

MILLIKEN & COMPANY
CHARTERED SURVEYORS & CHARTERED TOWN PLANNERS

SHEPHERD NEAME LTD

**LAND TO THE REAR OF THE PLOUGH INN, LEES ROAD,
BRABOURNE LEES,
ASHFORD, KENT TN25 6QB**

**PLANNING STATEMENT IN SUPPORT OF THE ERECTION OF 4
DETACHED BUNGALOWS, CAR PARKING, NEW VEHICULAR ACCESS,
HARD & SOFT LANDSCAPING AND OTHER ASSOICATED WORKS**

**REF: SM/1
DATE: OCTOBER, 2017**

1. INTRODUCTION

1. We are instructed by Shepherd Neame Ltd to submit a full planning application to Ashford BC for the erection of 4 detached bungalows, car parking, new vehicular access, hard & soft landscaping and other associated works on surplus land the rear of The Plough Inn PH, Brabourne Lees (Class A4: Drinking Establishment). Shepherd Neame own further land to the west of the proposed development which is currently leased to the Parish Council for allotment use by the local community. The Plough Inn PH is located at the centre of the village close to shops and services.

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;
- The Landscape Partnership – Preparation of a Landscape and Visual Assessment (LVA) and proposed landscaping works, including translocation site;
- Ecology Solution Ltd – Habitat 1 & 2 survey assessment, including protected species survey work in respect of reptiles / translocation site;
- RGP Highway Consultants – Preparation of access drawing / supporting statement;
- RGP Drainage Consultants – Preparation of FRA / local drainage report

3. We can confirm that Shepherd Neame Ltd has held separate meetings with Brabourne Lees Parish Council. As such, there is in principle support for a scheme of 4 bedroom bungalows set within landscape grounds to the rear of the Plough PH (surplus land), including retention of access to the allotment land.

2. SITE AND SURROUNDING AREA

3. The proposed development site falls within the village centre of Brabourne Lees, approximately 5 miles to the east of Ashford. It is located on the north-western fringe of the settlement area to the rear of The Plough Inn PH (Class A4: Drinking Establishment and restaurant use). The proposed development site area (0.375ha) comprises a flat, rectangular piece of open grassland bounded by mature trees and bushes. This land falls within the extended beer garden area of the Public House, but nowadays no longer serves any real use, apart from the occasional informal use. The land to be retained for Public House use, comprises front car park / outdoor seating area; side beer garden / play area; rough grassland / meadowland. The adjoining allotment land in Shepherd Neame's ownership is circa 1ha.

4. The Plough Inn PH dates back to 1750 and reputedly served as an Officer's Mess in the time of the Napoleonic Wars. Whilst The Plough Inn PH is an attractive, 2 storey, pitched roofed / clay tiled, domestic scale building, it is not listed. As a non designated heritage asset it is evident that the main view of The Plough Inn is from Lees Road. From an operational standpoint, it is evident that the attraction of the pub would not be affected by the development of new bungalows to the rear.

5. The proposed development site would be bounded to the east by grassland area to the rear of The Plough Inn PH. In addition, there are a number of 2 storey detached and semi-detached houses backing onto the site from Lees Road including Nos.1 & 2 Providence Cottages; Lees House; Tamarisk; and East View. A number of these houses would retain open views of the countryside to the west in which there would be a circa 50 meter separation distance between existing and proposed houses front and rear facades (Habitable Room windows).

6. Directly to the south of application site is the wide grassland access to the allotment land. Beyond this (west side of Lees Road) is the centre of the Village, comprising a mix of 2 storey Georgian, Victorian terrace and more recent development, including SJM Steven Moore Estate Agents; a Ladies Hairdressers and a large Spar Convenience Store and Post Office. In recent years, a number of small cul-de-sacs have been built to the rear of the main road frontage comprising 2 storey detached

houses with courtyard car parking. This provides an attractive, tight-knit mix of housing within easy reach of local shops and services.

7. Opposite The Plough Inn, on the east side of Lees Road, there has been extensive post war housing estate development comprising a mix of 2 storey houses and bungalows, primarily focused on Prospect Way, with a large village green area at the junction of Woolpack Hill and Lees roads. This development has become the defining character and appearance of the village which provides a good quality mix of housing set within a green, leafy semi-rural environment.

8. In summary, it is evident that the site is located within the curtilage of a Class A4 Public House on the west side of Lees Road within a short distance of the Village centre, close to shops and services, where there has been a number of small cul-de-sac developments to the rear of the road frontage in recent years. There is no past planning history relating to the site. The Public House use and access to the allotment land is to be retained.

3. PLANNING POLICY CONTEXT

9. Section 38 (6) of the Planning & Compulsory Purchase Act, 2004 states 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.

10. A detailed assessment of the extent to which the development proposals comply with the prevailing development plan framework is set out in the standalone Planning Policy assessment document. From this assessment, it is evident that policies relating specifically to the supply of housing are out-of-date given that Ashford BC 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 remain relevant material planning considerations. Further, it is evident that emergent policy carries important material weight given the fact that it is consistent with the policies of the NPPF taken as a whole (NPPF Para 216).

11. Against this background, it is evident that the proposed infill development for 4 bungalows complies with the Adopted Core Strategy, 2008 in that the supporting text to Policy CS2: The Borough Wide Strategy (Para 6.36) states that windfall development for up to 4 dwellings is permissible within villages outside of the settlement strategy (Tier 3 settlements). Conversely, however, it is also evident that

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 HOU3a) specifically supports ‘windfall’ development within a number of specified villages including ‘Brabourne Lees’. On the grounds that this policy is consistent with the NPPF, it carries important material weight.

12. More specifically, it is evident that the development proposals comply with the design criteria set out in the Adopted Ashford Local Plan, 2000 – Saved Policy HG3: Design in Villages in Rural Areas and draft Ashford Local Plan, 2030: Main Changes, July 2017 – Policy HOU5: Residential Windfall Development in the Countryside; namely:-

‘Proposals for residential development adjoining or close to the existing built up confines of the settlements listed in HOU3a will be permitted providing that each of the following criteria are met:

- a) the scale of development proposed is proportionate to the level of service provision currently available in the nearest settlement and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development;*
- b) the site is within easy walking distance of basic day to day services in the nearest settlements;*
- c) the development 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 without adversely affecting the character of the surrounding area;*
- d) the development is located where it is possible to maximise the use of public transport, cycling and walking to access services;*
- e) conserve and enhance the natural environment and conserve any heritage assets in the locality;*
- f) the development (and any associated infrastructure) is of a high quality design and meets the following requirements:-*
 - i) it sits sympathetically within the wider landscape;*
 - ii) it preserves or enhances the setting of the nearest settlement;*
 - iii) it includes an appropriately sized and designed landscape buffer to the open countryside;*
 - iv) it is consistent with local character and built form, including scale, bulk and materials used;*
 - v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents;*

vi) *it would enhance biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international or national protected sites in line with Policy ENVI'*

13. As stated in the Planning Policy Assessment document, it is evident that the proposed development is small scale; next to shops and services; low traffic generator; shares a strong affinity with the built settlement area; is not of designated landscape or heritage value; and would be well screened by a dense landscape buffer. With respect to valued landscape considerations, it is evident that the development proposals comply with the detailed development criteria set out in emergent Policy ENV3a – Landscape Character and Design.

14. For these reasons, it is evident that the absence of a 5 year housing landscape, coupled with a 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 4 medium size bungalows within the village of Brabourne Lees.

4. DEVELOPMENT PROPOSALS

15. Post pre-application meeting held on site on the 19th June, 2017 (followed by pre-application letter of advice dated 22nd June 2017) and subsequent dialogue which has taken place with Brabourne Parish Council, CDP Architects has produced a high quality, low key scheme of county style bungalows (3 bedrooms) set within landscape grounds. The proposed bungalows would be modern in appearance, but comprising traditional features and materials – brick finishes and clay tile roofs. They would suit both families and retirement living.

16. The proposed development is at a relatively low density which is appropriate on an edge of settlement site adjoining open countryside to the west. In accordance with adopted and emergent development plan policy, the proposals allow for the reinforcement of a landscaped boundary along the site's western fringe (Ref: TLP Landscape and Visual Assessment Report with recommendations for landscaping).

17. The floor area (GIA) for each bungalow is Unit 1: 120sq m; Unit 2: 100 sq m; Unit 3: 117 sq m; Unit 4: 112 sq m. (NB: In accordance with the Council's Residential Space Standards). A total foot print of 533 sq m (GEA). The ground to eaves height is circa 2.1 – 2.5 metres and ridgeline height is 4.8m – 5.5 metres. Each bungalow would have the benefit of a large garden area to the rear.

18. The proposed access has been designed in accordance with highway standards, including visibility splays and turning area for service vehicles. It would be a compressed gravel finish. The existing access / grassland swathe to the allotment land to the west (also owned by Shepherd Neame and currently leased by the Parish Council) is to be retained.

19. The existing public house rear pub garden area would be retained as an informal grass / meadowland with new hedgerow planting along its new outer boundary (serving also as a translocation site for reptiles). This would add to the open feel to the development creating an attractive green enclave. The more formal beer garden area to the side of the pub and the seating to the front of the pub would be retained. It is not anticipated that the proposed development will be affected by noise and

disturbance issues (as per existing housing adjoining the pub), in which houses would in any event benefit from double glazing and mechanical ventilation.

5. RELEVANT PLANNING CONSIDERATIONS

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

- i) Absence of a 5 year housing land supply;
- ii) Proposed design in terms edge of settlement location;
- iii) Juxtaposition with public house;
- iv) Other material considerations

(i) 5 Year Housing Land Supply

17. 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 a five year housing land supply. In the light of this, the AMR states that:

'Based on the outcome of this appeal, and until such a 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'

18. 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 1,700 dwellings. As per the AMR, therefore, it is evident that adopted policy relating specifically to the 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.

19. 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 rural settlements, in which Brabourne Lees is identified in draft Policy HOU5 – Residential Windfall

Development in the Countryside (cross-referenced with Policy HOU3a) as a location where proposals for residential development adjoining or close to the existing built up confines of settlements will be permitted subject to meeting a number of development criteria.

20. It is noted that the selection of Brabourne Lees is based on its accessibility to Ashford Town and the fact that it does contain a number of service facilities, such as a large convenience store; Post Officer; Hairdressers; Estate Agents; public houses; community halls and Smeeth Community Primary School. For this reason, it is evident that the identification of land in the right location (such as the proposed development site) meets both the Council's social and economic roles of providing sustainable development.

ii) Proposed design in terms of edge of settlement

21. Post consultation with the Parish Council, it is evident that a scheme of 4 medium sized, 3 bedroom bungalows represents the most appropriate form of development on the edge of the Village. In this respect, detailed proposals have been worked-up by CDP for site, with detailed input from TLP and Ecology Solutions Ltd in terms of the proposal's relationship with the adjoining countryside.

22. A detailed assessment of the proposals in planning policy terms is set out in the attached Planning Policy Statement. From this statement, the key planning policies in this case relating to relevant design considerations are the Adopted Ashford Borough Local Plan, 2000 (Saved Policies, June 2014) Policy HG3: Design in Villages in the Rural Areas and the Draft Local Plan, 2030: Main Changes, July 2017 Policy HOU5 – Residential Windfall Development in the Countryside (NB: Important material weight can be attached to emergent policy on the grounds that it complies with policy set out in the NPPF Paragraph 216).

23. In terms of Adopted Policy, it is evident that the proposals represent a small incremental release on the edge of the Village which would not impact on any recognised historic townscape pattern; result in the loss of an important open space; impact on an important view in and out of the village (in which new views would be

created for local residents by developing the site); impact on the adjoining countryside (in which the a low rise bungalow scheme would be hidden from view by an existing / strengthened green buffer along the site's western boundary – ref: TLP Landscape and Visual Assessment); and would be in keeping with the mix of building styles within the Village comprising both 2 storey houses and bungalows, including both traditional and more recent housing estate development.

24. In terms of emergent Policy HOU5, it is the case that the proposals would be close to local shops and services; would be easily accessible; and would not impact on the amenity of nearby residents in terms of relevant development control and design criteria (loss of privacy; overlooking; overshadowing etc). Other development criteria set out in Policy HOU5 broadly mirror those described above set out in Adopted Policy HG3 and do not, therefore, need to be repeated.

iii) Juxtaposition with the Public House

25. In terms of the Planning Use Classes Order, residential use (Class C3) adjoining a Public House (Class A4: Drinking Establishment) represents an acceptable use. Indeed, existing housing to the north and to the east (on the other side of the main road) has co-existed with Public House for many years without cause for complaint in terms of noise and disturbance issues. Indeed, pubs like the Plough are found very much at the centre of Village communities across the country.

26. In terms of the proposed housing layout to the rear of the Public House, this will be largely open in nature in which the existing rear beer garden area will be denoted by new hedgerow planting and small native tree species. The beer garden will remain an important green space within this small enclave of new bungalow development. The distance between the beer garden area and the front facing habitable room windows means that there are unlikely to be any latent noise and disturbance issues arising in the future. The option to sit and drink outside the front of the pub will remain.

iv) Other material considerations

27. In preparing the planning application proposals, detailed consideration has been given to the following matters:

- Landscape and Visual Impact – The Landscape Partnership were appointed to carry out a detailed LVA for the site. Their report confirms that the impact on Landscape Character Area 26 Brabourne Lees Hilly Farmland is assessed as being ‘Minor’ in which the effect on the LCA to the west is considered to be ‘Negligible’. It concludes that the scale of development would be modest and in sympathy with the character of the local area in which there will be no unacceptable landscape or visual impacts;
- Ecology – Post completion of Ecology Solutions Ltd Habitat 1 and 2 / Protected Species survey work, provision is made on land to be retained by Shepherd Neame Ltd for the translocation of reptiles (lizards). Given that the existing site comprises mainly grassland, this new meadowland / long grassland area with grassland route leading to field boundaries (north) has been assessed as suitable for providing an enduring habitat for reptiles on site;
- Access onto Lees Road – An improved access / visibility splays has been designed by RGP. This is in accordance with highway standards taking into account the existing speed limit along this section of Lees Road; traffic levels; and road width;
- Drainage – The local drainage report prepared by RGP proposes a drainage strategy (addressing SUD’s) for the site, in accordance with Policy CS20 of the Ashford BC Core Strategy and the Council’s SUD’s SPD.

6. PLANNING BALANCE AND CONCLUSIONS

27. The absence of a 5 year housing land supply within the Borough means that Paragraph 49 of the NPPF is triggered in which there exists a presumption in favour of granting planning permission for sustainable development (tilted balance), subject to any adverse impacts not significantly and demonstrably outweighing the benefits when assessed against the policies of the development plan and NPPF taken as a whole.

28. Importantly, it is the case that the site is not identified as ‘valued landscape’ in which the proposals for windfall, edge of settlement development can be seen to comply with both Adopted Policy HG3 and emergent Policy HOU5. Further, the bungalow proposals would be screened by a green buffer and would not have a significant impact on the adjoining countryside or the prevailing settlement pattern of the Village (as set out in TLP’s Landscape and Visual Assessment). The proposals would also be highly sustainable located close to the centre of Brabourne Lees within a short walking distance of local shops and services.

29. For the above reasons, the benefits of the proposals clearly outweigh any negative effects, in which the development of the site would make a small but valuable contribution to the Council’s 5 year housing land supply requirements. We would, therefore, respectfully request that planning permission is granted.

SM/1 20.10.17