

## **MATTERS FOR CONSIDERATION BY WAY OF WRITTEN REPRESENTATIONS – ASHFORD BOROUGH COUNCIL**

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### **A) Clarity required on the chain of conformity**

#### **GOSE - TPV434**

1. Para 2.4 of the DPD sets out the chain of conformity in relation to the Council's Local Development Framework and the remaining saved policies from the Local Plan which form part of the Development Plan.

### **B) Trigger for releasing sites should be included**

#### **GOSE - TPV434**

2. Para 8.4 of the Tenterden and Rural Sites DPD takes a flexible approach to managing housing delivery through a robust monitoring regime and advocates the release of phase 2 development where schemes in phase 1 have not developed to planning permission stage by the end of 2013 at the latest.

**C) Change to heading in Table 5.1 and Table 6.1**

GOSE - TPV434

3. The headings in Tables 5.1 and 6.1 (column one) should be changed to read 2008-2016 (currently 2006-2016), as the rural residual housing allocation target to 2021 has been reduced to 861 to take account of completions and this should be reflected. The Council accepts that this change may assist the clarity of the DPD on the basis that completions in the rural areas have been accounted for in Tables 5.1 and 6.1 and invites the Inspector to recommend this change to the Plan be made if she agrees.

**D) Allocating sites solely for affordable housing**

GOSE - TPV434

4. Policy CS12 of the Core Strategy (CD5) takes a positive and pro-active approach to the delivery of rural affordable housing. In the rural areas, Policy CS12 requires all sites of 15 units or more, or with an area of over 0.5 hectares to deliver 35% affordable housing on site.
5. The Tenterden and Rural Sites DPD also includes Policy TRS4 and TRS5 which aims to secure local needs housing and specialist housing schemes through exception site policies where a need has been identified.
6. The Council has successfully delivered 106 local needs houses in the rural area since 2000, through an exception site policy approach.
7. In addition, Para 30 of PPS 3 does not require LPA's to allocate sites solely for affordable housing. It states '*Where viable and practical, LPA should consider (ABC underlining) allocating and releasing sites solely for affordable housing*'

**E) Contributions towards the Police Service**

DHA on behalf of Kent Police (TPV 370)

8. No evidence has been submitted by the Police to justify developer contributions towards the police service, per se, or what the extent or level of such contributions might be. In light of this, the Council does not consider that it would be reasonable to include a requirement for such contributions within the DPD.
9. In any event, this would be an issue that extends beyond the geographical scope of the DPD and so might, in due course, if evidence of the need for

such contributions can be shown, be more appropriately dealt with in either the first review of the Core Strategy or perhaps the Generic Development Management DPD.

### **F) Exclusion of Kingsnorth Village**

Stephen Penny (TPV 3)

10. The objector suggests that Kingsnorth is a village which is suitable to have allocated growth attributed to it through the Tenterden and Rural Sites DPD. However para 6.15 of the Core Strategy states *'Great Chart and Kingsnorth, which also scored highly, have not been included in the third tier because of concerns regarding the effect that further development could have on their character given their proximity to the Ashford urban area, although they maybe suitable for infilling.'*
11. Given the above, Kingsnorth was not included in the settlements listed under Policy CS6 and therefore was not considered for allocations in the Tenterden and Rural Sites DPD. Any such an approach would be inconsistent with the Core Strategy.
12. However this does not frustrate suitably located development coming forward in the village, as has been suggested. Kingsnorth village is included under Policy TRS1 as a village which, in principle, is suitable to accept appropriate windfall development.

### **G) Concern with additional public car parking within TENT1**

GOSE - TPV434

13. The purpose and the context of the proposed car park needs to be fully understood. Its location means that it is unlikely to generate many additional car-based movements from within Tenterden as it will act as a replacement in part for spaces proposed to be lost elsewhere (i.e. at the Leisure Centre to enable the access from Recreation Ground Road into TENT1 and to allow for less parking directly onto the High Street, helping to relieve congestion and improve the attractiveness of the local environment.
14. The new public car park will also provide the opportunity to create a hub of pedestrian activity, close to the Town Centre, which in turn will help support the range of shops and services present in the Town and complement the parking available at the western end of the town centre at Tesco and the Council's Bridewell Lane car park. This will also encourage visitors and tourists to come to Tenterden which will help to sustain the town's important tourism role.

15. Although Tenterden lies on bus routes, it has no mainline railway connection and its large rural hinterland mean that there will inevitably need to be a reliance on the private car to some degree to address the town's transport needs. The proposed car park is a reasonable and proportional response to this.

#### **H) Land at Pope House Farm, St. Michaels (Tenterden)**

##### Representation from S Edwards (TPV 180)

16. The objector is promoting land at Pope House Farm for residential development, although they have not stipulated a capacity. The site is referred to as TENT09 in the Sustainability Appraisal. (CD2 – p24)
17. TENT09 is currently characterised as an attractive open gap, with breaks in the frontage providing views over the countryside. There is limited amount of sporadic, low density, built form present in this area. Residential development in this location would be out of keeping with the prevailing character present here.
18. In addition, the site lies in a peripheral location, far removed from the range of services present in Tenterden Town Centre. The local facilities at St Michaels are closer, but are still not considered to be within easy walking distance of the site. Development here would be clearly less suitable and sustainable than the Council's allocation at TENT1.
19. The objector contends that TENT09 constitutes Brownfield land and should therefore be prioritised over Greenfield sites. However given the changes made to the definition of PDL in PPS3 (June 2010), notably in relation to private residential gardens, it is difficult to suggest that this site remains Brownfield land. In any event, it is considered that TENT09 did not exhibit genuine PDL characteristics, even when using the definition set out in the previous PPS3.

#### **I) Additional Car parking in Wye**

##### Ann Sutherland (TPV52), Peter Sutherland (TPV260) and Dr. Mary Braithwaite (TPV256)

20. The above representations refer to the lack of a policy for additional car parking in Wye. Policy S69 of the Borough Local Plan 2000 allocated land for housing and additional station car parking. Clause (f) of the policy refers specifically to the reservation of land for an extension to the existing station car park when the demand arises.
21. Whilst the housing on the site has come forward, the extension to the car park has not been taken forward by Network Rail or South East Trains.

The land in question has not been redeveloped in the meantime and potentially would still be available for such uses, should the demand arise.

22. It is also suggested that the lack of public car parking is a deterrent to people using local shops and services. However, the existing public car park off Churchfield Way is not fully utilised and additional public parking is available next to the village hall.
23. The representations suggest that additional housing in Wye will increase demand for new car parking but as all the local facilities and the station are within easy walking distance of the proposed allocations at sites WYE1 and WYE2, there is no reason to believe that this would be the case.

### **J) Sewerage problems in Wye**

Mr Ian Coulson – TPV379

24. This representation suggests that the sewerage infrastructure in Wye is insufficient to deal with new development as raw sewage continues to flood the streets and flow into cellars and the river during periods of heavy rain. The Council accepts that the sewerage capacity in Wye does limit the potential for the expansion of the village before any upgrading is put in place. The Council has targeted the utility companies during the consultation process for the DPD and raised no fundamental concerns were raised by them that would prejudice a limited amount of new development coming forward subject to appropriate upgrading taking place. The point is recognised in the DPD at para. 6.83 (for WYE1) and para. 6.92 (for WYE2) where Southern Water's proposed wording has been incorporated in the table of further minor amendments to the Submission version of the DPD (changes 6 and 7 respectively) .

### **K) Suggested amendments to CHAR 2**

Representation TPV 188 Carter Jonas

25. The Council's reasoning for not including land to the west of CHAR 2 has been addressed in Issue 6/ABC paragraph 20. However, this representation also raises the matter of providing a contingency should development not occur on the allocated sites and objects to phasing which is considered by Carter Jonas to impose too much of a restriction on changes in the market and future demand.
26. Carter Jonas make the point that the current choice of sites in Charing leaves no contingency should development fail to take place on the allocated sites. However, the second phase of CHAR 2 is the contingency

should CHAR1 not come forward as planned. This position is reflected under Para 8.4 of the DPD.

27. In relation to the issue of phasing, Para 6.21 of the Core Strategy advocates a phased approach to development in the rural area to ensure that there is a properly managed release of land and significant over supply is avoided. This is particularly important in the rural area where the pressure to develop is high. The Tenterden and Rural Sites DPD takes forward the phasing strategy advocated under Policy CS6 of the Core Strategy.

### **L) Concern over site allocation - ROLV1**

Representation number TPV189 Mr John Field

28. The SA has identified ROLV1 as being suitable to have allocated development attributed to it. Its relationship with the settlements built character and any impact on landscape was assessed through this process. No other sites were deemed suitable for development at Rolvenden.

29. Landowner issues are considered in terms of site deliverability. However, the higher land value gains that may benefit the landowner is not, in itself, a planning consideration and has therefore not formed part of the appraisal process.

30. In relation to the 'established use' of the football pitch, the Council recognises that this site has been used as a football pitch for a long period of time and benefits the local community. However, the football pitch is not designated public open space and is therefore not protected in this context. In addition, Policy ROLV1 (a) requires the relocation of the football pitch at an alternative suitable site. The Council has received confirmation from the landowner that this ambition can be realised (see Appendix 1 of Matter 9).

### **M) Suggested amendments to CHIL1**

Chilham Parish Council (TPV176)

31. It is important to note that 3 storey development is not a policy requirement of CHIL1. Para 6.129 sets out that three storey development 'may' be appropriate around the area next to the railway line, not the whole site.

32. The area around the railway line lies on slightly lower ground to the highway and is screened to the east by some degree by a row of mature trees meaning there are no long uninterrupted views of the site from that

direction. As such, three storey buildings are not likely to be overly obtrusive along that boundary and could provide a more interesting mix of dwelling types, sizes and designs for the site. Also, a number of three-storey buildings already existing in the Bagham Lane area.

33. The Parish Council also would like to see better connectivity between the station, the site and the village for pedestrians/cyclists. The Council believes that criterion a) of policy CHIL1, will ensure better connectivity between the site and the main part of the village and therefore no additional text is necessary.

#### **N) Housing Topic Policies – TRS1 & TRS3**

Westwell Parish Council (TPV168), Tenterden District Resident Association (TPV334), Wye Parish Council (TPV446), Weald of Kent Protection Society (TPV239)

34. Representation TPV168 objects to the scope of the housing topic policies as they feel it is not clear which settlements are affected by them. However, there is a specific list of rural settlements in the introduction to the DPD (p6) and in the glossary (p108) which sets out the appropriate definitions that apply to each policy.
35. Representation TPV334 objects to policy TRS1 as they feel it should include reference to Conservation Areas in the policy text. They suggested the following text to be inserted. *“In the case of conservation areas, proposed development should be appropriate in scale and design to the character of the area, as identified in the Conservation Area Review”*. However, the Council considers this to be unnecessary because the policy already ensures that proposals must be of a layout, scale, design and appearance that is appropriate to the character and density of its surrounding area. The Conservation Area Review, would, in any event, be a material consideration in the determination of any planning application.
36. TPV446 also states that the word ‘modest’ is too vague and should be more strictly defined. This is considered by the Council to be undesirable as the current approach ensures that the policy has flexibility to be applied in different contexts. Design and impact upon the character of the area or surrounding landscape should actually take priority over an actual percentage increase in either footprint or floor area. The inclusion of an arbitrary percentage increase figure in the policy would result in a ‘one size fits all’ approach which places quantitative floorspace above the quality or setting of the scheme.
37. In response to policy TRS3, representation TPV239 feels that the footnote at the bottom of page 74 should be in the policy text, as is the case with

other policies within the document. However the footnote on Page 74 relates to Policy TRS2 and not Policy TRS3.

### **O) Conversions in the Rural Areas – Policies TRS11, TRS12 and TRS13**

#### **Judith Norris Ltd (TPV8)**

38. This representation objects to the policy stance taken by policies TRS11, TRS12 and TRS13 regarding conversions in the rural area.
39. They state that the reliance on PPS7 rather than on the emerging PPS4 will make the policies out-of-date before being adopted and the recent work by English Heritage identifies that conversions to residential can be as beneficial as conversion to commercial. Furthermore, it questions where equestrian development fits into the DPD.
40. In response to some of these comments, the Council made changes to policy TRS12 in the Publication Version of the DPD. The Council considers that the Submission version policies are written in accordance with National Policy, specifically PPS4, policy EC6.2 (c) and EC12.1. These policies support the conversion of buildings for employment use which states that local authorities should support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development, but acknowledges that residential conversions may be more suitable in some locations and for some types of building. By using a criteria-based policy the Council is able to restrict conversions to residential uses in the countryside where the building is more suited to employment uses.
41. Policies covering equestrian development will be considered as part of the forthcoming Generic Development Management DPD.

### **P) Landscape Topic Policies TRS17 & TRS18**

#### **Tenterden and District Residents Association (TPV342), Westwell Parish Council (TPV166)**

42. Representation TPV342 objects as they believe that coverage of TRS17 should also include surgeries, schools, shops, play areas and sport fields. It is considered by the Council that the landscape policy does not have the scope to cover these issues as it deals with landscape solely. In addition, these areas are protected by other policies within the DPD
43. Representation TPV166 objects to the DPD as they feel that it does not deal effectively with the protection and enhancement of the countryside through the Landscape Character policy. It is suggested that the studies

- already undertaken by Jacobs (2009) and StudioEngleback (2005) have been a missed opportunity because the studies do not cover the whole borough. It is also suggested that the villages that aren't CS6 villages should have a level of landscape policy protection like the villages in tier 3 and above, as they have a right to a vibrant successful village and community in accordance with the Core Strategy.
44. The landscape character studies undertaken do cover the whole borough except for the urban areas of Ashford and Tenterden and the two AONBs. The StudioEngleback study covers the area immediately adjoining the urban area and the Jacobs study covers the remainder of the countryside between the StudioEngleback area and the AONBs. The areas contained within the AONBs (such as Westwell) have not undergone a landscape character assessment as they are protected through National Policy, the Countryside Rights of Way Act and have been assessed as part of the their individual AONB Management Plans.
45. The Landscape Character SPD, due for completion towards the end of 2010, will provide further detail and clarification on how the landscape areas will be protected and enhanced, which is further clarified in the Council's response to Matter/Issue 13 – Landscape.
46. Villages that don't fall within those stated in policy TRS1, are recognised as countryside and development is restricted in these areas in accordance with National Policy PPS1, paragraphs 17 and 27 (v).

**Q) Extensions to residential dwellings in rural areas**

**Mr Brian Lloyd CPRE Protect Kent (Ashford District Committee) (TPV56)**

47. The issue of extension to residential dwellings is already addressed through Policy HG9 of the Local Plan which is saved and therefore remains part of the Development Plan. In addition Supplementary Planning Guidance Note 10 supports the approach advocated under Policy HG9 and this guidance is also saved.
48. Given the above, and that extension to dwellings extends beyond the geographical scope of the DPD, (it is just as relevant to the urban environment) it is not considered appropriate to deal with this issue through the Tenterden and Rural Sites DPD. It is felt that the forthcoming Development Management DPD is the best vehicle in which to make any changes to Policy HG9 or SPG10, should it be needed.