

Application Number	18/01454/AS	
Location	Andrews Garage, Plain Road, Smeeth, Ashford, Kent, TN25 6RA	
Grid Reference	08854/39818	
Parish Council	Smeeth	
Ward	Bircholt	
Application Description	Demolition of Andrews Garage and the construction of 5 houses with associated parking, revised vehicular access and car barn.	
Applicant	Mr Kicks, The Barn, Greenacres, Pound Lane, Smeeth, Ashford, Kent, TN25 6RJ	
Agent	Mr M Ashenden-Bax, Pickering Moor Farm, Stape, Pickering, Yorkshire, YO18 8HZ	
Site Area	0.29 ha	
(a) 69/12R, 1+, 15/S	(b) R, (Adj.)R	(c) KHS/X, EHM/, KCC Bio/X, Drainage/X, Refuse/X
(a) 69/8R, 2/+, 2/S	(b) X, (Adj.)X	(c) KHS/X, EHM/X, KCC Bio/X, Drainage/X, Refuse/-

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member Cllr W Howard.

Site and Surroundings

2. The application site relates to the former Andrews Garage on Plain Road Smeeth. The site comprises a large area of hardstanding to the front and rear of the building which is set back from the road. The building is a detached two storey workshop motor repair garage with external storage areas with an open frontage with Plain Road. The site is within the built up confines of the village of Smeeth / Brabourne Lees. To both the north west and south east

residential properties front onto Plain Road. The dwellings range in terms of style and design. The building line to the north west is established and linear with properties set back from the road with front gardens and parking areas. The application site building breaks this strong linear line, beyond this, Plain Bungalow, a large chalet bungalow is situated to the south east of the site and sits further forward than the garage.

3. The site access passes to the northern side of the existing building between the garage and Cherry Hill bungalow. To rear of the existing garage building there is a large area of hardstanding which is bunded with trees.
4. To the rear of the site is an elongated parcel of undeveloped agricultural land with former agricultural buildings, some of which have been used for temporary periods in association with the garage but are in a poor state of repair and are known as The Piggeries. This land and buildings falls within the applicant's ownership and originally formed part of the application site but following amendments to the scheme, no longer form part of the site or proposal.



Figure 1 Site Location Plan

Proposal

5. Full planning permission is sought for the demolition of the existing Andrew's Garage building and erection of 5 dwellings with revised vehicular access, parking and car barn.

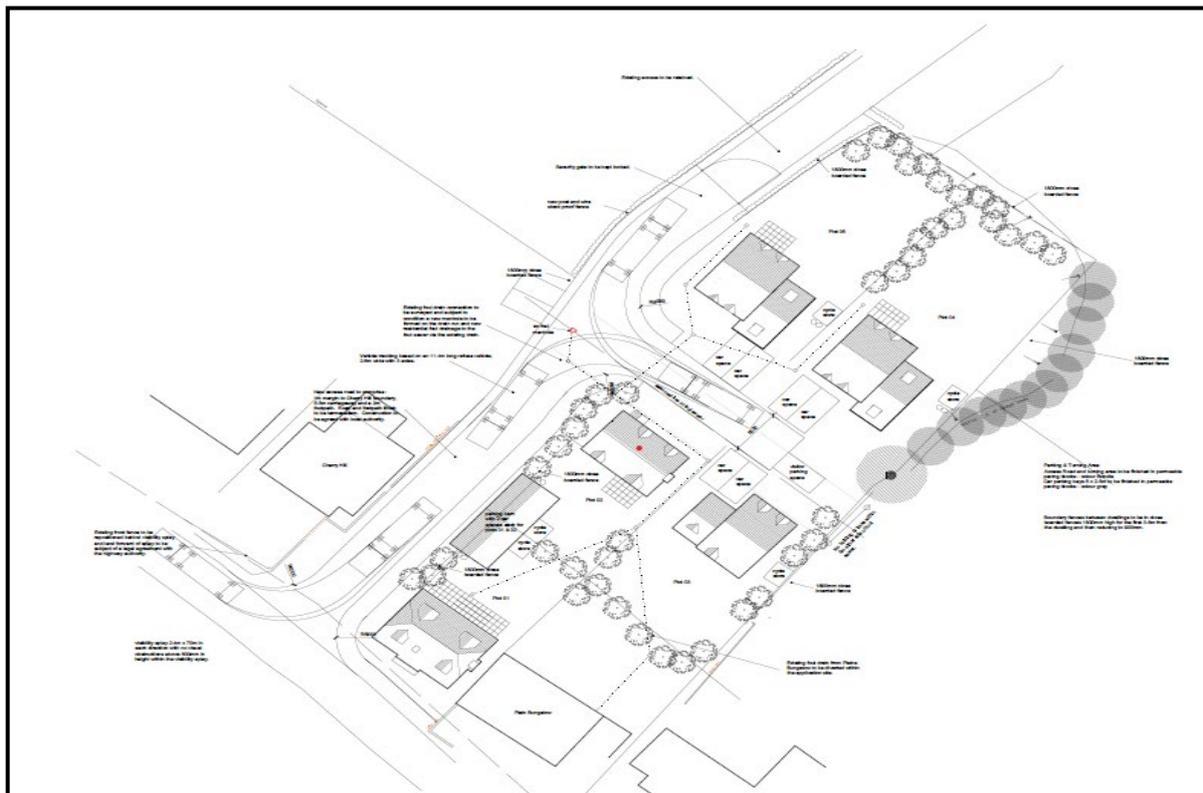


Figure 2 Proposed Layout Plan

6. The application as originally submitted sought the demolition of Andrews Garage and the construction of 5 houses and the demolition of redundant buildings (The Piggeries) and their replacement with light industrial buildings within use class B1(c). Following officer concerns regarding the proposed provision of light industrial units on the former Piggeries site to the far north eastern part of the site, this was ultimately omitted from the scheme.
7. The proposal follows from a previously withdrawn application (18/00789/AS) which sought planning permission for 10 dwellings and replacement light industrial units, the latter of which originally formed part of this application but as noted above was subsequently omitted.



Figure 3 Plot 1 Elevations

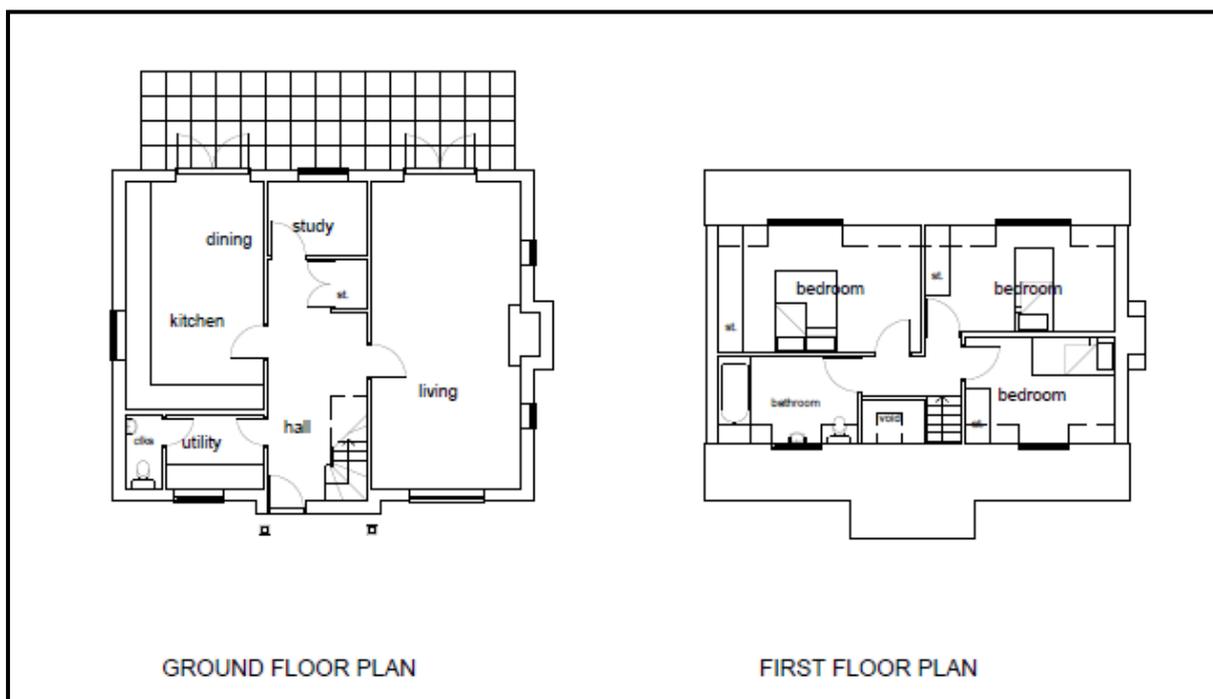


Figure 4 Plot 1 Floor Plans



Figure 5 Plot 2 Elevations

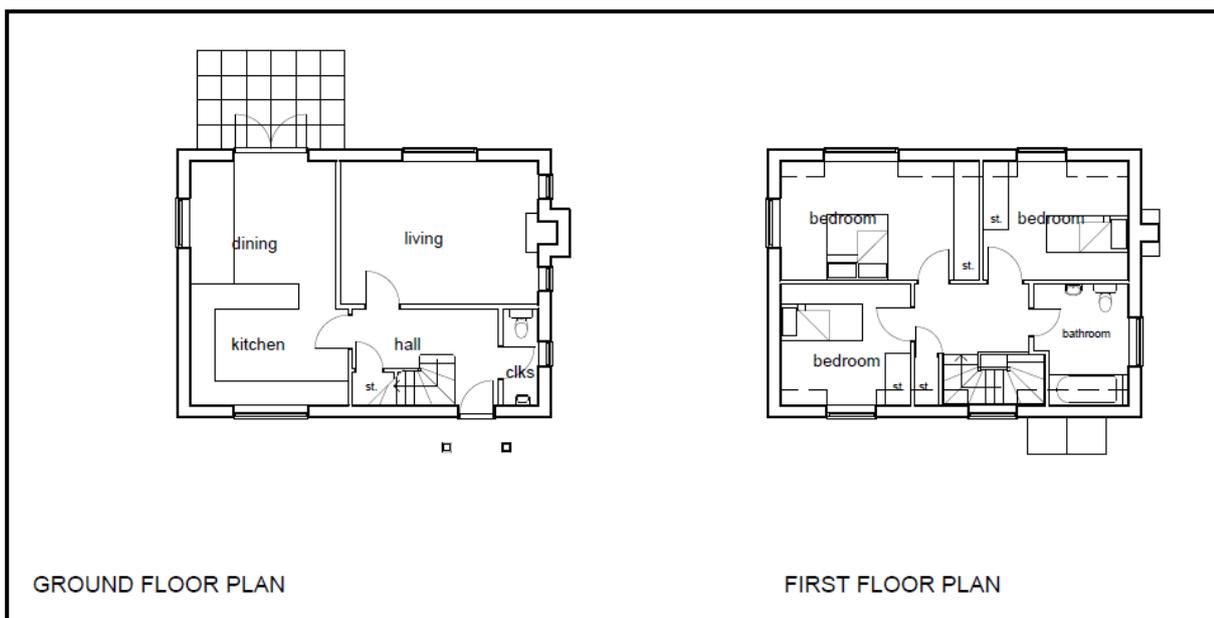


Figure 6 Plot 2 Floor Plans



Figure 7 Plot 3 Elevations

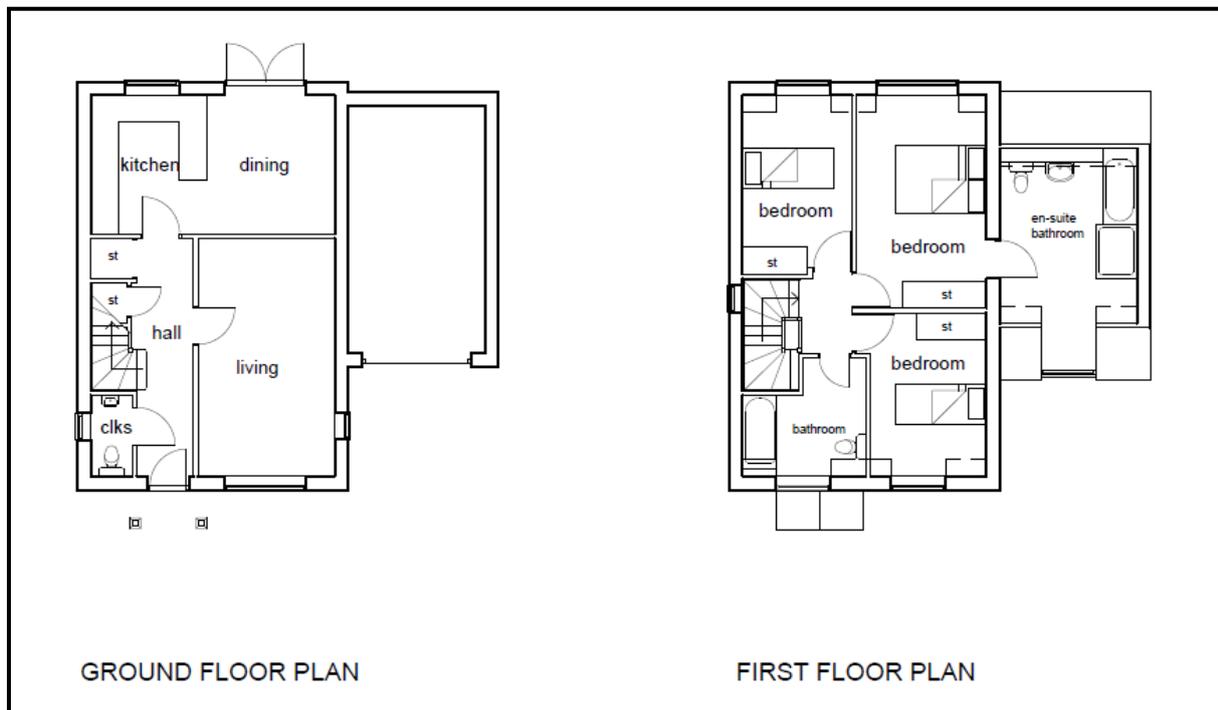


Figure 8 Plot 3 Floor Plans

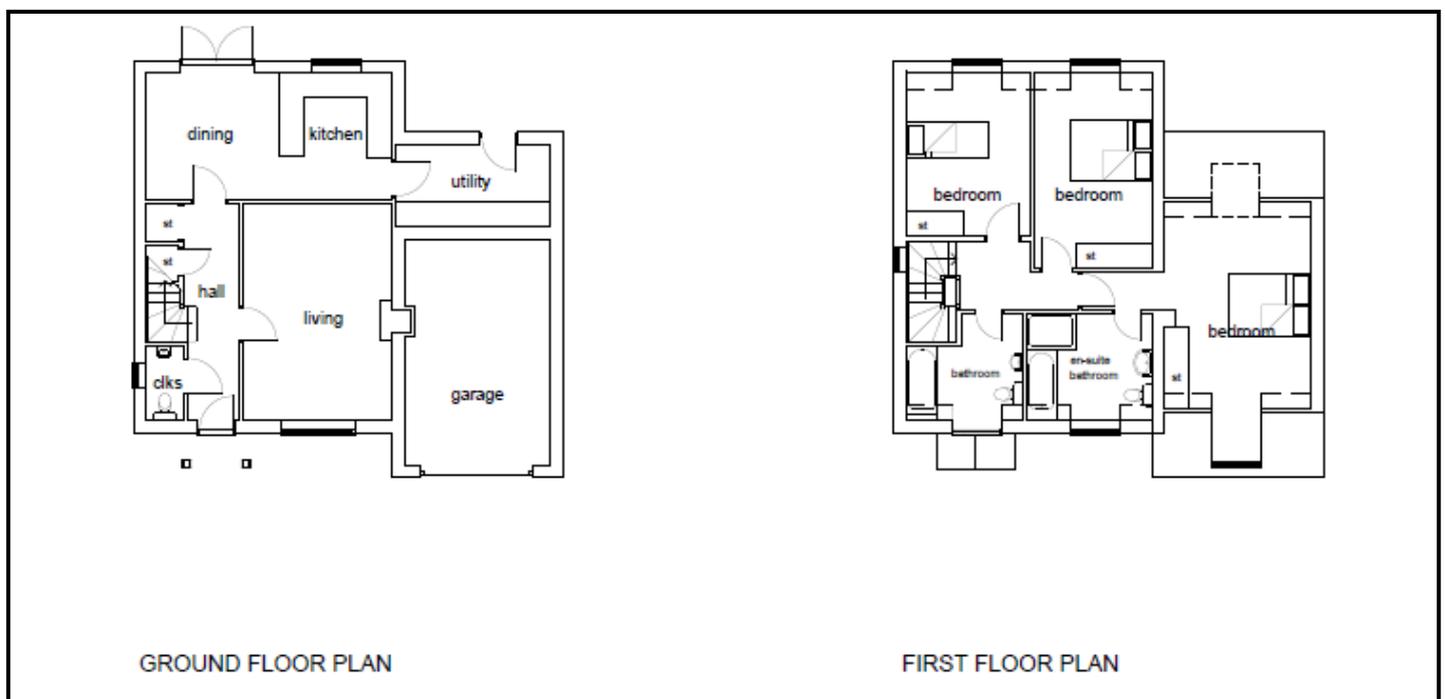


Figure 10 Plots 4 & 5 Floor Plans

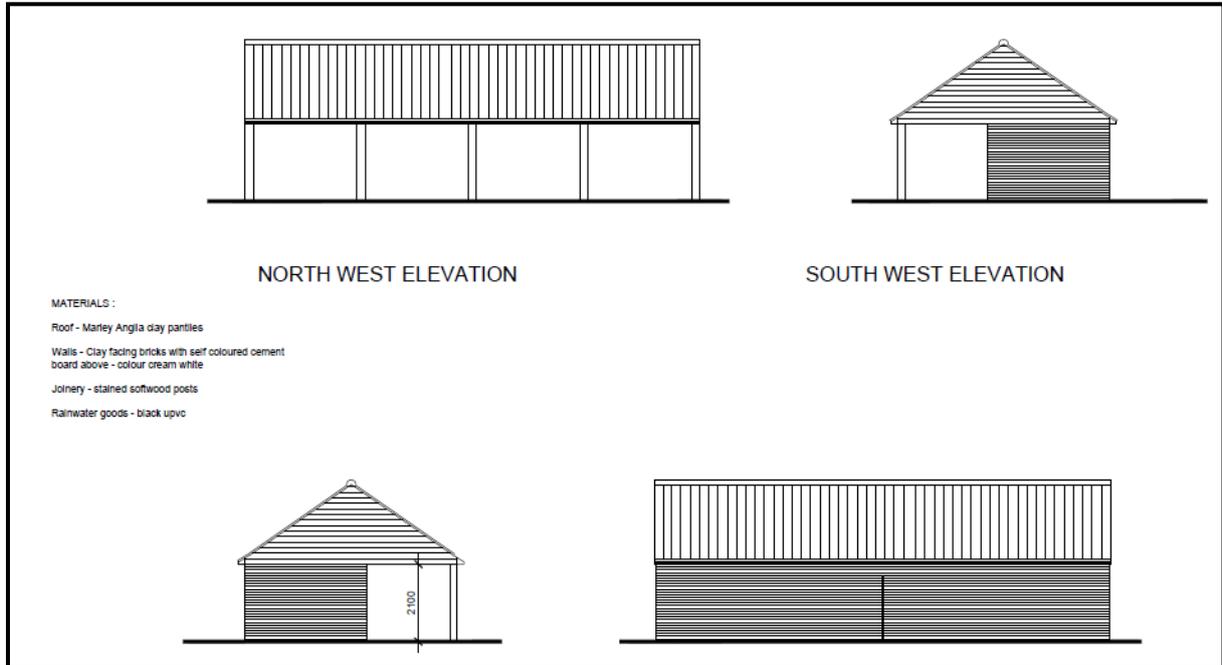


Figure 11 Proposed Car barn elevations and floor plans

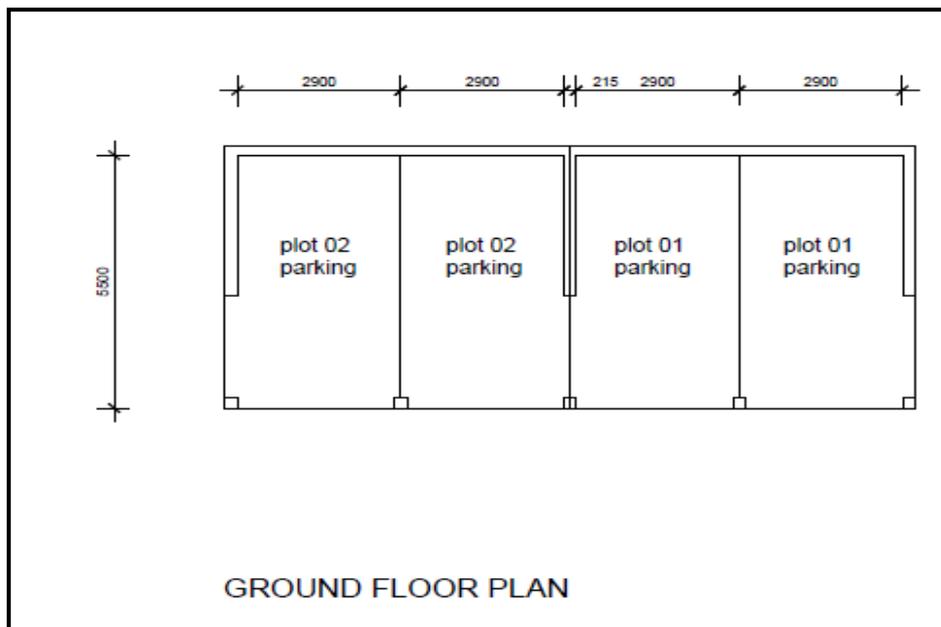


Figure 12 Proposed Floor Plan for car barn

8. In support of the application the applicant has outlined the history of the last use of the site and the viability of finding a new operator to run the garage, which was unable to sustain losses averaging £20k per annum. In 2008, the garage had employed 7 staff including family members. However, by 2017, the turnover has fallen by 64% to just £325k with a loss of £78k and only employing 3 staff members, of which 2 were family members. The garage had seen a decline in the 50:50 split between MOT/servicing of vehicles (domestic and commercial) it had offered. Fleet vehicles and lease vehicles, which are maintained through main dealer networks for commercial vehicles has seen an increase resulting in a significant loss of business for the garage. Moreover, the loss of the mobile tyre franchise it previously offered, due to insufficient business, has made the garage unviable.
9. The poor construction / state of the building and lack of insulation means the building is in need of significant investment to enable it to be leased to a new occupant. This is exacerbated by the requirement for the building to meet the new legal standard "MEES" (Minimum Energy Efficiency Standard) for buildings which are leased, with which the building does not currently comply. The estimated cost of carrying out such works are estimated to be between £140-170k.
10. The site is currently served by mains drainage and a public sewer runs through the middle of the site, parallel to Plain Road. The site is 0.6 miles from local shops and amenities in Barbourne Lees/Smeeth which include a school, shops, village hall, pubs and post office. A bus stop, served by Stagecoach is immediately outside the site and provides services to both Ashford and Folkestone (including Sellindge with a primary school, shop, public house). This runs every hour on weekdays and less regularly on weekends. There are secondary schools in both Saltwood near Hythe and Ashford. In the centre of Brabourne Lees/Smeeth there is a car garage which services vehicles and undertakes MOTs together with the sale of associated products including petrol and diesel.
11. The site layout for this development is influenced by the location of the foul sewer, which passes through the middle of the site to the rear of the existing garage building, to which the development will be connected. Surface water will be dealt with by soakaway and other SUDs features including permeable surfacing.
12. New hedgerow and landscaping is proposed. It is confirmed that no lighting will be proposed to the access road to the site which is not being adopted and will be privately owned and managed.

13. All of the 3 bedroom dwellings would comply with the National Technical Housing standards and provide a good level of external amenity space. The existing shallow and substandard garden, by current development plan standards, serving Plain Bungalow will be increased in depth and increase spacing between the dwelling and those which are proposed.
14. Confirmation that KCC Highways and Transportation's advice was sought with regards to highway impacts. Parking will be provided on site with visitor parking in accordance with the required standard.
15. The site is a brownfield site, within the confines of an existing settlement identified in the Development Plan. These would help meet the 5 year housing land supply, which is currently unmet.

Ecology

16. Ecological surveys of the site, including an Extended Phase 1 Survey were provided with the application and outlined the likely presence of protected and notable species. These confirmed that whilst there was potential for bats and evidence of foraging along the boundaries of the site (the original site prior to the amendments to the scheme), the impact could be mitigated. There is no evidence of badgers, roosting bats within the building to be demolished or dormice, Great Crested Newts or reptiles (within the amended application site).
17. Trees adjacent to the site are to be retained and protection measures in accordance with the British Standard in relation to design, demolition and construction will be adhered to. Breeding birds are protected during the course of works by the Wildlife and Countryside Act 1981 (as amended).
18. Ecological enhancements can be provided on site, including bat boxes, bird boxes, hedgerow and other native planting.

Contamination

19. A Phase 1 Preliminary Risk Assessment of the site has been undertaken (including the land to the north of the application site under consideration). The section which is relevant to the scheme being considered concludes that the former garage site with associated parking/yard areas is underlain by the Folkestone Formations, which is classified as a principal aquifer by the Environment Agency. The closest surface water feature is a tributary of the East Stour River, to the south west of the site (approximately 260m from the site). It is considered, following a walkover of the site that there is relatively low risk of the site being subject to significant and widespread ground

contamination. However, given the previous use, which included significant external vehicle storage, shallow soils impacted by contaminants could pose a risk to future occupants and neighbours of the adjoining properties.

20. Recommendations made include a Phase II intrusive ground investigation will be required. This will be ideally undertaken once the existing buildings have been demolished so the exposed soils can be inspected and sampled.

Other information

21. Additional details were requested during the course of the application with regards to drainage and ecology. Amendments were also sought to the scheme, as outlined above with regards to the development of the former Piggeries site, this is not being considered under this application and has been omitted.

Planning History

83/00998/AS – Extension to workshop – Permitted 04/10/1983

84/01012/AS – Extension to the side of the workshop – Permitted 30/10/1984

98/00536/AS - Erection of an extension to provide a tyre fitting bay and rest room – Permitted 16/07/1998

18/00789/AS – Replacement of light industrial units and construction of 10 new houses – Withdrawn 30/07/2018

Consultations

Ward Member: The Ward Member is a member of the planning committee and has requested that this application be determined by the planning committee.

Initial Plans (Demolition of Andrew's Garage, erection of 5 dwellings and conversion of existing buildings at the Former Piggeries to B1c light industrial units with associated parking)

Smeeth Parish Council: object on the following grounds:

- Brabourne and Smeeth Landscape/Village Protection Policy (formally adopted by the Parish Council 5th September 2018) states that proposals within the Brabourne and Smeeth Landscape Area will only be supported if it meets all of the following [**HoP&D comment:** this is not formally adopted as part of the Local Plan and therefore has no weight in the decision making process]:

- The development respects the landscape setting
- Development is in keeping with the form and style of existing development with a sensitive transition between the High Weald and North Downs AONB
- Visual effects of the development including views into and out of the site and historic disposition of development relative to the surrounding topography
- Respect of historic, archaeological and biodiversity features
- Not exacerbate current impacts on character and function of existing highway corridors and lanes
- No impact on the pursuance of rural activities on adjacent lanes
- Not generate a type or amount of traffic that would be inappropriate or detrimental to the rural road network
- Primary concerns relate to:
 - Inappropriate property types and layout (back land development)
 - Proximity of light industrial units in the area
 - Impact of development upon rural activities in the locality
 - Question the need for industrial units
 - Impact on the local environment particularly the sandpit
 - Highways safety implications
 - Security concerns

Brabourne Parish Council (adj): object on the following grounds:

- Contrary to the Village Protection Policy
- Some betterment on the site in the form of houses but industrial units are on agricultural land
- No proven demand for B1 uses

- Traffic impact on highways safety and amenity of local residents
- Adverse impact upon biodiversity
- Parish do support brownfield infill development on sites such as Andrews Garage
- Local need is for small housing as proposed in the original application
- Application for housing only may be supported subject to changes to style, size to meet the needs of the community.

KCC Highways and Transportation: no objection subject to conditions.

KCC Biodiversity: no objection subject to conditions stating:-

- Sufficient information has been submitted to enable determination and additional information required which can be secured by condition.
- Satisfied by Extended Phase 1 Habitat Survey which states buildings have no evidence of bat use and no requirement for emergent surveys to be carried out.
- Commuting and foraging over and around development by bats require bat sensitive lighting to be secured by condition.
- Any work to vegetation and buildings which may provide suitable habitat for nesting birds would be covered by the Wildlife & Countryside Act 1981.
- Buildings on site were found to have negligible for bat roost potential but given bat activity in area, condition for sensitive lighting requested
- Habitat and connectivity for reptiles and amphibians is poor
- No schedule 1 bird species recorded during survey and protected by Wildlife and Countryside Act 1981

ABC Drainage: further information required in the form of a conceptual surface water drainage layout in accordance with principles of SUDs and in accordance with Council's SUDs SPD.

Environmental Health: no objection subject to conditions.

ABC Refuse: no objection in light of KCC Highways and Transportation comments.

Neighbour: 69 consulted: 12 objection comments, 15 support comments and 1 general comment raising the following:

Objections

- Contrary to the development plan as not required to meet shortfall in housing **[HoP&D comment: this is windfall development which helps to meet the 5 Year Housing Land Supply set out in the Local Plan]**
- Outside of the main village **[HoP&D comment: this is within the built up confines of the village of Brabourne Lees/Smeeth]**
- Plain Road is predominately bungalows which are individually designed
- The dwellings on Plain Road are linear and parallel to Plain Road
- The school is not within walking distance
- Bungalows along the frontage would be acceptable
- The reduced number of dwellings is more acceptable than the previous scheme for 10 units
- A range of dwelling types and sizes should be provided in line with policy CS13 **[HoP&D comment: this policy is superseded and there is no such requirement for schemes of this size to be of a range of sizes but this does help to provide smaller units within the village following the approval of similar small size schemes for 4 and 5 bedroom units]**
- First floor windows would overlook neighbouring dwellings on Plain Road from bathrooms **[HoP&D comment: these can be conditioned to be obscure glazed and fixed shut]**
- Lack of parking provision including only one visitor parking space.
- Development would generate intensified use of existing accesses should not be permitted according to CS15 **[HoP&D comment: this policy is superseded but reference to highway safety is outlined under the relevant section of the report which follows below]**
- On road parking as a result of development

- Question whether the en-suite is a fourth bedroom given that it is so large **[HoP&D comment: the plans show this as an en-suite and not a bedroom, only the plans submitted can be taken into account]**
- Access road a security risk for existing properties from burglary
- Impact on Plain Road and rural road network for scale of development
- Impact on pedestrian safety and those utilising bus stop
- Lack of footpath along the road
- Cars regularly break the 30mph speed limit on Plain Road
- Otterpool and Chilmington Green are already deemed to be more than enough new houses in the area
- Lack of services within the village/area
- Loss of idyllic rural atmosphere **[HoP&D comment: the proposed residential use of the site would result in the loss the existing B2 employment use which generates more noise and traffic movements than the proposed dwellings]**
- The habitat survey is insufficient and evidence of species within close range of the site have been noted
- Current garage should be retained to serve the community, only if no economic demand should it be redeveloped
- The existing trees should be covered by a TPO
- A pedestrian link should be provided between the Sandpit site (to the north east of the site)
- The Local Plan outlines requirement to consider impact on historic features including Listed buildings, conservation areas, ancient roads, green lanes, byways and sites of archaeological interest Validity of the application is questioned as there are many errors within the submission documents.

The following concerns below relate specifically to the commercial element of the scheme as originally submitted:

- No requirement for industrial units within village

- Light, noise and waste pollution from industrial units
- Visual impact upon the Sandpit to the south east of the site
- The same applicant had permission to demolish commercial units directly behind the former Piggery site and to build houses on the site (17/01506/AS) **[HoP&D comment: this does not preclude this application from being considered and Members are able to consider approving the scheme should they be minded to agree with the Officer recommendation]**
- The applicant already has commercial units on Pound Lane which are To Let
- Other commercial development has been approved in the area **[HoP&D comment: this does not preclude further commercial applications from being considered, although this is now no longer part of this scheme as outlined above]**
- Anti-social behaviour as a result of the industrial units
- The access road to the units is in very close proximity to the old quarry (sandpit site)
- It is envisaged the site would operate for long hours and 6 days per week
- Consideration should be paid to the former contamination and instability of the land
- Number of vehicle movements would be harmful to highway safety
- Impact upon existing junctions at Stone Hill and Church Road to the A20
- Estimated vehicle movement data is misleading
- The evidence of tipper trucks operating from Andrews Garage are misleading as they were never lawfully operated from the site
- Loss of agricultural land

1 general comment received with regards to the following:

- It is inevitable this site will be redeveloped
- Need to take on board other neighbouring resident's comments

- Need to ensure security and public safety are conditioned

15 support comments received with regards to the following:

- Visual enhancement
- Development is sympathetic to the area
- Preferable to B2 use of the site which increases noise and traffic within area
- Nice new housing
- Loss of business but 5 new homes is a positive thing for the community
- Provides affordable smaller homes in the village which may encourage younger people to remain in the village provision
- Good use of a brownfield site rather than building on green field site
- Not a significant number of houses are proposed
- Perfect homes for those wishing to downsize

Amended Plans – scheme under consideration for Demolition of Andrews Garage and the construction of 5 houses with associated parking, revised vehicular access and car barn

Smeeth Parish Council: general comments but note the removal of the commercial units from the proposed scheme which is welcomed and as such are more inclined to support but do still raise the following concerns:

- Back-land development
- Form and style of dwellings
- Loss of security for existing dwellings
- Increased traffic movement
- Potential parking problems on road

Brabourne Parish Council (adj): see comments from Smeeth Parish Council above (Joint comments submitted)

KCC Highways and Transportation: no objection subject to conditions previously requested

KCC Biodiversity: no objection subject to conditions regarding ecological enhancements

ABC Drainage: no objection subject to conditions following the receipt of additional information which outlines the approach, site conditions and extent of the proposed layout, a suitable policy compliant SUDs system for surface water drainage could be achieved.

Environmental Health: no objection to the amended scheme subject to conditions. ,

ABC Refuse: no further comments.

Neighbours: 69 consulted: 8 objection, 2 general comments and 2 support comments received raising the following additional points:

Objections

- Welcome that the industrial units are omitted
- The application is not in the public interest based on strength of objection it should be rejected [**HoP&D comment:** this is not the basis for refusing the application but all comments will be addressed in the report which are material to the application]
- Potholes to road [**HoP&D comment:** general wear and tear to the road network is a matter for KCC Highways and Transportation, this is not a reason to refuse the application]
- No new D&A statement has been submitted to omit the previously proposed industrial units
- The site falls outside of the recent confines map of the village
- The fencing proposed is of insufficient height to prevent intruders accessing the rear gardens of properties on Plain Road
- Cherry Hill has planning permission for extension to create a 5 bedroom dwelling (17/01186/AS) but only has two parking spaces [**HoP&D comment:** this complied with the relevant parking requirements at the time this application was determined and this is not being considered under this application]
- There is potential for obstruction of visibility

- Impact on human rights of existing resident
- Two parking spaces are shown to the rear of Cherry Hill

2 general comments received raising the following points:

- Footway access into Smeeth Sandpit from Plain Road

2 support comments received raising the following additional points:

- The houses would be of a more appropriate scale within this section of Plain Road than the existing 2 storey industrial premises.

Planning Policy

22. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.
23. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
24. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
25. The relevant policies from the Development Plan relating to this application are as follows:-
 - SP1 - Strategic Objectives
 - SP2 - The Strategic Approach to Housing Delivery
 - SP3 - Strategic Approach to economic Development
 - SP6 - Promoting High Quality Design
 - HOU3a - Residential windfall development in settlements

HOU12 - Residential space standards internal

HOU14 – Accessibility standards

HOU15 - Private external open space

EMP2 - Loss or redevelopment of Employment Sites and Premises

TRA3a - Parking Standards for Residential Development

TRA6 – Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV7 - Water Efficiency

ENV9 - Sustainable Drainage

26. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Government Advice

National Planning Policy Framework (NPPF) 2019

27. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
28. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available ... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
29. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
30. Paragraph 122 states that planning policies and decisions should support development that makes efficient use of land, taking into account:
 - a. the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b. local market conditions and viability;
 - c. the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d. the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

- e. the importance of securing well-designed, attractive and healthy places.
31. Paragraph 118c states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate spoilt, degraded, derelict, contaminated or unstable land.
32. Paragraph 123 outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.
33. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...
34. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
35. Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)...

or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

36. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
37. Paragraph 170 states that the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services should be included in the decision making process.

National Planning Policy Guidance (NPPG)

38. Technical housing standards – nationally described space standards

Assessment

39. The main issues for consideration in the determination of this application are:
 - Principle
 - Loss of Employment use
 - Visual amenity / Design & Layout
 - Residential amenity
 - Parking & Highway safety
 - Ecology
 - Drainage
 - Other issues

Principle

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraphs 2 and 11 of the NPPF state that planning law requires that

applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

41. The proposal is not an allocated site in the development plan but is within the built up confines of the village of Brabourne Lees / Smeeth, as defined in the Local Plan under policy HOU3a. This allows for windfall residential development within the towns / villages listed under this policy subject to various criteria being satisfied. Policy HOU3a is set out below:
- 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;
 - b) It would not create a significant adverse impact on the amenity of existing residents;
 - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
 - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
 - e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;
 - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
 - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,
 - h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.
42. In terms of assessing what constitutes the built confines of the named towns / villages this is set out in paragraph 6.51 of the Local Plan which states:

'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)'

43. The principle of residential development on this site can be considered acceptable subject to there being no harm that would warrant the refusal of the application and these are assessed below. Further windfall sites are factored in to the Council maintaining a 5 year housing land supply and thus have strategic importance.

Loss of Employment use

44. The loss of the employment use of the site would be considered under policies HOU3 (h) and EMP2 of the local plan, the latter which states that proposals for the loss or redevelopment of existing employment sites or premises within the confines of Tenterden or the villages listed in Policy HOU3a, or adjoining/close to a settlement listed in policy HOU5 will not be permitted, unless one of the following criteria apply:
- aa. The site is no longer appropriate for the continuation of the previous or any other employment use in terms of its serious impact on the neighbouring occupiers or environment;
 - bb. The premises are replaced with the same-sized or larger sites or premises within or adjoining the same rural settlement, or at the nearest rural service centre, or;
 - cc. It has been shown that the unit has remained unlet or for sale for a substantial period for all appropriate types of B class employment uses or other suitable employment generating uses, despite genuine and sustained attempts to let or sell it on reasonable term.
45. The application site is within close proximity to a number of residential properties and has an unrestricted B2 general industrial use. As such there are no controls over hours of operation, receipt and dispatching of deliveries, types of activities taking place, control over the use of the external hard surfaced areas for carrying out industrial processes etc. As the use is B2 and not a B1c, there would be likely harm to the amenity of neighbouring residents. This could include a future use of the site as a garage, a waste transfer station etc. without restriction which would have a serious adverse impact upon the amenity of nearby residents through.
46. Given this potential detrimental impact upon the amenity of occupiers of neighbouring dwellings to the site, it is considered that the proposed loss of employment on the site would comply with criterion aa.) of policy EMP2 and criterion (h) of HOU3a. Its loss would therefore be justified.

Visual amenity / Design & Layout

47. The existing garage building is uncharacteristic and at odds with the prevailing character along Plain Road. The regular and established building line to the north west of the site is predominately characterised by individually designed two storey dwellings, chalet bungalows and bungalows with no prevailing character, spacing or style. The dwelling immediately adjacent to the north east, Cherry Hill, is a modest bungalow with planning permission granted for extensions to its roof to form a two storey dwelling, this has yet to be commenced but it is an extant permission. Adjacent to the site to the south east, Plain Bungalow uncharacteristically sits further forward within its plot fronting the road and is of a large size in comparison to other neighbouring bungalows, which have shallower pitched roofs and are single storey. Its unusually high eaves and ridge height, not dissimilar to a two storey dwelling, make it more prominent within the street scene (see figures 13 and 14).



Figure 13 Aerial photograph



Figure 14 - Looking south east along road towards garage and Plain Bungalow

48. The proposed unit to the front of the site would step back slightly from the road, to provide some relief on approach along Plain Road from the south east, set behind the principal elevation of Plain Bungalow. It would enable a transition from in the building line from the more prominent Plain Bungalow to the neighbouring property, Cherry Hill and the properties further along the road to north west which are more regular in terms of building line.
49. The proposal for a chalet bungalow along the road frontage of the site (plot 1) would be of a smaller scale to Plain Bungalow but similarly including accommodation at first floor within the roof space. The use of brick would complement Plain Bungalow and Cherry Hill, both of which are of a brick construction. The dormer windows to the front would sit comfortably within the roof slope. The dwelling would sit comfortably within the street scene and improve upon the existing hardstanding along the road frontage with landscaping secured by condition to help further soften the appearance.
50. To the rear of this plot, a shared car barn would face towards the shared access to the site, which would be revised from the existing access along the frontage of the existing garage. This would be simply designed and open fronted and of a scale and form which would sit comfortably within its context.
51. Whilst there is currently no other development within the immediate vicinity to the rear of the ribbon of development, with dwellings within the immediate context all fronting onto Plain Road, it is not considered this would not be unacceptable or appear incongruous given the existing garage building on the site which the dwellings would replace and for the reasons outlined below. The density of the development would also not be dissimilar to that on within the immediate context.
52. The existing built development on the site sits further back from the road than the existing dwellings and the established building line outlined above. The rear of the built development proposed behind plot 1, would not extend further than the existing rear boundary of neighbouring plot of Shira Lee to the south east of the site.
53. The layout has been largely dictated by the existing foul sewer which runs to the rear of the existing garage building. This results in development being prohibited over the foul sewer and within an exclusion zone of 3 metres either side of the path of the sewer. This has resulted in linear tiers of development which do not front Plain Road but onto a private access road rather than a more informal cul-de-sac layout but this cannot be avoided in this instance and is not considered to be unacceptable in any event.

54. The loss of the two storey garage building would result in a significant enhancement to the visual amenity of the area. The redevelopment retains an active relationship with Plain Road with the properties to the rear fronting the access road which is a typical arrangement on a site of this nature. All of the redevelopment would be contained within the previously developed part of the site.
55. The dwellings which are located to the rear of plot 1 would all be 1.5 storeys in height with through eave dormer windows. Whilst of a simple design, they would include well-proportioned dormer windows which would sit comfortably within the roof slope. Open porches and chimneys would provide visual interest. The use of a facing brick with composite weatherboarding would not be out of context given the range of facing materials and designs in the wider locality. Details of materials can be secured by condition.

Residential amenity

56. The proposed dwellings would benefit from gardens which would comply with policy HOU15 and Plain Bungalow would also benefit from an enlarged garden, which, in its current form, is below the current standard required for compliance under policy HOU15 (10m depth). This would result in an enhancement to the current level amenity afforded to the occupiers of this dwelling.
57. The proposed internal living accommodation would comply with the National Technical Standards, which are also set out under policy HOU12.
58. There is sufficient separation distance between the existing and proposed dwellings to prevent an overbearing impact to the amenity of current or future occupiers. Furthermore, subject to condition, where windows at first floor look over private garden areas, these windows can be obscure glazed and fixed shut to prevent any loss of privacy.
59. It is therefore considered, in light of this and also the loss of the existing B2 use of the site, previously outlined in the above section, the proposal would comply with criterion b) of policy HOU3a which states that windfall development should not adversely impact the residential amenity of existing residents.

Parking and Highway Safety

60. The existing site benefits from a vehicular access which serves a B2 use. The proposed development would result in the existing frontage, which is fully open without enclosure, being stopped up to facilitate the erection of plot 1

and a revision to the existing access. KCC Highways and Transportation consider that the proposed access arrangements and the level of traffic generated by the development of 5 residential units would not give rise to harm to highway safety and could be accommodated by the existing rural road network without detriment to other road users.

61. It has been demonstrated that the site can provide safe access and turning for a 11.4m refuse vehicle. The Council's Refuse team have raised no objection, subject to an indemnity being signed prior to collections commencing as the road will not be adopted.
62. The on-site parking provision proposed would comply with policy TRA3a including a visitor parking space. The development would also encourage the use of sustainable modes of transport through the provision of cycle parking to comply with policy TRA6 for cycle parking.
63. Whilst it is noted that parking is shown on land to the rear of Cherry Hill, this is not within the red line of the application site. If this is a permeable surface, there would not be any requirement for planning permission in any event and it would serve Cherry Hill. Additional parking of this nature would be welcomed, but does not form part of this application as it is outside of the red line and within the garden area of Cherry Hill.
64. Concerns have been raised regarding the existing access serving the agricultural buildings to the north east of the site (known as The Piggeries) given that the rear boundaries of existing dwellings fronting Plain Road back onto open countryside. A gate has been shown on the submitted plans, this is not dissimilar to the existing situation and can be controlled by condition. However, it would not be reasonable or indeed necessary to impose restrictions in terms of access along this existing track and nor would it be enforceable for the access gate to remain locked. Given this, it is considered that imposing such a condition would fail to meet all of the 6 tests set out in the central government guidance on imposing conditions. However, the provision of a gate in this location would act as a deterrent and would fall within the control of the future occupiers of the site or landowner and the securing of the land to the rear of the site. There is no change to the status quo in respect of the land to the rear outside of the application site.
65. In light of the above, subject to conditions, the development would be safely accessed from the local road network and the traffic generated could be accommodated on the local and wider road network without harm to highway safety, therefore complying with criterion e) of policy HOU3a.

Ecology

66. The existing garage building which is to be demolished is a modern, light structure which whilst having gaps for access by bats around the garage. Given that internally, due to the roof lights within the roof and windows within the building, it is unlikely this would be utilised by bats. There is also no evidence of suitable roosting features recorded within the building. Therefore, KCC Biodiversity have confirmed that there is no need for emergence surveys to be carried out.
67. There are trees along the boundary to the site. It was confirmed these provide foraging and commuting for bats and connect to suitable habitat within the wider landscape. Given this, it is suggested that a condition regarding lighting is imposed if permission is granted to ensure that there is no harm to bats.
68. There is also suitable habitat for nesting birds, which are protected under the Wildlife and Countryside Act 1981. An informative can be added to draw the applicant's attention to prevent any disturbance during the works.
69. No evidence was found of dormouse or badger presence within the site. Details of ecological enhancements, in line with policy ENV1 and paragraph 175 of the NPPF can be secured by condition. It would also comply with criterion d) of policy HOU3a.

Drainage

70. The application site is previously developed land and is currently occupied by a large industrial building and a large extent of hardstanding covering the majority of the site to both the front, side and rear. The proposed development would bring betterment on this current situation with a reduction in the impermeable surface area and it is also considered that an acceptable surface water drainage SUDs compliant system which would comply the Council's Sustainable Drainage SPD could be designed for the site. It has been confirmed that the proposed run-off from the site would be dealt with by way of soakaways, details of which can be secured by condition. Consideration would need to be paid to the past use of the site given the potential presence of contamination within the design, which is addressed in more detail in the section below. In light of this, it is considered there would be no increase in surface water run-off from the site and a betterment could be achieved to enable compliance with policy ENV9 and ENV1.
71. Foul water would be connected to the existing foul mains drainage which runs through the site.

Other issues

72. There is the potential for contamination on the site due to the current uses. Details have been submitted which have been considered by the Council's Environmental Health Officer regarding this and they are satisfied, that subject to conditions there would be no harm and they raise no objection.

Human Rights Issues

73. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

74. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

75. The proposed development would accord with policy EMP2 and HOU3a in respect of the loss of employment on the site and the redevelopment to provide 5 residential dwellings. There would be some deviation from the established pattern of development along the road frontage on Plain Road. This deviation, when read in context with the density of the development and no other material planning harm would be off-set by the benefits in terms of residential amenity for the occupiers of existing neighbouring dwellings to the site through the cessation of a potentially harmful B2 employment use of the site, which includes the ability to utilise the site more intensively and for uses including a waste transfer station without the need for planning permission.
76. The utilisation of a brownfield site through the loss of this unrestricted B2 employment use together with the visual enhancements secured through landscaping proposed would be benefits of approving the scheme. The removal of significant amounts of hard surfacing and the former garage building and storage containers would be a further benefit. Ecological enhancements and betterment in terms of surface water run-off from the site

would be further benefits which weigh in favour of the granting of planning permission. The provision of 5 modest sized, 3 bedroom dwellings towards the Council's 5 year housing land supply and the needs of local residents seeking to remain in the village would result in a clear social benefit but also economic benefits for a local developer and tradespeople, social and environmental benefits outlined would, subject to conditions comply with the development plan policies.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to either the Head of Planning and Development or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

1. Standard time condition
2. Materials

Environmental

3. Disposal of Sewage
4. Contamination

Highways/Parking

5. Construction management plan
6. Parking spaces
7. No doors or enclosing of car barn
8. Cycle parking
9. Visibility splays
10. Electric car charging
11. Footways and carriageways prior to occupation

Landscaping

12. Walls/Fencing
13. Landscaping scheme
14. Retention of trees/protection measures

Drainage

15. SUDs scheme

Ecology

16. Details of lighting for bats
17. Ecological enhancements

Other

18. Refuse storage
19. Obscure glazing to first floor windows
20. Removal of PD rights for Classes A, C and E (Extensions, roof extensions and outbuildings)
21. Accessibility standards
22. Removal of resulting spoil and materials following demolition
23. Development in accordance with the approved plans
24. Development available for inspection

Note to Applicant

1. Working with the Applicant
2. Highways informative
3. Environmental Health informative
4. Breeding birds
5. Refuse indemnity

Background Papers

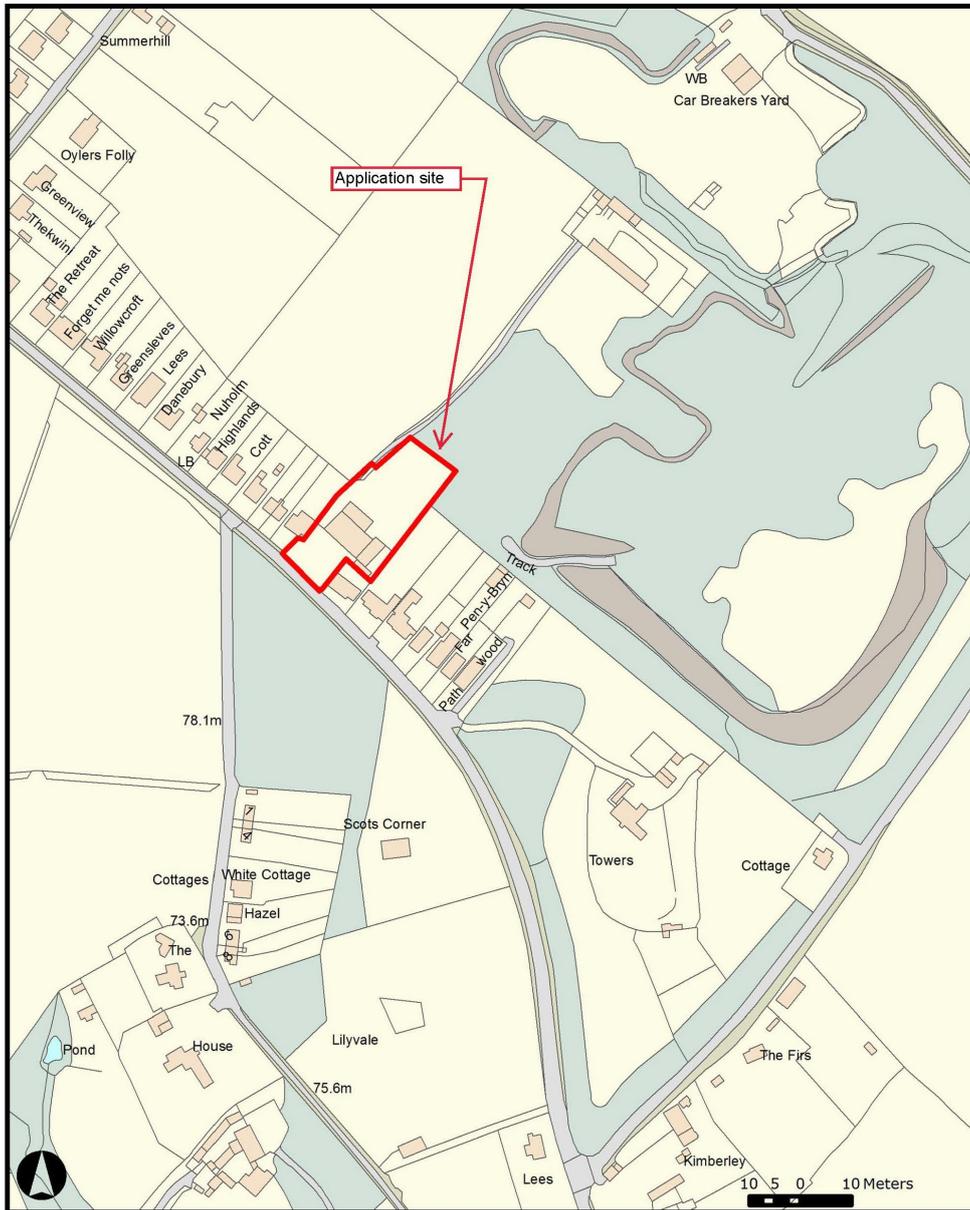
All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/01454/AS)

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Annex 1



Ashford Borough Council



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