

MILLIKEN & COMPANY
CHARTERED SURVEYORS & CHARTERED TOWN PLANNERS

SHEPHERD NEAME LTD

**LAND ADJOINING THE WHEEL INN PH, THE STREET, WESTWELL,
ASHFORD TN25 4LQ**

**PLANNING STATEMENT IN SUPPORT OF THE ERECTION OF 2 PAIRS
OF SEMI-DETACHED HOUSES, CAR PARKING, VEHICULAR ACCESS,
REPLACEMENT TREES, HARD & SOFT LANDSCAPING AND OTHER
ASSOCIATED WORKS**

REF: SM/3

DATE: SEPTEMBER, 2017

1. INTRODUCTION

1. We are instructed by Shepherd Neame Ltd to submit a full planning application for the erection of 2 pairs of semi-detached houses (3 bed); car parking to the rear; new vehicular access; replacement of dead and diseased trees along road frontage and hard and soft landscaping, including new acoustic fencing along boundary with The Wheel Inn PH, Westwell. In parallel with the full planning application, illustrative plans are being submitted in respect of proposed works to the rear of the Public House for a new beer garden and seating area, plus improvement works to the car park area. Shepherd Neame have matters in hand to re-let the Public House on a long lease (non-tied) to ensure its future viability as an ongoing community use at the centre of the village.

2. In bringing forward the scheme proposals for the site, the following team of consultants have been working on the project:

- Milliken & Company – Town Planners and Surveyors – Project co-ordination / planning advice;
- CDP Architects – Preparation of full planning application drawings for the development site and works to the rear of the public house;
- ILEX – Preparation of a tree survey / advice in connection with the replacement of dead and diseased trees / protection of TPO trees on southern boundary;
- Ecology Solutions Ltd – Habitat 1 and 2 survey assessment, including protected species survey work in respect of XXX;
- Hann Tucker Noise Consultants – Preparation of noise assessment / mitigation advice;
- ANS Surveyors – Preparation of Topographical survey work;
- Tridax – Preparation of a drainage strategy relating to SUDs.

3. We can confirm that Shepherd Neame has held separate meetings with Westwell Parish Council to discuss the future of the Public House and the need to ensure its long term survival. These discussions have addressed the need to develop the surplus

land in order to help the support the pub's future viability, included much needed internal and external improvement works. There is in principle support from the Parish Council for the development of the land made available by making a new trade garden to the side and rear of the Wheel Inn to provide 3 bed semi-detached housing suitable for families.

2. SITE & SURROUNDING AREA

3. The proposed development site is located at the centre of Westwell Village surrounded by existing housing and the adjoining Public House (circa 0.13 hectares). The site currently forms part of The Wheel Inn beer garden area comprising a flat, open lawn area surrounded by primarily sycamore trees and planting / fencing. The large size of the beer garden area has meant that it is under utilised, particularly during the winter months.

4. The Wheel Inn PH is an attractive, large, 2 storey Victorian building (Class A4 Drinking Establishment, including restaurant area) which is not a listed building. Its main frontage is to The Street with return frontage to Westwell Lane, including car park area. The land to be retained for pub use is circa 0.17 hectares. Separate illustrative plans have been submitted which shows how this land will be laid out for a new improved beer garden area.

5. The northern boundary to the proposed development site would be formed by the side elevation to The Wheel Inn PH and the rear façade of an attractive, single storey / pitch roof out-building currently used for storage. It is proposed that the outbuilding will be refurbished for customer use as part of the beer garden works. There will also be a new wooden acoustic fence along this boundary.

6. The southern elevation abuts the Old Vicarage which is a traditional large vicarage built in the 1850's in grounds set back from the road. There is a small cluster of TPO sycamore trees straddling this boundary which are to be protected as part of the proposed planting works to the development proposals.

7. The site's eastern boundary is formed by the back garden fence line of Underwood house and gardens – a large, 2 storey, modern property built in 1976 set within its own grounds (formerly land which formed part of the curtilage to the pub when in the ownership of Whitbread). There is good separation between the proposed new housing and the rear facing windows of Underwood House.

8. The site's western boundary is formed by The Street which runs through the centre of the Village forming the crossroads with Gold Hill and Westwell Lane. On the opposite side of The Street are 2 detached houses (Plovers and Beech House) constructed in circa 1970's.

9. Westwell Village / Conservation Area is an attractive rural settlement with a number of period properties and pockets of green open space / trees, particularly centred on the St Mary's Church Area. There is also a certain uniformity of building style at the village centre denoted by The Wheel Inn; Forge Row and the School House and Cottage. The Street running due south from the crossroads is denoted by a number of more modern style detached houses including 'Kincraig' (1960's). In addition, White House Court is a Listed late 18th century traditional hall house. The Old Tithe barn is early 17th century with the barn behind the house. Most houses are set within leafy grounds and mature planting which contributes to the Village's prevailing character and appearance.

10. Within this context, it is evident that the provision of 2 pairs of semi at the centre of the village would neatly fit into the prevailing settlement pattern / street scene constituting the natural, organic evolution of the village to provide much needed new family housing.

3. PLANNING POLICY CONTEXT

11. Section 38 (6) of the Planning & Compulsory Purchase Act, 2004 confirms that Ashford BC is under a statutory duty to determine a planning application in accordance with the development plan, unless material considerations indicate otherwise. In this case, the prevailing development plan context for Ashford BC is set out in the following documents:

- Adopted Ashford Borough Local Plan, 2000 (Saved Policies – Updated, June 2014);
- Adopted Core Strategy, 2008;
- Adopted Tenterden & Rural Sites, DPD, 2010;
- Draft Ashford Local Plan, 2030: Main Changes, July 2017; and
- The National Planning Policy Framework, March 2012.

12. A detailed assessment of the extent to which the development proposals comply with the prevailing development plan framework is set out in Appendix 1: Planning Policy. From this assessment, it is evident that policies relating specifically to the supply of housing are out of date given that Ashford Borough Council is not meeting its full objectively assessed needs (FAON) when it comes to providing a 5 year housing land supply (NPPF Para 49), although post the recent Supreme Court Judgement set out in *Suffolk Coastal DC v Hopkins Homes Ltd* other adopted policies which have an affect on housing land supply, such as the Rural Settlement Hierarchy (Adopted Core Strategy – Policy CS6); Minor Residential Development or Infilling (Adopted Tenterden & Rural Areas DPD – Policy TRS1) are still a relevant planning considerations (albeit carrying less material weight). Further, it is evident that emergent policy carries important material weight given the fact that it is consistent with the policies of the Framework taken as a whole (NPPF Para 216).

13. Against this background, it is evident that the proposed infill development for 4 dwellings complies with Adopted Core Strategy, 2008 given the supporting text to Policy CS2: The Borough Wide Strategy (Para 6.36) states that windfall development for up to 4 dwellings will be permitted within the villages outside of the settlement

strategy (Tier 3 settlements). Conversely, however, it is evident this provision does not apply in the context of the Adopted Tenterden & Rural Settlements DPD, 2010; namely, it does not support ‘windfall’ development outside of the Tier 3 settlements, as specified in Policy TRS1. Importantly, however, the emergent Ashford Local Plan: Main Changes, July 2017 (Policy HOU4) specifically supports ‘windfall’ development within a number of specified villages including ‘Westwell’. On the grounds that this policy is consistent with the NPPF, it carries important material weight.

14. In addition, to the above, it is evident that the development proposals are in accordance with relevant development criteria set out in adopted and emergent policy relating to design; impact on the Westwell Conservation Area; impact on trees (Adopted Ashford Local Plan, 2000 – Saved Policies HG3: Design in Villages in Rural Areas; EN16: Conservation Areas; EN32: Important Trees and Woodland). Indeed, it is also evident that the development proposals (See Section 4: Development Proposals) are in accordance with the development criteria set out in emergent Policy HOU4 for windfall development within specified settlements including Westwell; namely:

- a) *It is 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 adverse impact on the amenity of existing residents;*
- c) *It would not to or the loss of public, private land that contribute positively to the local character of the area;*
- d) *It would not result in 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 proposed 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’*

15. For these reasons, it is evident that the absence of a 5 year housing land supply, coupled with the lack of adverse harm to the adopted and emergent development plan framework / the NPPF taken as a whole, means that there exists a strong presumption

in favour of allowing the development proposals for 2 pairs of semi-detached houses within Westwell Village.

4. DEVELOPMENT PROPOSALS

16. Post discussions with Westwell Parish Council and following a meeting with ABC Planning Case Officer (Ms C Marchant) on site on the 19th June 2017 (which was attended by a representative of Westwell Parish Council), CDP were instructed to prepare a revised housing layout for the site comprising 2 pairs of 3 bedroom semi detached houses. These smaller family housing units reflect the wishes of the Parish Council in terms of local need for more affordable housing as opposed to large detached houses (as previously proposed).

17. The proposed semi detached houses have been designed to be in keeping with the prevailing predominance of Victorian cottage style housing at the centre of the village, which is primarily defined by The Wheel Inn Public House; Forge Row Cottages; and the School House. The proposed houses will face onto the street (slightly set back from the prevailing building line created by the Public House) and will serve to solidify the street scene, albeit screened by new planting and trees to soften their presence. This is very much in keeping with the character and appearance of Westwell Conservation Area where a large number of mature trees predominate.

18. Each house will have the following Gross Internal Areas (Unit 1: 113.9 m²; Unit 2: 108.8m²; Unit 3: 108.8m²; Unit 4: 113.9 m²). The total floor area (GIA) for the houses is 445.4 sq m (514.2M² GEA). The room sizes are in accordance with ABC's Residential Space Standards. The ground to eaves height will be 5.1 metres with a ground to ridge height of 8.7 metres. It can be seen that the scale, height and massing of the proposed development is very much in keeping with the domestic scale of development at the centre of the village.

19. In accordance with ABC Planning Officer's recommendations, the proposals have been designed with car parking to the rear of the properties – a total of 8 spaces (2 spaces per dwelling). This is to enable existing dead and diseased trees along the site's road frontage to be replaced with new planting and trees so as to create a treed frontage to the proposed development – as per the proposed tree planting scheme prepared by ILEX and submitted with the full planning application drawings. Each house will have its own front garden area in which trees along the front boundary

have been sited (native species) so as to not interfere in the future with issues concerning rights of light / building structure. Similarly, the proposed houses have been sited so as to not encroach into the area of the existing sycamore trees (crowns and RPZ's) on the site's southern boundary – as per the recommendations set out in the ILEX report.

20. The proposed access way to the rear car parking area is between the pair of semi-detached houses and will be of low key bonded gravel resin finish. In accordance with ABC Planning Officer advice, the proposed car parking area has been designed so as to maintain a green buffer between the site and Underwood House to the rear (and to a lesser extent to the Old Vicarage to the rear / side). Two attractive pergolas are proposed as part of the car parking proposals so as to reinforce the green buffer planting; screen the cars / proposed houses from view; and minimise the possible increased incidence of car noise. Each house will have a generous sized rear garden for a village centre location in accordance with residential space standards. The proposals do not give rise to any other development control or design issues in terms of overlooking; overshadowing; loss of privacy etc.

21. Whilst housing is an entirely appropriate use adjoining a public house (as per the Planning Use Classes Order), the houses have been designed with noise mitigation measures in mind – as per the recommendations proposed by Hann Tucker Noise Consultants. There is to be an acoustic fence between the proposed development and The Wheel Inn Public House – to be retained by Shepherd Neame.

22. As previously discussed on site with ABC Planning Officers and Westwell Parish Council, Shepherd Neame is proposing to refurbish the Public House for long term use (on a new lease to a new tenant) in which parallel proposals have been prepared for a new beer garden to the rear of the Public House and improvement works to the car park area. These proposals have been submitted with the planning application proposals for illustrative purposes only.

5. RELEVANT PLANNING CONSIDERATIONS

23. The key planning considerations in this case relate to:

- i) Absence of a 5 year housing land supply;
- ii) The character and appearance of Westwell Conservation Area;
- iii) Loss of private open space / replacement beer garden use;
- iv) Loss of existing trees / replanting proposals;
- v) Noise and disturbance issues;

(i) 5 Year Housing Land Supply

24. ABC's latest AMR 2015/16 Statement on five-year housing land supply confirms that the Planning Inspector to the Tilden Gill Road, Tenterden planning appeal (APP/E2205/W/15/3032575) concluded that the Council could not robustly demonstrate five-year housing land supply. In the light of this the AMR states that:

'Based on the outcome of this appeal, and until such time as the borough's New Local Plan to 2030 is adopted, whilst the existing adopted development plan remains the starting point to considering planning applications for housing, the council will place more emphasis on the 'presumption in favour of sustainable development' as per paragraph 14 of the NPPF. That is, in the first instance, applicants should demonstrate that a proposal will not result in significant and demonstrable harm. A judgement will be made, on a case by case basis, as to how the proposal addresses the dimensions of sustainable development as outlined in paragraph 7 of the NPPF, as well as any other policy and land use issues raised by the proposal'

25. The draft New Local Plan, 2030: Main Changes, July 2017 confirms that as of April, 2017 the Borough has a housing delivery shortfall of around 1,770 dwellings. As per the AMR therefore, it is evident that adopted policy relating specifically to supply of housing within the Borough is out-of-date in which there exists a presumption in favour of sustainable development taking into account relevant social, economic and environmental considerations.

26. Against this background, it is evident from the emergent new Local Plan: Main Changes, July 2017 that, in accordance with the NPPF, a more permissive approach is to be applied to 'windfall' housing development in the rural settlements, in which

Westwell is identified under draft Policy HOU4 – Residential Windfall Development with Settlements’ as a village where *‘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 settlement’*. The degree of consistency of the draft policy with the NPPF means that Policy HOU4 can be attributed important material weight.

27. It is noted that the selection of Westwell is based primarily on its accessibility to Ashford Town and the fact that it does contain a limited number of service facilities such as a public house, community hall and a church. For this reason, it is evident that the identification of land in the right location meets both the Council’s social and economic roles of providing sustainable development.

(ii) Character and appearance of Westwell Conservation Area

28. The site is situated within the Westwell Conservation Area. A separate short heritage statement has been prepared for the site and submitted as part of the planning application submission.

29. The NPPF Para 137 states that LPA’s ‘should look for opportunities for new development within Conservation Areas’. Para 138 states that *‘Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance’*.

30. ABC’s Conservation Area Assessment, 1996 for Westwell does not make specific mention of the proposed development site. It does, nevertheless, confirm that a defining characteristic of the Conservation Area is *‘the contribution made by green spaces, trees and hedges’*. In the context of Adopted Local Plan, 2000: Saved Policy EN16: Conservation Areas, it is evident the proposed erection of a pair of red brick, semi detached houses (2 storey), within the settlement boundary fronting the main road would respect the established character of the area in which the former beer garden use does not make a significant contribution to the character and appearance of the area. Importantly, however, the proposals allow for the replacement of dead and diseased trees along the site’s road frontage, including the provision of generous front

gardens, so as to protect the site's green frontage and to soften the development's impact on the street scene. Proposed small scale residential development towards the centre of village, adjoining the village pub, is an entirely appropriate use of a brownfield site, which would generate a very low number of additional traffic movements onto the local road network.

31. For this reason, it is evident that the proposals would serve to preserve and enhance the character and appearance of the Conservation Area with no resulting negative effect in terms of presiding presumption in favour of sustainable development.

(iii) Loss of private open space / replacement beer garden use

32. The proposed development site forms part of the curtilage to the Westwell Inn Public House (Class A4: Drinking Establishment Use). As such, the land can be described as Previously Developed Land (PDL) which is currently underused for operational purposes and has been declared by Shepherd Neame as surplus to requirements.

33. As previously described, the land is screened from view by existing dead and diseased trees along the site's road frontage and is surrounded on three sides by existing development. The site is not integral to the character and appearance of the village and is not referred to as a key element of public or private open space in the Westwell Conservation Area Assessment, 1996.

34. It is very much part of Shepherd Neame's proposals for the future refurbishment and re-letting of the Public House to provide a new, sensitively designed beer garden use immediately to the rear of the Public House comprising outdoor seating area for drinking and al fresco dining and an area for smokers (Ref: CDP drawings XXX for proposed external works). The proposals will include works to the outbuilding to facilitate its re-use as part of the outdoor seating arrangements. Operationally, the proposed beer garden will work much better for the future use of the pub allowing staff easy access to customers in terms of the service of food and collection of glasses.

In accordance with the Westwell Conservation Area Assessment document, it is also proposed to improve the appearance of the existing car park area adjoining the pub. These works will include the resurfacing of the hard standing area and additional planting along the boundary in order to soften its presence.

(iv) Trees

35. A separate Tree Report and tree planting scheme has been prepared by ILEX (Adopted Ashford Local Plan, 2000: Policy EN32). It is evident from this report that the trees along the site's road frontage are poor specimens of which most are dead and diseased. In accordance with Westwell Conservation Area Assessment, 1996, the development proposals therefore represent an important opportunity to replace these trees with new native species which will serve to renew the existing wooded character and appearance of the Conservation Area and serve to soften the appearance of the proposed new housing – in which the proposed housing fits in with the existing townscape pattern and street scene at the centre of the Village.

36. The proposed layout has been purposely designed to allow for large front gardens to the properties, with car parking to the rear, with an 8 meter separation between the new planting and the front facades of the houses. This will enable the new trees to mature safely without impacting on the new houses in terms of day and sunlight conditions / overshadowing. Clearly, any lopping or topping of trees will be controlled by their location within the Conservation Area.

37. In addition to the proposed planting to the front of the properties, it is also proposed to include a number of new specimen trees within the rear garden areas, including a planting screen along the site's eastern boundary. This will serve screen the houses from view from Underwood House to the east. No trees are affected as part of the works to the rear of the pub associated with the new beer garden area.

38. In terms of the small cluster of TPO trees (sycamores) located within the curtilage of the Old Vicarage, but with crowns overhanging the boundary within the proposed development site, it is evident that the proposed houses have been sited so as to avoid any impact on these trees. There are no habitable room windows proposed on the

flank elevation of Unit 4. Further the gardens to Unit 4 are of sufficient size to enable rear and front garden areas to be enjoyed without significant overshadowing from trees.

(v) Noise and disturbance

39. As a matter of planning principle, a proposed residential development is an acceptable use adjoining a Public House (Class A4; Drinking Establishment). There is nothing in the current Use Classes Order which would preclude against this. Clearly, Public Houses are very much a feature of towns and villages often situated in close quarters with residential development. Indeed, the pub is dependent on the custom from the occupants of the houses to be a commercial proposition.

40. It is envisaged that the Wheel Inn PH will remain a feature of Westwell Village for the long term. As far as is known, there have been no complaints directed towards the pub in terms of noise and disturbance issues in the past, particularly at pub closing times. As one would expect from a major brewery with a large number of pubs in the South East of England, Shepherd Neame operate a very strict management policy when it comes to the operation of its pubs in which tenants and staff are trained to deal with noise and disturbance issues as they might arise. All measures are taken to prevent noise seepage into the external environment.

41. In accordance with advice received from Hann Tucker Noise Consultants, the proposed houses have, nevertheless been sited side on to The Wheel Inn PH with no windows proposed on the flank elevation of Unit 1. As a precautionary measure, all houses will be fitted with triple X glazing (front and rear) to provide additional sound insulation if required and will be fitted with mechanical ventilation. As far as the external environment to the proposed houses is concerned, it is envisaged that the proposed rear beer garden area will be a low key affair (circa 6 tables) primarily used in the summer months by drinkers and diners alike. The noise emanating from this area should be at a level akin to most domestic gardens used by families. Indeed, it will be a lot smaller than the existing beer garden area which has the potential to generate a lot more noise to neighbouring residents if used to its full potential. Without prejudice to this being the case, it is evident that the existing brick built

outbuilding to the pub, will act as an important brick-built buffer between the proposed beer garden area and the proposed houses rear gardens. This building, coupled with a circa 2 metre high wooden acoustic fence (indistinguishable from normal close boarded fencing) along the development site's northern boundary will serve to screen-out any unwelcome noise that should arise. Clearly, this will not be an issue during the operation of the pub during the winter months.

42. In summary, it is evident that the proposed development does not give rise to any adverse material impacts which would outweigh the benefits of the proposals.

6. PLANNING BALANCE AND CONCLUSIONS

34. The starting point for the balancing exercise is the development plan. In this case, it is evident that ABC's lack of a 5 year housing land supply means that relevant development plan policies relating to housing land supply are out of date in which there exists a presumption in favour of sustainable development.

35 In this regard, it is evident that the development proposals are consistent with both NPPF and adopted Core Strategy, 2008 and emergent Local Plan: Main Changes, July 2017 policy relating to the provision of windfall development within the rural settlements. As such, it considered that fact that Westwell village is not listed as a settlement where infill development is appropriate in the Tenterden and Rural Areas DPD, 2010 (Policy TRS1) carries less material weight.

36. Additionally, it is evident the design of the development proposals is in accordance with the NPPF and adopted policy for the identification of potential development opportunities within Conservation Areas. Importantly, the proposals allow for the replacement of dead and diseased trees along the site's road frontage in accordance with the Conservation Area's character and appearance. The proposals also allow for the replacement of the former beer garden area and have been designed to screen out any potential latent noise issues.

37. In conclusion, it is the case that the net benefit of providing 4 family houses within Westwell village outweighs any potential harm associated with the development proposals. For this reason planning permission should be granted.

SM/1