

**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

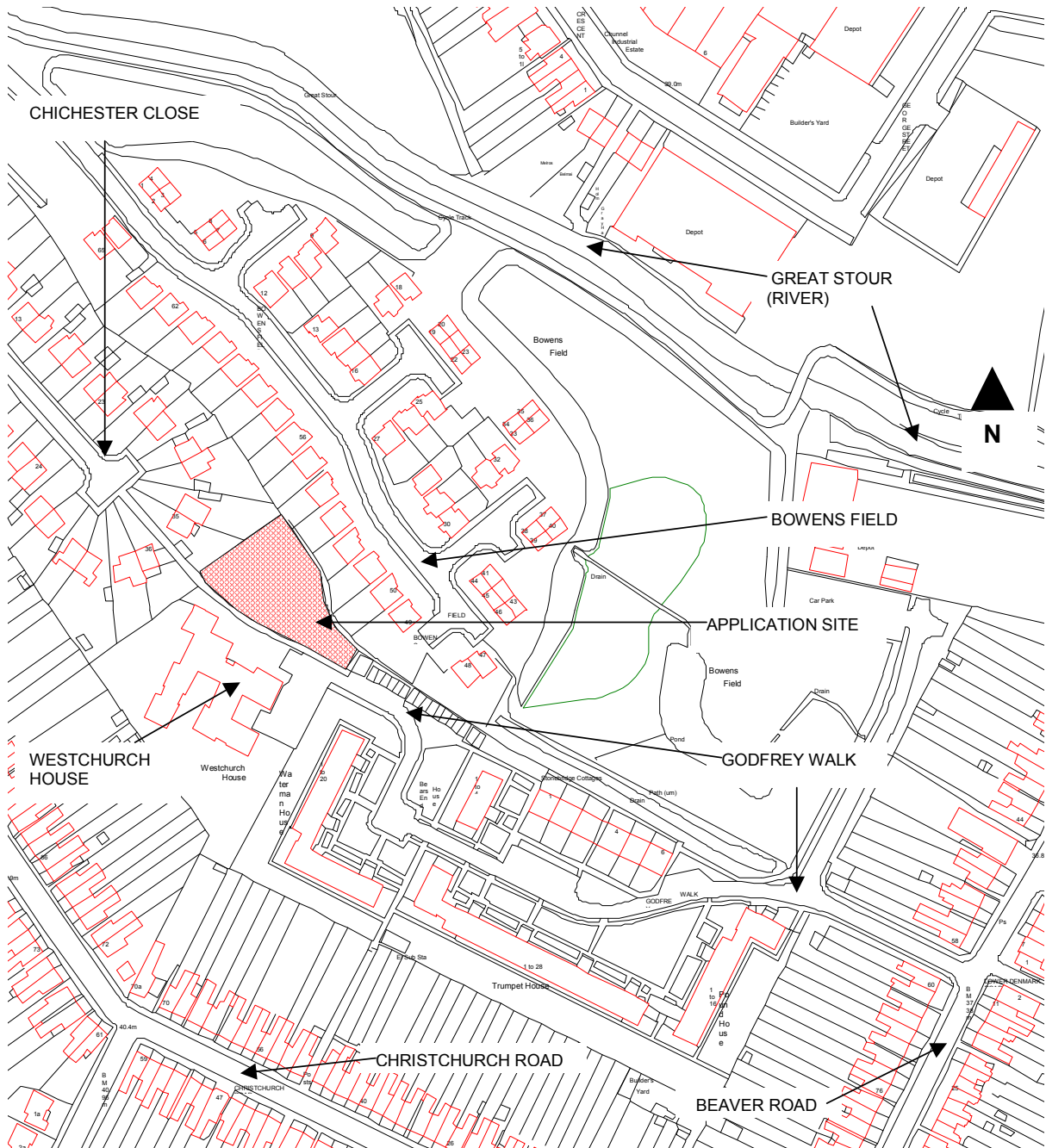
**Site**

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.

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**Site Location Plan**

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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**

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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:
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|-------------|--|
| 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;

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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

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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).

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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.



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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**

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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	01622 221068
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Background documents - See section heading
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