

Head of Development Management and Strategic Sites

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ASHFORD  
BOROUGH COUNCIL

Monday the 16<sup>th</sup> December 2019 at 7.00pm

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## Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

3. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 6<sup>th</sup> November 2019,
  4. **Changes to Delegations and Authorisations Granted by this Committee**
  5. Requests for Deferral/Withdrawal  
  
None
  6. Schedule of Applications
- (a) **18/00644/AS – Land to the north of St Mary’s Close and east of Ashford Road, Hamstreet, Kent TN26 2DX - Outline application to consider the access from Ashford Road only and the construction of up to 80 new homes, an up to 60 bed care home, approx. 60 car parking spaces adjacent to Ashford Road, SuDS, wetland and associated education centre/events space, pedestrian and cycle linkages, associated open space and football pitch and covered shelter, drainage infrastructure and new landscaping.**

2 additional letters have been received from Orlestone Parish Council. These raise issues relating to the provision of the care home on site and S106 contributions.

A representative from the Parish Council is speaking.

3 additional letters of objection and 1 general comment have been received from local residents. These largely reiterate objections already set out in the report along with the following additional points:

- Harm to the AONB and wildlife (**DMM Comment:** The site does not lie within the AONB.
- If this development along with that recently granted at Warehorne Road and other smaller permitted developments all take place at the same time then it will

add unacceptable pressure on services including the school and doctor's surgery.

- Onsite parking for the school is inadequate to address the parking problems associated with the school along Ashford Road. KCC state that the provision of school facilities within the site will allow the school to grow but unclear why it needs to grow.
- Would it not be better to move the school to this site and have the housing on the existing school site? This will reduce impact.

Condition 26 relating to the timing of the provision of the football pitch, associated shelter, fencing and other related infrastructure as set out in the original report to committee should be in the listed conditions.

**(b) 18/00321/AS – Phase 2 Old Clockhouse Green, Canterbury Road, Challock, Kent - Change of use of land from agricultural to residential for the provision of 19 no. new dwellings, with associated, parking, landscaping and infrastructure.**

Amendments to report

Page 120, paragraph 19. Add *'and thus support meeting within Challock the needs arising from this development'* to the end of the final sentence.

Page 123, paragraph 33 delete the word *'adverse'* and replace with *'unacceptable'*.

Page 124, paragraph 39. Add *'as amended in the 2 October 2019 Update Report'* to the end of the first sentence.

Page 124, paragraph 40. To the final paragraph of the conclusion add a sentence to state *'the site the subject of this application is allocated in policy S54 of the Ashford Local Plan 2030 as being suitable for residential development in principle'*.

Amendment to recommendation A – Insert *'and in the 2 October 2019 report as amended by the 2 October 2019 Update report'* after *'Table 1'*.

Additional representations

3 further representations have been received objecting to the proposal for reasons already summarised in the 2 October 2019 Planning Committee Report. In addition, one representation notes that the amended layout plan omits the hedgerow to the northern boundary adjacent to the treatment works. Member's attention is drawn to recommended condition 8, which requires existing hedgerows to be retained as well as recommended condition 6, which requires the submission of a detailed landscaping scheme.

**(c) 18/01454/AS – Andrews Garage, Plain Road, Smeeth, Ashford, Kent, TN25 6RA - Demolition of Andrews Garage and the construction of 5 houses with associated parking, revised vehicular access and car barn.**

Paragraph 22 of the 31<sup>st</sup> July committee report (Page 230 should be deleted.

Smeeth Parish Council supports the revised application which addresses concerns previously expressed by the Parish Council.

Four further letters of support and one objection received as summarised below:

#### 4 Support

- Local housing is desperately needed.
- Housing will be quieter and generate less traffic than the garage.
- Housing would improve neighbour amenity.

#### 1 Objection

A further letter of objection has been received from Mr Kempton and this is annexed in full to the update report. Mr Kempton is to speak on this item so I don't propose to summarise his representation in detail. He does, however, raise the issue as to why the whole site is considered to be within the built confines of Smeeth and only assessed under HOU3a which I feel needs clarifying at this point. The reason for this is that the site where built development is proposed is all previously developed land with no visual breaks between the front of the site and the rear of the site and therefore forms continuous and contiguous development forming the built up confines of the settlement.

- (d) **19/01213/AS – Carlton Business Park, Carlton Road, Ashford, Kent - Removal of Condition 33 on planning permission 18/01843/AS relating to plot 3 (industrial units) in relation to hours of operation to allow 24 hour use of the industrial units**

None

- (e) **19/01112/AS – Station Road Car Park, Station Road, Ashford, Kent - Outline application for the erection multi-storey car park (five storeys and up to 500 spaces) over existing surface car park to consider access and scale**

None

- (f) **19/01568/AS – Land between Belgic Court and 70 to 80, The Limes, Stanhope, Kent - Erection of boundary fencing (retrospective)**

None

**ANNEXE 1**

**Written evidence in support of objection comments against the revised application 18/01454/AS**

It is requested that this evidence be supplied as part of the tabled paper to each member of the planning committee for the meeting at 19:00 on Monday 16 December 2019

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## Introduction

This application was deferred by Members at committee on 31 July 2019 for *"Reconsideration of both the design and layout of the development"*.

During the 31 July 2019 committee meeting members highlighted the design and layout as points of concern. Additionally, one of the committee members suggested that infringements to the requirements of HOUS were sufficient for the application to be rejected.

This evidence document, in support of objection comments against the revised application 18/014S4/AS, is an addendum to the 'Written evidence in support of objection comments against application 18/014S4/AS' submitted to the committee at the meeting held on Wednesday 31 July 2019 (the 31 July document is attached at annex 1).

This document presents clear details of where the revised application fails to address concerns of local residents, expressed in the original evidence document, and also the points that were made clearly by committee members at the 31 July 2019 meeting.

## Amended plans

It is recognised that there is some improvement of the property designs in respect to alternating the upper floor finishing materials between weather board and tiles. Also that the design of plot S is an improvement.

Unfortunately the main difference from the previous plans is that they are now nicely coloured sketches. There is no major improvement in the layout of the planned development. I am sure the committee will not be swayed purely on the basis that the applicant has improved the presentation of the plans rather than improving the actual planned layout.

## Non compliance with HOU5

Within point 9 of the consultations section of the ABC Report of the HoP and D dated 16 December 2019, it is stated that the objections on the basis that the development is outside of the village confines and does not comply with HOUS were addressed in the original committee report.

This is simply not the case. Careful reading of the original HoP and D report does not produce any references to where compliance with HOUS is achieved. There are some claims to proximity of local amenities within item 10 of the original HoP and D report which were subsequently shown to be incorrect in

the original evidence in support of objections document; in all cases the distance to local services exceeded the requirements of HOUS and in some cases were almost double, please see Annex 1 where there is a section specifically for HOUS including clear measurements of distance supported by maps. Please also see, with annex 1, the section on settlement confines which supports HOUS as a material consideration.

With the current publicised ABC policy of 80% reduction in carbon emissions by 2025 and carbon neutral by 2030. It would be completely incoherent if ABC were to accept an application that fails completely in respect to every day services being within easy walking distance as set out in HOUS.

## Scale and layout

In the assessment section of the ABC Report of the HoP and D dated 16 December 2019, items 32 & 33, state that *"Members did not raise concerns with regard to the redevelopment at the back of the site"*. This is not the case. It is the development at the back of the site that brings in HOUS as a material consideration, this was the issue that led to one member suggesting there was sufficient reason to reject the application.

Items 32 & 33 then go on to cite the location of the existing foul sewer, and the 3m exclusion zone, as the main factor that dictates the site layout.

This is not correct. Site layout solutions are given in the Annex 1 document, section titled "Possible solutions to issues", that take in to account the location of the existing foul sewer and the 3m exclusion zone but this has been ignored by the applicant.

## Security

Item 34 from the ABC Report of the HoP and D dated 16 December 2019 Briefly mentions neighbour comments regarding the omission of the hard boundary details in the new coloured sketches submitted by the applicant. These concerns are brushed off with *"these are as previously proposed and can be secured by condition"*.

This is a totally unsatisfactory comment. The Annex 1 document attached has a section on HOU3a and gives a great deal of detail about the security risks to adjacent properties that are introduced by the planned development. The boundary fencing as previously proposed is totally unsuitable in respect to this introduced security risk.

The site layout solutions given in the Annex 1 document attached, see section titled "Possible solutions to issues", Provide solutions to this security risk but this has been ignored by the applicant.

## Property design to maximise dwellings for the developer

As the site layout solutions given in the annex 1 document (attached) entails removal of the rear pair of houses from the plan, the suggestion to convert the front house in to a pair of semi-detached houses was put forward to reintroduce one of the two properties that would be lost.

This has been ignored by the applicant and the report from the HoP and D has shrugged this off with the comment *"it is considered that a semi-detached property at the front of the site would be out of keeping with the adjacent single-storey frontage properties"*.

This is not correct. There is already a pair of semi-detached houses next door but one to the site. Additionally, directly next door, at Cherry Hill, work has already been started under an approved application (17/01186/AS) to add a second floor.

## Suggested solution

It can be seen from the annex 1 document (attached) that there is a clear solution to the layout that removes the HOUS issues, the security issues (HOU3a), and addresses the location of the existing foul sewer including its 3m exclusion zone.

The improved design of the building suggested for plot S would be a welcome improvement to the layout if it replaced the building suggested for plot 2.

Converting the front house to a pair of semi-detached houses does not impact on the neighbouring properties in either a positive or negative manner, it is just a suggested means for the applicant to get an additional property on the site.

# Annex 1

Written evidence in support of objection comments against application 18/014S4/AS, planning committee for meeting Wednesday 31 July 2019.

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## Written evidence in support of objection comments against application 18/01454/AS

It is requested that this evidence be supplied as part of the tabled paper to each member of the planning committee for the meeting at 19:00 on Wednesday 31 July 2019

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## Situation in respect of housing supply targets

The Kentish Express reported on 02/08/2018 that the ABC local plan had identified more than enough land to meet both the revised overall housing targets for the plan and the five year housing supply target. Inspectors told ABC to remove 400 rural properties.



# Plans dropped for hundreds of homes

## Authority told to ditch 400 rural properties

**Hundreds of homes are to be slashed from Ashford Borough Council's controversial planning blueprint following a government review.**

Inspectors have told authority leaders to ditch plans for more than 400 rural properties in their Local Plan, which maps out where 13,000 homes will be built across the borough over the next 12 years.

ABC does not need to find additional sites for the parcels of land it will axe, sparking relief among villagers across the borough.

Sites in Hothfield and High Halden are to be deleted, with five further plots in other villages set to be reduced in size, including in Aldington and Brook.

Inspectors raised fears over the potential harm to trees the new homes could have, as well as highlighting concerns over access to facilities.

Hothfield resident Paul Fothergill welcomed the news, saying: "I thought too many homes were planned - there is a need for them, but developers have to be aware of the need for green space and develop sympathetically."

■ Full story, page 11



**ARTIST UNZIPS OLD OFFICE BUILDING** **TURN TO PAGE 7**

Scan from front page of 02/08/2019 edition.

On page 11 of the same issue a spokesperson for ABC was quoted as saying ABC do not need to find any additional sites to replace those being deleted.

Hundreds of homes are to be slashed from Ashford Borough Council's Local Plan

# Local Plan slashed by inspectors after government review

by Sean Axtell  
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Plans for hundreds of new homes to be built across the district have been scrapped following a government review.

Inspectors have advised Ashford Borough Council (ABC) slashes more than 400 rural homes from its Local Plan - with the lion's share in Hothfield.

The plan is a blueprint mapping where 13,531 homes will be built across the district up to 2030, in accordance with government guidelines.

ABC bosses approved the plan in December but have now been told to adjust it following a review by inspectors.

The authority has been told to delete five sites - including four in or around Hothfield and one on land between High Halden and Bethersden.

Proposals for the future Hothfield developments were thrown out because of potential harm to trees and some sites' isolation from the village, according to government documents.

Plans to develop the land midway between High Halden and Bethersden were also deleted because of the site's relatively long distance from other settlements.

It was proposed the former Stevenson Brothers petrol station forecourt and surrounding land just off the A28 would be



Cllr Paul Clokie

developed, but inspectors said the site would have "relatively poor access to services and facilities capable of meeting everyday needs".

They also recommended five plots are reduced, citing potential harm to rural views and protection to nature.

Plans for development on sites in Aldington, Brook, Mersham and Wittersham are to be trimmed back.

An ABC spokeswoman explained the authority does not need to find additional sites for the parcels of land it will axe from the Local Plan.

She said: "Following the examination hearings of our Local Plan, the inspectors have said that we have identified enough land to meet both the revised overall housing targets for the plan and the five year housing land supply target.

"Therefore, we do not need to find any additional sites to replace those being deleted.

"With regard to the five reduced capacity sites, we are expecting about a 50% reduction in aggregate across the sites - the actual percentage will vary between the sites.

"Details on this will be available when we publish our modifications of the plan for public comment in due course."

Cllr Paul Clokie, portfolio holder for planning, welcomed the review.

He said: "I was pleased to receive the advice note from the inspectors which indicates their support in principle for the council's position on over 80% of the proposed sites in the Local Plan.

"Although their final report will not be complete until November, I remain confident that our planning strategy will meet the needs of our growing borough."

Paul Fothergill, 33, of Beech Drive in Hothfield, was pleased with the inspectors' decision and called on developers to build sympathetically.

"I thought too many homes were planned, we just don't have the amenities in the village - the roads are quite narrow," he said.

"It feels good knowing the decision; we chose to live here because it is a rural area.

"There is a need for homes, but developers have to be aware of the need for green space and develop sympathetically."

■ Visit [www.ashford.gov.uk](http://www.ashford.gov.uk) for more details on the Local Plan.

It is clear from the statements of ABC, which are on record as shown on the previous two pages, that ABC have met both the revised overall housing targets for the plan and the five year housing supply target.

Although the NPPF and PPG require planning authorities to promote sustainable development in rural areas (section 6.39 Ashford local plan 2030), it is extremely important to ensure this requirement is not taken as a blanket go ahead for all small rural developments.

To prevent small rural villages being lost due to unsuitable developments it is essential that the criteria laid down in the following sections of the Ashford local plan 2030 are applied.

## Key sections of planning policy

The following are from Chapter 6 "Housing" Ashford local plan 2030.

### Important Considerations

6.44 In order to ensure that windfall schemes are integrated properly within an existing settlement, all development proposals will need to show how they can complement the existing settlement character in terms of their layout, design, scale and appearance.

The Andrews garage site is in a specific area of Smeeth called "The Plain". This is the more rural area of the village, a "ribbon development" of properties parallel to the road. There are properties on only one side of The Plain, the other side of the road is grazing land. There is no "backland" development along The Plain, in fact backland development has previously been refused. The area to the rear of the properties is agricultural land with a history of grazing sheep and cattle.



The Plain is characterised by individual large plot dwellings, predominately bungalows. All the front elevations are unique: single fronted, double fronted, differing door arrangements, brick finish, render finish, pebble-dash etc.

The planned enclave consisting of three rows, one behind the other, of two story dwellings of similar design, clay facing bricks at low level with blue / grey cement board cladding for the second floors are absolutely not individual in their design or finishing materials.

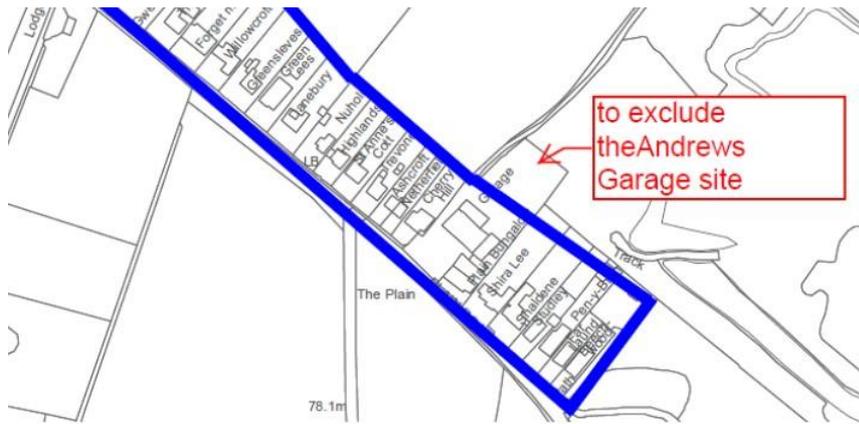
This enclave will definitely not complement the existing settlement, in fact it will stand out like a carbuncle amongst the individually designed and finished dwellings that characterise The Plain.

# Settlement confines

6.51 Therefore, for the purposes of this Plan, the built-up confines of a settlement are defined as:

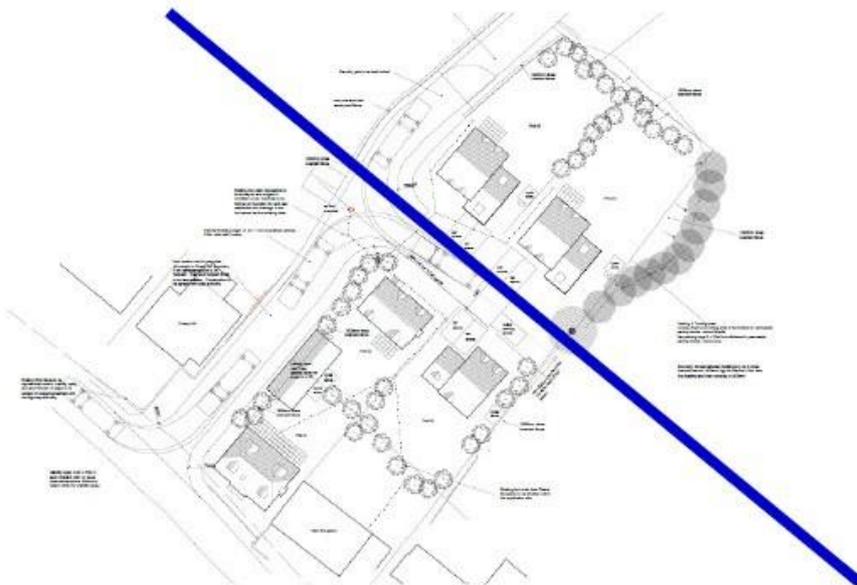
*'the limits of continuous and contiguous development forming the existing built up area of the settlement, excluding any curtilage beyond the built footprint of the buildings on the site (e.g garden areas)'.*

Any areas behind the existing Andrews Garage building, i.e. the rear yard "curtilage", are not within the settlement confines as stated above in 6.S1. Following is a section of the village confines map that was recently approved by ABC planning as representing the written definition of the built-up confines.



Section of Brabourne & Smeeth village confines map.

For additional clarity, below is the proposed site plan, latest revision, with the boundary of the village confines added.



Proposed site plan, latest revision, with the boundary of the village confines added.

As the proposed development is both within and adjoining the existing built-up confines there are two policies from chapter 6 of the Ashford local plan 2030 that are directly relevant, HOU3a and HOUS:

## HOU3a

### **Policy HOU3a - Residential Windfall Development Within Settlements**

**Residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines of the following settlements:**

**Providing that the following requirements are met:**

(Smeeth is included amongst the villages mentioned within this policy from the

- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;**

Ashford local plan 2030.)The following requirements of HOU3a are completely at odds with this application: The layout, design, appearance and density of the proposed development is completely out of character with the surrounding area; please see the description of the existing settlement area along The Plain on page 3.

- b) It would not create a significant adverse impact on the amenity of existing residents;**

Currently the rear of the adjacent properties along The Plain are secure and completely land locked, the only way in from The Plain is via Andrews garage. Currently there are several gates, two of which are full height, that any potential intruder would need to overcome.

Once the planned road in to the new development is in place, the only barrier preventing potential intruders accessing the rear of the adjacent properties will be a waist high stock fence.

The security risk introduced by the planned development would create a significant adverse impact on the amenity of existing residents.



## HOU5

### **Policy HOU5 - Residential Windfall Development in the Countryside**

**Proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable:**

**Providing that each of the following criteria is met:**

**a) The scale of development proposed is proportionate to the size of the settlement**

(Smeeth is included amongst the villages mentioned within this policy from the Ashford local plan 2030.) The following requirements of HOU5 are completely at odds with this application: This is a three row deep enclave cutting in to an existing ribbon development, in the more rural area of the village, where back land development has previously been refused. Please also see the response to section a) of HOU3a on page 6 and the description of the existing settlement area along The Plain on page 4

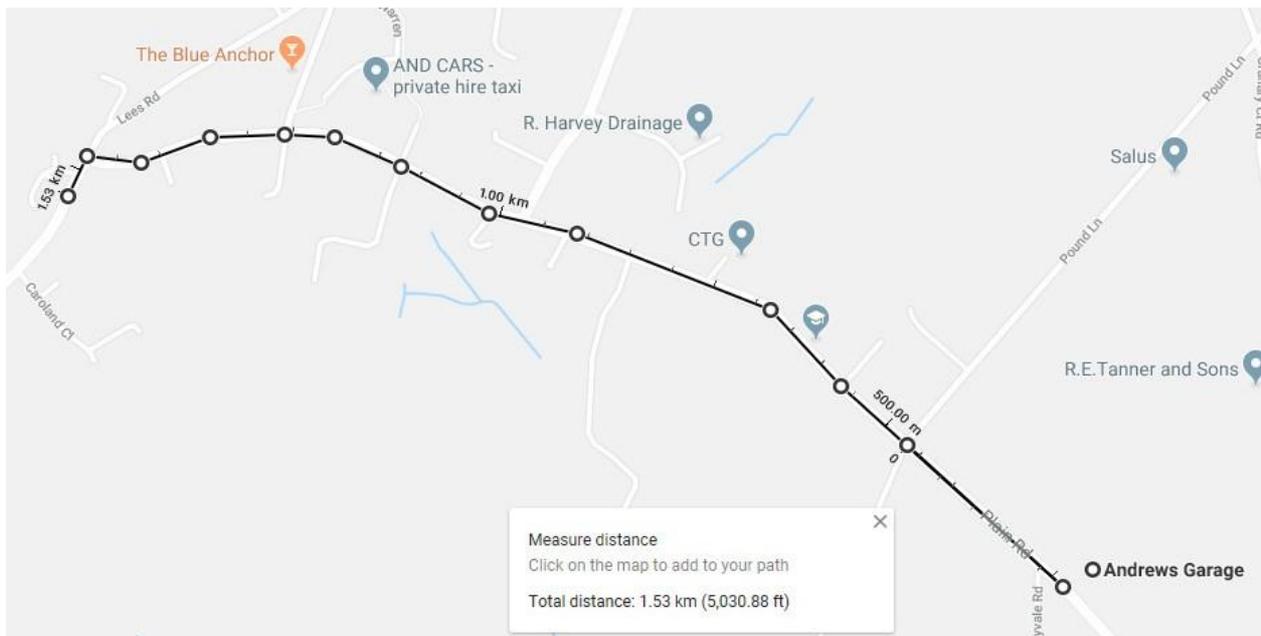
**b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;**

As pointed out by section 6.S6 of the Ashford local plan 2030, the 3 dimensions of 'sustainable development' described in para. 7 of the NPPF must be taken in to account.

Contrary to point 10 of the report from HoP&D, a good example of an area where this fails is highlighted in 6.S8 of the Ashford local plan 2030,

*"a primary school should be within a generally accepted easy walking distance of 800 metres in order to be considered sustainable."*

As can be seen from the google map on the following page, the distance to the primary school from the entrance to Andrews garage is 1,330 metres.



1,530 metres is a 91.25% increase (almost double) on the distance within which the school should be located as stipulated by section 6.S8. Additionally there are no good walking routes (this is also picked up in section 6.S8 of the Ashford local plan 2030), in fact there are no footpaths along this road.

This issue is compounded by the fact there is no street lighting; during winter months primary school children would need to walk this distance in twilight, along a road where the local speed watch consistently catches speeding drivers.

Some of the other basic day to day services that should be within the stipulated 800 metre walking distance are a public house (the closest, The Blue Anchor, is a walk of 1,130 metres), a grocery shop (the closest, Orpins, is a walk of 1,510 metres). Again these are both considerably further away than the distance stipulated in section 6.S8.

**d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;**

The short fall on these requirements are a follow on from the requirements of b) addressed previously. As well as the problems highlighted for walking to the required services, i.e. lack of foot paths and lighting, the road has no cycle lanes. The route is very narrow at many points but is still used by large vehicles such as double decker buses, large tractors and HGVs; cars need to pull over on a regular bases so that vehicles can pass each other. This location is not conducive to walking or cycling as a means of access to services.

Bus services are poor from this site. The report from HoP&D, point 10, is correct in respect to timing of buses; buses are only hourly during the week and less regular at the weekend. It is not possible to maximise the use of public transport to access services from this location.

The planned development is not in an area where it is possible to maximise the use of public transport, cycling and walking to access services.

**f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-**

**ii) it preserves or enhances the setting of the nearest settlement,**

Please see the response to section a) of HOU3a on page 6 and the description of the existing settlement area along The Plain on page 4.

**iv) it is consistent with local character and built form, including scale, bulk and the materials used,**

Again, please see the response to section a) of HOU3a on page 6 and the description of the existing settlement area along The Plain on page 4.

The Plain is characterised by individual large plot dwellings, predominately bungalows. All the front elevations are unique: single fronted, double fronted, differing door arrangements, brick finish, render finish, pebble-dash etc. etc.

**v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,**

The residents of adjacent neighbouring properties use their rear gardens as extensions of their living areas. This is possible because the rear gardens are not overlooked, the "ribbon" style linear development of The Plain provides a high level of privacy at the rear of the properties.

The second row and especially the third row of the planned enclave will cause a massive impact on the privacy of the neighbours when using the gardens at the rear of their properties. This will not be just the possible chance of seeing in to an interior room through the small aperture of a window, this will be unobstructed view in to the whole of the external living space.

This reduction in privacy in the rear areas of the neighbouring properties will cause an overbearing and unacceptable reduction in the amenity offered by the neighbouring properties.

The diagram on the following page shows the proposed layout plan with the lines of site added.



## Conclusion

The proposed development does not comply with either HOU3a or HOUS in respect to developments both within and adjoining the existing built-up confines of settlements.

We have discussed our concerns with the borough councillor for our ward, Councillor William Howard, who is in general agreement with our objections. Councillor William Howard will also be submitting his own objection comments to the committee with a recommendation to reject.

It is essential that this development should not just slip through by being judged just on the basis of it's appearance by comparison to the old garage building or just by comparison against other hypothetical uses that the site could be put to.

This development should be looked on as an opportunity to remove the redundant Andrews garage building and replace it with dwellings that are in keeping with the existing character, scale and layout of the existing built settlement along The Plain.

## **Possible solutions to issues**

It is the general opinion of most neighbours local to this site that it should be redeveloped; most would welcome a development that is sympathetic to the character of the existing settlement along The Plain.

### **Ideal solution**

One or two bungalows or houses, each of individual design and finish, following the existing line of ribbon development.

The removal of the back land development would remove all the issues raised in respect to this development.

### **Alternative solution**

If the planning committee insists that a larger number of dwellings need to be squeezed in to this plot, against the previous precedent for refusal of backland development, it should be limited to one rear row of bungalows.

Each dwelling should still be of individual design and finish. Although any rear row of dwellings would be out of character for The Plain, a single row of bungalows would reduce the issues to a great extent.

Bungalows would reduce the height of the windows so overlooking, reduction of privacy, and ultimately the overbearing and unacceptable reduction in the amenity of neighbouring properties would be removed. This would also remove the requirement for fixed obscure glazing and the future potential for involvement of planning enforcement.

The comments of the HoP&D in his point S3 are noted in respect to development being prohibited within a 3 metre zone either side of the sewer. However his statement that the layout in the application cannot be avoided is completely incorrect.

In this alternative solution, with the third row of properties removed, the rear boundary of the development can be brought in to line with the existing rear boundaries of the neighbours. With this relocated boundary, and the gate for the dirt track access of the old Piggery site, being full height this would reduce to a large extent the security issues introduced by the development.

The new section of road parallel to The Plain can then be brought forward between the front property or properties and the single rear row of bungalows; the parking barn would then be moved to the end of this repositioned road.

This revised road layout would still provide ample turning space for 11.4m refuse vehicle within the development.

Also the 3 metre exclusion zone either side of the foul sewer would still be respected as the sewer would run through the back end of the new rear



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