality. It has become extremely important in recent years to decrease the number of vehicle journeys to and from school each day, in favour of more environmentally friendly alternatives. Consequently documents such as School Travel Plans have been produced promoting schemes like the walking bus, car sharing, cycling, walking and public transport. In the case of St Eanswythe School, I am of the opinion that the School should be commended for its effective promotion and obvious encouragement of such schemes. As a result a significant number of pupils/staff wish to travel to school each day by bicycle a fact that should be commended, given the comment made by the Bayle Residents Association concerning the level of congestion around the school being added to by child cyclists. I suggest that the situation would actually be alleviated, if 10 pupils cycle to school on a particular day, there is the potential for a daily reduction of up to 20 vehicle movements. The Bayle Residents Association raised concerns that the safety of children and elderly residents could be put at risk by cyclists entering or leaving the site. It is School policy for older pupils only, who have passed their Cycling Proficiency Test to be allowed to cycle to school. Therefore the risk of dangerous and reckless cycling is unlikely, coupled with the presence of staff members on duty, I do not consider that there is sufficient cause to consider refusal of the application on this point. The Kent Police Crime Reduction and Architectural Liaison Officer has also stated that children who do cycle to school, do so at walking pace or at slow speeds, as their parents are often walking with them to make sure their children get to school safely.
19. In regard to the alleged lack of civic pride with the introduction of 'a stack of cycles' into the front area of the school I consider that the School is demonstrating a high regard for their locality by promoting sustainable transport methods; I do not consider the impact of a relatively small number of bicycles to severely damage the quality of the streetscape. If considered in the context that bicycles would only be sited here for around 6 hours a day, 38 weeks of the year, when cars are parked in the area all day every day. The agent states that some of our most architecturally significant cities embrace the use of bicycles and I consider this to be a valid point for Members to consider. Members will also be mindful of the fact that with the provision of a privet hedge behind the railings, any bicycles that may be stored there would not be visible from The Bayle.
20. I consider it unlikely that bicycles stored in this location are increasingly susceptible to vandalism, as has been suggested, the railings and gate will make it difficult to gain access. The gates would be locked throughout the day and with the provision of hedging any bicycles stored are unlikely to be at risk of vandalism or theft. The specific design of the bicycle racks has also been considered, in order to decide if there is a more suitable design of rack for this location. The particular 'Boyco' design of rack proposed in this application is a very simple one as shown on drawing no. 05 on page D5.5. I consider that racks of this design are most suitable for this location as they maximise the space available for bicycle storage and are not large in size or visually unattractive.



**Reinstatement of brick piers, railings and new gates to surround a new cycle enclosure SH/06/1386.**

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**Conclusion**

21. In conclusion, whilst I acknowledge the views of the Bayle Residents Association, I am of the opinion that the proposal does not constitute a contravention of Development Plan Policy warranting refusal. I do agree that a location for storage of bicycles at the rear of the school would be preferable, but unfortunately in this case it is not possible. However, I consider that in circumstances such as these it is important for Schools to be promoting sustainable methods of transport. The quality of the design is to a very high standard involving the restoration of brick pillars and railings to their former standard, whilst producing a useful defended space beyond substantially improving the public realm; the decision to replant the magnolia tree in the churchyard affords it a better chance of survival as it reaches maturity. The application is generally in accordance with Structure Plan Policies SP1, QL1, and Shepway District Local Plan Policies SD1, BE1 and BE4.

**Recommendation**

22. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions requiring the replanting of the magnolia tree in the St Mary & St Eanswythe Churchyard and for the development to be carried out in accordance with the approved plans.

Case officer – Adam Tomaszewski	01622 696923
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Background documents - See section heading
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**Item D6****Retrospective application for the relocation of earth mound and slide, Cartwright & Kelsey Primary School, Ash, nr Canterbury – DO/06/1424**

A report by Acting Head of Planning Applications Group to Planning Applications Committee on 13 February 2007.

Application by the Governors of Cartwright & Kelsey Primary School and Kent County Council Children Families and Education for the retrospective permission for the relocation of earth mound and slide, including ancillary works on landscaping and fencing, Cartwright & Kelsey Primary School, Ash, nr Canterbury – DO/06/1424.

Recommendation: Planning permission be refused

Local Member(s): Mr. L. Ridings

Classification: Unrestricted

**Site**

1. The new Cartwright and Kelsey Primary School is located just to the north-west of Ash centre within a residential area. The site comprises the new school buildings, a car park, hard play area and playing fields. Vehicular access is via School Road, with a further pedestrian-only access via Molland Close. A Public Footpath runs along the western boundary of the site. The school playing field is designated as an Open Space in the Dover District Local Plan.

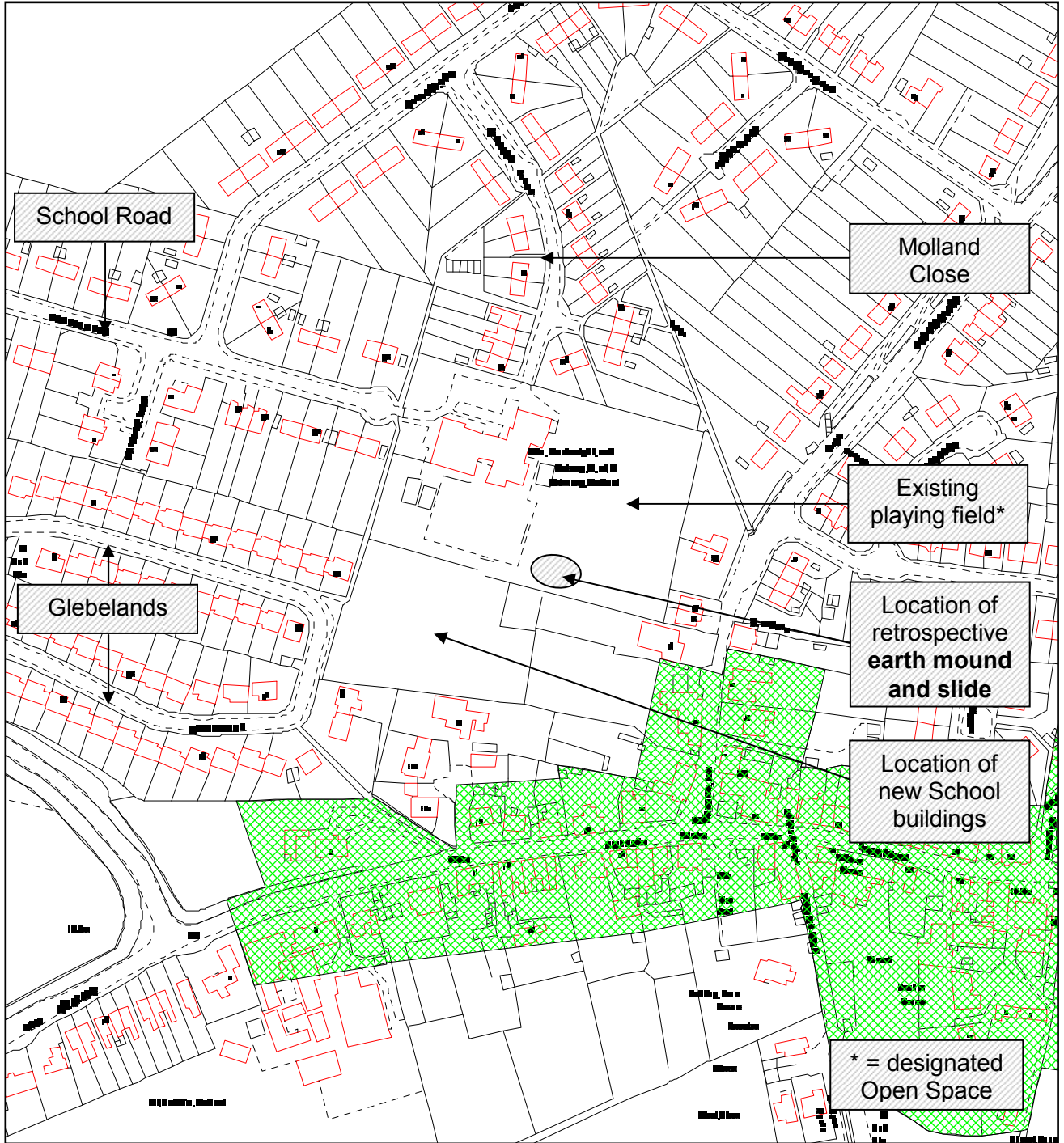
*A site location plan is attached on the next page.*

**Background and Proposal**

2. Ash Cartwright & Kelsey Primary School has recently had new school buildings which were opened in 2005. The new buildings are situated directly south of the former 1960s building that they replaced under permission reference DO/03/339.
3. The application has been jointly submitted by the Governors of Cartwright & Kelsey Primary School and KCC Children, Families & Education, and seeks retrospective permission to retain an earth mound and slide, along with associated ancillary works on landscaping and fencing.
4. The applicants state that the reason behind the application is that the slide was originally part of the school play area where the new school building now sits, hence the relocation took place when the new school was constructed. It has been stated by the applicant's that an earth mound and slide have been present on the site for many years, with its original location on the south-eastern boundary adjacent to the neighbouring residential plot. The current location, as shown on the site location plan, has been chosen by the applicants to avoid any detrimental impact on the size and use of the adjacent sports field. The applicants also claim that the School has paid particular attention to safety and supervision by keeping the slide near the school building and the existing playground.
5. It is stated within the application documents that the applicants do not have any other alternative location for the earth mound and slide.

**Retrospective application for retention of earth mound and slide,  
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**Site Location Plan**



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Ash Conservation area shown hatched

Scale 1:2500

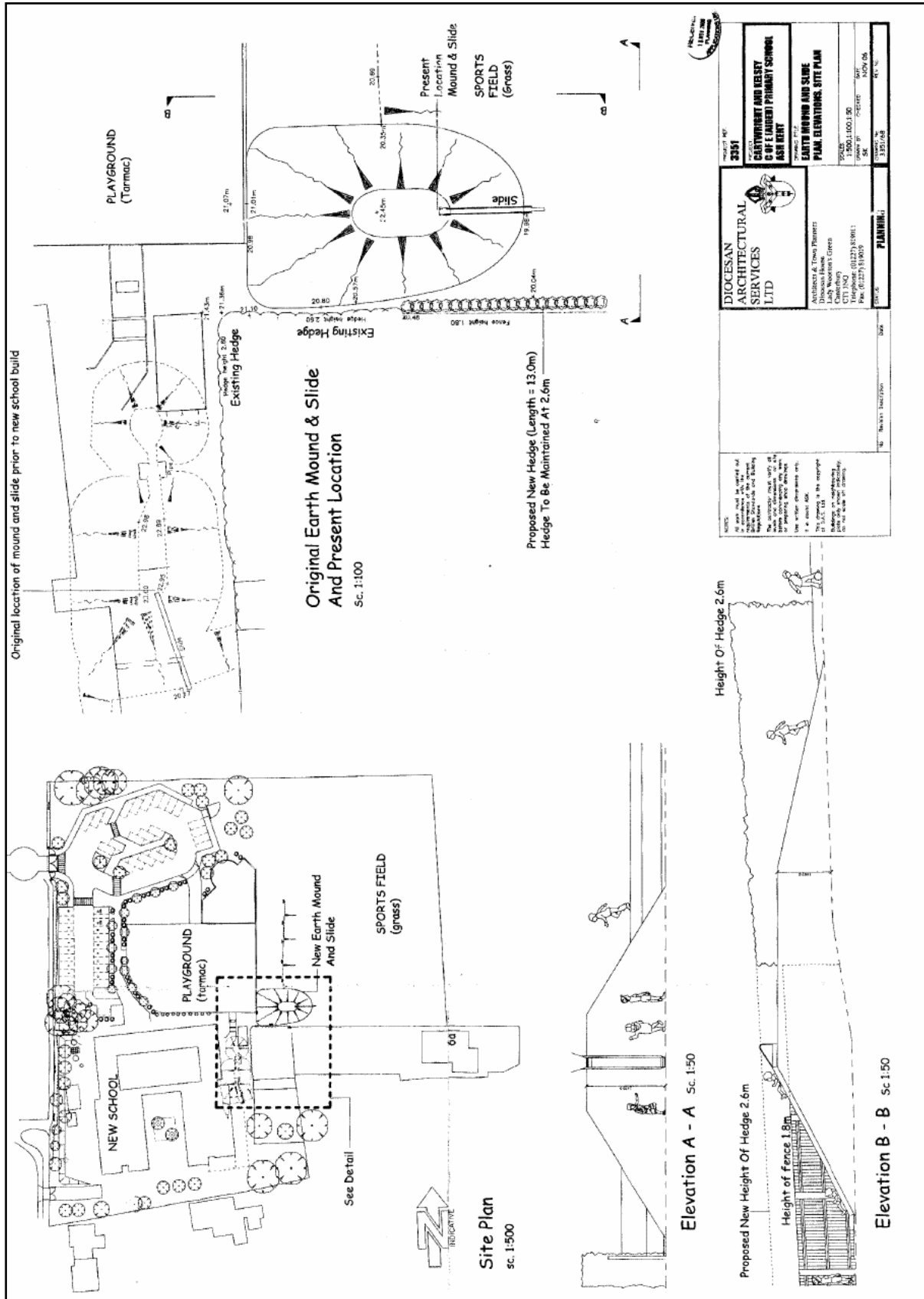
**Item D6**

**Retrospective application for retention of earth mound and slide,  
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**Site Plan**

**Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424**



6. The earth mound is approximately 11m wide by 17.5m long. The ground level adjacent to the foot of the earth mound and slide is 19.98m, whilst at the top of the earth mound

### Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424

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the ground level is 22.45m, thus making a change of height between the foot and tip of the earth mound 2.47 metres. In comparison, the adjacent close-boarded fence that borders the school site and a neighbouring residential property is 1.8m high.

7. To address the fact that the retrospective earth mound and slide is higher than the adjacent close-boarded fence, the applicants have indicated that they would undertake additional ancillary landscape and fencing works in order to lessen the development's impact on the adjacent residential property. This would include hedgerow planting along the inside (school side) of the close-boarded fence to a height of 2.6m. Given that this planting would take a number of years to reach the proposed height, the applicants have proposed a temporary extension to the existing close-boarded fence from 1.8m to 2.6m high.
8. In addition, the applicants have stated that the slide would be used only during the summer months when the ground is dry enough to access the field. They have also offered some proposed hours of use of the slide, as follows:

Break Time: 10.15 to 10.30 am

Lunch Time: 12.40 to 13.10pm

The applicants have also stated that the maximum number of children using the slide would be 33, and it is envisaged to allocate a day to each Class.

### Planning History

9. Planning permission was granted for the erection of the new Cartwright & Kelsey Primary School and associated nursery buildings under reference number DO/03/339 in August 2003.

### Planning Policy

10. The Development Plan Policies summarised below are relevant to consideration of the application:

- (i) **The Adopted 2006 Kent & Medway Structure Plan:**

**Policy SP1** – The primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting the Kent countryside and its wildlife for future generations;
- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments;

**Policy QL1** – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local

**Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424**

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surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

**Policy QL11** – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

**Policy EN1** – Kent’s countryside will be protected, conserved and enhanced for its own sake. Development in the countryside should seek to maintain or enhance it.

**Policy EN9** - Tree cover and the hedgerow network should be maintained. Additionally, they should be enhanced where that would improve the landscape, biodiversity, or link existing woodland habitats.

(ii) **The Adopted Dover District Council Local Plan**

**Policy CF1** – Proposals for the establishment of community facilities will be permitted, provided that they would not be detrimental to residential amenity and the character of an area.

**Policy DD1** – Proposals for development will not be permitted unless they are acceptable in terms of layout and function needs of the development, siting, massing and scale of new buildings, landform and landscaping and privacy and amenity

**Policy OS1** – Proposals for development which would result in the loss of open space, will not be permitted unless:

- in the case of a school site, the development is for educational purposes, or
- in the case of small scale development, it is ancillary to the enjoyment of the open space, and
- the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

**Consultations**

11. **Dover District Council** – raises no objections to the relocation of the earth mound and slide.

However, they have expressed the following views: -

“Although the District Council do not raise a specific objection it would seem more reasonable to look for the development of this facility further away from the boundary with immediate neighbours to lessen the potential nuisance from the use of the mound and slide, particularly bearing in mind that there was shown to be no building in the area where the mound and slide has been put. It is by no means certain that the provision of a hedge along the boundary will protect the neighbours’ gardens and their property from damage from unruly children / persons using the slide or mound because of its proximity



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to the boundary. It may well be that the children during school times will be controlled and not cause problems, however, outside school times there is potential for others to gain access and cause additional nuisance to the immediate neighbours.”

**Ash Parish Council:** has raised no objections provided that the landscaping work is carried out prior to the slide being put into use (i.e. the height of the fence is increased with timber panels until the hedge that is to be planted reaches its envisaged height of 2.6m average)

**Environment Agency:** has no objection to the retrospective proposal, but has stated that should planning permission be refused, the developer as a waste producer has a duty of care to ensure any materials removed go to an appropriate licensed disposal site and all relevant documentation is completed in line with regulations.

**Jacobs (Landscaping):** have made the following comments regarding the retrospective development:

“Upon construction of the mound and slide there will be no view of the actual mound from property 6a. However, it will be possible to view children standing on top of the mound over the top of the proposed hedge and temporary fence extension.

The height of the proposed hedge as shown in elevation B-B will mean that it will be possible for children standing on the top of the mound to obtain a view into the garden of property 6a. A direct view onto the house would be limited by existing garden vegetation.

In conclusion, given the distance between the mound and property 6a accompanied by the proposed new hedge planting and temporary extension to the fence, it is recommended that the impact of the development would be minor”.

**Local Members**

12. The local County Member, Mr L. Ridings, was notified of the application on the 28 November 2006.

**Publicity**

13. The application was publicised by the posting of two site notices, one on the main entrance to the school off School Road, and the other on Chequer Lane, to the east of the site. The application was also advertised by the individual notification of 14 neighbouring residential properties.

**Representations**

14. To date, 3 letters of objection have been received. The main points of the letters are summarised below:

- The unauthorised development is totally unacceptable in terms of harm to the living conditions of adjoining residential properties;
- The applicants claim that there has been an earth mound and slide on the school site prior to the construction of a new school is totally mis-leading;

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- The security in relation to health and safety is material consideration in the determination of this application – children are able to stand on the mound and have, before it was fenced off, thrown a large log through neighbouring greenhouses causing several panes of glass to be broken;
- The new mound is intrusive and undermines the security provided by a tall hedge along this part of the perimeter;
- The rear gardens of adjoining residential properties are on rising ground and when the earth mound and slide is used it would allow the children to have a panoramic view into the entire gardens.
- Given the rising ground levels, any attempts to safeguard any loss of privacy using extra screen fencing and/or planting would be overbearing;
- The slide will concentrate noise on the boundary to residential properties and no amount of screening will be able to compensate for this factor;
- Considers that no suitable planning conditions could be used in order to safeguard residential amenity;
- It was unfortunate that the slide was not included in the original plans for the new school. It appears to have been an after thought that could easily have been placed on another part of the school's extensive grounds.
- Strong concerns raised with the proposed extension to the height of the existing fence from 1.8m to 2.6m. The fence in question was replaced by adjoining owners and the posts have not been dug in deep enough for an extension of 0.8m. In the event of strong winds, the fence would simply blow down;
- A new hedge would take approximately 10 years to grow to a height of 2.6m, therefore would not safeguard any loss in residential amenity;
- The pupils of the school enjoy a very wide range of outdoor facilities, including playground equipment. It is not necessary for them to have a slide mounted on a very large earth mound which, in essence, was created to save costs during the construction of the new school.

**Discussion**

15. In considering this proposal, regard must be had to the Development Plan policies outlined in paragraph (10) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the impact upon residential and visual amenity, as well as the impact of the earth mound and slide on the Open Space Policy as set out in the Adopted Local Plan.

Impact on Open Space

16. As outlined above, the school playing field is designated as an Open Space (Policy OS1) in the Dover District Council Local Plan. Policy OS1 of the Adopted Local Plan states that *'proposals for development which would result in the loss of open space will not be permitted unless: - in the case of a school site, the development is for educational purposes [...]'*. Given that the development is for the retention of an earth mound and slide for the use of the School, I consider that the retrospective proposed would not be contrary to this Development Plan Policy.

Impact on residential and visual amenity

**Retrospective application for retention of earth mound and slide,  
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17. Given that the retrospective development is located a couple of metres from the boundary of the adjoining residential dwelling, there is the potential for a detrimental impact on the residential amenity of the adjoining dwelling house. As set out in paragraph 6 (above) the maximum height of the slide, from the ground level besides its foot is approximately 2.5 metres. This can be compared to the current height of the existing close-boarded fence that is currently 1.8m high. As can be seen from the photographs attached (see Figure 1), the views from the top of the slide stretch down the duration of the adjoining owner's garden, and to roofscape of the nearest residential property. However, it should be noted that the views, which can currently be gained from the slide do not show any windows of the nearest property.
18. In relation to the views shown in the photograph attached (see Figure 1), this is of the current situation, and does not show any addition to the close-boarded fence from 1.8m to 2.6m high, or show new hedgerow planting across the entire duration of the existing close boarded fence. However, it needs to be considered whether the extension of the existing close-boarded fence and hedgerow planting would be overbearing in terms of a change of height with the addition of a further 0.8 metres.
19. In addition, the applicants have proposed the hours of use (as shown in paragraph 8) of the slide to be 15 minutes in the morning and 30 minutes around mid-day. Although the duration of the periods of use seem minimal, this would largely be at the School's own goodwill, as any such condition limiting the hours of use would be difficult to enforce. It should also be noted that the District Council has raised concerns (see paragraph 11) regarding the unauthorised use of the slide outside school times which would cause additional nuisance to the immediate neighbours.

Landscape and hedgerow planting

20. The extension of a close-boarded fence and hedgerow planting from 1.8m to 2.6m high would, in my opinion, cause an additional amount of visual clutter for several adjoining residential properties. Given the current height of the existing fence of less than 2 metres, the current views along the boundary are relatively open, and therefore closing this in would, in my opinion, cause an overbearing and detrimental impact on the visual amenity of adjoining residential properties.
21. Whilst I recognise that the hedgerow planting would be extended to a similar height to which it currently is maintained at, given the length of time for this to establish and provide a substantial screening, I consider that in the short term the benefits of such planting would be very minimal in terms of lessening the impact of the slide on the amenity of the adjoining residential dwelling. Therefore, whilst I acknowledge that in future years the planting may prove to be helpful in lessening the visual and noise impacts of the slide, in the short term the planting would be inadequate.
22. In conclusion, whilst I acknowledge that the extension of the close-boarded fence to 2.6m high would provide a short-term answer to the screening of the view of the adjacent garden from the retrospective development, and that the planting may be useful in the longer-term, the short-term impact of the slide, given its close proximity to the boundary, would be detrimental to the amenity of the adjacent property.

Noise

23. Whilst I acknowledge the location of the retrospective development on the school playing field, I note that the development, by its very nature, would generate high concentrations of noise on the boundary with a residential property. However, given that

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the location of the earth mound and slide is at the end of the garden of the nearest property, and is furthest away from the residential house, I do not consider that the noise which would be generated from the slide would be sufficient to refuse this application on its own. Notwithstanding this point, I acknowledge the fact that the proposal would give rise to an increased level of noise on the boundary with a residential property.

Design of slide

24. The earth mound and slide is, in essence a mound of earth which has been piled up with a metal slide installed on one side, (see Figure 2). When considering the design of the retrospective development, and looking at ways to lessen the height and massing of the mound, there is a limited amount of work which can be undertaken to reduce the overall size of the structure, given the set distances between the top and bottom of the metal slide, and the gradient needed to achieve the slope.
25. Alternative positions were looked at, including turning the actual slide on the mound through 90° to the east (towards the playing field). However, when considering the overall impact of doing that, there would be little beneficial effect given that the top of the mound would have to remain at the same height to achieve the slope required to install the metal slide. Therefore, in terms of the views and concentration of activity at the top of the mound, the effects of turning the slide through 90° would only be very marginal.

Alternative sites

26. The applicants have claimed that alternative sites have been considered, but they claim to have no other alternative for the retrospective development. Although the grounds of the school appear extensive, the applicants claim that there would be no other suitable location for the relocation of the slide without impacting on sports provision, access to the field, or the existing drainage provisions. Accordingly, the applicants have not revised the application to re-locate the site elsewhere in school grounds.

**Conclusion**

27. In conclusion, it is unfortunate that the application that is to be determined is retrospective and was erected before the applicants realised the need to seek planning approval. I understand the intentions for the School wishing to retain the slide as a sporting activity for its pupils, and given that the applicants have claimed that there has always been a slide at the school site in the past. However, in balancing up the retrospective development's scale and massing, and proximity to a residential boundary, I have to consider the detrimental impact which I consider this development gives rise to. Whilst I acknowledge that the site chosen is within the school playing field, which in itself leads to a high level of noise generation, given the fact that the slide, by its very nature, would concentrate noise in close proximity to a boundary, I consider that the earth mound and slide leads to an overall detrimental impact on the adjoining property owners. I also acknowledge the proposed attempts to lessen the slide's impact on the adjoining properties through ancillary landscape and fencing works, however, it is my opinion that this would be overbearing and cause an increased amount of visual clutter in the wider landscape. Accordingly, I would recommend that the application be refused as being contrary to Policy QL1 of the Kent and Medway Structure Plan and Policies CF1 and DD1 of the Adopted Local Plan.

**Recommendation**

28. I RECOMMEND that PLANNING PERMISSION BE REFUSED on the following grounds:

## Item D6

### **Retrospective application for retention of earth mound and slide, Cartwright & Kelsey Primary School, Ash – DO/06/1424**

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- The earth mound and slide, along with the proposed ancillary works to include landscaping and fencing, due to its scale and massing, would have a detrimental impact on the adjoining residential properties, contrary to Policy QL1 of the Kent and Medway Structure Plan;
- The retrospective development would be detrimental to visual amenity, which would affect the neighbouring residents' enjoyment of their homes from an in-appropriately sited development in close proximity to their boundary, contrary to Policies CF1 & DD1 of the Adopted Local Plan.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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**Item D7****10 bay performing art and drama mobile classroom at The Bradbourne School, Sevenoaks - SE/06/2478**

A report by the Acting Head of Planning Applications Group to Planning Applications Committee on 13 February 2007.

Application by The Governors of The Bradbourne School and KCC Children, Families and Education for a 10 bay performing art and drama mobile classroom at The Bradbourne School, Bradbourne Vale Road, Sevenoaks, SE/06/2478.

Recommendation: Planning permission be refused.

Local Member(s): Mr N. Chard

**Classification:** Unrestricted

**Site**

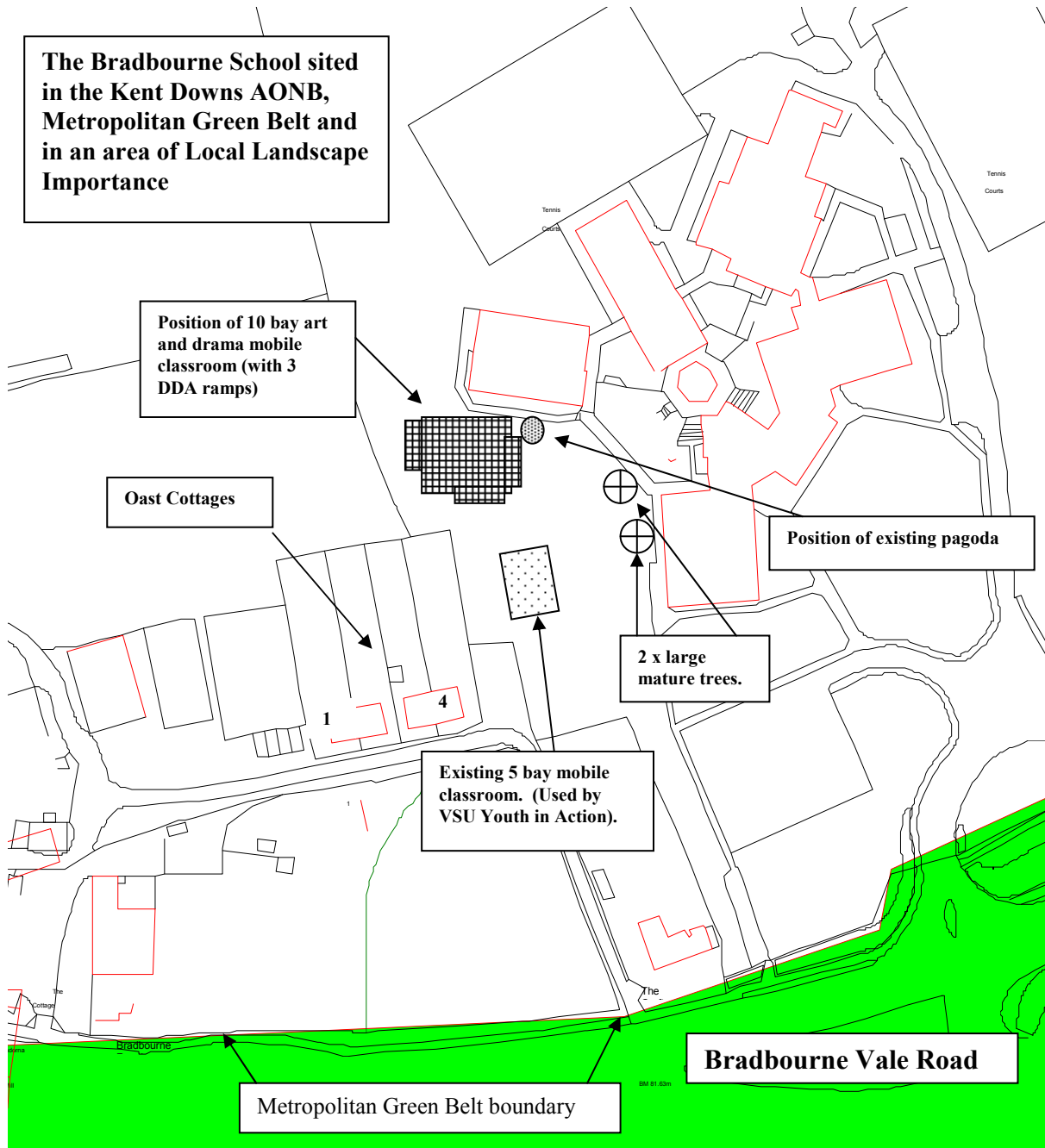
1. The Bradbourne School is located on the northern side of Bradbourne Vale Road, which acts as the boundary between the Sevenoaks Urban Area to the south and the Metropolitan Green Belt. The site is situated inside the Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty and is in an area of Local Landscape Importance. A site location plan is attached.

**Proposal**

2. The proposal is for a 10 bay mobile classroom to be used for the delivery of performing arts and drama. The Bradbourne School has over 800 pupils and specialises in the performing arts and drama but has a severe shortage of accommodation for this purpose. There is currently only one art and drama performance studio and one dance studio in the school. The existing multipurpose hall is used for exam and sports activity, so for much of the time is unavailable for use for arts and drama activities. It is the applicant's long-term intention for permanent accommodation to be built to cater for this need but this is not likely to reach fruition for some years. Therefore, temporary accommodation is proposed as the only short-term solution with the School seeking a temporary planning consent of 5 years.
3. The proposed site for the mobile classroom is in the south-west area of the school close to the boundary, adjacent to an existing single storey classroom and the main school buildings. The area of land where the mobile classroom is to be sited is currently a grassed area including two large mature trees, one pagoda and a number of picnic style tables and is currently used as a break time recreation area. It is also 10 metres from the boundary with residential properties.
4. The proposed mobile classroom is to be a single storey structure measuring 17.5m in length, 15m in width and 3.6m in height with a floorspace of 268 square metres. The exterior walls are to be finished in green (BS-14-C-39) with white PVC windows and timber doors. The proposed hours of use are 08:00 to 17:00 term time only. There is currently a 5 bay mobile unit close by which is used solely by VSU – Youth in Action.
5. The school roll would not increase as a result of this proposal and as such there would be no traffic implications as a consequence of the development.

# 10 bay performing arts & drama mobile classroom - SE/06/2478

## Site Location Plan

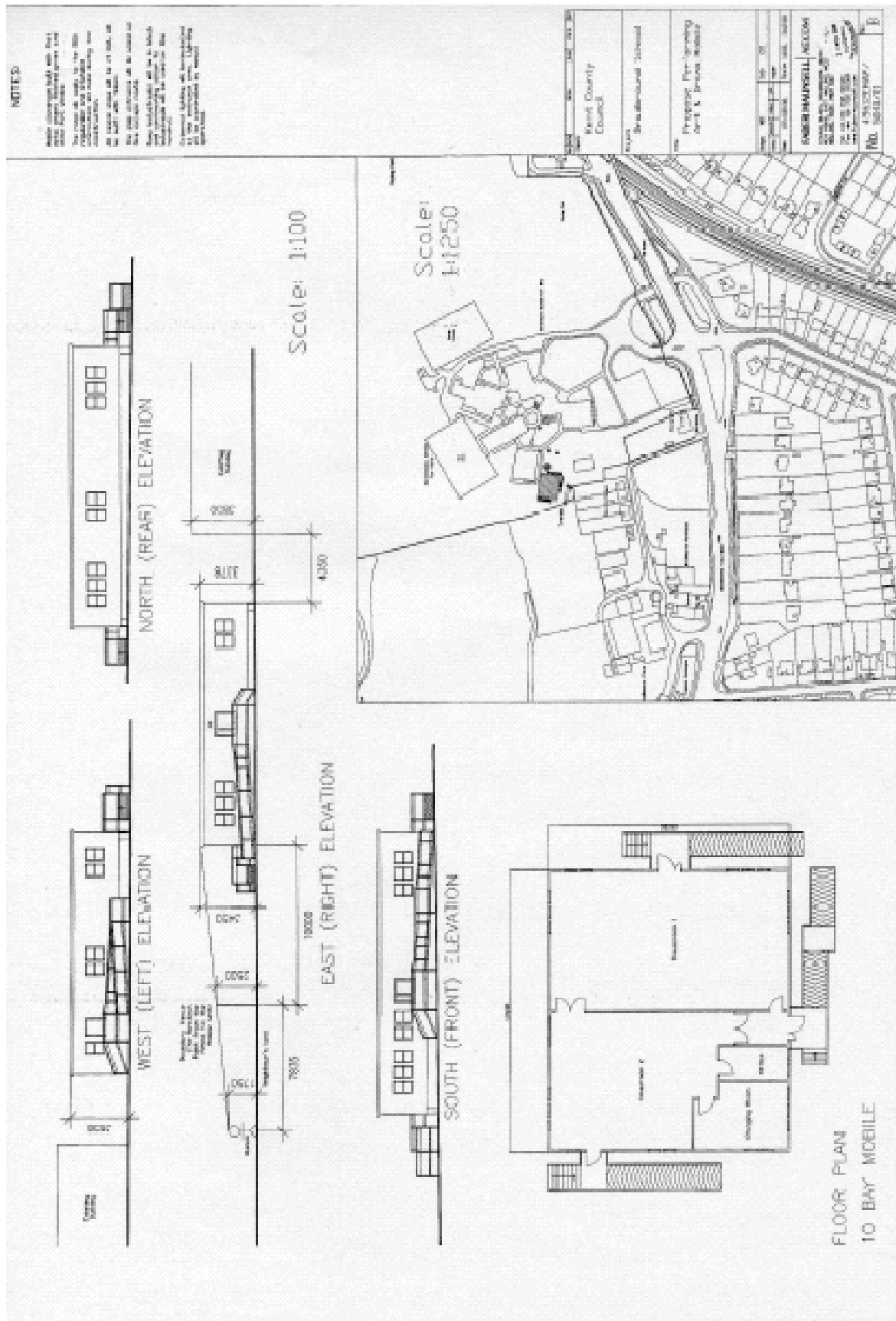


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**Planning Policy**

6. Planning Policy Guidance Note 2 (PPG2) set out the Government's policy guidance on Green Belt development, which local planning authorities must take into account when taking decisions on individual planning applications.
7. The key Development Plan Policies summarised below are relevant of consideration for the application

**(i) Kent & Medway Structure Plan 2006**

- |             |   |
|-------------|---|
| Policy SP1  | Conserving and enhancing Kent's environment and ensuring a sustainable pattern of development. Encouraging high quality development and innovative design.  |
| Policy EN4  | Protection will be given to the nationally important landscape of the Kent Downs Area of Outstanding Natural Beauty; the primary objective in this area will be to protect, conserve and enhance landscape character and natural beauty. Development, which would be detrimental to the natural beauty, quality and character of the landscape and quiet enjoyment of the area, will not be permitted. Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty. |
| Policy SS2  | Metropolitan Green Belt - Within the Green Belt there is a general presumption against inappropriate development, unless exceptionally justified by very special circumstances.   |
| Policy QL1  | Development should be well designed and respect its setting. Development that would be detrimental to the amenity of settlements will not be permitted.   |
| Policy QL11 | Existing community services and recreation facilities will be protected as long as there is a demonstrable need for them.   |
| Policy NR5  | The quality of Kent's environment will be conserved and enhanced. This will include the visual, ecological, geological, historic, <u>noise</u> and levels of tranquillity.  |

**(ii) The adopted 2000 Sevenoaks District Local Plan:**

- |            |  |
|------------|--|
| Policy EN1 | Proposed development does not have any adverse impact on the privacy and amenities of locality by reason of form, scale, height, outlook, <u>noise</u> or light intrusion. |
| Policy EN6 | Development, which would harm or detract from the landscape character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty will not be permitted.          |

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- Policy EN8      Proposals in Areas of Local Landscape Importance must not harm the local character of the area. Particular attention should be paid to the design, layout and landscaping of any development and to its boundaries with the open countryside.
- Policy GB2      Within the Green Belt there is a general presumption against inappropriate development.
- Policy GB4      Any development approved within or conspicuous from the Green Belt must be sited, designed and use materials that maintain the open character of the area, avoid detriment to visual amenity and minimise any potential harm.

**Consultations**

8.      **Sevenoaks District Council** – Raises no objections but would like to see additional screening built up around the boundary of the school, most notably the boundary with Oast Cottages.

**Sevenoaks Town Council** – No comments received to date. Consulted on 22 September 2006.

**Natural England** – No objections.

**Environment Agency** – No comments received to date. Consulted on 22 September 2006.

**Divisional Transport Manager** – No comments received to date. Consulted on 22 September 2006.

**Jacobs (Noise)** – Raises objection on the grounds that the structure, as described, is constructed of a steel frame, flat roof, flat metal sheet cladding with white PVC windows and timber doors and is insubstantial in acoustic terms and would need to be significantly enhanced in terms of mass specification to provide a reasonable level of sound proofing. Permanently sealing the fenestration on this façade and removing the door would not provide a sufficient degree of noise attenuation. The use of additional landscaping along the property boundary although desirable would not be significant in acoustic terms.

**Local Members**

9. The local County Member, Mr N. Chard, was notified on 22 September 2006 and has given his full support to the application.

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**Publicity**

10. The application was advertised in the Tonbridge News in Focus, by the posting of a site notice and the individual notification of 5 neighbouring residents.

**Representations**

11. One letter of representation has been received from a neighbouring resident. The main points include the following:

- High levels of noise disturbance caused by the congregation of students along property boundary.
- There are alternative areas within the school site, including a disused tennis court, which could be used for the development.
- Multiple applications received within the last year, all of which were proposed for the area of the school that borders residential properties.

**Discussion**

12. The main issues to consider arise as a result of the site's location within the Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty and the noise impact of the development on neighbouring residential properties. Whilst the provision for educational needs are acknowledged by Structure Plan Policy QL11, the proposal must also be considered against the relevant Development Plan Policies and policy guidance outlined in paragraphs 6 & 7 above. These policies, as well as presuming against inappropriate development within the Green Belt, afford long-term protection to the landscape over other considerations, with concern for the preservation and enhancement of the built environment and protection of local amenity.

Impact on the Green Belt

13. The whole school site is within the Metropolitan Green Belt and in the context of the relevant National Planning Policy guidance and Development Policies that apply, what is proposed is inappropriate development. It is therefore necessary to consider the impact of the development on the openness of the Green Belt and whether or not there are very special circumstances that warrant setting aside the general presumption against inappropriate development in the Green Belt.

14. Whilst the mobile classroom is proposed to be located on a grassed area, it is close to existing school buildings and contained within the developed part of the site and does not encroach onto the more open part of the school site to the north. The area is to some extent enclosed either by existing buildings or by fencing and boundary planting. Although it is double the size of a standard mobile classroom, the proposed unit would be relatively low in height and subservient to the main buildings. It also needs to be borne in mind that it is intended that it would only be temporary pending the provision of permanent accommodation. Taking account of the above factors, I do not consider that it would have a significant impact on the openness of the Green Belt.

**10 bay performing arts & drama mobile classroom -  
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15. The proposed mobile classroom has been put forward largely on the basis of curriculum needs arising from the school's specialist performing arts and drama status. The fact that facilities for teaching these subjects is currently inadequate, is cited in justification of the proposal by the applicants. In essence, I consider that taking account of the detailed siting considerations discussed above, that it is sufficient to demonstrate the very special circumstances for overriding Green Belt policy constraints in this particular case. I would not therefore raise an objection on the basis of the effects of the proposed development on the openness of the Green Belt subject to only being for a temporary period.

Impact on the Landscape and Local Amenity

16. Kent Structure Plan Policy EN4 seeks to protect and enhance the Kent Downs AONB. Priority is given to the conservation and enhancement of natural beauty over other planning considerations. This is also reflected in Policy EN6 of the Sevenoaks District Local Plan, which states that proposals can only be permitted if they conserve or enhance the natural beauty and special character of the landscape. Whilst all new development needs to accord with Development Plan Policies, I consider that the visual impact on the wider landscape is very limited due to its siting close to existing school buildings and by the screening already in place. Any impact would be further reduced by increased planting along the boundaries, which would be conditioned as part of any consent. An objection on landscape policy grounds would not therefore be warranted. The colour of the mobile classroom would be dark green, the same colour as the existing mobile classroom, which would help to further reduce any impact on the local amenity.
17. Members will note the objections received from an adjoining neighbour. These were drawn to the applicants' attention and the applicants' agent has responded as follows:
- The School does not allow pupils to congregate along the boundary with Oast Cottages. Pupils would have to remain on the school side of the proposed mobile classroom away from the site boundaries.
  - There is a large grassed area to the east of the school that was considered for the mobile classroom. However, the area is separated from the main school by the vehicle access to the car park and for health and safety reasons the school does not wish pupils to cross a main vehicle access.
  - The area directly north of the gardens of Oast Cottages and to the west of the existing school buildings was also considered but this area slopes away to the rear of the school and would result in poor security and visibility for the area, and although further away it would be directly in line with the rear of 4 Oast Cottages.
  - All windows overlooking the south-west boundary would have an opaque coating.
  - Further response from Bradbourne School is found in Appendix 1.

Noise Impact on the Local Amenity

18. The mobile classroom at its closest point to the boundary of 4 Oast Cottages would be between 10 and 14 metres. It is worth noting that at the closest point the boundary is already well screened by semi-mature trees and a 2.5m fence. The nearest façade of 4 Oast Cottages would be some 40 metres from the site of the mobile classroom.

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Physical constraints prevent the mobile classroom being moved immediately further to the north.

19. In light of the proposed use of the mobile classroom for dance and drama activities it was necessary to seek advice from Jacobs Noise consultants. The nature of the activities involved require music to be played on a near continuous basis and even at low volume would be audible from outside of the mobile classroom due to its lack of soundproofing qualities. It is not only the music volume that would cause noise disturbance but a vibration and echo effect would be created by movement on the mobile classroom floor and added to by virtue of the floor being 1 metre above ground level.
20. It can be seen by the comments from Jacobs Noise in paragraph 7 that there are serious noise implications involved with the siting of the mobile classroom in this location. Given the structure of the mobile classroom is a steel frame, with flat roof and flat metal sheet cladding it is highly insubstantial in acoustic terms. In order to make the mobile classroom acoustically acceptable it would require substantial soundproofing to all walls and the roof, the removal of the access ramp to the boundary side and the permanent sealing of all windows along that edge of the classroom. It would then have to be proved that it is effective soundproofing by way of noise surveys. Estimates for such works show that the work would be prohibitively expensive for the School.
21. As a result of the noise implications, a new location for the mobile classroom was again explored with the aim of locating it to the rear or to the east of the school in an area that would not have noise implications on residential amenity. The School is fully aware of the reservations that I have on noise grounds, but decided not to pursue the possibility of another location any further, instead favouring the proposed location primarily as there are already electrical services in place in that position.

**Conclusion**

22. Although I do not consider that there would be a significant impact on the visual character of the Local Landscape Area and Area of Outstanding Natural Beauty, or on the openness of the Green Belt, I consider that there would be a significant impact in terms of noise on the residential amenity of Oast Cottages, which could not be satisfactorily mitigated. Under the circumstances, I recommend that permission be refused on the grounds of the noise impact that the proposal would have on the residential amenity of Oast Cottages and it is in contravention of Structure Plan Policy NR5 and Sevenoaks District Local Plan Policy EN1. The School has suggested some noise limitation measures that can be seen in Appendix 1, but I do not consider these to substantially reduce the noise impact on Oast Cottages, nor are they able to be effectively monitored or controlled by the School or the Planning Authority.

**10 bay performing arts & drama mobile classroom -  
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**Recommendation**

23.1 RECOMMEND that PLANNING PERMISSION BE REFUSED on the following grounds:-

- The development is contrary to Structure Plan Policies NR5 and Sevenoaks District Local Plan Policy EN1 given that the proposal would have a significant adverse impact on the privacy and amenity of Oast Cottages by reason of noise intrusion.

Case officer – Adam Tomaszewski	01622 696926
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Background documents - See section heading
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**10 bay performing arts & drama mobile classroom -  
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**Appendix 1 to Item D7**

Comments received from Bradbourne School in support of application.

**NOISE LIMITATION**

- The mobile will be used mainly as a drama/dance area. Action research into these subjects has shown that pupils who take part in performing arts have significantly improved their self esteem and their academic standards.
- The music will be used at a low volume in dance to allow the teacher to direct the pupils and discuss techniques over the music whilst dancing. As is currently the case, she would not be able to put the music up to a high volume and still be heard by the pupils
- The school has Arts Mark Gold and our renewed bid commented on the expansion of performing arts
- The head's office is currently located next to the auditorium where dance lessons and extended schools activities take place and she is not disturbed by the levels of noise emitting from the room
- Noise limiters can be used to control the sound to not exceed the lawful maximum
- If windows have to be opened, these could be the ones facing the Science block – this will then ensure that any music escaping from the room will be directed away from the cottages. Science teachers would also complain if the music were too loud! Curtains could be used to cover the windows to help rejoice noise levels
- We would welcome visits from the council to monitor noise levels
- There was a mobile previously, nearer to the boundary of the cottages, which was used for music teaching and extra curricular activities for a number of years. No complaints about noise were received, even although much of the music was amplified and drums were used
- Planning permission has previously been granted (circa 1994) for a community Music Block in the same area. Unfortunately this project did not go ahead due to lack of financial support. As far as we are aware, no objection was made to this plan at the time

**BENEFITS TO THE SCHOOL AND LOCAL COMMUNITY / PARTICIPATION IN DfES AND LSC INITIATIVES**

- The mobile could be used for community classes such as ballet; "Scamps"; Local primary school collaboration which is part of the extended schools and sports initiative programmes. As a pilot extended school, the school is already used widely for community use but more use can be made of it if the accommodation were to be further improved
- We have an auditorium which is used for dance but these classes have to be cancelled when exams take place and we cannot fulfil the national curriculum in dance or drama, due to the current situation of drama lessons being taught on the stage and behind the stage in the auditorium
- As part of the LSC initiatives and the DfES plans for 14-19 diplomas, we will be unable to fulfil our dance/drama/performing arts requirements and collaboration within the West Kent Federation without this vital accommodation
- The auditorium is an excellent space to accommodate Sevenoaks South Cluster based activities such as Cluster Inset, Healthy Schools Conferences, Emotional



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Intelligence and Personalising Learning Conferences. However, offers of this community space are limited at the moment due to its impact on teaching and learning in drama and dance. The mobile accommodation would enable more community use of the auditorium

- Local rural theatre groups use our auditorium in the evenings “Applause” is one of these companies
- We are asking only for a five year permission to be granted as we do hope to have a multi purpose hall built in the future

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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** - The deposited documents.

- AS/06/2303                      Retrospective application for addition of adjoined land within the operational area of the site for use as unloading bay for over height vehicles delivering to the Householders Waste Recycling Centre (under operational Health & Safety).  
Kent County Council Householders Waste Recycling Centre, Brunswick Road, Ashford
  
- AS/05/893/R2                      Details pursuant to condition (2) – To allow the placement of 2 additional Thetford Waste Compactors.  
Kent County Council Waste Recycling Centre, Brunswick Road, Ashford
  
- SE/06/3113                      Variation of conditions (29) and (30) of permission SE/98/234 to retain the Cowden exploration site, access and well head valve assembly, for a further two years.  
Cowden Exploration Site, Field No. 0002, Claydene Farm, Off Hartfield Road, Cowden
  
- DO/06/1273                      Modifications to existing access road with associated bollards and access gate, two new passing points along existing track and contractor's compound located on site of existing Waste Water Treatment Works.  
Eastry Wastewater Treatment Works, Felderland Lane, Eastry
  
- TM/06/3950                      Motor Control Centre Kiosk to house an electrical control panel, telemetry equipment and power distribution board. New stormwater outfall and headwall including anti-erosion rock filled gabion matting.  
Cannon Lane Combined Sewer Overflow, Cannon Lane, Tonbridge
  
- MA/06/2217                      Variation of conditions 1 and 2 of planning permission MA/04/1168/MR43 to renew the permission for a further period of 15 years.  
Babylon Tile Works, Babylon Lane, Hawkenbury, Tonbridge

**E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

Since the last meeting of the Committee, I have considered the following applications and - decided not to submit any strategic planning objections:-

**Background Documents** - The deposited documents.

MA/06/2266                      Formation of a new independent access to the existing disabled toilet facility separating the public toilet from the food kiosk entrance lobby. Public Conveniences, Cobtree Manor House, Forstal Road, Aylesford

**COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND  
DETAILS PURSUANT PERMITTED/APPROVED UNDER  
DELEGATED POWERS MEMBERS' INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** – The deposited documents.

DO/03/172/RVAR	Various reserved details, including details of structures, fencing, earthworks, lighting, signage, ditches, landscaping, drainage, water and wildlife monitoring, archaeology and construction. Proposed East Kent Access Scheme Phase 1C, Ramsgate Road to former Richborough Power Station, Sandwich
SH/05/1165/R3	Details pursuant – Landscaping scheme. School extensions. Hythe Community School, Cinque Ports Avenue, Hythe
SH/05/1165/R11/B	Amended details – External materials. School extensions. Hythe Community School, Cinque Ports Avenue, Hythe
DO/06/1470	New toilet block to north corner of building and new fencing along South East boundary adjoining Elms Vale Road to extension on previous permission ref: DO/05/488. The Harbour School, Elms Vale Road, Dover
SW/06/882	Demolition of leaning boundary wall to rear of library car park and replacement to match existing. Faversham Library, Newton Road, Faversham
SH/06/1502	Replacement mobile classroom. Brockhill Park School, Sandling Road, Saltwood, Hythe
TH/06/809/R2	Details of external materials – Material changes to elevations. Units 1 and 2 Enterprise Road, Westwood Industrial Estate, Margate
SW/06/1210	Erection of a two storey detached building comprising 7 supported apartments for people with learning difficulties with communal space together with access, car parking and landscaping. Land off Sumpter Way, Lower Road, Faversham
SH/06/1428	Extension of hours of use from 21:00 to 23:00 Monday to Friday and 23:30 on Saturdays and Bank Holidays. Sunday hours to remain as existing. Selsted Arts and Sports Community Hall, Selsted C of E Primary School, Stockham Lane, Selsted
SW/05/1143/R4	Archaeological Field Evaluation. Construction of new classrooms with associated facilities. Meadowfield School, Swanstree Avenue, Sittingbourne

SH/02/1261/R4	Details of a landscaping scheme for the Community Sports Hall. Selsted C of E Primary School, Stockham Lane, Selsted
TM/06/3682	New mathematics and geography building in the place of hut building (to be demolished), containing 12 classrooms and staff facilities. The Judd School, Brook Street, Tonbridge
CA/06/3/R3 & R4	Details of landscaping and details of external materials – New sports hall and specialist teaching classrooms. The Orchard School, Cambridge Road, Canterbury
CA/06/1307	New car parking scheme to annexe to sports hall – disabled parking, landscaping. St Anselm’s Catholic School, Old Dover Road, Canterbury
DA/06/1167	Demolition of existing buildings and erection of a detached two storey block of 40 extra care apartments for the elderly and a two storey block of 9 supported apartments for people with learning difficulties, with associated communal facilities together with car parking and landscaping. Stanley Morgan House, Shirehall Road, Dartford
TH/04/457/R	Amendments to the running track plan – additional two lanes. The Ramsgate School, Stirling Way, Ramsgate
DO/06/1453	Single storey extension to the South-East of the school. St. Margarets-at-Cliffe Primary School, Sea Street, St. Margarets-at-Cliffe, Dover
SW/06/995/R3	Reserved details – vehicle access barrier, lamp posts and bollards. The Oaks Infant School, Gore Court Road, Sittingbourne
CA/06/1101/R3	Reserved Details of foul and surface drainage. Erection of food technology block. Barton Court Grammar School, Longport, Canterbury
TM/06/3847	Permission for two metal storage containers and one office unit. The Judd School, Brook Street, Tonbridge
MA/06/2170	Extension to existing hall, erection of 2 classrooms with storage and sanitary accommodation to replace 2 existing mobile classrooms, alteration to changing rooms to accommodate new central corridor to new classroom wing and minor internal alterations to foyer. St. John’s C of E Primary School, Provender Way, Grove Green, Maidstone
DO/06/1454	Erection of CCTV camera on 6.5m pole at the front of the school. The Powell School, The Linces, Buckland Estate, Dover
CA/06/1395	Demolition of existing buildings and erection of a three-storey detached building (with a single storey element) comprising 7 supported apartments for people with learning difficulties with communal space with car parking and landscaping. Garage block off Brymore Road, Canterbury

SE/06/3206	Ground floor bathroom extension and additional first floor bedroom. Stable Cottage, Valence School, Westerham Road, Westerham
TM/06/4009	Construction of double garage. St Katherine's School, St Katherine's Lane, Snodland
DA/06/677/R4	Details of brick and roof tiles for store building. Dartford Grammar School for Girls, Roseberry Gardens, Dartford
SH/06/1666	Renewal of the temporary planning permission to allow the current opening hours of the leisure centre to continue. Pent Valley Leisure Centre, Pent Valley Technology College, Tile Kiln Lane, Folkestone
SH/06/1663	Two storey link block to provide staff room, access, stores, resources and two new classrooms and connect the existing Infant block to the existing Junior block and demolition of old existing glazed link. Folkestone St Mary's C of E (Aided) Primary School, Warren Road, Folkestone
DA/06/867/R	Minor amendments to the approved plans of planning permission DA/06/867 detailing changes to window arrangements. Wentworth Primary School, Wentworth Drive, Dartford
DA/06/867/R3	Details of external materials pursuant to condition (3) of planning permission DA/06/867 for an extension to form new conference room and office. Wentworth Primary School, Wentworth Drive, Dartford
DO/06/1499	3 weather shelters and an outdoor play area. St Martin's School, Markland Road, Dover
TW/07/45	To construct a single storey extension to accommodate new special needs room/ICT suite, corridor (link) with accessible toilet and meeting room. Langton Green Primary School, Lampington Row, Langton Green, Tunbridge Wells
MA/06/2252	Single storey extension to the rear entrance. Brunswick House Primary School, Leafy Lane, Maidstone

**E4**

**DETAILED SUBMISSIONS UNDER CHANNEL TUNNEL  
RAIL LINK ACT 1996**

Since the last meeting of the Committee, the following matters have been determined/responded to by me under delegated powers:-

**Background Documents** – The deposited documents.

None



**E5 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS**

**Background Documents –**

- *The deposited documents*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999*
- *DETR Circular 02/99 – Environmental Impact Assessment.*

(a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

None

(b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None

**E6 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS**

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

**Background Documents** -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None