

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

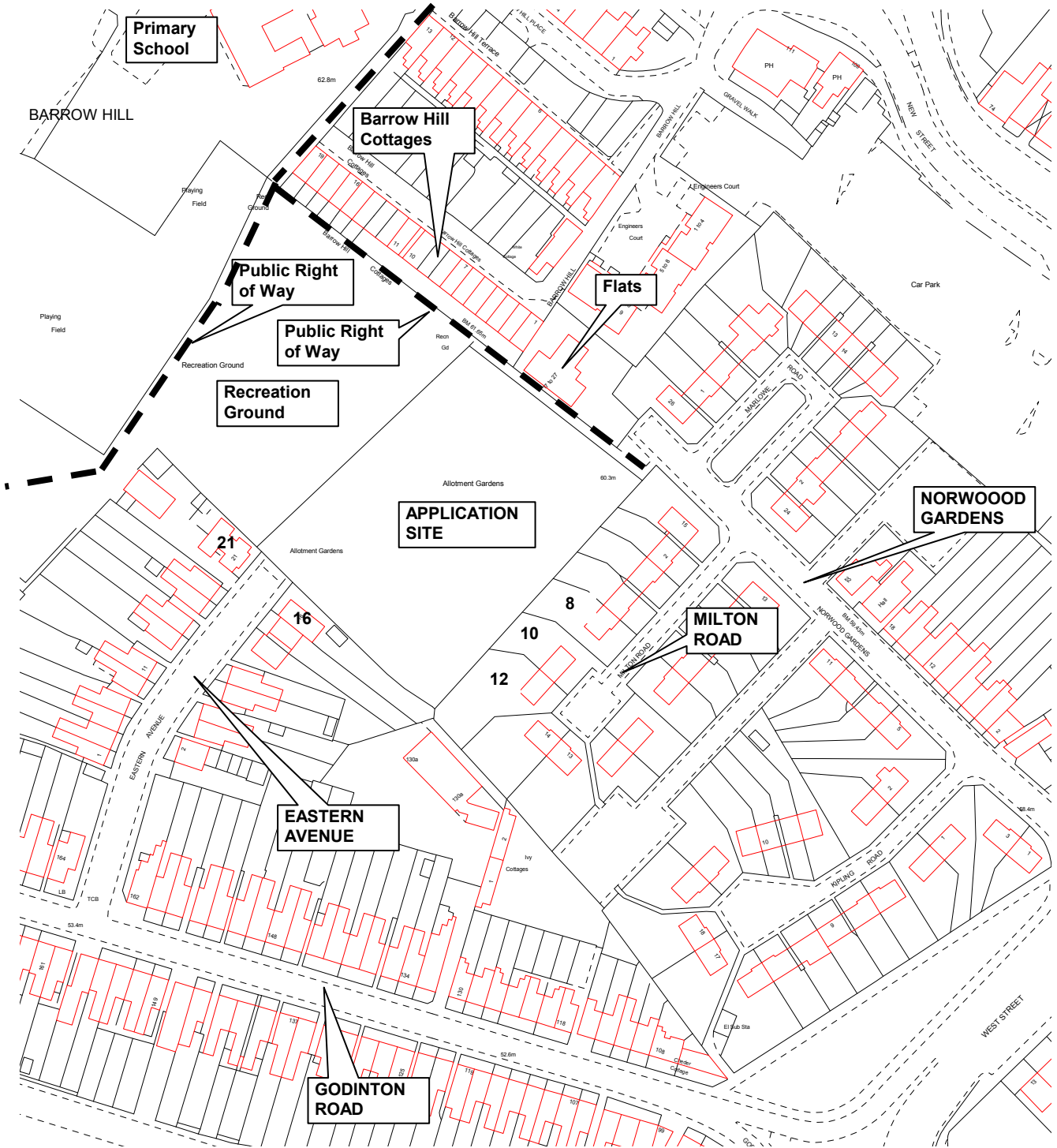
1. The application site, an area of about 0.44 hectares, site lies within the built confines of Ashford urban area and comprises disused allotment land owned by Ashford Borough Council located to the west of Ashford Town Centre. It is surrounded by housing that borders the site on three sides, and adjoins 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.

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SITE LOCATION PLAN

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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

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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

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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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- 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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