

## **South Willesborough and Newtown Community Council**

### **Planning and Highways Committee August 21<sup>st</sup> 2024**

#### **Minutes August 21<sup>st</sup> 2024**

The Chair opened the meeting at 7:01pm

In attendance Cllr Steve Campkin Chair (SC) Cllr David Mullan (DM) Cllr Malcolm Webb (MW) Cllr Paul Bohill (PB)

Also in attendance, The Technical and Transport Officer from Ashford Borough Council (MF) Community Council Manager (SE CCM)

#### **23/24 Apologies for absence and approval**

Apologies were received from Cllr Eric Parkinson and Cllr Andy Hodges and approved.

#### **24/24 Declarations of pecuniary, other significant or voluntary interest**

PB advised members that he held no shares in any parking company

#### **25/24 To agree Minutes of the March 2024 Planning and Highways Committee meeting and sign (attached)**

Proposed DM and Seconded PB that the Minutes were a true record of the meeting and the Chair signs them

#### **26/24 To receive the Technical and Transport Officer from Ashford Borough Council to consider draft proposals for Double Yellow Lines at the Crowbridge Link Junction and agree.**

**Resolved:- Proposed SC and Seconded DM and Agreed Unanimously To accept the proposals for the Double Yellow Lines as submitted,  
To ask MF to investigate the possibility of a joint consultation for the procedures within the Traffic Regulation Order and Recommend this process to Council,  
To present these proposals to Council and to recommend to Council it considers and accepts the Costs for the painting of the lines as MF advised this is likely to be approximately £800.00.**

#### **27/24 To consider Resident feedback on access use of Samuel Peto Way**

**Resolved:-Agreed Unanimously to 1) Contact the Ashford International Development Company to pass on resident feedback, 2) to also contact both Ward Cllrs for the area, 3)**

to advise planning enforcement and ask if this is within the plans and 4) to advise the residents of the actions taken.

**28/24 To consider responses to Planning applications**

- a) PA/2024/1401 Newtown Railway Works Brickwork Repointing and Brickwork Cleaning of the Locomotive Shed.
- b) PA/2024/1239 Change of use from Shop to Hot Food Takeaway
- c) PA/2024/ Proposed part single storey, part two storey rear extension
- d) Any planning applications received before the date of this meeting

**Resolved Agreed Unanimously to the following**

- a) No objection.
- b) Objection to the application drafted and attached to the appendix of these minutes, to contact both Ward Cllrs and the Planning Officer to ask if this can be called into the Committee for review.
- c) No objection.
- d) Disabled Parking Bay at Mead Road no objection.

**29/24 To review the further detail of SWAN areas listed in the Ashford Call for Sites considerations**

**Resolved:-** Members reviewed the areas suggested, which were much more detailed than previously reviewed with the development of the consultation on the Council plan, and raised concerns for the Ashford Green Corridor and the Open Green Spaces impacted by both applications, the flooding at Bushy Royds and the availability for parking in the area were also a concern, therefore to was agreed to submit these points for initial consideration the feedback for the Planning team.

**30/24 To review feedback from AIDC regarding the structural survey of Crowbridge Bridge and updates from the Adopted Local Council Plan to 2030**

**Resolved:-**Agreed unanimously to note the feedback that this was being reviewed and agreed to await the final report.

**31/24 To review the need for an UpToDate map of Newtown Green for use by Emergency Services and agree actions**

**Resolved:-** Agreed unanimously to recommend to Council the design and installation of a new map and this would be led by MW.

**32/24 To review a report of the Community Council Manager regarding Car Park Management on Newtown and agree actions**

Members discussed a previously circulated report and the outcome of an informal meeting with the Neighbourhood Services Manager on the UKCPM Contract on Newtown.

**Resolved:-Agreed unanimously to recommend to Ashford Borough Council that**

- a) **The enforcement of parking is taken in house and overseen by the parking enforcement team,**
- b) **That negotiations are progressed with UKCPM for a Newtown Wide permit to enable the use of the car parks more effectively to manage congested parking.**
- c) **To consider as a Committee in conjunction with the scope of the new BSIP Scheme from KCC whether a resident’s parking zone would be effective for the area.**

**33/24 To agree the date of the next meeting as 18<sup>th</sup> September 2024 and any items for the Agenda.**

The date of the meeting was agreed as 18<sup>th</sup> September with no items for the Agenda.

Signed Chair \_\_\_\_\_

Date \_\_\_\_\_

Appendix of Reports

**South Willesborough and Newtown Community Council SWANCC Objection to Planning Application PA 2024 1239**

South Willesborough and Newtown Community Council SWANCC, First responded to this planning application as 21/432/AS, it objected on a number of material considerations with strong objections on reviewing planning application PA 2024 1239 it again objects.

SWANCC has received objections from residents directly from neighbouring properties it has also received complaints from residents adjacent to the those consulted that a wider area was not consulted given the enormous impact and change this application impact could have.

SWANCC has noted that this application has been linked to application 21/432/AS and ask that the objections submitted are also considered with this application particularly the labour-intensive objections of residents who are directly impacted by this application and the loss of amenity to their properties as well as the wider area.

**Change of use from Shop (Use Class E) to Hot Food Takeaway (Use Class Sui generis) and installation of a flue pipe – Gladstone Road**

SWAN Council have specific concerns over the following material planning considerations for application 21/432/AS and strongly object to the **Change of use from Shop (Use Class E) to Hot Food Takeaway (Use Class Sui generis) and installation of a flue pipe – Gladstone Road**

- 1) **No plan or drawings have been submitted with the application to clearly delineate the site and its proposed use changes.**
- 2) **SWANCC object to the dropped kerb due to the new restrictions for double yellow lines and 2 disabled parking bays being agreed by the Parking Technical Officer at**

**Ashford Borough Council, the road is already heavily parked and the loss of any further kerbside parking would be very detrimental.**

**3) SWANCC have concerns for the planning permission for a fence which if permission is being sought is going to be above 2m but no clear definitions or drawings have been submitted for the siting of the fence therefore SWANCC have Concerns for the safe use of the Highway at the very busy 4-way corner junction the site is situated on and this could prevent clear line of sight and safety for pedestrians and drivers and public transport bus operators.**

**4) SWANCC have concerns for the location of the business within 800m of the primary school which is not advertising healthy eating.**

**5) Traffic flow and highway safety**

This proposal will attract a high proportion of car-borne and short stay customers which will impact on the safety of pedestrians and road users. Councillors wish to urge Ashford Borough Council to take the following in to consideration: -

- a) There are no designated loading areas in close proximity to the site. Delivery vehicles park on the double yellow lines outside the premises which obliterates drivers' views on a busy crossroads and creates a danger for pedestrians and other road users as well as blocking the road for buses and other large vehicles. There is no delivery entrance within the plan for receiving deliveries except the main front entrance for customers, staff and visitors and inspectors etc.
- b) The nature and existing use of the site, which is currently a convenience store, largely serves the needs of the local community. A fast food takeaway premises will become a destination for people outside the local community
- c) There is minimal public parking provision in close proximity to the premises. This is particularly relevant if the premises offer a delivery service now or in the future.
- d) The application design and access statement suggests 3 parking spaces, these if supplied would need to meet at minimum
  - the need of customers at 2 in 2 out minimum, as it is unlikely that delivery motorbikes will offset all in car customers,
  - the staff who will work at the site, as long term it is unlikely that all staff would not require parking as at present
  - the tenant of the flat above as it is unlikely that long term a tenant at this dwelling would not have a vehicle, or need deliveries or receive visitors who drive.
  - The 3 motorbikes proposed for deliveries
  - Deliveries for the business

What parking is available to the rear of the premises is minimal unclean and used by the current residents in the flat above and the front of shop parking has 1 clear space the other space requires drivers to park very close to the shop window to prevent parking on the highway and traffic wardens have given penalty charge notices to cars which have crossed onto the highway. Cars are then required to reverse to exit on a 4-way junction without clear line of sight immediately outside the premises

- e) Poor accessibility by public transport - the last bus service is 7.15pm and before that on Sundays and weekends.

## **6 Control of odours and cooking smells**

The odour risk assessment clearly gives the requirements of Odour Control and the EMAQ+ requirements however it does not clearly explain that the equipment to be installed is unknown and therefore unquantifiable.

“The proposed extraction system design is not known at the time of writing this report, therefore recommendations have been made based on the EMAQ+ Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018.”

Cllrs and SWANCC have visited Beaver Road and Godinton Road where high use fast food takeaways are situated within densely housed populations and the odours should be controlled but the smells are very strong and do obviously exist and affect the area. Which is disappointing and concerning when weighed against the impact of odours on the residential area of the proposed application and gives great concern about the loss of amenity for the neighbouring properties and the outside area for the flat above as this Risk Assessment attached to this application clearly states this is a high risk of strong odour.

### **“Table 2.1**

#### **Dispersion Proximity of receptors**

##### **Size of**

##### **Kitchen**

##### **Cooking**

##### **Type**

##### **Total**

##### **Score**

Moderate Close Medium Very High

10 10 3 10 33

Based on the guidance shown below there is a high odour control requirement for the system.”

## **7 Environmental Health of Neighbouring Property Odour and Noise Vibration**

The siting of the Flue and its piping is situated within 2 windows of the flat above the site and SWANCC has concern for the environmental health for the property. Also, the noise and vibration that this would create for this dwelling as well as the 2 dwellings either side of the property. This second application does not reduce the impact of the machinery nor does it reduce the close boundary of the neighbouring properties. For the property 65 Gladstone Road this is still within less than a metre of their boundary and within less than 2 metres of 3 external windows and 2 rear doors. For the property on Mead Road this

**does not bring any significant or safe changes for this property either when both are compared to application AS/432/21**

The extraction unit will have an unacceptable impact on visual amenity.

a) It will impact on the visual amenity of neighbouring land uses

b) It does not blend in with the building to which it is attached. It should be installed within the building if that is practicable. The application should be refused if it is impractical.

## **8 Further Noise Concerns**

The Noise Risk Assessment is linked only the noise the kitchen equipment will create.

It has not considered the noise of the business in operation

The constant flow of custom if the business is successful

Possible gathering of people outside the premises to eat or meet when consuming their food

It has not considered the noise of 3 motorbikes delivering constantly 7 days a week until midnight in a very densely populated residential area of mainly terrace houses.

This would be a significant change to the area and especially for the very closely situated neighbouring properties.

3 motorbikes The current maximum noise level for a motorcycle is 82-86 decibels. Police allow up to 90decibels

3 motorbikes making regular deliveries for the business to be successful will be constant and regular and loud noise. Particularly if the applicant believes this may offset in person deliveries.

The Ashford Borough Council Noise Technical Guide

“for external amenities the acoustics environment of those spaces should be considered so that they can be enjoyed as intended. “External amenity areas such as balconies and gardens should be protected from noise as far as is reasonably practical.” The following standard should be achieved in private external amenity areas for residential developments 50db 7am - 23:00”

If the noise risk assessment is correct this would be a substantial change and a detrimental impact on many of the residents in Gladstone Road and Mead Road from 37dBl to 86dbl on a regular basis and late into the event

“The typical background noise level at the measurement position during the survey, at the time in which the plant could be operational, is **37dB** LA90,T.”

## **9 Fire Safety.**

**The planning application only has details of the manufacturers guide. There is no evidence of cleaning regimes or fire safety prevention measures. It would be wise in our opinion for a full fire safety prevention review to be conducted, in light of this application, the current residential dwelling plus the close proximity of neighbouring properties.**

## **10 Litter**

SWAN residents revealed that litter /littering was a key problem in the area in its most recent consultation.

Even if the owner is required to provide litter bins in close proximity, evidence of existing takeaways suggests that they generate additional litter and littering behaviours such as jettison on grass verges which cannot be controlled without significant change in legislation.

How suitable litter bins will be situated has not been provided as no plans or drawings have been submitted where the current litter bin is within what is believed to be allocated parking. Where the commercial 1100l waste bin will be sited and how it will be serviced, emptied and still provide sufficient storage, residential dwelling space and parking is not sufficiently proven within the application.

## **11 Crime and anti-social behaviour**

The recent poll of SWAN residents also concluded that interventions are required to improve community safety, crime, disorder and the potential fear of crime. In November 2020 the Community Safety Unit turned down SWAN Council's request for the area to be included in an enlarged Central area Public Spaces Protection Order which would have offered greater protection from crime and disorder.

SWAN Council is already concerned about transference of crime and anti-social behaviour from the town centre to the adjoining, less well protected SWAN area and Councillors wish to object to any proposal that could result in attracting gatherings of people and create additional 'hot spots' for crime, disorder, and excessive noise, particularly at night.

The Planning Authority could impose a condition requiring the premises to close earlier than 11pm. but as a Council we argue that such a condition would not stand the planning test of reasonableness. The harm cannot be mitigated through the imposition of reasonable conditions such as earlier closing, more litter bins or additional CCTV surveillance

We consider the harm caused by permitting this development would significantly outweigh any benefits to the community.

## **Conclusion**

That the proposal for a takeaway which is not located within a town or local centre would result in unacceptable levels of unmanaged traffic movements with insufficient safe parking entry and exit to the site, unacceptable noise and disturbance to local residents in a manner that would be detrimental to their residential amenity.

The visual amenity of the residents in the adjoining property is additionally impacted by the design and installation of an exterior extraction flue.

Approval would set an unhealthy precedent for residential areas in edge of town centre locations

As a Community Council we have again been contacted by residents concerned by the planning application and objecting to it.

The close proximity to residential units will have significant adverse impacts on residential amenity in terms of noise, odour, traffic disturbance, litter, crime and disorder and hours of operation which cannot be mitigated by design or planning conditions or reduction of opening hours.

The occupants of the flat above, 65 Gladstone Road, and immediate neighbour on Mead Road which adjoins the application site, would be significantly and adversely impacted by the siting, noise, vibration and odour from the proposed extraction apparatus which would intrude in to their property.