

**ASHFORD LOCAL DEVELOPMENT FRAMEWORK  
TENTERDEN & RURAL SITES DEVELOPMENT PLAN  
DOCUMENT**

**MATTER 9**

**on behalf of The Milton Group**

**June 2010**

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Appendix 1 – correspondence dated 2 February 2009

Appendix 2 – correspondence dated 22 July 2009

## **1. Introduction**

- 1.1 This Statement is written on behalf of The Milton Group, which owns land south of The Weavers, Biddenden, in support of its objections against the proposed allocation in the DPD and in support for the allocation in the DPD of its own site within the Biddenden settlement for housing.
- 1.2 In case the Inspector does not have copies of our representations and responses to the Council, these are dated 2 February 2009 and 22 July 2009 and are appended to this Statement.
- 1.3 We recognise the Inspector has placed great emphasis on giving equal weight to representations submitted in writing and representations given orally at the Hearing Day. As such, we do not intend to attend the Hearing Day on the basis that the Inspector would consider this Statement as well as our previous correspondence.
- 1.4 The Statement as follows will concentrate on why the site south of The Weavers should be included as a housing allocation and will not concentrate on the proposed 10 dwellings allocation of the Land at Sandeman Way.

## **2. Background**

- 2.1 Our Client's site was submitted too late to be considered at the Rural Community Workshops which preceded and dovetailed with the Council's Issues and Options publication. As such, the site east of 2 & 4 North Street (some plans state this as Tenterden Road) and south of The Weavers has not had the opportunity to be assessed publically as with other sites. We are not aware of any public representations with regard to this site.
- 2.2 We are aware however that the Parish Council responded generally to the consultation exercises suggesting that without expanding the village settlement boundary, it could accommodate between 21-50 new dwellings.
- 2.3 The Site appears to have been considered by the Council in its Sustainability Appraisal as Site BID 25 – although this is not exactly clear from that document. However, the Council's response to this alternative site in Matter 9 refers to its

- comments in the Sustainability Appraisal. The Sustainability Appraisal assessed as “negative” the land use, travel, landscape and heritage impacts; whereas on other assessment criteria the site scored either “unknown” or “positive”. The Council’s Appraisal concluded that this site was not suitable for housing only on the basis that development might harm the character and appearance of the conservation area and the setting of the listed buildings in North Street.
- 2.4 Our Client’s Site is 1.25 acres. It formed part of the garden of land fronting North Street, probably No.2 or Biddenden House, although this is unclear from our records. It also formed part of the land that The Weavers is developed on. The site has a number of trees on it, which are protected by TPO No.1 issued in 1992, although there are more trees on the land than are shown on the TPO. A garden pond exists on the land. Most of the site is covered in brambles and undergrowth, which is indicative that the site has been left alone for many years.
- 2.5 When The Weavers land was sold to the Council in 1954 an access was retained to the site from The Weavers. This access to the site is currently covered in grass and owned and maintained by Ashford Borough Council. Contrary to the Council’s Response the land is in the ownership of the Council and this has been legally confirmed. The access to Seeboard and British Gas infrastructure is a right and not in the ownership of these Utility Companies.
- 2.6 “Hog’s Lane” is a footpath leading from adjacent to No.1 North Street alongside the site and beyond it to the open countryside to the east, where there are two footpaths. The availability of The Weavers as a means of pedestrian and vehicular access, and Hog’s Lane as a means of pedestrian access makes the site accessible to the centre of the village where there are shops, public amenities and bus stops.
- 2.7 The site has tree belts along the west, south and east boundaries of the site. In the rear gardens of the properties in North Street that adjoin the site there are also trees and fencing. As such, looking from North Street through the gaps in buildings; the line of Poplar trees, a Willow and a cypress are clearly visible which form the boundary edge between the North Street properties and the site. These trees are

- mostly located outside the site, but they form a physical and visual boundary to the site. There is a tree belt along the southern section of the site, which is less visible from public vantage points. The tree belt along the eastern boundary forms a physical and visual edge to the surrounding agricultural land from views from the footpaths.
- 2.8 The pond in the site has not been assessed for its ecological value. This should not be considered as a hindrance to the development potential of the site. It is extremely unlikely that given the crown cover and bramble undergrowth across the site that the pond supports protected reptiles and newts. There are no basking areas for reptiles on the site or on other sites close by because the land is managed and maintained.
- 2.9 Submitted in Appendix 1 is the tree survey carried out in 2001 by my Client's consultants. This survey sought to assess and survey the condition of the protected trees across the site. In accordance with guidelines, the species of trees have been categorised for their quality etc. Most of the protected trees fall into category C or D. It is clear that with good tree protection and other measures, those trees that should be retained could be retained should the site access be opened up and development take place around the site. Replacement planting could also take place to ensure the sylvan nature of the site and the strong boundary planting is maintained. The impact upon the trees and their individual or group contribution to visual amenity were not matters specifically identified in the Council's Sustainability Appraisal.
- 2.10 The site falls within the Biddenden Conservation Area, representing the historic core of the village; the historic or other important buildings and their settings in the heart of the village. The buildings at Nos. 1 & 2 North Street are two storey detached listed cottages. They are located close to the highway but are not prominent by reason of their scale and height. Biddenden House is set further back into its plot and is an attractive listed house of a substantially grandeur scale and appearance.
- 2.11 To the north of the site outside the conservation area is The Weavers, which is a cul-de-sac estate of 1950s two storey housing constructed of multi stock and painted brickwork under red pantile roofs. This estate has open garden and communal areas

in front and to the side of the properties. These properties are set back from the highway.

- 2.12 The character and appearance of the conservation area does not transition into this adjoining estate. The estate is markedly different in character and appearance. The design of the buildings and the use of materials, and the layout of this estate are not reflected in the design and layout of the buildings and their spaces in the conservation area.

### **3. Soundness**

- 3.1 For the DPD to be considered 'sound' there are, in summary, three components to assess: whether the document is justified; whether it is effective, and; whether it is consistent with National Policy. The Council's DPD is not sound for the following reasons.
- 3.2 The site should be allocated ahead of the proposed allocation at Sandeman Way. Our previous correspondence suggested that the Sandeman Way site was constrained by the odour contour issue arising from the Southern Water Wastewater Treatment Works (which was an issue unresolved with the previous planning application), it had ecological constraints that could not be resolved on site (and clearly since the housing has been built, this land has been managed reducing its ecological value), the land is in the countryside and outside the village settlement, and it is visually more related to the open countryside beyond it, than the recent housing development. The development of that site would therefore harm the character and appearance of the area.
- 3.3 It is our view that our proposed site could accommodate housing development as the site either falls within the existing village settlement or is more visually related to it than the open countryside; the strong tree belt along the eastern boundary delineates the boundary between the village settlement and the wider countryside. This boundary edge also represents the line of the boundary edge along the rear gardens of The Weavers.

- 3.4 The site is no longer considered as previously developed land, but its appearance, condition and connection to the undeveloped land to the east and the wider countryside is limited.
- 3.5 The Sustainability Appraisal does not justify why additional movements or travel in The Weavers would have a harmful impact. The site is accessible and in a sustainable location, as described above. This would assist in reducing travel by car. Furthermore, the land within the ownership of the Council is already an access which serves the site, British Gas infrastructure and the Seeboard Sub Station. Adequate fencing to protect the living conditions of the occupiers of the adjacent residential properties in The Weavers could be located on the site. Visibility sightlines are more than adequate for this cul-de-sac road.
- 3.6 As stated above, the impact upon the wider landscape would be limited should the eastern boundary planting be maintained. The protection of the tree belt along the southern and western boundaries is also important in limiting the wider impact of built development on the land from views from the conservation area and North Street.
- 3.7 The existing condition of the land does not assist the overall landscape quality of the area. It is envisaged that some trees that fall within the lower category of trees in the tree report could be lost to make way for development on the land. The tree growth on the site has not been assisted by crowding and limited sunlight to the important trees on the site. Some thinning and crown reduction is required for the benefit of the trees that should be retained.
- 3.8 It is not envisaged that the site should accommodate a high density development. The minimum density figure for housing has now been removed with the recent changes to PPS3. This would allow a sensitively designed and laid out development to take the opportunity to enhance the landscape and visual quality of the site, to enhance the visual amenity of the important trees on the site and their setting, and to retain the sylvan nature of the area. The Council's concerns over 'sense of place' would be met by making the most of the existing site attributes and developing a scheme to keep and enhance them, rather than remove them.
- 3.9 The Council is concerned with the heritage impact arising from the development of the site. This was the overarching reason for not supporting the site in the

Sustainability Appraisal. In our view, it would seem premature for the Council to object to a proposed development on its impact upon the character and appearance of the area in advance of the development being designed. By contrast, the Council supports BID1 in principle. Any proposal on this site would have to meet the statutory test of 'preserve or enhance' (or 'no harm') if it were to be permitted or allowed.

- 3.10 In our view, this undeveloped parcel of land is not so crucial to the setting of the conservation area or the listed buildings to warrant it remaining open and undeveloped indefinitely. The site has strong tree and landscaped boundaries to the conservation area, limiting its contribution to the more open rear garden areas. The site is not readily visible from North Street/Tenterden Road. Through the gaps in the buildings the tree belt is visible – but this would be retained. The topography of the land falls away from North Street/Tenterden Road eastwards. A form of development on the site that comprised low 2 storey or single storey (with roof accommodation) detached buildings, that had space about the buildings to retain strong landscaping and tree cover, and was designed in an informal layout with access from The Weavers with a single communal parking area and communal amenity spaces would ensure that the setting of the listed buildings and the character and appearance of the conservation area were not harmed.
- 3.11 To assist the Inspector, the number of dwellings that could be proposed on this site would be between 5 and 8.
- 3.12 The DPD is not sound as it fails to recognise and make the most efficient use of the site at The Weavers as an opportunity for additional housing development that would not harm the environment.
- 3.13 The DPD is not sound as it supports another site outside the village settlement boundary for housing development that is more constrained and would have a wider and more harmful impact upon the character and appearance of the area.
- 3.14 The DPD is not sound as its proposed housing allocation in Biddenden does not relate to housing need in the area. Overall, the housing supply figure of 150 new dwellings in the Tier 3 settlements only appears to derive from what identified sites are suitable, available and achievable and not from any needs based assessment, or

not based upon whether other sites might be able to deliver further housing supply without harm to the environment and the scale of the settlement.

## **4. Recommendations**

- 4.1 Replace or add to the proposed housing allocation in Biddenden (BID1) with the site east of 1 & 2 North Street/ Land south of The Weavers for a development of approximately 5 but up to 10 dwellings.