

**STATEMENT OF CASE SUPPORTING REPRESENTATIONS
MADE ON THE TENTERDEN AND RURAL AREAS DPD.**



SITE: FORMER CHILHAM SAWMILLS, CHILHAM

CLIENT: STOUR VALLEY ESTATES LTD.

DATE: MAY 2010



Introduction

- 1.1 The purpose of this document is to provide support to representations that have been made on behalf of Stour Valley Estates Ltd. It clarifies comments and where appropriate to provide supporting information to substantiate our client's representations.

2. THE REPRESENTATIONS

2.1 Stour Valley Estates Ltd supports the allocation of the former Chilham sawmills site for residential development. Its representations are generally in support of the policy but a number express concerns over the way in which the policy is worded which we consider make the policy unsound. The following paragraphs summarise the representations made and whether they support or object to the wording of the policy.

2.2 Those representations which require no further comment are:

- TPV 278:
- TPV 285:
- TPV 286:
- TPV 289:
- TPV 299:
- TPV 369:

2.3 The representation that offers support to the DPD but where additional text is suggested is TPV 283.

2.8 The representations where concerns have been expressed and where amendments to the text and the policy of the DPD are:

- TPV 300 Housing Numbers
- TPV 301 Junction Improvements
- TPV 354 Station Car Park
- TPV 356 Play Area and
- TPV 367 Policy CHIL 1

2.9 These latter two categories are considered in the next section

3. THE SUGGESTED AMENDMENTS

TPV 283

- 3.1 Paragraphs 4.10 – 4.13 of the submitted DPD gives consideration to the importance of design within any proposals that result from the site allocations in the document.. No reference is made to the way in which design affects the efficient use of land. Paragraph 48 of PPS3 states;

“good design is fundamental to using land efficiently”

- 3.2 It advises that careful attention to design is particularly important;

“If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.” (paragraph 50)

- 3.3 The importance of design in seeking to secure the most efficient use of land is an important objective which should be recognised within the DPD. It will help to secure the most efficient use of allocated land and help to reduce pressure on fresh land for development.

- 3.4 It is suggested that an additional sentence be added to paragraph 4.11 which reads;

“It is recognised that imaginative design can also result in a more efficient use of land which will assist in maximising the sustainability of developments on allocated sites”

TPV 300 (Housing Numbers)

- 3.5 This representation was submitted in response to the content of paragraph 6.137 of the publication version of the Tenterden and Rural Areas DPD and which is reproduced in paragraph 6.125 and policy CHIL 1 of the submission document. Both the relevant paragraph and the policy give an indicative capacity of 30 units for the former Chilham sawmills site.

- 3.6 The indicative housing number is not based on a detailed appraisal of the site’s development capacity. A preliminary site layout was produced in support of an application for a mixed use development and which was the subject of a planning appeal in 2006. However this too did not have the benefit of a detailed site appraisal or an established set of development principles.
- 3.7 A starting point for any consideration of site capacity should be based on a detailed appraisal of the site, its constraints and development objectives established within a development brief or feasibility study. No such study has been so far undertaken by the local planning authority although we are preparing one which will be used as a basis for development if the allocation is confirmed.
- 3.8 Our analysis of recent developments in villages suggests that densities achievable on sites vary widely depending on site circumstances and the client brief. A comparison of compact village schemes built over the last few years shows that densities achieved in village schemes varies between 35dph and 60 dph.

| SCHEME | AREA | DENSITY | AREA PER DWELLING |
|---|----------------------|---------|-------------------|
| Ruskins View, Herne (28dwgs) | 4709m ² | 59dph | 277m ² |
| Boyes Lane, Goodnestone (13 dwgs) | 2736m ² | 47dph | 210m ² |
| Stonegate, Wye (28 dwgs) | 7670m ² | 37dph | 273m ² |
| Bramble Lane, Wye (57 dwgs) | 16,417m ² | 35dph | 288m ² |

3.9 The Chilham sawmills site area is approximately 10,670 m² and applying the approximate area per dwelling achieved within the schemes above the site could accommodate between 38 and 50 units. In practical terms when taking into account the potential requirements for a station car park and play area a more realistic density of between 30 and 45 units is achievable.

3.10 There is an advantage to the planning authority in adopting a flexible approach towards housing numbers which seek to secure the most efficient use of its development sites and it would accord with national policy in PPS3.

3.15 We suggest paragraph 6.125 be amended by the inclusion of:

“(indicative capacity 30 – 45 units)”

We also recommend amendment to the policy to read:

“The former Chilham sawmills site is proposed for residential development (indicative capacity 30 – 45 units)”

TPV 301 (Junction Improvements)

3.11 This representation was submitted in response to the wording of paragraph 6.138 of the publication version of the DPD and within policy CHIL 1c).

3.12 The wording contained in paragraph 6.126 (submission version) requires:

“Any proposals to develop this site shall investigate the opportunity to provide a traffic signal junction at this intersection within a transport assessment. “

The policy gives a similar requirement in that development shall:

“fully investigate the potential to provide the remodelling and traffic signalisation of the A28/A252 junction and if justified, deliver such a junction”

3.13 It is considered that both the wording within the main body of text and within the policy is too prescriptive and not necessary for two reasons.

3.14 Firstly the correct process of assessment is a study of the transport impact of the proposal on the highway network taking into account existing traffic flows and projected traffic flows from the already permitted employment scheme. This study will identify the need and extent for off site highway improvements which are required in order to accommodate the development of the site. If the study concludes that alterations to the A2/A252 junction are required then it will be for the traffic consultants, in conjunction with Kent Highway Services, to identify the range and extent of improvement required.

3.15 Secondly preliminary discussions have been held with Kent Highway Services on this matter and which have revealed the following:

- A scheme realigning the junction was implemented some years ago in response to the poor crash record at the intersection. This resulted in a reduction in accidents. Whilst the crash record at the junction is again deteriorating it is not at a level which requires remediation.
- Improved signage and antiskid surfaces were installed which also had a beneficial effect. Any further improvements to the junction would be most likely to incorporate revisions to these items.
- The cause of accidents results predominantly from excessive vehicle speeds approaching the junction from the South and West rather than the volume of traffic.
- A scheme for the development of the former Chilham sawmills for employment use was considered acceptable on the basis of improvements to the junction which have now been carried out and in accordance with the plans showing the means of entrance and exit from the site.
- The level of traffic generation from the employment scheme would be likely to exceed that of a residential scheme at peak times and there is unlikely to be any requirement for junction improvements at the A28/A252 intersection
- The provision of traffic signals at the intersection of main rural roads is not the preferred design solution for Kent County Council.

3.16 In the light of all the above it is suggested that the requirement to investigate the opportunity to provide a traffic signal junction would result in unnecessary work to the detriment of my client.

3.23 It is recommended that the text of paragraph 6.126 be altered to read:

“Any proposals to develop this site must be accompanied by a transport assessment which should identify the range and extent of off site highway improvements that are required as a result of the development. These should be implemented as part of the development. If the study shows that major off site highway works are not necessary then access should be provided off the A28 between the A252 junction and Mill Lane.”

3.17 It is also recommended that the wording of the policy should be amended to read as follows:

“development shall:

.....

.....

c) Fully assess any requirements for off site highway improvements resulting from the proposal”

TPV 354 (Station Car Park)

3.18 This representation relates to the requirement, set out in paragraph 6.127 of the submission document and in policy CHIL1 to provide a station car park. It requires the site to provide some space for parking with the precise numbers to be agreed with the relevant railway operators in due course. The policy also identifies the site for these uses.

3.19 The proposed development does not give rise to the demand for additional parking at the station. Any demand for rail travel arising from the proposal will be satisfactorily met by providing a satisfactory pedestrian link between the site and the station with potential customers leaving their cars at home rather than seeking to park within the station approach. Any demand for the provision of additional car parking spaces at the station therefore arises from people living elsewhere and the policy requiring additional provision is seeking to meet a wider and potentially unsustainable aspiration of the planning authority.

- 3.20 My client considers that the local authority's aspiration could lead to additional journey miles by car to Chilham from the wider area. He is also concerned that there is little potential for constructing, maintaining and operating a station car park either by him or other public or private bodies.
- 3.21 The requirement to provide, construct, maintain and run a car park to serve station users as part of the development of the site is clearly unreasonable and it is only the provision of land for the purpose that can be reasonably reflected within the policy.
- 3.22 The provision of land is only one part of securing the provision of additional Station car parking at Chilham. The capital cost of laying out the car park must be met either by a third party or as part of the development. If the development is to bear the cost of its provision it must necessarily impact on the requirement to provide contributions towards all those other requirements that the planning authority may request such as affordable housing, equipped open space etc.
- 3.23 It must also be recognised that there is no third party that would fund the car park provision. Kent Highway Services would not fund either its provision or running costs and neither would Ashford Borough Council. Network Rail has no interest in providing any larger station car park. Nor has SouthEastern trains or its car park operator, Meteor Car Parking (see appendix 1). Even if land is allocated there is no certainty that the additional spaces could be funded.
- 3.24 There is also limited potential for a third party to maintain and operate the facility. South Eastern trains has a management agreement with Meteor car parking to operate the spaces at most of the stations. A detailed study of parking provision is attached within appendix 2.
- 3.25 This study shows that the majority of parking spaces are charged on a daily parking rate at the larger stations. Some of the smaller rural stations offer free car parking which is not managed or regulated by any company and it is normally accommodated on surplus Network Rail land. In all cases where parking is managed a charge is levied and, at the rural stations, there are

clear indications that charging leads to problems. Car parking charges have been recently introduced at Pluckley station which has led to a significant reduction in the usage of the car park and to parking on the highway verge on adjacent land. This has caused a number of problems including disturbance to nearby residential properties.

3.26 A similar situation has arisen at Charing Station where car parking numbers have fallen substantially. The attached photographs illustrate this point.

3.27 It is therefore clearly demonstrated that the only way in which a rural station car park can successfully operate is on the basis of no charges being levied. This gives rise to a potential problem in that there is currently no organisation willing to take on the running and maintenance of a free car park.



Above, two photos of parking at Pluckley showing the effect of charges being introduced at the station



A similar picture outside Charing station with cars taking up space within the adjacent residential area

3.28 We therefore suggest that the requirement for a car park be omitted entirely or a rewording of paragraph 6.127 to read as follows:

“The site is close to Chilham railway station which provides regular services to Ashford, Canterbury and beyond. There is very little on-site car parking for the station and the proximity of this site to the station means that there is the considerable prospect of railway customers using this development as a place to park their vehicles with a consequential adverse impact on the amenities of future residents. **This matter will need to be carefully considered in any proposal to ensure that the highway and parking spaces within the development are used only by residents and others needing to access the properties. At the same time there are obvious benefits in seeking to encourage greater use of the railway as a mode of travel and the proposal to develop the site should investigate the potential for the provision of a car park to serve the station. In the event that a station car park is proven to be feasible then land should be reserved for this purpose within the development for a suitable period of time until it can be demonstrated that such a development will not be forthcoming. If it can be demonstrated that the provision of a station car park is not feasible the land should be incorporated within the residential development of the site.**”

3.29 We also suggest that the policy be amended to reflect this position and that the reference to a car park to serve Chilham railway station be omitted from the main body of the text so that the preamble to the policy will read:
“the former Chilham sawmills site is proposed for residential development (indicative capacity of 30 to 45 units). Development shall:

3.30 This alteration should be associated with the insertion of an additional criterion which would read as follows:
“h) include a feasibility study which will investigate the sustainability and viability of incorporating a station car park within the proposal. If such a proposal is considered to be unviable then the whole of the site should be used for residential purposes.”

TPV 356 (Play Space)

3.31 My client has no objections to the requirement to provide equipped playspace within the layout. However in considering the provision of this type of playspace within rural locations we are mindful that there may be insufficient provision within the village as a whole and it may be pertinent to examine whether the proposed location best serves the whole village.

3.32 In this particular instance the site is situated within an enclave of development lying between the railway line and the A128. The main part of the historic village lies to the West and accessed via Bagham Lane. The village hall is situated off Bagham Lane at the bottom of the hill partway between the main village centre and the former sawmills site. This location could satisfactorily serve both the village and the proposed development. It is suggested that this option could be examined together with the parish council and the local authority to establish whether this provides a better option than provision on site.

3.33 It should be noted that there is a requirement to provide a safe to pedestrian crossing point linking the site with the remainder of the village which would facilitate easy access from the former sawmills site to the proposed play area location should it be determined that an off-site provision would be beneficial.

3.41 It is therefore suggested that an additional sentence be added to paragraph 6.130 which should read:

“consideration may be given to the provision of off the site playspace provided that both the capital cost and its future maintenance be contributed to its provision elsewhere”

TPV 367 (Policy CHIL 1)

3.42 The representations made above, if accepted by the inspector will need to be reflected in amendments made to the policy. This will require an alteration to the indicative capacity to the site, amendments to c) and f) and the introduction of an additional clause relating to the provision of the railway station car park.