

**Demolition of existing care home, and construction of an extra care building containing 41 flats at Land at Little Hill, Tenterden – AS/13/1452 (KCC/AS/0379/2013)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9 April 2014.

Application by Galliford Try Investments Ltd and Kent County Council Adult Services for the demolition of an existing one and two storey care home with pitched roof and the construction of an extra care building of one, two and three storeys containing 41 flats and associated communal and community facilities, at Land at Little Hill, Wayside, St Michaels, Tenterden, Ashford – AS/13/1452 (KCC/AS/0203/2013)

Recommendation: Permission be granted, subject to conditions.

**Local Member: Mr Mike Hill OBE**

**Classification: Unrestricted**

**Site**

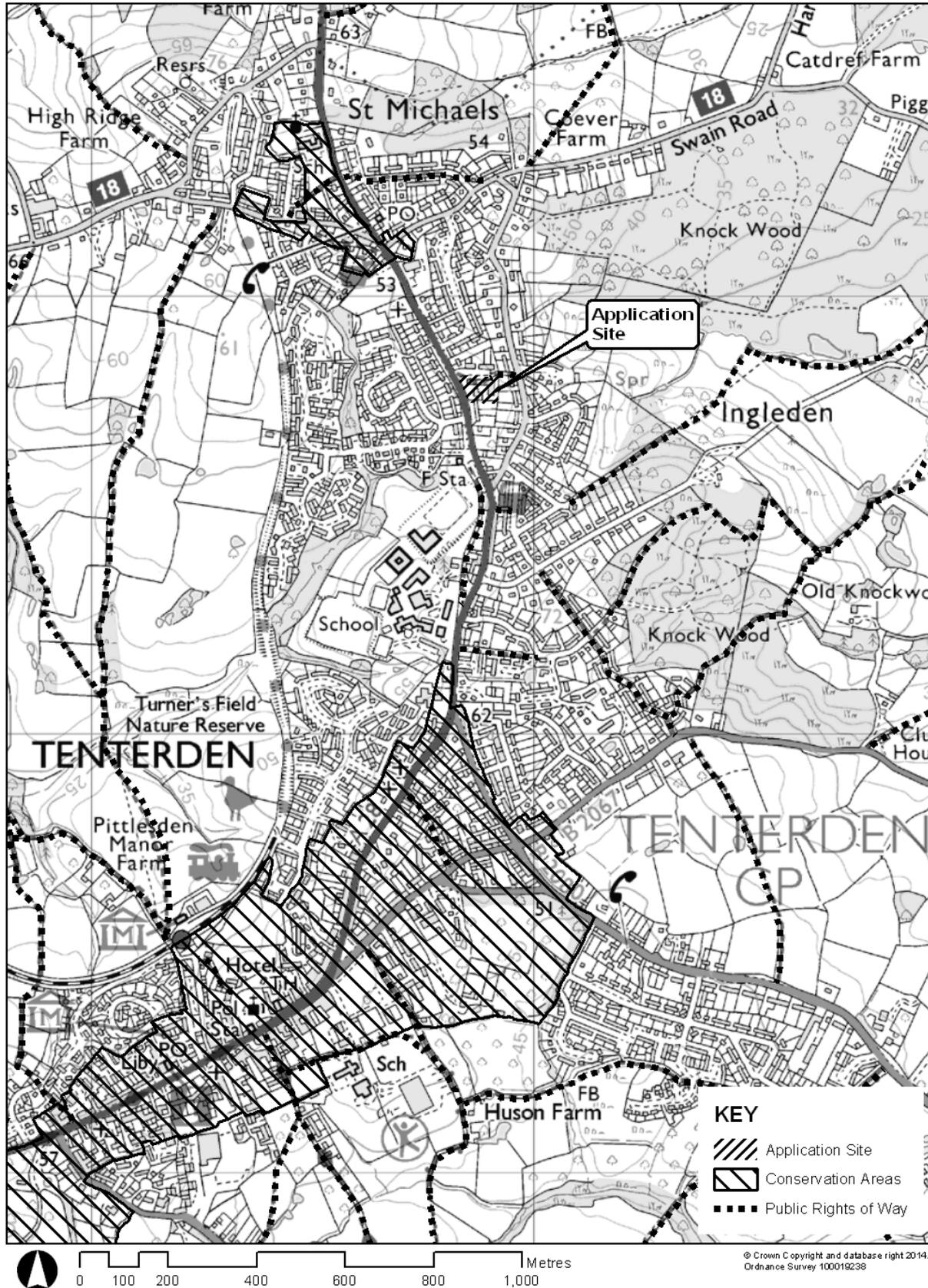
1. The application site is located within the built confines of St Michaels, a suburban satellite area to the north of the rural town of Tenterden. The application site lies to the east of Ashford Road, approximately a mile to the north of Tenterden High Street. The 0.5 hectare site, which is largely in the ownership of Ashford Borough Council, contains vacant buildings which, in the recent past, provided accommodation for a residential care development for the elderly, known as Little Hill. The site currently comprises one and two storey buildings which provided 26 bedsits, 4 flats, 4 bungalows and a three bedroom house.
2. The application site is surrounded by a mix of residential housing, including two storey houses and bungalows. To the south of the site, properties in Henley View continue to follow the Ashford Road frontage, with the side elevation of number 6 Henley View, a converted bungalow with dormer windows at first floor level looking into the application site, adjoining the Little Hill site boundary. The eastern boundary of the application site adjoins the rear gardens of properties in Ox Lane, which are predominately single storey bungalows with some roof conversions. Due to changing levels across the application site and beyond, properties in Ox Lane are in an elevated position, and sit at a higher level than the existing buildings within Little Hill. To the direct north of the application site lies Wayside, a residential cul-de-sac. Access to the existing Little Hill development is gained from Wayside, and parking associated with the former care facility lies to the southern side of this road. To the northern side of this road lie a small number of residential properties which face the application site. The properties in Wayside are 1930s chalet style bungalows, with first floor dormer windows in the roof spaces.
3. A Public Right of Way also runs along the northern site boundary, linking Wayside with Ox Lane. To the west of the application site, lies Ashford Road, with an existing hedgerow and footpaths along Ashford Road providing a degree of separation. Properties to the far side of Ashford Road are two storeys but sit at a lower level than the road, and are separated from the road by front gardens and landscaped verge. The site levels change across the site, in general rising from west to east. There are several trees on site, most noticeably willows to the Ashford Road side of the site, and a mature oak to the eastern boundary.

*A site location plan is attached.*

# Item D3

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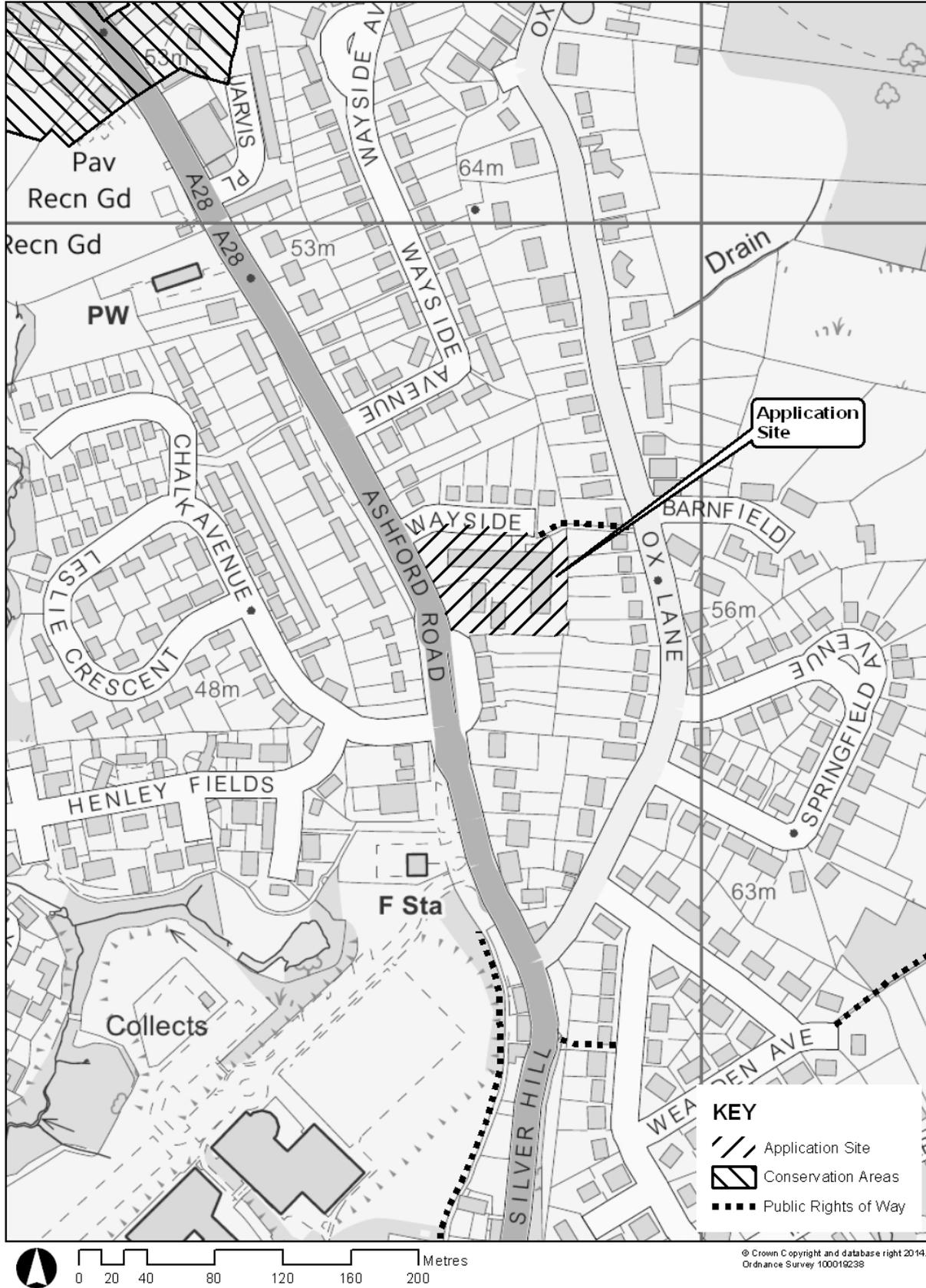
### Wider site location plan



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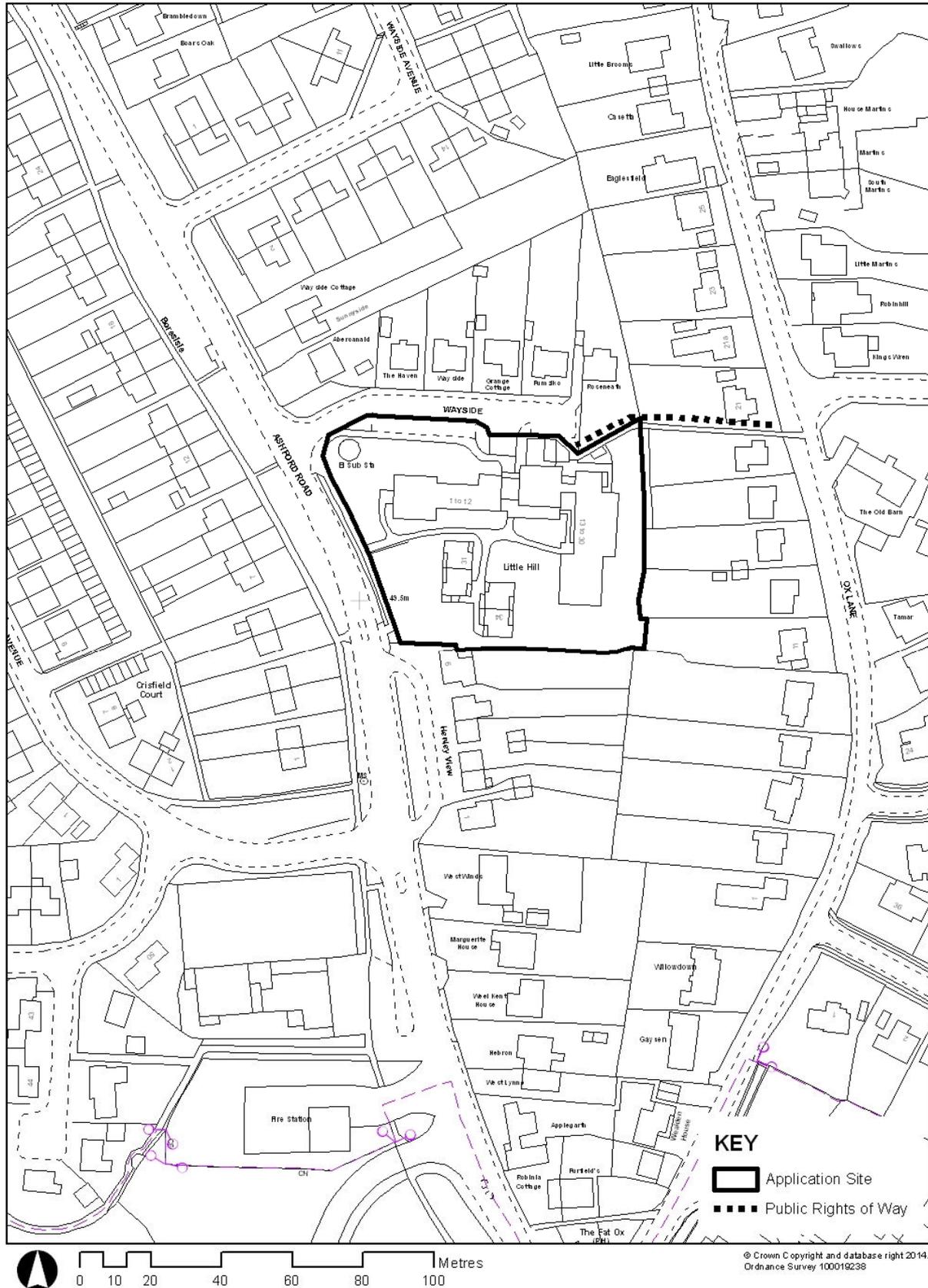
### Site location plan



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Site plan showing layout of existing buildings



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#### **Background/Relevant Planning History**

4. The redevelopment of this site is proposed by Kent County Council, as part of the Excellent Homes for All Programme, where the County Council is working with partners to provide supported housing. Across the county, the County Council's partners are Ashford Borough Council, Dartford Borough Council, Dover District Council, Thanet District Council and Tunbridge Wells Borough Council. Little Hill (the application site) is one of seven sites throughout Kent which have been identified to provide adequate housing as a priority, both within Local Housing and Social Services strategies. Kent County Council Adult Services submitted seven planning applications for the redevelopment of the various sites to the County Planning Authority at the end of 2013.
5. A previous outline planning application for the redevelopment of the Little Hill site for this proposed use was submitted in 2009. That outline application was also part of a county wide Extra Care Housing scheme, and six of the applications referred to above are on sites which were subject to previous outline applications. The outline application at Little Hill (AS/09/259) was considered by Members of the Planning Applications Committee on the 6 October 2009, and outline planning permission was subsequently granted. That permission expired in October 2012.
6. The outline planning application reserved out full details of appearance, scale and landscaping for later consideration, but approved the principle of replacing the existing accommodation on site with a two and three storey building containing 41 apartments and communal spaces. Although an outline application, the proposed layout of the site was submitted for consideration and subsequently approved. The application before us today, however, is not a reserved matter related to the outline consent (expired), but is a full detailed planning application to be considered afresh, although the existence of the earlier outline consent remains a material consideration. Moreover, the applicant has proposed a building with a broadly similar footprint to that previously approved and the same number of apartments.
7. This application (AS/13/1452) was submitted in December 2013, and has subsequently met with significant objection on several grounds, but primarily massing and design. Following discussions between the applicant, the County Planning Authority and the Borough Council, the applicant has since made adjustments to the design of the building in an effort to break up the massing, and address the points of objection raised. It is the revised design that will be discussed throughout this report, although the scheme as first submitted will be referred back to where necessary to demonstrate how the scheme has evolved. The following section will set out the scheme as now proposed.

#### **Proposal**

8. This application has been submitted by Galliford Try Investments Ltd and Kent County Council Adult Services and seeks full planning permission for the demolition of the existing one and two storey care home with pitched roof, and the construction of an extra care building of one, two and three storeys, containing 41 flats and associated communal and community facilities. The applicant advises that the new accommodation is required in response to changing social needs. The aim for The Excellent Homes for All Programme is to provide elderly people with extra care, as their needs require, while allowing independent living in apartments providing a mix of living accommodation with full facilities. Apartments would be self-contained and designed to avoid an institutional appearance.

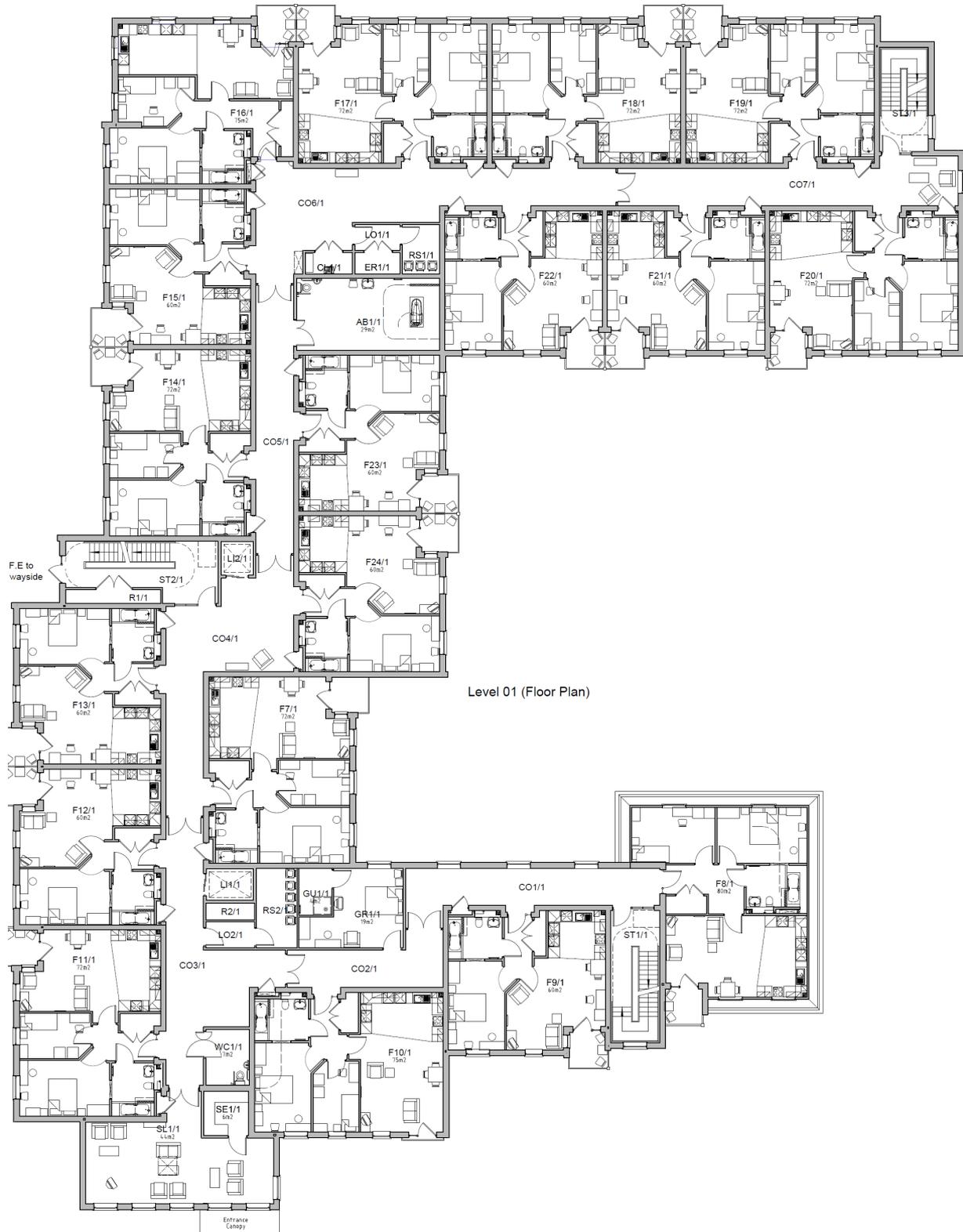




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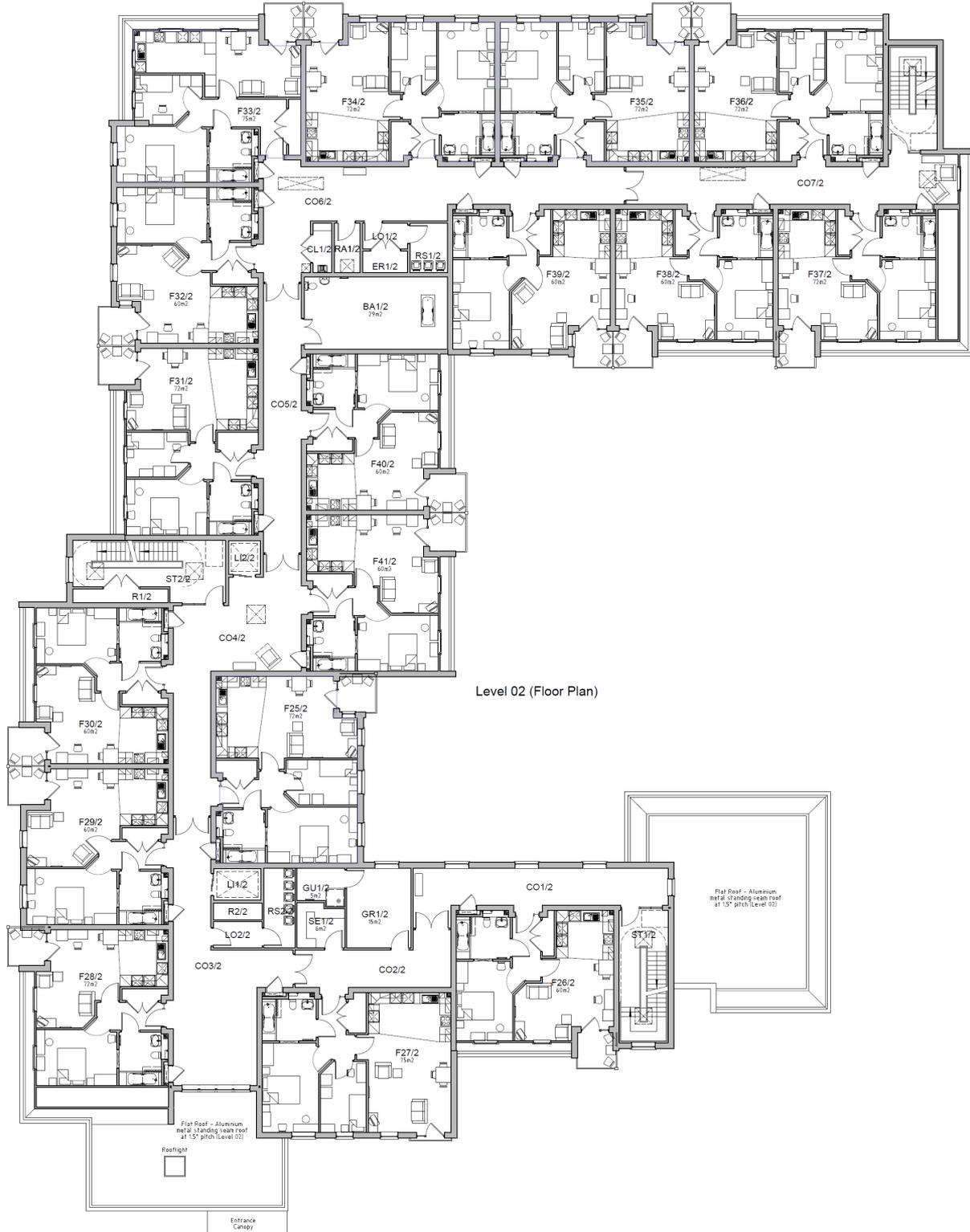
### First floor plan



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### Second Floor



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### Proposed elevations as amended



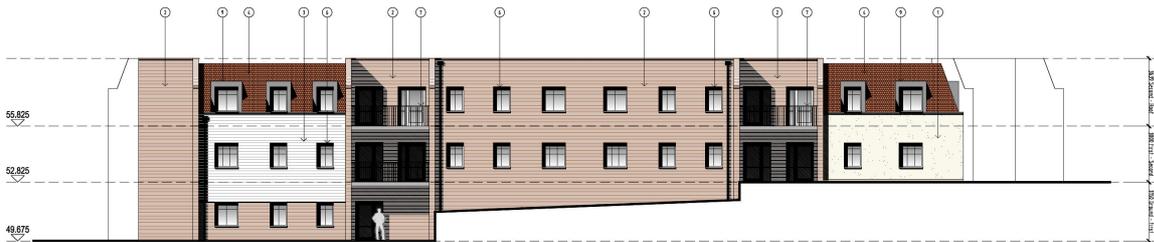
West Elevation A

Front elevation facing Ashford Road



North Elevation B

Elevation facing Wayside



East Elevation C

Elevation facing boundary with properties in Ox Lane



South Elevation D

Elevation facing boundary with 6 Henley View



Internal East Elevation F



Internal West Elevation E

Internal elevations facing east and west respectively – part of west would be seen from Ashford Road

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Typical elevation details and materials as proposed



#### KEY TO PROPOSED MATERIALS

1. Through coloured render wall finish.
2. Fair faced brickwork to incorporate 3no. bat bricks as recommended (and to be located) by KB Ecology Version 2: Scoping Report.
3. Horizontal timber boarding.
4. Clay plain roof tiles.
5. Slate.
6. Aluminium composite casement window and door units in.
7. Galvanised balcony structure
8. Steel Frame Glazed four post entrance canopy.
9. GRP dormer windows to Mansard roof structure.

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Typical elevation details and materials as proposed



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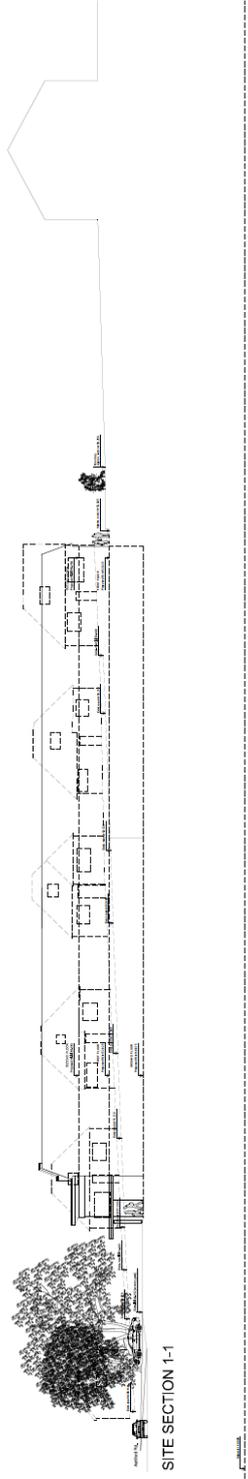
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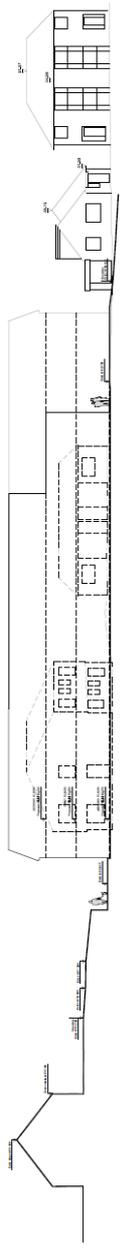
Site sections – see next drawing for site section positions

THE DRAWING HAS BEEN PRODUCED BY ELECTRONIC MEANS. SHOULD THE SCALE DIMENSIONS BE TAKEN BY MEANS OTHER THAN ELECTRONIC MEANS, THE FOLLOWING NOTES APPLY:  
 1. DIMENSIONS SHOWN ON THIS DRAWING TAKE PRECEDENCE OVER DIMENSIONS TAKEN FROM ANY OTHER DRAWING.  
 2. DIMENSIONS SHOWN ON THIS DRAWING TAKE PRECEDENCE OVER DIMENSIONS TAKEN FROM ANY OTHER DRAWING.  
 3. DIMENSIONS SHOWN ON THIS DRAWING TAKE PRECEDENCE OVER DIMENSIONS TAKEN FROM ANY OTHER DRAWING.

**A1 SHEET**  
 GROUP WORKSHEET  
 Planning Application 13/1452 - Planning



SITE SECTION 1-1



SITE SECTION 2-2

**PRELIMINARY**

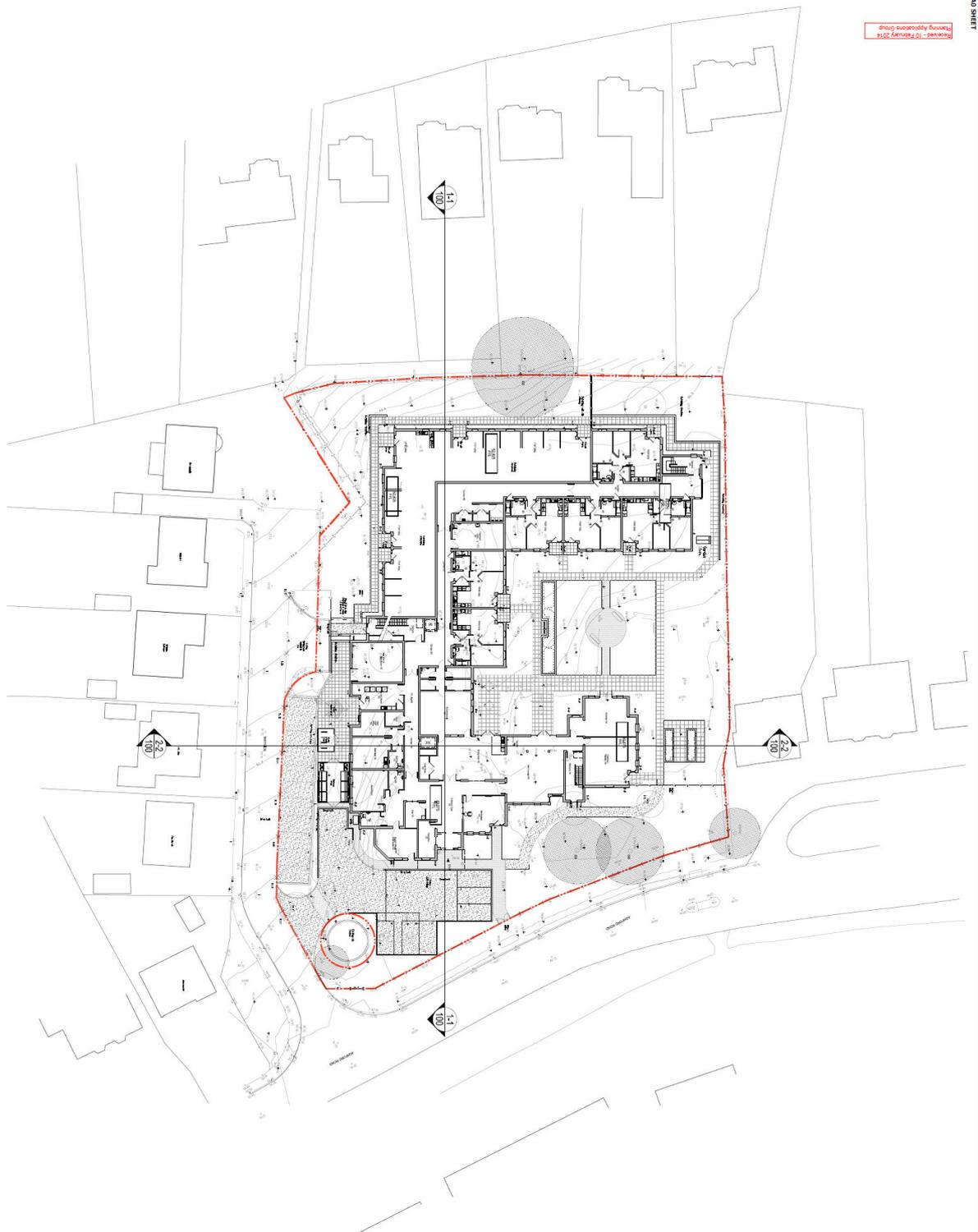
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Project No: KJ3-0871  
 Drawing No: 03/1311  
 Date: 13/08/13  
 Drawn By: GJP  
 Checked By: GJP  
 Project Name: 41 Extra Care Flats  
 Client: KCC

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### Site section positions



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9. A total of 41 apartments are proposed, 20 one bedroom and 21 two bedroom, in addition to communal facilities such as a lounge, dining room, kitchen, laundry, gym and staff facilities. The proposed accommodation would be spread across one 'L' shaped building, part one and two, but mainly three storeys in height. The applicant advises that the layout of the built form on site is 'generally in accordance with the 2009 outline permission'. In addition, in order to contain the proposed building within the height restrictions of the outline permission on the northern side of the site (not to exceed the ridge height of properties in Wayside), the proposed development would be part two and part three storeys in height, with the ground floor being largely concealed by the lowered site level, whilst the second floor would be accommodated within the mansard roof design form. The proposal would therefore appear as predominately two storeys in height when viewed from the north (Wayside) and from the east (Ox Lane).
10. The main frontage of the building would face Ashford Road, with the building entrance located at the northern end of the western elevation. This wing of the building would be three storeys in height, reducing to two storeys at the southern end.
11. The applicant advises that the design of the proposed building seeks to use materials which are found in the local area in a modern way, providing a new building with its own identity. In particular, the design employs weather boarding, light coloured render and red brickwork, all common with materials to be found in the town centre. The façade features apartments with private balconies accessed through a door from the main living room. The front façade has been stepped and articulated in height in order to reduce the perceived scale of the development. The detail of the design and the materials proposed is shown clearly in the drawings on pages 10 – 13.
12. Externally, the grounds would accommodate amenity space and gardens specifically designed for the user group. The willow trees to the Ashford Road frontage would be retained, as would the veteran oak to the rear of the site. Additional tree planting is also proposed as part of the wider hard and soft landscaping proposals.
13. A new vehicular access to the site is proposed, accessed via the Ashford Road end of Wayside. 17 car parking spaces are proposed, including two disabled spaces and four spaces opposite the main building entrance and 11 spaces on the southern side of Wayside (as existing). A drop off point and turning area would be provided adjacent to the building entrance, and there is space within the site for an ambulance/minibus to stop, as well as for access and manoeuvring for a refuse vehicle. Access for deliveries for the kitchen and boiler fuels etc would be via Wayside, at first floor level via a fire escape.
14. The development has been designed to meet Code for Sustainable Homes Level 3. As such, the building has been assessed on 9 levels, including energy, water, materials, surface water, waste, pollution and ecology. Building orientation, building envelope design, insulation, air tightness and low energy lighting and appliances have all been considered and incorporated into the design.

*The application is accompanied by a Design & Access Statement, Pre-development Tree Survey, Ecological Study, Verification of 2010 Phase 1 Habitat Survey, Historic Environmental Desk Based Assessment, Archaeological Evaluation, Energy Strategy and a Phase 1 Environmental Risk Assessment.*

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#### **Planning Policy**

15. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:

- (i) **National Planning Policy Framework (NPPF)** March 2012, sets out the Government's planning policy guidance for England at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning application but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- the delivery of a wide choice of high quality homes to meet current and future needs of different groups in the community, including older people with provision reflecting local demand in terms of size, type, tenure and range of housing.
- achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- development being located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and
- safe and suitable access to the site can be achieved for all people;

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

**Policy GP10** Seeks to conserve and enhance Tenterden's special character by restricting development to sites identified in the Plan, redevelopment or minor development such as infilling and assessing all proposals in terms of the impact that the development would have on the town's special character and its setting.

- (iii) The adopted **Ashford Borough Local Development Framework Core Strategy 2008:**

**Policy CS1** States that sustainable developments and high quality design are at the centre of the approach to deciding planning applications, and sets out the key planning objectives which will apply, including, amongst other things: protecting the high quality built and natural environment, respect for site context, design and construction

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standards that work towards achieving zero carbon developments, the best use of previously developed land, the timely provision of community services, and developments that are designed to mitigate and adapt to the effects of climate change.

**Policy CS8** Sets out requirements for contributions towards funding infrastructure and community facilities.

**Policy CS9** Development proposals must be of high quality design and address issues such as character, distinctiveness, sense of place, permeability, ease of movement, legibility, mixed use and diversity, continuity and enclosure, quality of public spaces, flexibility, adaptability and liveability, richness in detail and efficient use of natural resources.

**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 CS13** Sets out the requirement of a range of dwelling types and sizes.

**Policy CS18** Sets out requirements for infrastructure and community facilities should be provided.

**Policy CS20** All developments should include appropriate sustainable drainage systems for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality.

(iv) The adopted **Tenterden and Rural Sites Development Plan Document 2010**

**Policy TRS 19** Sets out requirements for infrastructure and community facilities.

(v) **Supplementary Planning Guidance** includes the following documents:

**Sustainable Design and Construction** Supplementary Planning Document (SPD) sets out guidance on the measures and opportunities available to developers and householders to integrate sustainability into their development. It includes, amongst other things, guidance for those developments required to comply with Policy CS10.

**Sustainable Drainage** SPD sets out how developers can meet the requirement of Policy CS20 of the adopted Core Strategy.

**Residential Parking and Design Guidance** SPD brings together proposed residential parking standards and 'good practice' on residential parking tailored to the development scenarios likely to be faced in the differing contexts across the borough.

**Residential Space and Layout** SPD sets out in detail the Borough Council's minimum standards for living space and layout for both privately and publicly funded residential developments in order to comply with Policy CS9 (Design Quality) of the Core Strategy.

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**Public Green Spaces and Water Environment** SPD provides further detail about how national and local planning policies will be applied in protecting, improving and adding to public green spaces and the water environment throughout the Borough.

#### **Consultations**

16. **Ashford Borough Council's** comment as follows on the application as originally submitted:

"A. Strongly supports the principle of providing supported housing for the elderly on this site, but,

B. Raises strong objection to the current proposals for the following reasons:

The development is contrary to policies GP10 of the Ashford Borough Local Plan 2000, CS1 and CS9 of the Core Strategy 2008 as

- i. the design, massing and external appearance are inappropriate for the site and will be highly detrimental to the character of the area and the entrance to Tenterden;
- ii. The level of car parking provided is woefully inadequate and likely to lead to parking on surrounding streets to the inconvenience of local residents and other road users; and
- iii. The development is likely to lead to a significant degree of overlooking of Henley View to the south of the site from first floor windows.

C. In determining the application the County Council's Planning Committee is requested to ensure that:

- i. The development adheres to the relevant standards set out in the adopted, Sustainable Design and Construction SPD, Sustainable Drainage (SuDs) SPD, Residential Space & Layout SPD and Public Green Spaces and Water Environment SPD.
- ii. The existing pavement across the western frontage of the site is retained and maintained available for use both during any construction period and subsequently.
- iii. The existing trees shown to be retained are adequately protected during any construction period.

D. Confirms that the sketch design provided informally to the Development Control Manager by Calford Seadon on 17 February 2014 [not the scheme before you for consideration] are a step in the right direction in terms of improving the design but the building will still appear out of scale with its surroundings and will not adequately reflect the context of the site.

E. The Committee authorises the Development Control Manager to respond to any further consultations received from the County Council in consultation with the Ward Member and adjoining Ward Member to the south, to ensure the Council's views are available to the County Council when a decision on the application is made."

## Item D3

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#### Views on the amended design are as follows:

“This Council strongly supports the principle of providing supported housing for the elderly on this site in a suitably sized and design building. It remains fundamentally opposed to the scheme because of the amount of development proposed on this site, the poor quality and unsympathetic architecture which pays little or no notice to the context of the site and the inadequate levels of parking.

The Council is also concerned and disappointed that one of the large willow trees at the front of the site, which is shown to be retained, has already been felled.

Ashford Borough Council raises strong objection to the proposals for the following reasons:

The development is contrary to policies GP10 of the Ashford Borough Local Plan 2000, CS1 and CS9 of the Core Strategy 2008 as

- a. the design, massing and external appearance are inappropriate for the site and will be highly detrimental to the character of the area and the entrance to Tenterden; and
- b. The level of car parking provided is woefully inadequate and likely to lead to parking on surrounding streets to the inconvenience of local residents and other road users;

In determining the application of the county council's planning committee is requested to ensure that:

- a. The development adheres to the relevant standards set out in the adopted, Sustainable Design and Construction SPD, Sustainable Drainage (SuDs) SPD, Residential Space & Layout SPD and Public Green Spaces and Water Environment SPD.
- b. The existing pavement across the western frontage of the site is retained and maintained available for use both during any construction period and subsequently.
- c. The existing trees shown to be retained are adequately protected during any construction period and a suitable large tree is planted on the frontage to replace the willow which has already been felled, even though it is shown as being retained on the site plans.

The previous objection to the scheme resulting from the overlooking from flat 37 is withdrawn and I am grateful that you are able to negotiate the offending windows out of the scheme.

Could you please ensure that this letter is attached in full to your report to the County Council Planning Committee so that your members are fully aware of the significant objections raised by this Council to this particular development.”

**Tenterden Town Council** objects to the application [as originally made] on the on the grounds that;

- (a) The scale of the building would represent overdevelopment of the site.
- (b) The scale of the building would be overbearing to adjacent properties.
- (c) The proposal does not sufficiently take into account the slope of the land.

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- (d) The planned parking provision is wholly inadequate.
- (e) Traffic flow in the surrounding area would be adversely affected.
- (f) There does not appear to be sufficient space for service vehicles to attend the site.

#### Views on the amended design are as follows:

The Town Council objects to the application on the on the grounds that the proposed building;

- (a) would be overbearing.
- (b) lacks architectural integrity.
- (c) does not appear to be financially viable.

**Kent County Council Highways and Transportation** raise no objection to the application subject to the following conditions being attached to any planning permission granted:

- 1) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- 2) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- 3) Provision of measures to prevent the discharge of surface water from the private parking area onto the highway.
- 4) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- 5) Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the occupation of the building hereby permitted.
- 6) Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the occupation of the building hereby permitted.
- 7) Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the occupation of the building hereby permitted.
- 8) Completion and maintenance of the access shown on the submitted plans prior to the occupation of the building hereby permitted.

It is further noted that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation in order to obtain the necessary Application Pack.

Kent County Council Highways and Transportation also confirm that the provision of 17 car parking spaces for the 41 extra care apartments is adequate. The nature of extra care schemes is such that residents have to be assessed to be suitable to live in a scheme such as this and therefore have a care need. Car ownership levels of extra care sites is low, with the highest car ownership levels of any scheme in Kent being 20% in information that has been supplied by Orbit South for extra care schemes in Kent. This would give demand for 8 car parking spaces if the parking demand for Little Hill was 20%. The applicants state that there will be a maximum of 4 staff at the site which would give a total demand of 12 car parking spaces for both residents and staff. There is therefore a total of 5

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car parking spaces for visitors to the site which is adequate in the opinion of the Highway Authority.

**The County Council's Biodiversity Officer** comments as follows:

Bats

"The bat survey was carried out in October which is outside of the optimum survey period for bats. While we are aware that common pipistrelle and brown long eared bats were recorded emerging from the building there is still a need for an additional survey to be carried out between May and August to establish if the building is being used as a maternity roost.

Ideally as detailed above, all surveys should be carried out prior to determination of the planning application to ensure that the mitigation detailed within the method statement is appropriate.

*Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System also states the following: The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.*

As such if Kent County Council are satisfied that there is exceptional circumstances and the additional survey can be conditioned we have the following comments to make:

We have reviewed the method statement and based on the current bat usage of the site we are satisfied with the proposed mitigation. However we would expect the method statement to be reviewed and if necessary updated once the additional survey has been carried out. We would expect the results of the emergence survey and details of changes to the mitigation strategy to be submitted for comments – this will need to be provided via a condition of planning permission.

*Apple Tree*

The apple tree to the SW of the site has suitable features to be used by roosting bats. It must be re-examined by an experienced ecologist prior to any works being carried out on it and it must be felled using a precautionary approach.

*Lighting*

Lighting can be detrimental to roosting, foraging and commuting bats – the Enhancement and Ecological Management strategy has provided recommendations for the lighting for the sites which should be incorporated in to the lighting plan for the site. We also advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design.

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Breeding Birds

As there is suitable habitat for breeding birds within the proposed development site we recommend that the mitigation detailed within the *Mitigation, Enhancement and Ecological Management Strategy* must be implemented.

If it is not possible to remove the vegetation prior to the bird breeding season (March – August inclusive) we recommend that an ecologist surveys the site prior to works starting and if any nesting birds are recorded all works must cease in that area until all the young have fledged.

Enhancements

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.

The Overall Mitigation, Enhancement and Ecological Management Strategy has provided details of ecological enhancements which will be incorporated in to the site. We are satisfied with these proposals and recommend that the enhancements detailed in the strategy are implemented as a condition of planning permission.”

**The County Council’s Landscape Officer** has no objection to the proposal, but considers that conditions should be imposed requiring the adequate protection of trees to be retained, during both demolition or construction works. Demolition should also be undertaken away from the tree T23, from within the existing buildings where possible. It is also recommended that the boundary treatments to the site are selected carefully to contribute positively to landscape character, local amenity and to benefit wildlife.

**The County Council’s Conservation Architect** comments as follows:

“Efforts have been made to mitigate the scale of the proposals with adjacent buildings. By grading the proposals into the site, which conveniently slopes to allow the additional floors to be partially concealed, I consider that the scale will now be acceptable. The revised design approach of visually breaking the elevation into individual buildings that respond to the town’s historic context will offer a significant development in the locality a strong identity. Combined with carefully selected materials the proposals will contribute to the residential context for this alternative form of residential accommodation.

I had hoped the proposals would be supported with street view renderings to illustrate how the proposals will be treated in terms of landscaping as I believe this will form an essential component of their success and will assist in determining the application. I am satisfied that the elevation treatment and composition is now correctly articulated and follows a design logic that responds to its context, giving regard to appropriate materials, and the purpose of the building.”

**Public Rights of Way** notes that public right of way AB25 passes through the North Eastern corner of the site. In order to ensure public safety during the development, it may be necessary to temporarily close the path. Temporary closures will be processed by Kent County Council on the basis that:

- the closure is paid for by the developer;
- the duration of the closure is kept to a minimum;

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- alternative routes are provided for the duration of the closure; and
- six weeks notice of the requirement of a closure is given by the developer.

In addition the applicant's attention is drawn to the following points;

- no furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
- there must be no disturbance to the surface of the right of way, or obstruction of its use, either during or following any approved development;
- no hedging or shrubs should be planted with 1 metre of the edge of the public path.

The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the highway Authority.

**Environment Agency** raises no objection to the application but provides general advice with regard to pollution prevention, water conservation and construction/demolition waste.

**The County Archaeologist** no comments received to date.

#### **Local Member**

17. The local County Member, Mr Mike Hill OBE, was notified of the original application on the 20 December 2014, and notified of the modified design submission on the 5 March 2014.

#### **Publicity**

18. The original application was publicised by an advertisement in a local newspaper, the posting of 3 site notices and the individual notification of 48 neighbouring residential properties. All those originally consulted, and all those who made representations on the original submission were notified of the modified design submission on the 5 March 2014.

#### **Representations**

19. 66 letters of representation on the original application have been received as a result of publicity, including from the Weald of Kent Preservation Society (WKPS). In addition, a further 60 letters of representation (ie, from the same addresses) have been received following further notification on the design modifications. These letters of representation include 59 standard letters endorsing the views of the Wayside Residents' Association following the initial consultation, and a further 56 standard letters following further notification on design modifications, and include responses from those residents adjoining the application site as well as from many who live more distant from the site.

A summary of the main planning issues raised/points of objection is set out below:

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#### *Initial proposals*

##### Scale/Massing/Design

- Since the redevelopment would be 3 storeys, and the existing surrounding buildings are predominantly bungalows, it would be completely out of sympathy and character with the area;
- The two storey development as already in place is perfectly fine;
- 41 flats on this small site would swamp the site and not be in keeping with the local environment;
- Although not against a care home facility in principle, WKPS strongly object on the grounds that the application has total disregard of surroundings and design, with the building dominating the local area, with bland design, institutional appearance and serious detriment to visual amenity for those living nearby. Moreover 41 flats with staffing, would create major parking and traffic problems, detrimentally to the village;
- There are no other buildings in St. Michaels above two storeys and the design endeavours to cram in as much as the site will allow without provision for green areas, urbanising this part of St. Michaels;
- The size of the proposed building is far too large for the site and would dominate surrounding properties cutting out light and spoiling views;
- Plant and services protrude above the Mansard roof line for a third of the elevation facing Wayside;
- Standing seam metal roofing is totally out of character with the traditionally tiled surroundings, and the large flat roof has awkward square raised structures;
- Glazed balustrade balconies are out of keeping with the local area;
- There are considerable differences from the outline scheme, including a Mansard roof as another floor;
- Its mass, size and impact on local residents is totally out of character and seeks to cram as many people on the site as possible, ruining the amenities of local residents;

##### Amenity Concerns

- Due to the height and mass of the redevelopment, existing adjoining properties would be overlooked with consequential loss of privacy and daylight;
- Our home would be overlooked from windows in the new building, and it would block the view from the rear of our property;
- Instead of buildings designed to blend into the local village environment, we will face a large three storey block with offices, plant and laundry rooms;
- South facing views from Wayside properties would be ruined by the sheer walls and Mansard roof of the proposed development;
- The amenities of neighbours are not being protected with regard to overlooking, parking, kitchen odours, refuse storage and light pollution;
- The refuse storage area would be in full view of Wayside residents, as would the proposed boiler room with associated noise and fumes, and access for delivery vehicles would cause considerable nuisance;

##### Highway/Access Matters

- Only 17 parking spaces are to be provided for the proposed residents, which is inadequate for the proposed 62 bedroom development, and would lead to additional on-street parking in Wayside and surrounding roads with consequent inconvenience to existing residents;
- Parking has not been thought out at all, especially if the community facilities are to be used by the wider community as well;

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- If the 62 residents are capable of looking after themselves, they would be capable of driving, plus visitors, staff and district nurses, maintenance and delivery staff would need parking facilities;
- Ashford Road bends at this point, is narrow and not suitable for parking, but there is nowhere else to park;
- Compared to the provision at West View Hospital, where there are 71 parking spaces and 60 beds, at least 70 spaces would be needed at Little Hill;
- There would be extensive overflow parking in Wayside and surrounding roads, restricting access by residents and emergency services;
- Whilst the proposed residents may not have vehicles, there should be adequate parking for visitors, friends and family, plus deliveries;
- The absence of pavement between the existing parking area and the new development means people have to walk in the road to enter the site, and there is a Public Right of Way at the end of Wayside into Ox Lane used by schoolchildren;

#### General Matters

- The size of the development would lead to an urbanisation of the St. Michael's area and create a precedent for allowing further new developments in the area;
- How can KCC develop a site it doesn't completely own?
- The proposal conflicts with Local Plan Policies GP10 and CS1, which seek to 'conserve and enhance the special character of Tenterden', and to 'make best use of previously developed land and buildings';
- The development is to cater for vulnerable people from all over Kent, and the former sheltered housing provided for the elderly in the Tenterden area;
- Wayside residents have been advised far too late to represent their views;

#### **Modified Proposals**

#### Scale/Massing/Design

- Since the redevelopment would be 3 storeys, with a flat roof, some steep mansards with dormers, but with an overall use of three storey brick and rendered walls, and the existing surrounding buildings are predominantly bungalows and terraced housing, it would be completely out of sympathy and character with the area;
- The views of WKPS remain as adamant as previously; we still feel that the proposed building is out of scale with its surroundings, dominates the environs and is unsuitable for the area;
- The scale of the development has exceeded the outline permission and the building lines facing Wayside and Henley View, and the resulting loss of tree and green areas in Wayside would urbanise it and this part of St. Michaels;
- It seems that the mass is greater than the previous outline scheme and now even nearer properties in Wayside;

#### Amenity Concerns

- Due to the height and mass of the redevelopment, with balconies on the north, east and west elevations, existing adjoining properties would be overlooked with consequential loss of privacy and daylight;

#### Highway/Access Matters

- Only 17 parking spaces are still to be provided for the proposed residents, staff and visitors, which is inadequate for the proposed 62 bedroom development, and would lead to additional on-street parking in Wayside and surrounding roads with consequent inconvenience to existing residents;

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- The modifications make no mention or increase in the number of parking places;
- There is only one bus per hour on this route, so how can you employ good staff if they have to live on a bus route and to coincide their shifts with the bus timetable?
- On the basis of the proposed bedrooms and communal facilities, and say 4 carers at any one time, at least 26 parking spaces would be required, apart from visiting nurses, relatives, etc;

#### General Matters

- The size of the development would lead to an urbanisation of the St. Michaels area and create a precedent for allowing further new developments in the area;
- Strong objections have been raised by Ashford Borough Council, Tenterden Town Council, the Weald of Kent Preservation Society and 74 letters of objection from neighbours, and the cosmetic changes in design are an insult to our intelligence;

### **Discussion**

#### Introduction

20. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph 15 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 Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF) and other material planning considerations arising from consultation and publicity. In summary, the relevant planning policies, as well as strongly supporting provision of high quality homes, promote sustainable development, seek a high standard of design, have regard to local context, the amenity of nearby properties and the surrounding area, seek and require adequate access and parking.
21. This application has been reported for determination by the Planning Applications Committee following the receipt of objections from Ashford Borough Council, Tenterden Town Council and local residents. The main issues relating to this application are need, scale/massing/design, residential amenity, access and car parking provision.

#### Need

22. Consideration must first be given to the need for the proposed development due to the material planning objections that have been raised. This proposal is part of the Excellent Homes for All Programme increasing the range of accommodation options available for older people across the County. The NPPF (paragraph 50) states that Local Authorities should deliver a wide choice of high quality homes, to meet current and future needs of different groups in the community, including older people, with provision reflecting local demand in terms of size, type, tenure and range of housing. The NPPF also states that such applications should be considered in the context of a presumption in favour of sustainable development.
23. Ashford Borough Council Core Strategy Policy CS13 supports the principles of the NPPF, in that the Policy seeks to maintain and extend the range of dwelling types and sizes to increase local housing choice, respond to emerging needs and changing demographics. Ashford Borough Council strongly support the principle of providing

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supported housing for the elderly on this site, and state within the Officer report to Planning Committee on the 19 February 2014 that:

“The provision of this type of supported housing is needed urgently in Tenterden and St Michaels. It meets the objectives of the Council’s housing policies and so the principle of providing this housing merits the support of the Planning Committee’.

24. Given this policy background, and support for the principle of the development and the provision of supported housing on this site from the Borough Council, I am confident that there is a general need for extra care housing in the St Michaels area. In addition, the Borough Council support the principle of the provision of such housing on the Little Hill site, given its existing/previous use as sheltered housing for the elderly. The re-use of developed sites is supported in principle by Planning Policy, and I see no reason why the Little Hill site should not be redeveloped to provide accommodation of the nature proposed. However, even having accepted the need and principle of the development, the Borough Council do raise strong objection to the current development proposals, as detailed in paragraph 16, primarily due to design, massing and highway/access matters. These strong objections are supported by Tenterden Town Council and a number of local residents, and the points of objection will be considered and addressed in the following sections of this report.

Siting/Massing/Design

25. As referenced in paragraph’s 5 & 6 of this report, a previous outline application was submitted and approved for the development of the Little Hill site in 2009. Although that outline application expired in October 2012, the siting and massing of the development now proposed has been largely shaped by the outline scheme approved. A total of 41 apartments are proposed, 20 one bedroom and 21 two bedroom, in addition to communal facilities such as a lounge, dining room, kitchen, laundry, gym and staff facilities. The applicant has advised that it is critical to the viability of this project that the basic level of accommodation is retained as set out in the brief issued by Kent County Council Adult Services. The level of communal space and activity relies on being supported by the given number of units as a minimum, particularly as the number of flats within the current proposal follows the reduction in units which occurred through the outline planning process. Kent County Council Adult Services have accepted that the amendments to the design (to be discussed below) may involve a reduction in size for certain flats, but a further reduction in the number of units would challenge the feasibility of the scheme. Generally speaking, the form and massing of the building on this site was established through the outline planning process, and the applicant has sought, through the design process, to stay as closely aligned to the previously permitted solution as possible.
26. With regard to the siting of the development, the proposed accommodation would be spread across one ‘L’ shaped building, part one and two, but mainly three storeys in height. The applicant advises that the layout of the built form on site is ‘generally in accordance with the 2009 outline permission’. In the most part, the building as proposed would be no closer to surrounding residential properties than the existing buildings on site. Although the proposed development is clearly of a larger scale than the existing buildings, with a larger footprint, the applicant has made all reasonable efforts, in my view, to contain the building within the existing built confines of the site. The impact of the siting of the proposed development on properties surrounding the site will be discussed below (in conjunction with the impact of the massing). However, I consider

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that the siting of the development is in general accordance with the previous outline approval, and as far as reasonably practicable, follows the existing building line on site. Therefore, in my view, the siting is acceptable in principle.

27. With regard to the massing of the development, the proposed scheme adopts the solution agreed at the previous outline stage, in that the building would be largely three storey. In acknowledgement of the smaller scale of the adjacent property in Henley View, the three storey element steps down to two storey at the southern end of the Ashford Road elevation. In order to contain the proposed building within the height restrictions of the outline permission on the northern side of the site (not to exceed the ridge height of properties in Wayside), the proposed development would be part two and part three storeys in height, with the ground floor being largely concealed by the lowered site level, whilst the second floor would be accommodated within the mansard roof design form. The proposal would therefore appear as predominately two storeys in height when viewed from the north (Wayside) and from the east (Ox Lane). This is a different approach to the existing buildings on site, which step up as levels rise across the site, and would mean that the extra care accommodation now proposed would have a constant ground floor level of approximately 49.60 above ordinance datum (OD).
28. Although the existing building is largely two storey, it does have a pitched roof. The ridge line of the existing buildings on site varies, but at the lowest point (close to the junction of Wayside and Ashford Road) is 57.60 OD, rising to 60.30 OD along the eastern wing, fronting Ashford Road. The proposed development incorporates a mansard-type construction on the second floor, with a flat roof behind. The maximum height of the proposed roof would be 59.15 OD, which is commensurate in height with the existing main building, and 1.150 metres lower than the highest point of the existing building. The proposed building, however, would be of a scale and massing greater than the existing, although the mass is further moderated by the breaking down of the elevation into smaller modules/units. The design of the building, to be discussed below, is key to reducing the apparent massing. However, three storey development is not uncommon within the centre of Tenterden, and although Little Hill itself is surrounded predominately by chalet bungalows, a three storey building of this nature is not, in my view, out of keeping with buildings in the locality, especially those within the High Street. The County Council's Conservation Architect now considers the scale of the development to be acceptable due to the design approach taken with regard to addressing the level changes across the site. It is further considered by the Conservation Architect that the design approach of visually breaking the elevation into individual buildings that respond to the town's historic context would offer a significant development in the locality with a strong identity. Having considered the above, I am of the view that the massing of the building is acceptable in principle, and do not consider that the scale of the building as proposed would be significantly out of character with the locality even though it represents a fuller use of the site than the previous arrangement of accommodation did.
29. Having accepted the siting and massing of the building in principle, it is important to consider how the amenity of local properties would be affected. With regard to properties in Ox Lane, the siting of the proposed building on the western site boundary would, in the most part be in the same location as the existing two storey buildings in this area of the site. In addition, the change in levels across the site (to be discussed in more detail below), would result in the building appearing as two storey when viewed from properties in Ox Lane. The boundary here is also well screened, in particular by a Veteran Oak Tree which would be retained and protected throughout construction works (see paragraph 54). Existing first floor windows face towards properties on Ox Lane, so arguably the proposed development would have a similar impact as the existing.

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However, it should be noted that properties in Ox Lane are located approximately 30 metres at the closest point from the western elevation of the proposed development, with long gardens and existing planting offering a degree of separation. I therefore do not consider that the siting of the development would have a detrimental impact on the amenity of properties in Ox Lane.

30. With regard to properties in Wayside, properties here are facing the application site, separated by front gardens, the road, and an area of car parking. Although the development as proposed would be closer to properties in Wayside than the existing, especially towards the Ashford Road end of the close, as discussed above, the proposed building would appear two storey when viewed from these properties. The development would also be well over 20 metres from the frontage of properties on Wayside. I therefore am satisfied that the development as proposed would not have a detrimental impact on the amenity of properties in Wayside with regard to overlooking/loss of privacy. I would also conclude that the development would not be overbearing when viewed against the existing.
31. With regard to properties on Ashford Road, I am of the view that the development would have a very limited impact on the amenity of those properties. Properties here face the site, but are well over 30 metres away, separated by Ashford Road, a large grass verge, and an existing hedge and footway that runs between the Little Hill boundary and Ashford Road.
32. To the south of the application site lies Henley View, a small road set back from Ashford Road, separated by a narrow vegetated/grass verge. As outlined in paragraph 2 of this report, number 6 Henley View directly adjoins the Little Hill site boundary, and is a converted bungalow with dormer windows at first floor level looking into the application site. Ashford Borough Council initially included overlooking of Henley View as a key point of objection to the development, and it was also a concern of the County Planning Authority. The two storey end elevation of the eastern wing of the proposed building would be approximately 13 metres from the side elevation of number 6 Henley View. At ground floor level, this wing of the building would accommodate an exercise/therapy and activity room, and I have no concerns over the amenity implications of the ground floor. However, at first floor level, living accommodation is proposed in the form of a two bedroom flat. As originally proposed, the flat had a balcony on the south eastern corner of the building, and bedroom and living accommodation windows in the southern elevation, overlooking the adjacent property. Although I do not appear to have received an objection to the scheme as proposed from the residents of this property, Ashford Borough Council and the County Planning Authority expressed concern regarding the potential detrimental effect the development as proposed could have on the amenity of the occupants.
33. Therefore, as a result of these concerns, the applicant has reorganised the internal accommodation, resulting in the removal of all windows at the second floor on the southern elevation of this wing of the building, and the relocation of the balcony to eastern elevation, away from the southern end of the building. The upstairs dormer windows of number 6 Henley View would now face a mansard roof with no windows at first floor, and non living accommodation windows at ground floor level. I am of the view that this is acceptable and would not result in overlooking/loss of amenity to the adjacent property. The 13 metre distance would also comply with the guidance in the Kent Design Guide, which suggests that window to wall/non habitable room distances should be ideally over 11 metres.

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34. In addition to the changes above, the applicant also amended the southern end of the western wing of the building to further protect the amenity of properties in Henley View. The second floor flat at the end of this elevation has been reduced in size by removing a bedroom, and the staircase re-orientated, enabling the southern elevation of this wing to be stepped back to form a mansard roof at the second floor, breaking up the massing and potential of the building to appear overbearing at this point when viewed from properties in Henley View. Following the internal alterations and subsequent alterations to the elevations, Ashford Borough Council has withdrawn their objection in this regard. I am also of the opinion that the development as now proposed would not lead to undue overlooking and loss of privacy on number 6 Henley View, and would not have a detrimental impact on properties in Henley View in general, and therefore see no reason to refuse the application on this ground.
35. In summary therefore, having considered the siting and massing in general terms, and in assessing the impact on the amenity of properties surrounding the site, I am of the opinion that the siting and massing is acceptable and would not have an undue detrimental impact on the amenity of adjoining properties, the street scene, or the character of the locality.
36. Having accepted the siting and massing of the building, it is important to discuss the design and external appearance of the building. NPPF guidance on good design includes consideration of optimising the potential of a site to accommodate development, responding to local character and history, reflecting identity of local surroundings and materials whilst not preventing or discouraging appropriate innovation and creating visually attractive design as a result of good architecture and appropriate landscaping. Guidance states that planning policy and decisions should not attempt to impose architectural style or particular tastes and should not stifle innovation or creativity through unsubstantiated requirements to conform to a certain development form or style, although states that it is proper to seek to promote or reinforce local distinctiveness. The NPPF states that although visual appearance and architecture is very important, high quality and inclusive design goes beyond aesthetic considerations. The NPPF also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
37. Objection has been raised to the design by the Borough Council, Tenterden Town Council and local residents, as summarised in sections 16 and 19 of this report. The design as originally submitted, as can be seen in Appendix 1, was considered by the Borough Council to be 'very poor', and not representative of the local area. The Borough Council also felt that the articulation of the external facades failed to break the mass of the building down into elements of an appropriate scale. The applicant subsequently met with the Borough Council and myself, and separately with the County Council's Conservation Architect, to discuss the detail of the design and the points of objection raised. The design has subsequently been amended by the applicant to address the points raised and improve the overall design quality of the scheme. The revised design is outlined in paragraph 11 and shown on the plans on pages 10, 11, 12 & 13 of this report.
38. The changes made by the applicant have, in my view, vastly improved the design over that originally submitted. First, the entrance area has been reorganised to ensure that the way into the building is more evident and integrated within the architecture. The design of the projecting entrance 'bay' has also been simplified, with the chamfered corners removed. Spaces internally have also been reorganised to enable balconies to

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be moved away from corners of the building, with some Juliette balconies also introduced, and the design amended to use a more traditional metal balustrade and hand rail construction, in lieu of the glass finish previously proposed.

39. One of the most significant changes, in my view, has been the substitution of the mansard roof form originally proposed with a true mansard incorporating a parapet up to window cill level and a roof construction set back from the face of the building. The dormer windows, as a result, are now fully contained within the tiled, or newly introduced, slated element as with more traditional mansards and certainly as most examples found in the Tenterden area. Further additional amendments have seen the various up-stands over staircases removed, as they are not generally seen in traditional buildings in the vicinity and were considered an inappropriate design response. In addition, at the request of the Borough Council, the cycle store and garden shed have been relocated to more discreet locations well away from the Ashford Road frontage, and the green house has been entirely removed from the proposals.
40. Although there is a view that the revisions made to the design are not sufficient, I am of the opinion that the applicant has made best endeavours to address the points of objection, and has done as much as practicably possible, in considering the constraints associated with this development, to improve the design. The amended design breaks the massing of the building down into smaller individual units, which is further articulated by the use of materials. The County Council's Conservation Architect is satisfied that the elevational treatment and composition is now correctly articulated and follows a design logic that responds to its context, giving regard to appropriate materials, and the purpose of the building. On balance, and in considering the need for this development (as outlined in 22-24), I am satisfied that the development as proposed would not have a significantly detrimental impact on the character of Tenterden and St Michaels. Whilst Tenterden is widely admired as a historic Town with two important Conservation Areas, the proposed site is well outside those areas and is in an area of largely post-war suburban development. The proposed design, therefore, aims to blend in with that more contemporary surrounding development, whilst incorporating interests and features that reference characteristics in those older parts of the town. In my view the applicant has taken all reasonable and practicable steps to address the points of objection raised regarding siting, massing and design, and that the scheme as proposed is now acceptable and accords with the NPPF's objective to achieve a high quality of design, and a good standard of amenity for all existing and future occupants. However, should permission be granted, I consider it appropriate to condition the submission of final details of all materials to be used externally to ensure that a satisfactory standard and distribution of materials is secured.

#### Additional Residential Amenity Matters

##### Noise/Plant/Kitchen Odours

41. Concern is expressed regarding potential noise and disruption from deliveries and refuse vehicles, and kitchen odours. However, I would suggest that the nature of the premises proposed and the age/health of those that that would reside there, together with stringent design standards for new buildings with regard to insulation and noise attenuation, that noise nuisance from the building would be minimal. In my view, noise disturbance from refuse collection and deliveries would be no worse than that generated by the site's previous use as a care facility, and arguably no greater than that associated with residential properties. In addition, odours from kitchens would be controlled by strict regulations for new buildings, and monitored if required by environmental health officers.

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The new building would arguably have a more efficient ventilation system than the existing, and in my view the degree of separation from neighbouring properties would negate any undue nuisance.

#### External lighting

42. No details have been provided on external lighting for the development. If permission is granted, it would therefore be appropriate to reserve details by condition so that the type and position of any external lighting (including for car parking areas) can be controlled to ensure any potential nuisance from light pollution can be minimised.

#### Access and car parking provision

43. Objection has been raised to this application on the ground that insufficient car parking is proposed. It is considered, by those objecting, that the level of car parking proposed is inadequate and likely to lead to parking on surrounding streets to the inconvenience of local residents and other road users, and that traffic flow in the surrounding area would be adversely affected. There is also concern that insufficient space would be provided for service vehicles to attend the site.
44. As outlined in paragraph 13 of this report, 17 car parking spaces are proposed, including two disabled spaces and four car parking spaces on-site adjacent to the main entrance of the building, accessed via the new vehicular access point on Wayside, and a further 11 spaces on the southern side of Wayside (as existing). The new vehicular access would also enable on-site drop off, in addition to affording access for an ambulance/minibus and refuse vehicles, including space for turning. The existing Little Hill development, although currently vacant and unused, does not have any on-site car parking per se, but the lay-by to the south of Wayside is within the applicant's ownership and is designated as car parking for Little Hill only. However, local residents have taken to using this car parking themselves, especially whilst the site has been vacant. This lay-by would provide 11 of the 17 marked car parking spaces associated with this development.
45. Kent County Council Highways and Transportation have been consulted on this application and raise no objection to the development. It is considered that the development is unlikely to generate a significant increase in vehicle movements compared to the existing permitted use of the site and, additionally, the amount of car parking proposed is deemed to be acceptable. Members will note that the site is currently unoccupied (has been vacant for approximately three years) and so there has been no traffic travelling into or out of the site for a period of time. Residents would have got used to this reduction in traffic accessing the site, and have also taken the opportunity to use the parking area to the south of Wayside, which is within the applicant's ownership and not part of the public highway. Any redevelopment of this site would effectively reinstate the previous traffic flow that the site generated originally, including use of car parking provision within Wayside.
46. The applicant advises that there are no empirical rules either within Local Authority Planning Policy or within the NPPF which give guidance on the level of car parking appropriate for extra care facilities such as that proposed. It is therefore appropriate to use an evidence based approach, referenced from previous experience and similar facilities. The applicant and Kent County Council Highways and Transportation have both separately and independently provided evidence in this regard to a) support the

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amount of car parking proposed, and to b) substantiate the views of Highways and Transportation.

47. Further research has been carried out on behalf of the applicant, who operate Extra Care accommodation throughout the county at various sites, several of which are synonymous with this site in terms of context. From the information provided, which includes the location of the facilities, the number of flats at each site, and the level of parking provision, it can be concluded that all existing sites are operating perfectly well with the parking provision provided. The applicant confirms that the key reasons why parking functions at the level proposed appears to be:
- all residents have care needs and tend to be over the age of 70;
  - there is a very low level of car ownership amongst residents;
  - care staff tend to assist more than one resident per visit- reducing the parking load;
  - staff tend to be locally recruited and do not drive to work; and
  - residents are not offered allocated parking spaces.

In addition, each site, as is the case at Little Hill, has a good provision for secure enclosed parking for mobility scooters, further reducing car ownership.

48. Kent County Council Highways and Transportation also confirm that the provision of 17 car parking spaces for the 41 extra care apartments is adequate. The nature of extra care schemes is such that residents have to be assessed to be suitable to live in a scheme such as this and therefore have a care need. As stated by the applicant above, car ownership levels at extra care sites is low, with the highest car ownership levels of any scheme in Kent being 20% in information that has been supplied by Orbit South for extra care schemes in Kent. This would give demand for 8 car parking spaces if the parking demand for Little Hill was 20%. The applicants state that there would be a maximum of 4 staff at the site which would give a total demand of 12 car parking spaces for both residents and staff. There would be, therefore, a total of 5 car parking spaces for visitors to the site which is adequate in the opinion of the Highway Authority. Whilst local residents may contest this judgement, there is good evidence from the other sites across the County with a similar provision of parking which demonstrates that at many times of the day there are vacant spaces. Therefore local resident's concerns that more cars would park in local roads if they could not find a space within the site are considered unfounded and unlikely to happen as result of this particular development.
49. The impact of the development on the local road network is a matter for consideration by Kent County Council Highways and Transportation, who take into account the existing traffic conditions when assessing the introduction of new development or, as in this case, the redevelopment of the existing site. Highways and Transportation have not raised any concerns about the local road network being unable to cope with any potential increase in traffic to the site. Compared to more conventional forms of housing development, the impacts on the local road network of Extra Care housing are arguably negligible, given the low level of car ownership and car use amongst people in care.
50. With regard to provision on site for refuse vehicles, the applicant has provided tracking information to demonstrate that the site is able to accommodate the largest service vehicle used by Ashford Borough Council, a 10.7 metre long refuse collection vehicle. The proposed site layout would allow a vehicle of this size to enter the site forwards, manoeuvre within the site, and exit the site forwards, negating the need for any vehicles of this size to reverse onto Wayside.

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51. Given the evidence supplied by the applicant and Kent County Council Highways and Transportation, and in considering the lack of objection to the proposal from Highways and Transportation, I am of the view that the applicant is proposing sufficient car parking to accommodate traffic associated with the site. The car parking proposed is, in my view, sufficient to accommodate residents of the facility, staff and visitors; although it is important to note that parking on the public highway is not a reason to refuse a planning application, unless it was considered by the Highway Authority to be a serious safety concern. Subject to the imposition of the conditions required by Kent County Council Highways and Transportation with regard to the provision and permanent retention of the access, vehicle loading/unloading and turning facilities, and vehicle parking spaces prior to the occupation of the development, I consider that the development would not have a significantly detrimental impact upon the local highway network. I therefore see no reason to refuse the application on highway grounds.

#### Public Right of Way

52. As outlined in paragraph 3 of this report, a Public Right of Way runs along the northern site boundary, linking Wayside with Ox Lane. As can be seen in paragraph 16 of this report, Public Rights of Way have been consulted on this application and have provided advice with regard to temporary closures during construction works and general points with regard to erecting furniture, disturbance to the surface, obstruction of use, and planting. The applicant has confirmed that the Public Right of Way would be unaffected by the development, that no works are proposed to be undertaken to the Right of Way, and that no temporary closure would be required during construction works, should permission be granted. In this instance, therefore, I consider it sufficient to draw the applicant's attention to the advice provided by Public Rights of Way by way of an informative only.
53. Ashford Borough Council, in their consultation response, requests that the County Council ensures that, should permission be granted, the existing pavement across the western frontage of the site (Ashford Road) is retained and maintained, available for use both during the construction period and subsequently. The applicant has confirmed that that existing pavement is outside the boundary of the application site and would be unaffected by the development proposals. Should permission be granted that pavement, which is not a Public Right of Way, would be maintained and remain operational at all times.

#### Landscaping and Ecology

54. This application was accompanied by a Pre-Development Tree Survey, and subsequent further information was submitted with regard to the protection of Tree T23 – a Veteran Oak to the site's eastern boundary. The Borough Council and the County Council's Landscape Officer have both requested that suitable conditions be imposed to protect trees to be retained, in the event that permission is granted. The existing trees on site, primarily the Oak and Willow, do make a positive contribution to the street scene, and offer a degree of screening between local properties and the proposed development, especially in the case of the Oak. Therefore, should permission be granted, I consider it appropriate to condition that the all trees to be retained be protected in accordance with the submitted details, and in accordance with the relevant British Standard.
55. The Borough Council has, however, also expressed concern and disappointment that one of the large willow trees at the front of the site, which is shown on the application drawings to be retained, has already been felled. However, the applicant has

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commented as follows:

“We can confirm that the Willow tree (T10) was removed without consultation with the developer and it would seem by operatives working for Ashford Borough Council. It was said that the tree was leaning and therefore dangerous although it was our sincere intention to maintain what remained a fine example and a major contributor to the street scene.”

56. The Borough Council requests that a suitably large tree is planted on the Ashford Road Frontage to replace that Willow Tree. I, and the applicant, consider it regrettable that the Willow Tree had to be removed as it did make a positive contribution to the street scene. The tree was, however, removed by the Borough Council for apparent safety reasons, and was undertaken without consultation with the applicant or the County Council, so was completely out of the applicant's control. However, replacement and additional tree planting should be provided, and an indicative landscaping scheme has been provided as part of the planning application documentation. It is therefore appropriate, in my view, to request the submission of a detailed scheme of landscaping pursuant to planning condition, should permission be granted. The landscaping scheme should also incorporate the advice of the County Council's Landscape Advisor in that boundary treatments should be carefully selected to contribute positively to landscape character, local amenity and to benefit wildlife. Subject to the submission of a detailed landscaping scheme, to include replacement tree planting, and conditions regarding tree protection (discussed above), I consider that the proposed development would be acceptable in this regard.
57. With regard to ecology, this application was accompanied by an Ecological Study and a report to verify the 2010 Phase 1 Environmental Risk Assessment. The County Council's Biodiversity Officer advises that the Bat Survey was carried out in October, which is outside of the optimum survey period for bats. Although the survey did record bat activity, and the appropriate mitigation method statements have been submitted, it is considered by the Biodiversity Officer that an additional survey should be undertaken between May and August to establish whether the existing building is being used as a maternity roost. Ideally, that additional survey should be undertaken prior to the determination of this application to ensure that the mitigation detailed within the method statement is appropriate.
58. However, this recommendation needs to be balanced against other planning considerations, including objectives in the NPPF which promote the delivery of a wide choice of high quality homes to meet current and future needs of different groups in the community, including older people with provision reflecting local demand in terms of size, type, tenure and range of housing. Without a planning permission in place for the development proposed by mid April at the latest, Government funding for the wider development (i.e. all 7 sites) would fail. Therefore, as set out in paragraph 16, the County Council's Biodiversity Officer has accepted that, in this instance, the County Council could condition the additional survey work provided the results of the updated emergence survey, and details of any changes to the mitigation strategy, are submitted for comment prior to the commencement of development. This approach reflects the requirement for Planning Authorities to look for solutions rather than problems, as set out in the NPPF. Therefore, in this case, I consider it appropriate should permission be granted to condition the submission of an updated emergence survey and an updated mitigation strategy with regard to bats. In addition, a condition should be imposed to ensure that the development is carried out in strict accordance with the conclusions and recommendations of the submitted Ecological Surveys, including those regarding

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ecological enhancements. That condition would cover all the additional matters raised by the Biodiversity Officer and, in my view, would ensure that the development would not have an unacceptable impact on ecology/biodiversity interests.

#### Sustainable Construction

59. Ashford Borough Council, in their consultation response, requests that the County Council ensure that, should permission be granted, the development adheres to the relevant standards set out in various Supplementary Planning Documents (SPD), including the Sustainable Design and Construction SPD. Development planning policies and the NPPF require developments to be sustainable and to address issues of climate change. In particular, Policy CS10 of the Ashford Borough LDF Core Strategy requires that all major developments incorporate sustainable design features to reduce the consumption of natural resources and to help deliver the aim of zero carbon growth in Ashford. The Borough Council's adopted Supplementary Planning Document (SPD) on Sustainable Design and Construction sets out in more detail how they will apply this policy.
60. Under the policy, unless it can be demonstrated that doing so is not technologically practicable, would make the scheme unviable, or impose excessive costs on the occupier, development in Tenterden and the Villages is expected to meet Sustainable Homes Code Level 2 or an overall BREEAM rating of Good (with Excellent in Energy and Water Credits and Very Good in Material Credits). It is also expected to achieve a minimum reduction of 10% in carbon dioxide emissions through use of on-site sustainable energy technologies with any shortfall being met by the applicant making a financial contribution to enable the residual carbon emissions to be offset elsewhere in the Borough. Any financial contributions for that purpose are paid to the Ashford Carbon Fund which is managed by the Borough Council.
61. In the Design and Access Statement it is stated that the development has been designed to effectively meet Code for Sustainable Homes (CSH) Level 3 and in the Energy Strategy report included with the application, a total reduction of 9.2% in the CO<sup>2</sup> dwelling emission rate (DER) is indicated. I understand that assessed reduction of 9.2% is higher than that requirement, it falls marginally short of the 10% requirement set out in Core Strategy Policy CS10. However they are intending to meet CSH Level 3 which is above the Policy requirement of CSH Level 2.
62. Originally the developments in the Excellent Homes for All project, of which this is a part, was to be designed to BREEAM "Excellent" or Code for Sustainable Homes Level 4. However the funding for the project was cut by 11% by the Homes and Communities Agency following a Value for Money review on behalf of HM Treasury. I am advised that the environmental rating was just one area of many aspects of the project to be cut and the rating was reduced to either BREEAM "good" or Code Level 3. In the light of this the applicants consider that the costs of achieving higher levels including a higher level of CO<sup>2</sup> reduction could put the whole project at serious risk. In the circumstances, I do not consider it appropriate to require the higher levels or require a financial contribution to the Ashford Carbon Fund to offset the *marginal* shortfall in the targeted CO<sup>2</sup> reduction. However should permission be granted I consider that a condition should be imposed requiring the development to meet Code for Sustainable Homes Level 3 and a CO<sup>2</sup> reduction of 9.2% as set out in the Energy Strategy report accompanying the application.

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#### Supplementary Planning Documents

63. As detailed above, Ashford Borough Council, in their consultation response, requests that the County Council ensures that, should permission be granted, the development adheres to the relevant standards set out in various Supplementary Planning Documents (SPD). In addition to the Sustainable Design and Construction SPD, which is discussed and addressed in paragraphs 59-62 above, the Borough Council requests that the following are also considered;
- *Sustainable Drainage (SuDs) SPD;*
  - *Residential Space and Layout SPD; &*
  - *Public Green Spaces and Water Environment SPD.*
64. With regard to the latter of the two listed above, I would comment as follows:

*Residential Space and Layout SPD* – This is considered to be of no direct relevance to this application, since it essentially relates to private residential development, and other than aspects like outdoor garden space, it covers largely internal room sizes and facilities which are already strictly prescribed by Government for these extra care developments.

*Public Green Space and Water Environment SPD* – This is also considered to be of no direct relevance to this application since it essentially relates to private residential developments, and proposals for in excess of 50 houses, and in most respects 1000 houses. Contributions are sought for public open space provision and children's play space, neither of which are relevant or appropriate to the development proposed at Little Hill. Moreover the Little Hill site cannot be regarded itself as public green space, but since the Borough Council own the site they have ultimately influenced its proposed end use and support the principle of the redevelopment of the site for extra care housing.

65. With regard to the Sustainable Drainage SPD, it should first be noted that the Environment Agency has been consulted on this application and raise no objection and are satisfied with the details provided. Advice and guidance is provided with regard to water conservation and construction/demolition waste, and I consider that this should be drawn to the applicant's attention by way of information, should permission be granted. Secondly, the provision of Sustainable Drainage is considered in line with the expectations of achieving Code Level 3 of the Code for Sustainable Homes.

#### Construction

66. Given that there are neighbouring residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours of construction in order to protect residential amenity. I would suggest that works should be undertaken only 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.
67. In addition, I consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of development. The strategy should include details of the methods of working, location of site compound and operative/visitors parking, details of site security and safety measures and details of any construction accesses and lorry routing. Such a strategy would cover all of the matters that Highways and Transportation required to be conditioned with regard to construction. Therefore, should permission be granted, a Construction Management Strategy would

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be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

68. In addition to the above, should permission be granted, conditions of consent would ensure that dust, noise, mud on the local highway network, and other matters associated with construction, would be mitigated as far as reasonably possible so as to minimise disruption to local residents.

#### **Conclusion**

69. In my view, the development would not give rise to any significant material harm and is in accordance with the general aims and objectives of the relevant Development Plan Policies. In addition, I consider that the development is in accordance with the principles of the National Planning Policy Framework. Subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the character of the local area, the local highway network or residential amenity, and would accord with the principles of sustainable development as set out in the NPPF. Therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF. Therefore, I recommend that permission be granted subject to appropriate conditions

#### **Recommendation**

70. I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
- the standard 3 year time limit for implementation;
  - the development to be carried out in accordance with the permitted details;
  - development to be used for extra care accommodation only;
  - the submission of details of all materials to be used externally;
  - the submission of details of external lighting;
  - provision of access, car parking, turning and circulatory space prior to first occupation, and subsequent retention;
  - submission of a detailed landscaping scheme, to include replacement tree planting, and boundary treatments which contribute positively to the landscape character, local amenity, and benefit wildlife;
  - tree protection measures and the development to be undertaken in accordance with the recommendations of the Tree Survey;
  - the development to be undertaken in accordance with the recommendations of the Ecological Scoping Survey, including ecological enhancements;
  - submission of a updated emergence survey and updated mitigation strategy/method statement for Bats prior to the commencement of the development;
  - provision of access, car parking, turning and circulatory space prior to first occupation, and subsequent retention;
  - the development to meet Code for Sustainable Homes Level 3 and a CO<sup>2</sup> reduction of 9.2% as set out in the Energy Strategy report accompanying the application.
  - hours of working during construction and demolition to be restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;

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- submission of a construction management strategy, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations;
- measures to prevent mud and debris being taken onto the public highway.

71. I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informatives:

- The applicant's attention is drawn to the letter from Public Rights of Way which contains general informatives with regard to works adjacent to and/or on a Public Right of Way. It is also advised that 'the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highways Authority;
- The applicant's attention is drawn to the letter from Highways and Transportation in which it is noted that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation in order to obtain the necessary Application Pack.
- Account should be taken of Environment Agency's advice relating to water conservation and construction/demolition waste.

Case officer – Mary Green
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01622 221066
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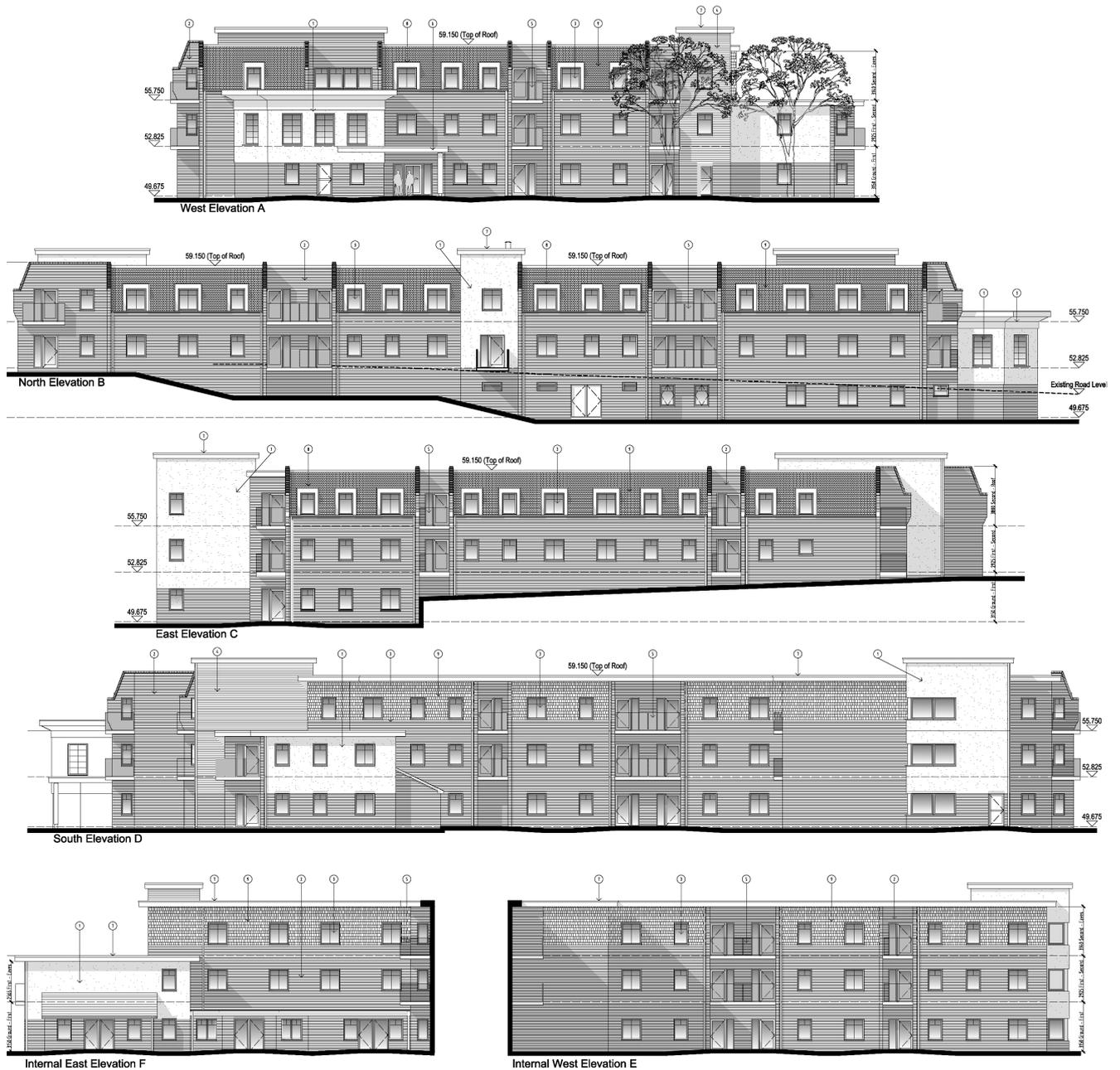
Background documents - See section heading
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# Item D3

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### APPENDIX 1

#### Superseded elevations for comparison purposes only



Superseded