



**Planning Statement Concerning the  
Proposed Development of  
Land between Appledore Road and Woodchurch Road  
Tenterden, Kent**

**a) Outline application for the development of up to 145 residential dwellings (50% affordable) including the creation of access points from Appledore Road (1 x all modes and 1 x emergency, pedestrian, and cycle only) and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site. Provision of open space including children's play areas, community orchard, sustainable drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Matters for approval: Access)**

**And**

**b) Full planning permission for the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping.**

**Application Submitted By  
Wates Developments Limited**

**Report Compiled by  
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## Executive Summary

- a) This Planning Statement is submitted in support of a planning application being promoted by Wates Development Ltd ('Wates') for the development of land between Appledore Road and Woodchurch Road Tenterden (the 'Site').
- b) The planning application seeks consent for a comprehensive redevelopment of the Site to deliver up to 145 much-needed new homes in a highly sustainable location. In addition, a significant amount of public open space will be provided as part of the proposals, including a 8.66ha Country Park and the provision of 3.33ha of sports pitches, which will support the reestablishment of junior football in the town, providing a catalyst for growth, with a clear pathway from mini soccer to senior football provision in the town. In addition, a further 6.93ha of informal/natural greenspace is delivered, which together with the Country Park provides in excess of 15.59ha available for biodiversity being some 64% of the application site. The arrangements for the future management and maintenance of these facilities being clearly set out in the supporting statements. The application also seeks to improve the affordable housing offering through an additional 10% above policy and what was previously offered, to help address the worsening affordable housing need in Tenterden and the wider Borough.
- c) The planning history of the Site has to be recognised in making a decision on this Planning Application. Whilst a former application for up to 250 dwellings with associated facilities was refused in Sept 2020 (19/01788/AS refers) this application seeks to address the reasons for refusal, at a time when the planning background has materially changed with Ashford Borough Council accepting they no longer have a 5 year housing land supply.
- d) In the context of the above it should be noted that whilst Wates were confident about the planning merits of the former application they adopted a mature approach to the council's decision and rather than appeal, chose to consider the substance of the concerns raised, to understand them and address them through a revised application. This led to a detailed peer review, involving new landscape, ecology, and heritage consultants, who having reviewed the former scheme, and worked with both the original architect and then Re Format to draw up the new application over the past 6 months; which whilst encompassing the same benefits, has seen a significant reduction in the overall scale of housing development proposed on the site.
- e) The proposed changes to the application scheme, including the reduction in unit numbers; the reconfiguration of the development parcels; and the changes to the accessing arrangements address the landscape and townscape setting issues, as well as the tree loss and impact on the character of Tenterden Conservation area/ the character and appearance of the surrounding area raised in connection with the former application. Likewise, the proposed changes to the application scheme look to improve on the privacy and amenity of future residents, the biodiversity impacts of the development and the implementation of the ecological mitigation measures.
- f) The previous application did not identify any material harm in terms of effects on highways and traffic, flooding etc. Work carried out in relation of this Application confirms that position has not changed. With the reduction in the quantum of development, there will be a reduction in car movements, thus providing an improved position in relation to the previous application.
- g) The Application generates a significant number of benefits. It will allow the delivery of new homes in an area where such homes are needed. Ashford does not have a five-year housing land supply, and these homes will assist in meeting this supply. It will also provide 50% affordable housing, which is in excess of the policy requirement and reflect the fact that

housing affordability in the area is dire and getting worse. It will provide open space and recreational facilities that will be available not only for the future residents of the development but also for existing residents of Tenterden and further afield. In addition, it would provide all the other benefits that are associated with residential developments such as additional employment both during construction and operation of the development, additional local spend in the local area, thus assisting in the maintenance of the vitality and viability of local services, and contributions to local services and facilities, such as schools and health facilities, through a S106 agreement.

- h) Policies SP1 and SP2 of the adopted development plan allow for the development of sites such as the application site subject to compliance with policy HOU5. Whilst we believe the application complies with policies SP1, SP2 and HOU5, the fact is given the Council cannot demonstrate a five year housing land supply these policies are now out of date, and therefore carry only limited weight, such that any alleged breach of these policies is also limited.
- i) Therefore, applying S38(6) and paragraph 11c of the NPPF, permission should be granted without delay.
- j) That said, as set out above the council accept they do not have a 5 year Housing land Supply. We believe the position to be considerable worse than suggested by the Borough Council, as evidenced in Lichfields 5 Year Housing Land Supply Report, and that the shortfall should be afforded more than significant weight in the determination of this planning application.<sup>1</sup>
- k) In the light of the fact that the Council cannot demonstrate a five year housing land supply, paragraph 11d of the NPPF is engaged and the tilted balance applies.
- l) The framework for the determination of this application is thus materially different to that which prevailed when the former application was determined.
- m) As the Council cannot demonstrate a five year housing land supply, and as paragraph 11d of the NPPF is applicable, and the policies that are most important for determining the application are out of date, the Council need to find alternative (new) sites to meet the shortfall. The only way this can be achieved is by revisiting the planning strategy set out in the development plan and finding new sites in appropriate locations.
- n) The application site is located in Tenterden, the second most sustainable settlement in the borough, on the most sustainable greenfield site in that settlement. In determining this application, the council should, like Wates, take a mature view of the situation, and do what the government encourages where there is a shortfall, look at sustainable sites and apply the tilted balance.
- o) In this context, the benefits of the proposed development are, as set out in this statement, substantial.
- p) In terms of adverse effects, it is recognised that there would be localised effects on the landscape character of the site. However, these would exist with the development of every greenfield site. Given that the council accepts that not all development can be accommodated on brownfield sites, this does not weigh heavily against the grant of consent. To this end, whilst the LVA accepts that there would be wider landscape effects, any harm would be at the lower end of the spectrum.

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<sup>1</sup> See para 6.7 of Lichfields 5 Year Housing Land Supply Report on the significance of the degree of the shortfall on the weight to be attributed to it.

- q) On heritage matters, there would be no breach of the statutory duties and the requirements of the NPPF would be met, such that this matter is neutral in the planning balance.
- r) The limited harm identified does not outweigh the significant benefits that have also been identified. It certainly goes nowhere near the requirement to demonstrate significant and demonstrable harm. As such, Wates consider that Ashford Borough Council should support this scheme and grant consent subject to appropriate conditions and S106 obligations.

## 1 Introduction

- 1.1 This statement is submitted in support of a hybrid application for:
- a) Outline application for the development of up to 145 residential dwellings (50% affordable) including the creation of access points from Appledore Road (1 x all modes and 1 x emergency, pedestrian, and cycle only) and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site. Provision of open space including children's play areas, community orchard, sustainable drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Matters for approval: Access)  
And
- b) Full planning permission for the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping.
- 1.2 The application site is shown edged red on the site location plan (drawing 21037- RFT - 00 - 00 - DR - A – 0100 rev P02) and comprises an area of 24.34ha (60.15 acres). Some 19.09ha (47.17 acres) is however set aside to provide the country park, formal sports pitches, open space including children's play areas, community orchard, sustainable drainage systems, landscape buffers and green links on the site, such that the developable area (i.e. area set aside for new housing) amounts to just circa 5.25ha (12.97 acres). Or put another way, circa 78% of the site will be publicly accessible green space<sup>2</sup>.
- 1.3 This statement seeks to comment upon the planning merits of this application having regard to the aims and objectives of national government guidance as set out in the NPPF, and associated Planning Practice Guidance; the aims and objectives of the recently adopted Ashford Borough Local Plan 2019; and the sites planning history, including Ashford Borough Council's decision to refuse to grant planning permission for a former application for up to 250 dwellings with associated facilities in Sept 2020 (19/01788/AS refers).
- 1.4 Whilst this statement sets out a range of planning considerations which should be taken into account in determining this application, it should be read in conjunction with:
- The Design and Access Statement produced by Re-Format LLP
  - The Appledore Road Avenue Study; produced by Re-Format LLP;
  - The Local Housing Needs produced by Lichfields;
  - Five Year Housing Land Supply Assessment produced by Lichfields;
  - The Tenterden Growth and Community Services Assessment produced by Lichfields;
  - The Sports Facilities Supporting Statement produced by Consult QRD Ltd
  - The Transport Assessment produced by iTransport;
  - The Travel Plan Statement produced by iTransport;
  - The Flood Risk Assessment & Surface Water Drainage Strategy produced by RSK;
  - The Foul Drainage & Utilities Assessment produced by RSK;
  - The Landscape and Visual Assessment produced by SLR;
  - The Arboricultural Implications Report prepared Simon Jones Associates Limited;
  - The Landscape and Ecological Management Plan produced by SLR in consultation with Ecology Solutions, RSK and Simon Jones Associates Limited;
  - The Ecological Assessment produced by Ecology Solutions;
  - The Heritage Statement produced by Pegasus Group (Heritage);

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<sup>2</sup> 19.09/24.34 x100 = 78.43%

- The Desk Based Archaeological Assessment produced by RPS;
- The Historic Landscape Assessment produced by RPS;
- The Sustainability and Energy Statement by Bluesky Unlimited;
- The Ground Appraisal Report produced by Geo-Environmental Services Limited;
- The Air Quality Assessment produced by Fichtner Consulting Engineers Ltd
- The Minerals Assessment produced by Barton Willmore;
- The Agricultural Impact Statement produced by Reading Agriculture;
- The Statement of Community Involvement produced by Cratus;
- The Affordable Housing Statement produced by Judith Ashton Associates; and
- The Draft Heads of Terms of S106 Agreement produced by Judith Ashton Associates.

1.5 As a hybrid application a number of drawings accompany this submission. The drawing numbers are set out in the accompanying drawing schedule.

1.6 This application has been submitted in an attempt to address the reasons for refusal cited in the ABC determination of application 19/01788/AS. Said application was refused by notice dated the 23<sup>rd</sup> September 2020. As set out in section 3 there were 8 reasons for refusal. New landscape, heritage, ecological and architectural consultants were bought in to peer review the former application and together with the retained consultants agree a planning strategy moving forward.

1.7 Ashford Borough Council (ABC) confirmed following an application for a screening opinion, in August 2019 that whilst the then proposals for the development of up application site for up to 250 residential dwellings (40% affordable) etc, comprised an infrastructure project falling within category 10b of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and exceeded the thresholds in column 2 of the table in the Schedule, for the reasons set out in their letter of 23<sup>rd</sup> August 2019 an Environmental Impact Assessment was not required.

1.8 In their detailed letter of the 23<sup>rd</sup> August 2019 ABC also confirmed:  
*'The size and design of the whole development in this location adjoining the existing built up area of Tenterden is not likely to have significant effects on the environment to require an EIA'*  
*'It is considered the proposals in cumulation with other existing development and/or approved development will not result in significant effects on the environment to require an EIA'*  
*'The proposals are not likely to have significant effects on the environment through the use of natural resources, in particular land, soil, water and biodiversity to require an EIA.'*  
*'The proposals are not likely to have significant effects on the environment through the production of waste.'*  
*'The construction of and proposed permanent uses for residential purposes, open space, a country park and formal sports area will not have a significant effect on the environment by virtue of pollution and nuisances to require an EIA.'*  
*'The proposals will not result in significant effects on the environment through the risk of major accidents, and/or disasters relevant the development concerned including those caused by Climate Change, in accordance with scientific knowledge'*  
*'The nature of the proposals for residential use, open space, country park and formal sports pitches are not likely to result in significant effects on the environment in terms of risk to human health (for example, due to water contamination or air pollution)'*  
*'the characteristics and location of development and types of characteristics of the potential impact of development outlined in schedule 3 of the EIA regulations are not likely to have significant effects on the environmental by virtue of factors such as size, nature and location.'*

*The proposed development is therefore not environmental impact assessment development and therefore an environmental impact assessment is not required'*

- 1.9 This decision has, following an application for separate determination by a third party, been tested with the Secretary of State who agreed by notice dated 30 October 2019 that an EIA was not required. The conclusion set out in the notice being:  
*'Overall, the Secretary of state is not persuaded that the potential cumulative impacts and potential effects on flood risk, contamination, sensitive and heritage sites and transport and emissions, are of sufficient magnitude to suggest that an environmental statement is required. He considers that relevant information can be set out in suitable assessments submitted with any future planning application.'*
- 1.10 As the quantum of development proposed by this application is significantly less and that screened, and as there has been no material change in planning circumstances at the local level, we do not believe an Environmental Impact Assessment is required for this application, and invite ABC to undertake a screening opinion as part of the determination process.

## **2 The Site and Surrounding Area**

### **a) The Application Site**

- 2.1 The application site is situated on the north of Appledore Road and south of Woodchurch Road, to the north east of Tenterden. It extends to 24.34ha (60.15 acres) and comprises 14 parcels of land (Fields F1 – F14). As set out in the Landscape and Visual Impact Assessment some of these fields are used for occasional grazing, and one is currently an underutilised sports pitch.
- 2.2 The application site abuts the built up edge of Tenterden on its western, southern, and northern boundaries, whilst to the east of the site is open countryside.
- 2.3 The application site itself extends to 24.34ha (60.15 acres). Of the total site area, 19.09ha (47.17 acres) is set aside to provide the country park (8.66 ha (21.40 acres)), formal sports pitches (3.33ha (8.22 acres)), open space including children's play areas, community orchard, sustainable drainage systems, landscape buffers and green links on the site; such that the developable area (i.e. area set aside for new housing amounts to just circa 5.25ha (12.97 acres).
- 2.4 The landform of the site is, as set out in the Landscape and Visual Assessment (LVA), roughly bisected by a ridge of higher ground rising to around 63mAOD, which runs north-south just to the east of the PRow. To the west of the ridge (fields F1- F10) the land slopes down into a bowl towards the edge of Tenterden with the upper and northern slopes (F3 & F6) generally steeper, gradually becoming shallower towards the bowl bottom which lies towards the southern edge in F4, F5 & F7. Fields F13 & F14 are relatively flat although sloping gently to the south-west. The land along the south-western edge lies at around 49.5mAOD. The western part of the site also slopes towards a central valley marked by ponds and an ephemeral watercourse.
- 2.5 The lowest lying point of the site is the north-east corner of F11 on Woodchurch Road, which lies at around 43.5mAOD sloping down steeply from the north-south ridge. Fields F11 & F12 slope eastwards. The eastern boundary lies roughly at around 53m AOD and overlooks the Low Weald to the east. The land falls away steeply from the eastern site boundary.
- 2.6 The site boundaries are all clearly defined and defensible, and the site itself is remarkably well contained.

### **b) The Surrounding Area**

- 2.7 Given the sites location on the north eastern edge of Tenterden both the site and surrounding area are influenced by the town. In this respect the immediate area is predominantly residential in nature to the north, south and west, and rural in nature to the east. The residential properties to the north, south and west comprise a variety of different house types, ages, and styles, albeit the majority are 2 or 2½ storeys in height.
- 2.8 The application site is located within close proximity of a number of services and facilities, as set out in the TA, Tenterden town centre includes circa 100 retail stores, restaurants, cafes, banks, hairdressers, a medical centre and a dentist - the town centre is within easy walking and cycling distance of the site. Some of the facilities found in the town centre and elsewhere in Tenterden are set out in the table below.

Purpose	Destination	Distance	Walking	Cycling
Community and Leisure	Tenterden Recreation Ground	750 m	✓✓✓	✓✓✓
	Trinity Baptist Church	750 m	✓✓✓	✓✓✓
	St Andrew's Catholic Church	800 m	✓✓✓	✓✓✓
	Tenterden Leisure Centre	1,000 m	✓✓	✓✓
	The Sinden Theatre	850 m	✓✓	✓✓
	Saint Mildred's Church	1000 m	✓✓	✓✓
	Tenterden Town Station	1,300 m	✓✓	✓✓
	Tenterden Museum	1,200 m	✓✓	✓✓
	Tenterden Library	1,100 m	✓✓	✓✓
Retail	Shrubcote Stores	350m	✓✓✓	✓✓✓
	Tenterden Town Retail Area (edge of)	650 m	✓✓✓	✓✓✓
	Waitrose Supermarket	900 m	✓✓	✓✓
	Tenterden Post Office	1,100 m	✓✓	✓✓
	Tesco Supermarket	1,200 m	✓✓	✓✓
	Boots	750 m	✓✓✓	✓✓✓
	M&Co	750 m	✓✓✓	✓✓✓
	WHSmith	800 m	✓✓✓	✓✓✓
	Holland and Barratt	800 m	✓✓✓	✓✓✓
	Santander Bank	900 m	✓✓	✓✓
	Nationwide Building Society	900 m	✓✓	✓✓
	Waterstones	950 m	✓✓	✓✓
	Vision Express	1,000 m	✓✓	✓✓
	This Ancient Boro Alehouse and Tapas Bar	700 m	✓✓✓	✓✓✓
	Café Nero	750 m	✓✓✓	✓✓✓
	White Lion Pub and Hotel	900 m	✓✓	✓✓
	The Lemon Tree Restaurant	900 m	✓✓	✓✓
Hook & Hook Restaurant	900 m	✓✓	✓✓	
Education	Tenterden C of E Junior School	900 m	✓✓	✓✓
	Tenterden Infant School	1,000 m	✓✓	✓✓
	Homewood School and Sixth Form Centre	800 m	✓✓✓	✓✓✓
Health	Ivy Court Surgery	850 m	✓✓	✓✓
	Boots Pharmacy	750 m	✓✓✓	✓✓✓
	Easysmile Dental Care	750 m	✓✓✓	✓✓✓
	Paydens Pharmacy	1,000 m	✓✓	✓✓
Employment	Tenterden Town Centre (centre of High Street)	850 m	✓✓	✓✓
Transport	Woodchurch Road bus stop	250 m	✓✓✓	✓✓✓
	Ashford Road bus stop	800 m	✓✓✓	✓✓✓
	Tenterden High Street bus stop	1,000 m	✓✓	✓✓

Key:



Within Manual for Streets 'walkable neighbourhood' 800m distance

Within 1600m (1 mile), i.e. within a distance where 80% of journeys are on foot)

Notes:

Approximate journey times are rounded up. Shortest distance permissible by each travel mode. Distances all measured from closest site access point. Walking time based on 1.4m/s and cycling time based on 4.1m/s.

- 2.9 The site is not located within a Conservation Area or an Area of Outstanding Natural Beauty. Albeit it is noted that the Tenterden Conservation area abuts the site to the south west, and the AONB abuts the site to the east.

### 3 The Site's Former Planning History

- 3.1 Whilst it is noted that permission was refused to develop part of the site<sup>3</sup> so as to accommodate 124 dwellings and garages with access from Appledore Road, in 1987 (87/00259/AS refers), and this was dismissed at appeal, as this was over 30 years ago its relevance is, we believe, extremely limited as the planning policy background has changed significantly in the interim period. Nonetheless the Landscape and Visual Assessment and Heritage Statement comment upon the findings of the inspectors decision letter and how this application seeks to address the issues raised.
- 3.2 In addition, we note that there are currently a number of outstanding applications, allocations and planning permissions in the local area that have been taken into consideration in considering the cumulative impacts of development, including:
- Consent for 100 dwellings at land south and east of Tilden Gill Road - 14/01420/AS which is now being built out by Redrow Homes;
  - Consent for 250 dwellings on land south west of Recreation Ground Road and north and east of, Smallhythe Road, Tenterden - 14/00757/AS - Tent 1A, which is currently being built out by Taylor Wimpey and Dandara;
  - Outline Consent for 30 dwellings on land at Pope House Farm St Michaels- 18/00759/AS refers; and
  - The allocation of land to provide for 225 units on land known as Tent 1B.
- 3.3 Of most relevance however is application 19/01788/AS, which was a Hybrid Application that comprised:
- 'a) Outline application for the development of up to 250 residential dwellings (40% affordable) including the creation of access points from Appledore Road (all modes) and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site. Provision of open space including children's play areas, community orchards, sustainable urban drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Matters for approval: Access)*
- b) Full planning permission for the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable urban drainage systems and associated landscaping'*
- 3.4 Said application was refused by notice dated the 23rd September 2020 for the following reasons:
1. *The proposal would be contrary to policies SP1 and SP2 of the adopted Ashford Local Plan 2030. The application proposal would significantly increase the number of dwellings to be provided in Tenterden considered alongside the existing residential allocations and commitments referred to in the adopted Ashford Local Plan 2030. The scale of development that is proposed runs counter to the adopted spatial strategy enshrined in policy SP2 and would undermine the carefully considered and independently-examined and accepted approach to the sustainable distribution of housing development across the borough to 2030.*
  - 2 *The proposals would be contrary to policies HOU5, SP1, SP6 and ENV3a of the adopted Ashford Local Plan 2030 in that the proposals would involve a large scale, intensive residential development on undeveloped land forming part of a strongly rural edge that, in its undeveloped state, contributes positively to the landscape setting of the south-east side of Tenterden. The proposals would not sit sympathetically within the wider landscape, preserve*

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<sup>3</sup> Fields F1, 3 and 4

*or enhance the setting of the settlement or be consistent with local character and would result in harm to the character and appearance of the surrounding area.*

- 3 The proposed western site access would result in the loss of two mature trees located on Appledore Road within and at the entrance to the Tenterden Conservation Area. These trees are a component part of the visual character of Appledore Road as it enters Tenterden and their loss would be detrimental to the character of Appledore Road and harmful to the character of the conservation area, contrary to policies ENV14, SP1 and SP6 of the adopted Ashford Local Plan 2030. It is not considered that this detrimental impact can be adequately mitigated.*
- 4 The proposed eastern site access would result in the loss of a mature tree located along the Appledore Road. The tree forms a component part of the visual character of the street and its loss would be detrimental to the character of the area contrary to policies SP1 and SP6 of the adopted Ashford Local Plan 2030. It is not considered that this detrimental impact can be adequately mitigated.*
- 5 The supporting documents with the application fail to satisfactorily evidence that the quantum of residential development for which permission is sought could be realistically delivered on the site in the area shown in a manner that would ensure that (i) occupiers would be provided with acceptable minimum levels of amenity and privacy and (ii) sufficient space would be available for policy TRA3(a) compliant levels of car parking provision distributed spatially in a manner that would achieve its sensitive integration as part of high quality place-making. The proposal would therefore be contrary to policies SP1 and SP6 of the Ashford Local Plan.*
- 6 The proposals would not preserve or enhance biodiversity as it is considered the proposed ecological mitigation measures would be unlikely to be able to be successfully implemented alongside the quantum of development for which permission is sought. The application would be likely to result in a loss to biodiversity contrary to policies HOU5 (e) and (f vi) and ENV1 of the adopted Ashford Local Plan 2030.*
- 7 Policy IMP4 of the adopted Ashford Local Plan 2030 requires proposals that would deliver substantial community space and facilities to be supported by a clear governance arrangement. It is not clear from the application what the Land Trust's expertise is in managing sporting facilities similar to those which are proposed and how the local community would benefit from the facilities. Accordingly, the proposals are not considered to fully satisfy the requirements of policy IMP4 of the adopted Ashford Local Plan 2030.*
- 8 In the absence of unilateral undertaking (UU) the proposal fails to secure the mitigation that is necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development and therefore the proposal is contrary to policies IMP1 and HOU1 of the Ashford Local Plan 2030*

3.5 As set out above this application has been submitted in an attempt to address the reasons for refusal cited in the determination of application 19/01788/AS.

## 4 The Proposed Development

- 4.1 This application is a hybrid application for:
- a) Outline application for the development of up to 145 residential dwellings (50% affordable) including the creation of access points from Appledore Road (1 all modes and 1 x emergency, pedestrian and cycle only) and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site. Provision of open space including children's play areas, community orchard, sustainable drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Matters for approval: Access)  
and
  - b) Full planning permission for the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping.
- 4.2 The LVA explains that a number of significant changes have been made to the previously refused scheme for up to 250 homes, which are summarised below:
- i. The number of dwellings has been reduced from up to 250 to up to 145, and the level of affordable provision increased from 40% to 50%.
  - ii. The reduction in the number of dwellings has also allowed a relaxation in the density of proposed new homes across the site, and particularly low densities on the proposed new eastern settlement edge (approximately 25-30 dwellings per hectare, dph). Gross densities across the site would of course even lower due to the large areas of public open space and the country park.
  - iii. The reduction in housing numbers also means that it is possible to retain vistas from the footpath at the eastern edge of the proposed development area towards St Mildred's church.
  - iv. Lower housing numbers also allow a greater stand-off between the edge of proposed housing and the footpath and country park, allowing for a more gradual transition to open countryside.
  - v. The western vehicular access is no longer required; this is now replaced by a 3.7m wide cycle and pedestrian and emergency route. This in turn means that there is no requirement for further tree removal on this part of Appledore Road.
  - vi. The reduction in housing numbers also means that the requirements for play provision can also be commensurately lower. This means that the large play area within the country park is no longer required, and this has been replaced by a LEAP, outdoor gym and two LAPs, all of which would be closer to the proposed housing and would thus benefit from informal surveillance.
  - vii. The removal of the play area from the country park means that the park now has additional capacity for habitat creation and will focus on ecological management and informal recreation.
  - viii. A substantial Green corridor through the development east to west now provides an important green link and connectivity for a range of protected species such as bats and Great Crested Newts.
  - ix. Fewer new trees are proposed in the new greenways and the country park. The objective is to optimise the ecological value of the grasslands on the site and also to emphasise the historic pattern of hedgerows.
  - x. Scrub/grassland mosaic has been added to enhance the biodiversity of the site, as well as damp grasslands around new and existing ponds.
  - xi. The outdoor classroom has now been omitted, in order to further reduce built form along the eastern edge of the development.

- 4.3 The LVA also explains that the following aspects of the previous refused application have been retained:
- i. Sports pitches and a new pavilion (in an area extending to approximately 3.3ha) are still being offered to the north east of the proposed site access on Appledore Road.
  - ii. An extensive country park (8.66ha) would be created at the eastern end of the application site, on land which faces the High Weald AONB.
  - iii. A new orchard is proposed, using locally appropriate species, to the east of the footpath and at the northern edge of the site.
  - iv. The hedgerow pattern and mature trees are retained, with suitable stand-offs. New hedgerow and tree planting is again included to reconnect the hedgerow pattern.
  - v. Broad greenways would be provided throughout the development, with new housing fronting on to these spaces to provide informal surveillance.
- 4.4 Having regard to the above, the Design and Access Statement (DAS) explains that the detailed elements of the scheme comprise:
- The two main points of access onto Appledore Road- 1 all modes and 1 x emergency, pedestrian, and cycle only,
  - The pedestrian/ cycle access onto Woodchurch Road,
  - The sports pitches, pavilion and associated parking area,
  - The country park,
  - The natural play trail and
  - The community orchard adjacent to Woodchurch Road
- 4.5 The Transport Assessment provides the details of the proposed access arrangements. In simple terms, there is a single point of access for all modes proposed to the east of field F13, near to the existing sport pitch. This has been designed as a simple priority junction and is shown on drawing ITL9289-GA-0102. The site access includes a 5.5m wide carriageway, 6m radii with Appledore Road and 2m wide footways on either side to tie in with the existing footpath along Appledore Road.
- 4.6 Visibility splays have been shown for a 30mph speed, at a 2.4m setback by 43m along the kerb line, in line with Manual for Streets guidance. These visibility distances require a speed reduction along Appledore Road, from the existing 40mph to 30mph. In order to accommodate this access one of the horse chestnut trees (T43) situated along Appledore Road is to be removed and compensatory planting provided, the principle of which has been agreed with KCC and is set out in the Arboricultural Implications Report (AIR).
- 4.7 The proposed speed reduction measures are to be accommodated via a suite of traffic calming measures as detailed individually in the TA. To summarise, it is proposed to extend the length of the 30mph limit on Appledore Road from its current location some 30m from the junction with East Hill, to the junction with William Judge Close and to introduce traffic calming measures (designed to respect existing residential driveways), that have been agreed in principle with KCC that would provide for:
- A one-way priority shuttle working (located east of the junction with East Hill) with eastbound traffic ceding priority to westbound movements. This includes associated build out, road markings, reflective bollards and signage;
  - A one-way priority shuttle working (located east of the Shrubcote (West) junction) with westbound traffic ceding priority to eastbound movements. This includes associated build out, road markings, reflective bollards and signage;
  - The central section of Appledore Road as detailed in Drawing ITL9289-GA-107 includes a single zebra crossing (located west of Limes Close) with drop kerbs and tactile paving;

- A one-way priority shuttle working (located west of the proposed site's vehicular access) with eastbound traffic ceding priority to westbound movements. This includes associated build out, road markings, reflective bollards and signage;
  - A one-way priority shuttle working (located east of the proposed site's vehicular access) with westbound traffic ceding priority to eastbound movements. This includes associated build out, road markings, reflective bollards and signage; and
  - A 30mph gateway feature including 30mph road marking roundel, red surfacing, white picket fencing and 30mph signs to the east of the junction with William Judge Close.
- 4.8 As set out in the TA the speed reduction and traffic calming measures have been the subject of discussion with the Highways Authority and Kent Police (who agree them as part of a long term signed speed reduction) and have been subject to a stage 1 safety audit.
- 4.9 A pedestrian, cycle, and emergency only access arrangement is also proposed at the western end of the site, adjacent to No. 13 Appledore Road., circa 20m west of the Shrubcote (west) / Appledore Road junction. This access arrangement is shown on drawing ITL9289-GA-100 and encompasses a 3.75m wide access to use by pedestrian and cyclists only. Existing vehicle access into No. 11 and 13-15 Appledore Road is also to be retained at this location. A bollard with emergency key is located beyond the retained driveway accesses, to ensure it can also provide a secondary emergency access into the site. Unlike the previous scheme the proposed accessing arrangements would not require the removal of horse chestnut tree (T110) situated alongside Appledore Road. However it is worth noting that the removal of the western vehicular access was not required by KCC, in fact both a singular access point and two access points are supported by KCC.
- 4.10 A pedestrian and cycle only access arrangement is also proposed onto Woodchurch Road between properties known as "Greenways" and "Willow Cottage", some 75m west of the junction with Knockwood Road. This is shown on Drawing No. ITL9289-GA-113, which includes a bollard to prevent vehicles accessing the site from Woodchurch Road as well as an uncontrolled crossing with dropped kerbs and tactile paving across Woodchurch Road tying in with the existing footpath along the northern side of Woodchurch Road, and the construction of new bus stops on Woodchurch Road.
- 4.11 The Pavilion Building has been designed to Football Association standards and comprises a single storey building which is circa 500sqm in size and accommodates:
- Two team changing rooms
  - Two officials changing rooms
  - Physio and first aid room
  - Club Room /Drill Hall (80m<sup>2</sup>)
  - 2 meeting rooms (12m<sup>2</sup> each)
  - Office (6m<sup>2</sup>)
  - Kitchen and servery
  - Storage (totalling approx. 72m<sup>2</sup>)
  - Spectator toilets.
  - 62 car parking spaces.
- 4.12 Elevationally the Pavilion Building comprises a red facing brick plinth, vertical timber cladding to LPA approval and a red plain tile roof to LPA approval. The feature gable fascia & soffit are in zinc detail and zinc standing seam cladding is proposed to the upper half of the cafe terrace elevation. As set out in the DAS the landscape of this building is intended to be simple, practical and robust, complementing the internal arrangements which will provide much needed facilities for local football and other teams, the cadets (whose existing facility is to be replaced in the pavilion), and other community uses. The DAS also explains that the placing

of the building is in accordance with Sport England's requirements and that the topography of the site has been utilised to provide comfortable transitions from the car park and adjacent Public Right of Way, with strategically placed furniture providing opportunities to rest and observe the playing field. The hard landscape palette is limited to corten steel edging, paved surfaces and locally sourced sweet chestnut, which means the space is suitably durable and visually appropriate for this countryside edge condition. The location of paths/ circulation routes has been designed to work with the internal layout ensuring movement occurs on key desire lines between the pavilion, car park, sports pitch and Public Right of Way.

- 4.13 Fields F10 and F14 are to accommodate the proposed sports facilities. These comprise:
- 1 x 11v11 Adult Football Pitch on field F10
  - 1 x 9v9 Junior Football Pitch on field F14
  - 1 x 7v7 Mini Soccer Pitch (55m x 37m) on field F14
  - 2 x 5v5 Mini Soccer Pitch (37m x 28m each) on field F104
- 4.14 As set out in the Sports Facilities Supporting Statement the size, location, orientation and design of these sports pitches, as well as the run-off space has been designed in accordance with Sports England's guidance and together with the pavilion will form a hub site, capable of supporting local football teams across adult and junior age groups. In addition, the DAS explains that the layout of the 5 pitches has been organised to cause minimum visual impact on the AONB, and to give maximum convenience to future users by placing it near to the proposed parking area and the Public Right of Way, and to allow the pavilion to be located beside the seniors pitch but with views of the juniors pitch from the south facing terrace. The DAS also explains that the pitches have been carefully 'moulded' into the landform to optimise cut and fill and to make the pitches appear, so far as possible, as part of the landscape.
- 4.15 The DAS explains that the country park, which would encompass the whole of the eastern part of the site (the whole of Fields F8, 9, 11 and 12), is to be a managed natural space. As set out in the LEMP, the enhancement of the biodiversity of this area is the key objective, including diversifying the existing habitats and introducing new habitats. The other key objective being the provision of informal recreation. Equipment has been kept to a minimum, including only small areas of timber seating. The landscape strategy for the Country Park is thus to create an extensive area of informal open space on the countryside edge which will encompass a retained and enhanced landscape structure of tree belts, hedgerows, scrub and grassland mosaic, meadows, acid grasslands, and ponds. Likewise, it will provide for the retention of mature and veteran trees, tree belts and hedgerows along historic boundaries to enhance the sites landscape structure. Lost boundaries will be restored, existing ponds and watercourses retained, and enhanced, and extensive lowland meadows managed to enhance biodiversity. In addition, new damp grasslands will be created, informal paths introduced connecting with PRow to provide extensive public access. Interpretation boards will be provided to explain key features, the provision of trails and a community orchard to enhance community engagement and learning. The LEMP also explains that the Country Park will be a 'dark sky' environment with no proposed external lighting.
- 4.16 The DAS/ LEMP also explains that the proposed development will provide for 3 Play areas and 1 outdoor gym all of which have been designed to reflect the play space guidelines drawn up by Ashford Borough Council for green space standards, and would encompass a variety of equipment as shown on SLRs drawing 403.06269.00058.landscape1. The 20-30m buffer zones recommended in the guidance, to separate such areas from adjacent residents has been observed, whilst the play areas have been arranged to allow for passive surveillance, where possible

- 4.17 A mixed orchard of apple and plums, encompassing a cobnut plot is located at the northern extremity of the site, adjacent to Woodchurch Road and the PRoW. Its location is intended to act as a place-making device and the orchard itself will provide biodiversity and social benefits. SLR's plan (drawing 403.06269.00058.landscape4) shows a wildlife meadow, scrub, and hedgerow planting within and adjacent to the orchard to aid pollination, and mown grassland paths and seating areas to encourage residents to 'use' this orchard, and for it to provide a gentle introduction to the wider landscape.
- 4.18 Whilst the rest of the application is in outline, the DAS explains that the changing the western access adjacent to no's 13 Appledore Road from all modes to pedestrian, cycle and emergency only has created a natural new pedestrian focused approach to the new country park; and that four greenways have been created from this which allow both views back to St Mildred's and creating generous landscape corridors which lead through to the country park and sports facilities.
- 4.19 As set out in the DAS, this key move to allow the landscape linkages and retained trees and hedgerow to drive the design response creates a genuine landscape lead masterplan and sets landscape at the very heart of the scheme. The DAS also explains that a central looping parkland drive links parcels of homes which sit within the retained hedgerow pattern. This allows homes to front onto green space in the majority of circumstances, creating places to live and connect with the landscape.
- 4.20 The DAS goes on to explain that the masterplan seeks to distribute the housing into discrete perimeter blocks which are irregular in their form and are at varying densities, with those more closely related to the edge of Tenterden shown at around 40-45dph which reflect similar densities seen in other recent local developments<sup>4</sup>, and those further towards the edge of the development reduced to 30-35dph and then 25-30 dph, which are generally lower than comparable densities, and will contribute to a sense of a new rural edge fronting the new country park.
- 4.21 Whilst the DAS advises that whilst most of the development is 2 storeys, there are areas of part single/ part two storey dwellings within the central greenway, as well as apartments that are 2.5 storeys, (using the roof space for additional accommodation), located close to the settlement edge.
- 4.22 As set out in the DAS, the development parcels are arranged to provide surveillance of the surrounding streets and lanes, and to allow views through the site from the existing PRoW to St Mildred's Church and to respect the results of the LVA.
- 4.23 The DAS also explains that the scheme creates small housing clusters set within historic field patterns, with the main access routes within the development connecting these clusters via a series of new greenways. Thus, the main access road/ parkland road provides access to the mews streets (minor access ways) and the rural edge (lanes) and there is a legible hierarchy to the development.
- 4.24 In terms of architectural form and materials, the DAS explains that the intention is that the proposed development reflects the Kent vernacular i.e. tile hanging, brick and timber will be deployed to break the scale of buildings where necessary and to provide distinctiveness to specific locations within the scheme. Thus, the proposed development will complement the

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<sup>4</sup> Whilst Tent 1 has a net density of 30.3 dph, some parcels are at 44.4dph, similarly whilst Tilden Gill has a net density of 30.5dph, some parcels are at 40.4dph – see section 3.8 of DAS.

Kent vernacular whilst at the same time creating a distinctive character area on the edge of Tenterden.

- 4.25 In keeping with the characteristics of the surrounding area, the illustrative masterplan indicates that the proposed development will provide for a range of house types including apartments, terraced, linked semi-detached, and detached dwellings.
- 4.26 As set out in the DAS the general principles adopted to the development are to maintain and strengthen the landscape features on the site and to ensure the proposed development integrates with its surrounding, allowing the proposed landscape areas to create a link between the town and the proposed country park.
- 4.27 All in all the proposed development seeks to create a high quality sustainable environment that draws upon, and at the same time actively enhances, the character and appearance of the surrounding area.
- 4.28 The manner in which the proposed development has evolved as a result of extensive discussions with key stakeholders, including officers of ABC and following the public consultation event that took place in March 2019 and subsequent determination of planning application 19/01788/AS is summarised in the Statement of Community Involvement.

## 5 Planning Policy

5.1 The planning policy framework relevant to the determination of this application comprises National Government Guidance (the NPPF 2019 and related Planning Practice Guidance (PPG), and the policies of the recently adopted Ashford Borough Local Plan 2019. Each of these is examined below, together with the supplementary planning guidance issued by ABC.

### a) National Government Guidance – The National Planning Policy Framework

5.2 In February 2019 the Government issued the revised National Planning Policy Framework (NPPF). The NPPF sets out the Governments planning policies for England and how these are expected to be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

5.3 Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development comprises social, economic and environmental considerations as outlined at paragraph 8. Paragraph 11 sets out the presumption in favour of sustainable development. for decision-taking this means:  
*'c) approving development proposals that accord with an up-to-date development plan without delay; or  
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:  
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or  
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

5.4 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. It makes it clear that:  
*'Plans and decisions should apply a presumption in favour of sustainable development....  
For decision-taking this means:  
c) approving development proposals that accord with an up-to-date development plan without delay; or  
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>5</sup>, granting permission unless:  
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or  
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

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<sup>5</sup> Footnote 7 makes it clear that:

*'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.'*

<sup>6</sup> Footnote 6 makes it clear that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

- 5.5 As set out in this statement ABC acknowledge they do not have a 5 year Housing Land Supply (HLS). Thus, in accordance with NPPF footnote 7, NPPF paragraph 11(d) the tilted balance is engaged and the presumption in favour of sustainable development applies.
- 5.6 Section 5 of the NPPF is concerned with the supply of homes. Paragraph 59 makes it clear that:  
*'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'*
- 5.7 Paragraph 65 makes it clear that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need can be met over the plan period. Paragraph 67 continues:  
*'Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment'*
- 5.8 Paragraph 68 continues:  
*'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:.....*  
*c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.....'*
- 5.9 In the context of the above paragraph 70 makes it clear that:  
*'Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.'*
- 5.10 Paragraph 73 goes on to advise that  
*'Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*  
*a) 5% to ensure choice and competition in the market for land; or*  
*b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*  
*c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply'*
- 5.11 Deliverable is defined in the NPPF as:  
*'To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term*

*phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.'*

5.12 The NPPF also places great importance upon the design of the built environment, with section 12 making it clear at para 124 that:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*

5.13 Para 127 continues:

*'Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

5.14 Para 130 continues:

*'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions ..... Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.'*

5.15 In the context of the above para 128 of the NPPF makes it clear that applicants will be expected to work closely with those directly affected by development and that proposals that can demonstrate this in developing the design should be looked on more favourably than those that cannot.

5.16 Section 11 of the NPPF highlights the need to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. To this end para 118 of the NPPF advises:

*'Planning policies and decisions should:*

*a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.....'*

- 5.17 In looking to promote healthy and safe communities para 91 of the NPPF indicates that planning policies and decisions should aim to achieve healthy, inclusive and safe places which ‘c) *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*’
- 5.18 Section 8 of the NPPF also to guard against the loss of existing open space and recreational facilities, with paragraph 97 advising:  
*‘Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*  
a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*  
b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*  
c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.’*
- 5.19 Paragraph 98 also looks to protect and enhance public rights of way, whilst para 94 looks to ensure sufficient educational facilities are available to meet the needs of existing and new communities.
- 5.20 The NPPF also looks to promote sustainable transport. It makes it clear that transport issues should be considered from the earliest stages of plan-making and development proposals, that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, and that:  
*‘In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*  
a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*  
b) *safe and suitable access to the site can be achieved for all users; and*  
c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.’<sup>7</sup>*
- 5.21 In the context of the above paragraph 109 of the NPPF highlights the fact that  
*‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’*
- 5.22 As far as parking is concerned Paragraph 105 of the NPPF advises:  
*‘If setting local parking standards for residential and non-residential development, policies should take into account:*  
a) *the accessibility of the development;*  
b) *the type, mix and use of development;*  
c) *the availability of and opportunities for public transport;*  
d) *local car ownership levels; and*  
e) *the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.’*

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<sup>7</sup> Para 108 of the NPPF refers.

- 5.23 The NPPF also looks to meet the challenge of climate change and flooding (section 14), to conserve and enhance the natural environment (section 15), and conserve and enhance the historic environment (section 16). In this respect we note the site is located within flood zone 1, i.e. an area of the lowest risk where para 158 of the NPPF looks to direct development; that the site is not located within the AONB so is not subject to para 172 of the NPPF, albeit it abuts it; and that the site lies adjacent to Tenterden Conservation Area and a number of listed buildings, such that paragraphs 189 – 199 of the NPPF are relevant.
- 5.24 Paragraph 175 of the NPPF also makes it clear that  
When determining planning applications, local planning authorities should apply the following principles:  
*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*  
*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*  
*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*  
*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*
- 5.25 Paragraph 38 makes it clear that Local Planning Authorities should *'approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'*
- 5.26 We further note that the NPPF looks to promote pre application engagement and front loading (Paragraph's 39 - 46 refer), that in assessing and determining planning applications Paragraph 47 requires *'applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*, and that planning conditions should be *'necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'* and that planning obligations should;  
*'only be sought where they meet all of the following tests:*  
  - *necessary to make the development acceptable in planning terms;*
  - *directly related to the development; and*
  - *fairly and reasonably related in scale and kind to the development.'*
- 5.27 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.

5.28 This statement will demonstrate how the requirements of the NPPF are to be met.

Draft updated National Planning Policy Framework – March 2021

The updated draft NPPF proposes a series of changes, primarily relating to improving the design quality of new developments. To this end we note the proposed changes to paras 8(b), 73, including part (b), 92 (b), 97, 105 (d), 109 (c), 124, 125 – 128, 130, 133, 190 (c), 175 and 176, and 179 (d). Whilst cognisant of these changes, the weight to be given to them is limited given the fact the government’s response to the recent public consultation and the final form of the revised NPPF have yet to be published.

**b) The Ashford Borough Local Plan March 2019**

5.29 The Ashford Borough Local Plan (ABLP) was adopted on 21<sup>st</sup> Feb 2019 and covers the period from 2011 to 2030. Para 3.26.1 of the ABLP advises that the overall Housing Target for the Borough between 2011 and 2030 is 16,872 dwellings. Factoring in completions since 2011, the residual requirement is 13,118 between 2018 and 2030. The overall breakdown of this set out below.

Objectively assessed need	16,872
Delivered since 2011	3,754
<b>Residual requirement (2018-30)</b>	<b>13,118</b>
Extant commitments (previously allocated sites with permission)	3,064
Extant windfalls*	875
Chilmington Green	2,500
Future unidentified windfalls	1,000
Local Plan Allocations	5,889
Neighbourhood Plan Areas	216
<b>TOTAL</b>	<b>13,544</b>
Contingency buffer	426

5.30 Having regard to the above Policy SP2, in setting out the Strategic Approach to Housing Delivery identifies a housing requirement of 13,118 net additional dwellings for the Borough between 2018 and 2030. Whilst the majority of the residual requirement is provided for through extant commitments, and the proposed allocations, Policy SP2 also provides for windfall development, and in doing so makes it clear that:

*‘Windfall housing development will be permitted where it is consistent with the spatial strategy outlined above and is consistent with other policies of this Local Plan, in order to ensure that sustainable development is delivered.’*

5.31 Policies HOU3 and HOU5 proceed to identify those circumstances where windfall development within the built up areas of certain settlements and the countryside. Policy HOU5 - Residential windfall development in the countryside states:

*‘Proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable:*

*Ashford, Aldington, Appledore, Bethersden, Biddenden, Brabourne Lees/Smeeth, Challock, Charing, Chilham, Egerton, Great Chart, Hamstreet, High Halden, Hothfield, Kingsnorth\*, Mersham, Pluckley, Rolvenden, Shadoxhurst, Smarden, Tenterden (including St Michaels), Wittersham, Woodchurch and Wye.*

*Providing that each of the following criteria is met:*

*a) the scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available, 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, in liaison with service providers;*

- b) the site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;*
- 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 preserve or enhance 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 the materials used,*
  - v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*
  - vi) It would conserve biodiversity interests on the site and /or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.*

*Residential development elsewhere in the countryside will only be permitted if the proposal is for at least one of the following: -*

*.....*

*Where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.*

*Policy HOU10 will also be applied to relevant garden land applications.'*

- 5.32 Within the context of the above we note that policy HOU1 (Affordable Housing) requires 40% affordable housing in areas that fall outside Ashford and its hinterland, policy HOU6 requires all sites within and on the edge of the towns of Ashford and Tenterden delivering more than 40 dwellings to supply no less than 5% serviced dwelling plots for sale to self or custom builders, that policy HOU12 requires all new residential development to comply with the Nationally Described Space Standards, policy HOU14 requires at least 20 percent of all 'new build' homes to be built in compliance with building regulations part M4 (2) as a minimum standard, Policy HOU15 sets out minimum standards for private external open space, and policy HOU18 requires development proposals of 10 or more dwellings to provide a range and mix of dwelling types and sizes.
- 5.33 We also note that para 3.9 in setting out part of the vision for the plan makes it clear that *'Tenterden will continue to serve the south western part of the Borough as a principal rural service centre with a strong offer of shops and services, conserving and enhancing its historic centre and accommodating development of a suitable scale, design and character.'*
- 5.34 Policy SP1 in setting out the Strategic Objectives for the plan makes it clear that: *'To deliver the 'Vision', a number of strategic objectives have been identified. They form*

*the basis of this Local Plan's policy framework, as well as providing the core principles that planning applications are expected to adhere to.*

*a) To focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities;*

*b) To conserve and enhance the Borough's natural environment including designated and undesignated landscapes and biodiversity and promote a connected green infrastructure network that plays a role in managing flood risk, delivers net gains in biodiversity and improves access to nature;*

*c) To conserve and enhance designated and non-designated heritage assets and the relationship between them and their settings in a way that promotes distinctive places, proportionate to their significance. Place-based heritage will be a key principle underpinning design and spatial form of development;*

*d) To create the highest quality design which is sustainable, accessible, safe and promotes a positive sense of place through the design of the built form, the relationship of buildings with each other and the spaces around them, and which responds to the prevailing character of the area;*

*e) To ensure development is supported by the necessary social, community, physical and e-technology infrastructure, facilities and services with any necessary improvements brought forward in a co-ordinated and timely manner;*

*f) To promote access to a wide choice of easy to use forms of sustainable transport modes including bus, train, cycling and walking to encourage as much non-car based travel as possible and to promote healthier lifestyles;*

*g) To provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including affordable homes, self build and custom build properties, specialist housing for older and disabled people, accommodation to meet the needs of the Traveller community, spacious, quality family housing and for newly forming and downsizing households;*

*h) To provide a range of employment opportunities to respond to the needs of business, support the growing population and attract inward investment; and*

*i) To ensure new development is resilient to, and mitigates against the effects of climate change by reducing vulnerability to flooding, promoting development that minimises natural resource and energy use, reduces pollution and incorporates sustainable construction practices, including water efficiency measures.'*

5.35 Policy SP6, in promoting high quality design, states:

*'Development proposals must be of high quality design and demonstrate a careful consideration of and a positive response to each of the following design criteria:*

*a) Character, distinctiveness and sense of place*

*b) Ease of movement*

*c) Legibility*

*d) Mixed use and diversity*

*e) Public safety and crime*

*f) Quality of public spaces and their future management*

*g) Flexibility and liveability*

*h) Richness in detail*

*i) Efficient use of natural resources*

*Development proposals should show how they have responded positively to the design policy and guidance, including national and local design guidance, relevant Neighbourhood Plans, Village Design Statements and site specific development briefs.*

*Developers are strongly encouraged to participate in the Council's 'Quality Monitoring Initiative' which works to make sure that the approach agreed to design quality when planning permission is given is delivered on site.'*

- 5.36 Also germane to the determination of this application are policy ENV1 (Biodiversity), Policy ENV3a (Landscape Character and Design), policy ENV3b (Landscape Character and Design in the AONBs), policy ENV4 (Light pollution and promoting dark skies), policy ENV5 (Protecting important rural features), policy ENV6 (Flood Risk), policy ENV7 (Water Efficiency), policy ENV8 (Water Quality, Supply and Treatment), policy ENV9 (Sustainable Drainage), policy ENV12 (Air Quality), policy ENV13 (Conservation and Enhancement of Heritage Assets), policy ENV14 (Conservation Areas), policy ENV15 (Archaeology), policy COM1 (Meeting the Community's Needs), policy COM2 (Recreation, Sport, Play and Open Spaces), policy TRA3a (Parking Standards for Residential Development), policy TRA5 (Planning for Pedestrians), policy TRA6 (Provision for Cycling), policy TRA7 (The Road Network and Development), policy TRA8 (Travel Plans, Assessments and Statements), policy IMP1 (Infrastructure Provision), and policy IMP4 (Governance of public community space and facilities).
- 5.37 This statement will demonstrate how the requirements of the relevant policies of the ABLP 2019 are to be met, having regard to those policies cited in the determination of planning application 19/01788/AS.

**c) Other Material Considerations**

**Kent Minerals and Waste Local Plan (July 2016)**

- 5.38 The south eastern part of the site falls within an area defined in the Kent Minerals and Waste Local Plan (KMWLP) as having deposits of Sandstone - Wadhurst Clay Formation, and being safeguarded accordingly. Similarly, the north western part of the site falls within an area defined in the KMWLP as having deposits of Sandstone – Tunbridge Wells Sand Formation, and being safeguarded accordingly.
- 5.39 Policy DM7 of the KMWLP in looking to safeguard Mineral Resources states:  
*'Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:*  
 1. *the mineral is not of economic value or does not exist; or*  
 2. *that extraction of the mineral would not be viable or practicable; or*  
 3. *the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or*  
 4. *the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or*  
 5. *material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or*  
 6. *it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or*  
 7. *it constitutes development on a site allocated in the adopted development plan*  
*Further guidance on the application of this policy will be included in a Supplementary Planning Document.'*
- 5.40 Within the context of the above we note that para 5.2.31 of the KWMLP states:  
*'In the past in Kent, bricks have also been made at various locations from supplies of Weald Clay, Gault Clay, London Clay, Wadhurst Clay and colliery shale.*

*No operational brickworks that use clay and/or colliery shale remain in Kent. The stock of planning permissions for clay and colliery shale for brick and tile making is sufficient for the plan period if any of the dormant or closed brickworks is re-opened or new brickworks are established. Therefore, there is no need to identify further reserves of brick clay or colliery shale for brickmaking in the Mineral Sites Plan.'*

- 5.41 Whilst the above appears somewhat contradictory, a minerals assessment has been prepared by RSK and is submitted with this application. This demonstrates that the proposed development complies with criteria 5 of policy DM7<sup>8</sup>.

### **Strategic Housing Market Assessment (January 2014)**

- 5.42 The Strategic Housing Market Assessment (SHMA) at paras 8.29 ad 8.32 recommends the following mix be sought for affordable and market dwellings.

	Affordable	Market
1 bed	25%-30%	5%-10%
2 bed	35%-40%	30%-35%
3 bed	25%-30%	40%-45%
4 bed	5%-10%	15%-20%

- 5.43 It is this mix that policy HOU18 of the ABLP refers.

### **The Strategic Housing and Employment Land Availability Assessment 2017/18**

- 5.44 The site comprises SHELAA sites TS3 and TS11. Site TS3 is described thus:

Site Address: Tenterden	Other Site Refs: TENT18	Current Use: Open countryside
Site Description and Adjacent Uses: A large area of open land that adjoins the built up edge of the settlement. The site slopes upwards towards a ridge at the north eastern edge of the site. The western edge of the site lies adjacent to the Conservation Area		
Available: <input checked="" type="checkbox"/>	Land Use: Greenfield	Submission Details: Site Submission 2013
Site Area (ha): 11.1	Neighbourhood Designation: <input type="checkbox"/>	Proposed Site use: Housing
Ecology Land Designations: SAC/RAMSAR/SPA/ NNR/SSSI/Ancient Woodland /Local Wildlife Site Details: There are a few sporadic TPOs within and surrounding the west of the site. There is a large AW, LWS and TPO site adjacent to the north.		Screening Part 1 Assessment: Move to Part 2
Location and Access to Services: The site is just outside the town centre and therefore possesses a good access to a variety of services, including a GP surgery, primary school and local shops.		
Site Access: <input checked="" type="checkbox"/> The site is accessible via Woodchurch/Appledore Road.		Highway Constraints: None known
Infrastructure Constraints: None known	AONB: <input checked="" type="checkbox"/> The site adjoins the AONB to the east	Overall Landscape and Visual Impact Summary: <a href="#">Click here to enter text</a>

<sup>8</sup> See section 6.16.

Archaeology/ Scheduled Monument: <input type="checkbox"/> Click here to enter text.	Conservation Area: <input checked="" type="checkbox"/> The site adjoins a CA.	Listed Buildings: There is a few LBs within close proximity to the west and north of the site.	Overall Heritage Summary: Click here to enter text
Flood Risk: Click here to enter text	Drainage: Click here to enter text.	Green Corridor: <input type="checkbox"/>	Public Open Space: There is POS within 600m west.
Woodland: <input checked="" type="checkbox"/> The Knock Wood AW lie	Tree Preservation Order: There are a number of TPOs within the site and in close proximity	Screening Part 2 Assessment: Remain in survey - housing	
Suitability & Achievability Assessment: The site is relatively peripheral to the town centre. Development here could have a significant impact on the existing rural character of this part of Tenterden and the AONB. Access to the site is limited with potentially a major impact on the character of Appledore Road. However, a full assessment is required of these issues.		Developable Area (ha): Click here to enter text.	
		Density Calculation (dph): Click here to enter text	
		Expected Yield: 250	
		Deliverability & Developability Timeframe	
		0-5 Year	6-10 Year
			<input checked="" type="checkbox"/>

5.45 Site TS11 is described thus:

Site Address: Tenterden	Other Site Refs: TENT19	Current Use: Football field and open land
Site Description and Adjacent Uses: A large level area of land that forms an important part of the entrance to Tenterden along the Appledore Road		
Available: <input checked="" type="checkbox"/>	Land Use: Greenfield	Submission Details: 2007 submission
Site Area (ha): 3.36	Neighbourhood Plan Designation: <input type="checkbox"/>	Proposed Site use: Housing
Ecology Land Designations: SAC/RAMSAR/SPA/ NNR/SSSI/Ancient Woodland /Local Wildlife Site		Screening Part 1 Assessment: Not available and therefore not suitable or achievable
Details: There are a number of sporadic TPOs in close proximity to the site. There is also an AW within 300m to the east.		

5.46 The issues raised in the SHELAA regarding the suitability and achievability of site TS3 are addressed in section 6 of this statement and the accompanying reports, especially the Design and Access Statement, Landscape and Visual Assessment, Heritage Statement, Transport Assessment and Appledore Road Avenue Study. The statement in the assessment of TS11 that refers to the site not being available, has changed since the assessment was completed as the land is now under contract to Wates Developments and the site is thus available

**d) The Evidence Base that Supported the recently adopted Local Plan**

- 5.47 In addition to the above the recently adopted ABLP is supported by a number of other background documents; including:
- Ashford Strategic Flood Risk Assessment (SFRA) (2014) and associated updates of 2017 and 2018;
  - Adopted Heritage Strategy 2017;
  - Water Cycle Study 2016;
  - Ashford Borough Playing Pitch Strategy (2017); and
  - Ashford Open Space Strategy (2017)
- 5.48 All of these documents are in some way or another relevant to this application and will be referred to accordingly in this statement.

**e) The Five Year Housing Land Supply 2020 - 2025 (Update July 2020).**

- 5.49 The Five Year Housing Land Supply 2020 - 2025 published by ABC in July 2020 indicates in table 3 that the council have just 4.8 years housing land supply. Table 3 is reproduced below for ease.

**Table 3 Housing Land Supply Calculation**

Five year requirement (inc 5% buffer)	7405
Deliverable five year housing land supply	7110
<b>Housing land Supply (7110 / 1481)</b>	<b>4.80 years</b>

- 5.50 We further note that Table A7 - Further potential major windfalls - without full planning permission (as of 31 July 2020) – identifies the application site as a potential windfall site in part C;
- 5.51 The Five Year Housing Land Supply Update July 2020 also indicates that there were just 84 affordable housing completions in 2019/20. Table A1 of said document indicates that delivery year on year since 2011/12 has fallen woefully short of the need identified in the SHMA.

**Table 6: Affordable Housing Completions 2011/12-2019/20**

2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Total
245	68	4	124	247	148	108	145	84	1,173 Av 130 dpa

- 5.52 Not only is it clear from the above that ABC accept that they do not have a 5 year HLS and that para’s 73 and para 11 of the NPPF are thus invoked; but that the affordable housing need remains high, with completions falling significantly short of the requirement.

**F) Neighbourhood Plan**

- 5.53 Tenterden Parish was designated as a Neighbourhood Area on 12th March 2019 and is currently progressing a Neighbourhood Plan. A date for Reg 14 consultation has yet to be confirmed. The plan is thus in its infancy and has no weight.

## **6 Planning Appraisal**

### **6.1 The Issues**

6.1.1 This hybrid application provides for the development of the land between Appledore Road and Woodchurch Road Tenterden so as to accommodate up to 145 residential dwellings (50% affordable) including the creation of access points from Appledore Road (1 x all modes and 1 x emergency, pedestrian and cycle only), and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site, provision of open space including children's play areas, community orchard, sustainable drainage systems, landscape buffers and green links all on 12.35 ha of the site; and the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping.

6.1.2 Having regard to the aims and objectives of national and local government guidance, and the reasons for refusal cited in the determination of application 19/01788/AS we consider that the key issues to be considered in determining this application are:

- the principle of development in terms of the aims and objectives of the Ashford Borough Local Plan, especially policies SP1, SP2 and HOU5, the housing land supply situation in Ashford, the affordable housing needs of the borough, the recreational needs of the borough, the site's suitability for development, the presumption in favour of sustainable development, and the applicant's ability to deliver the site within the next 5 years;
- the landscape and visual impact of the proposed development on the area;
- the effect of the proposed development on existing landscape features;
- the impact of the proposed development on areas of ecological interest/protected species;
- the impact of the proposed development on the archaeological and built heritage of the area;
- the site's ability to accommodate this level of development, the nature of the residential accommodation and the level of affordable provision;
- the impact of the form, layout and design of the proposed development on the amenities of adjacent residents;
- the effect of the proposed development in transportation and highway terms;
- the site's suitability for development in terms of flood risk;
- the impact of the proposed development in terms of loss of agricultural land; and
- the effect of the proposed development in terms of energy consumption, foul water drainage, the capacity of the service providers and impact on local infrastructure

### **6.2 The Principle of Development**

#### **i) Policy HOU5**

6.2.1 The application site abuts the built-up area of Tenterden as defined by the Ashford Borough Local Plan (ABLP) 2019. Policy SP2 of the ABLP sets out the strategic approach to housing delivery. It establishes a total housing target of 13,118 net additional dwellings in the borough between 2018 and 2030. Appendix 5 of the ABLP - the Housing Trajectory 2018-2030 identifies how 13,544 dwellings will be delivered.

6.2.2 Within the context of the above Policy HOU5 of the ABLP provides for residential development adjoining or close to the existing built up confines of Tenterden subject to compliance with a number of criteria. For the reasons set out in this statement and the other statement's that support this application we believe the proposed development complies with policy HOU5, albeit the weight to be given to policies SP1, SP2 and HOU5 are, in light of the fact the Council accept they do not have a 5 year housing land supply limited. In this regard we note that in determining application 19/01788/AS, ABC only cited non-compliance with parts e, f (i, ii, iii, iv and vi), there being no conflict alleged with parts a, b, c, and d.

#### Policy HOU5 - Criterion A

6.2.3 Criterion A requires the scale of any development promoted pursuant to policy HOU5 to be: *'proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available 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 in liaison with service providers'*

6.2.4 Lichfields report 'Tenterden Growth and Community Services Assessment' assesses the proposed development against criterion A. Whilst we would direct the reader to said report to appreciate its findings as a whole, we have set out below the conclusions, taking each of the tests raised in policy HOU5 in turn.

#### Proportionate in size to the settlement and proportionate to the level, type and quality of day-to-day service provision.

6.2.5 Outstanding commitments in Tenterden (Tent1A, Tent1B, Pope House Farm and Tilden Gill) amount to 387 dwellings<sup>9</sup>. This will generate a 9.92% increase in Tenterden's existing housing stock of 3900 dwellings<sup>10</sup>. The proposed development at up to 145 dwellings would represent growth of 3.72% in Tenterden's existing housing stock. When combined with other outstanding committed growth there would be a 13.64% increase in Tenterden's existing housing stock<sup>11</sup>. This compares to growth of 22.4% in Charing, and 22.9% growth in Ham Street<sup>12</sup>. As is clear from the above, the level of growth currently proposed in Tenterden is significantly less than that proposed in other lower order settlements in the Borough. Likewise, the cumulative position would still be less than the overall level of growth planned across the Borough as a whole (24.1%), and comparable to the level of growth the Government is seeking nationally (18.5%). It is also significantly less than that proposed within and around Ashford itself (33%) and less than the level of planned growth which is being seen at other similar towns in Kent (such as Paddock wood (30.7%) and Kings Hill (29.8%). As such Lichfields have concluded that *'such a scale of growth is proportionate to the size of the settlement'*

6.2.6 The Lichfields report also highlights the current scale of service provision within Tenterden, and in doing so concludes that *'Tenterden is well served for day-to-day services, providing a range of facilities that would not be out of place in a much larger town'*. By benchmarking the level of service provision in Tenterden against similar sized towns in Kent (e.g. Edenbridge, Paddock Wood, Otford, Pembury and Hoo St Werburgh), and the level of growth said towns

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<sup>9</sup> See table 2.1 of Lichfields report on Tenterden Growth and Community Services Assessment – Committed housing growth in Tenterden – Lichfields analysis of Ashford Local Plan and Ashford Annual Monitoring Reports 2017/18, 2018/19 and 2019/20.

<sup>10</sup> See para 2.4/2.5 of Lichfields report on Tenterden Growth and Community Services Assessment.

<sup>11</sup> See para 3.4 of Lichfields: Tenterden Growth and Community Services Assessment

<sup>12</sup> Measured from 2011 parish census data held with ONS

are due to accommodate Lichfields report concludes that *'the scale of growth is demonstrably proportionate to the nature of its service provision.'*

#### Impact on Day to Day Services

- 6.2.7 The Lichfields report demonstrates that the existing service provision in the town is *'suitable to meet the day-to-day needs of the new development at Appledore Road, in combination with other development'*. It also explains that having discussed provision with service providers, in particular KCC as education provider, the Tenterden Schools Trust, the Practice manager of the local GP surgery, and Sport England *'it is considered the increase in population would not have a harmful impact on the ability of facilities and services to support the population'*. Lichfields report goes on to explain that where particular impacts are identified: *'Wates are committed to addressing the need for additional mitigation and infrastructure provision via Section 106, and initial liaison with service providers has concurred that such an approach would be appropriate; there are no fundamental barriers to enhanced provision being able to accommodate the growth proposed.'* In this regard the Lichfields report also highlights the fact that the Ivy Court Surgery is already undergoing expansion, that Tenterden Schools Trust has indicated plans can be put in place to address additional pupil numbers (if appropriately funded), that sports facilities will be improved through the new facilities provided by the development itself, and that the high street will benefit from additional expenditure and new customers to help to maintain its vitality and viability.
- 6.2.8 Lichfields report also highlights the fact that the growth which the proposed development could bring to Tenterden is complementary to the role the settlement currently serves and will encourage it to continue to successfully serve the population. It will also bring social and economic benefits to Tenterden and Ashford Borough. To this end Lichfields explain that the development presents the opportunity to reverse population decline, rebalance the population profile, meet housing needs and secure positive gains such as jobs<sup>13</sup>, increased expenditure and securing the vitality of the settlement.
- 6.2.9 Lichfields report concludes that:  
*the Appledore Road scheme as proposed fully accords with Policy HOU5 criteria (a). The new development would be proportionate to the existing settlement and in line with Tenterden's ability to absorb the growth within its day-to-day services via existing provision or appropriately secured mitigation and enhancements.'*
- 6.2.10 In the context of the above we note that when determining the former application for this site, the case officer in his committee report advises at para 61 that:  
*'The applicant's case is that (a) the current scale of existing services provision in Tenterden would be suitable to meet the needs arising from the proposal in combination with other development and (b) the development would generate additional infrastructure requirements which could be dealt with through section 106 planning obligation contributions as requested by consultees such as for primary education, community learning, youth services, libraries, social care, allotments and additional capacity in general practice health premises. I do not dispute that suggestion and so I have no objection to the proposal in terms of the ability to meet criterion HOU5(a).'*

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<sup>13</sup> The combined impact during the construction period is calculated to be 259 jobs and £17.8m GVA per year – see para 5.6 (4) of Lichfields report – Tenterden Growth and Community Services Assessment

- 6.2.11 This is reiterated at para 134 which states:  
*have no objection to the proposal in terms of the ability to meet criterion HOU5(a) the current scale of existing services provision in Tenterden would be suitable to meet the needs arising from the proposal.'*

#### Policy HOU5 - Criterion B

- 6.2.12 Criterion B requires any development promoted pursuant to policy HOU5 to be: *'within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services'*
- 6.2.13 The Transport Assessment produced by i-Transport demonstrates that an extensive highway network incorporating footway provision and dedicated crossing facilities is available from the site towards various local facilities and public transport routes. The site provides a dedicated new pedestrian access towards Woodchurch Road, with a new informal uncontrolled junction towards Knockwood Road and Eastgate Road. From here, continuous footways are provided towards Homewood School and the Sinden Theatre. Residents of the site can also easily access Tenterden town centre (which is within 1.2km/ a 15-minute walk/ 5-minute cycle ride, from the centre of the site). The main pedestrian route follows the footways along Appledore Road, East Hill and onto Oaks Road, with a formal uncontrolled crossing with central island provided across Appledore Road, and the remainder of the route only requiring crossing of minor cul-de-sac roads towards the town centre via the High Street. As set out in the Transport Assessment a number of local facilities are available in the town centre including two supermarkets, retail shops, medical centre and a dentist.
- 6.2.14 The Transport Assessment also explains that there are bus stops located on Appledore Road (providing a 2-hourly service to Tenterden from Rolvenden, Cranbrook, Goudhurst, and Tunbridge Wells and daily to Wittersham and Appledore) and Woodchurch Road (providing a twice hourly service to Ashford) which can both be easily accessed by walking from the site. Additional bus routes are available from Ashford Road which include a twice hourly service towards Maidstone.
- 6.2.15 Given the above we consider the application site is within easy walking distance of basic day to day services in Tenterden and that in addition future residents would have access to sustainable methods of transport to access a range of services and higher order settlements. Thus, criterion B is complied with.
- 6.2.16 Again, we note that when determining the former application for this site, the case officer in his committee report advises at para 63 that:  
*'The applicant's covering statements outline distances from services and facilities such as retail, community and leisure, education, health, employment and transport. The retail high street is around 600m away from the proposed development at its nearest point and the other facilities within the town are located within 800m or 1 km of the site and further as the high street continues westwards. While these distances will vary and will be slightly longer for those proposed dwellings that would be located further into the site interior from Appledore Road, in view of the extent of service provision in Tenterden, I consider that for the purposes of this strand of Policy HOU5 the site would be within easy walking distance of basic day to day services and would have access to sustainable transport to access a range of services. Therefore, I consider the proposal would satisfy criterion (b) of Policy HOU5.'*

6.2.17 This is reiterated at para 134 which states:  
*'The site would be within easy walking distance of basic day to day services and would satisfy criterion (b) of Policy HOU5'*

#### Policy HOU5 - Criterion C

6.2.18 Criterion C requires any development promoted pursuant to policy HOU5 to be: *'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'*

6.2.19 Again, the Transport Assessment produced by iTransport demonstrates that the site can be accessed safely by all modes from two points on Appledore Road; and that a further pedestrian and cycle access is to be provided from Woodchurch Road.

6.2.20 The Transport Assessment also explains that comprehensive traffic surveys and traffic modelling has been undertaken, and that the scope of the survey work and modelling was agreed with KCC highways during a scoping exercise. The traffic generation and results of the traffic modelling are presented in the Transport Assessment which demonstrates that each of the junctions assessed have available capacity in the future years both with committed developments (and their committed highway improvements) and the proposed development. Therefore, no junction improvement measures are required to mitigate the impact of the development once improvements are delivered by the Tilden Gill development (14/01420/AS)<sup>14</sup>.

6.2.21 As set out in the Transport Assessment, the location of the proposed point of access has been determined having regard to highway design principles, as part of the masterplan design, and having regard to the desire to retain as many street trees as possible. To this end, the Transport Assessment highlights the fact that the introduction of a single point of access onto Appledore Road will result in the loss of one mature tree (T43). As set out in the Arboricultural Impact Report this is a category 'B' specimen (trees of moderate quality and value). Said tree is situated on highway land and shown to be removed following consultation with the highway authority (Kent County Council), who are not opposed to the loss of this tree providing suitable compensation is agreed. As set out in the Arboricultural Impact Report it is not believed that the loss of this tree, subject to a suitable replacement will impact on the overall character of Appledore Road.

6.2.22 The Transport Assessment also explains that the access has undergone an independent Stage 1 Road Safety Audit to ensure that it is safe for all users; and that a suite of traffic calming measures is proposed along Appledore Road to reduce traffic speeds and further enhance the safe route for pedestrians and cyclists to and from the development, as well as existing users of Appledore Road. As set out in the Avenue Study contained within the DAS, we do not believe that these traffic calming measures will adversely affect the character of the surrounding area. A position which is supported by the Heritage Statement which does not consider the proposed traffic calming measures will adversely affect the character and appearance of the conservation area<sup>15</sup>.

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<sup>14</sup> We note these are currently being installed.

<sup>15</sup> See para 6.46 of HS

- 6.2.23 Given the above we believe criterion C is complied with. In this regard we note that when determining the former application for this site, the case officer in his committee report advises at para 105 that:  
*'In summary, and based on Kent Highways and Transportation advice and subject to planning conditions and obligations. I consider that there is no highway objection to the proposals or conflicts with policies TRA7 and HOU5 (c) of the ALP.'*
- 6.2.24 In the context of the above, this application materially varies from that previously submitted in that it only proposes a single point of access for all modes on Appledore Road - to the east of field F13. The former all modes access adjacent to no 13 Appledore Road has been changed to an emergency, pedestrian, and cycle access only. Thus, tree T110 has been retained, there having been no need to remove T111 despite what was said in reason for refusal no 3. Reason for refusal no 3 has though effectively been addressed by this change in the access strategy.
- 6.2.25 The previous application assessed the ability for a single point of access to serve a development of up to 250 dwellings, which was supported by KCC as the local highway authority. It therefore follows that a single point of access remains acceptable given the smaller scale of development now proposed<sup>16</sup>.

#### Policy HOU5 - Criterion D

- 6.2.26 Criterion D requires any development promoted pursuant to policy HOU5 to be: *'located where it is possible to maximise the use of public transport, cycling and walking to access services'*
- 6.2.27 The Transport Assessment demonstrates that the site is a natural extension to Tenterden, being located close to the town centre, where walking and cycling can easily be taken up. The site is also located close to existing bus services along Woodchurch Road and Appledore Road (250 metres and 150 metres respectively from the proposed western site access. Further bus services are located 1km from the centre of the site, to the north along Ashford Road. The town centre and bus stops both being within a short walking distances such that the development is located where it is possible to maximise the use of public transport, cycling and walking to access services.. There are also 2 additional proposed on Woodchurch Road as part of the development improving access to public transport even more than the current situation. Thus, criterion D is complied with.

#### Policy HOU5 - Criterion E

- 6.2.28 Criterion E requires any development promoted pursuant to policy HOU5 to: *'conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality'*
- 6.2.29 The Ecological Assessment (EA) explains that a suite of ecology surveys have been conducted on-site to understand what features are present and where these are located. The EA and DAS explain that the masterplan has been sensitively designed so as to avoid important ecological features as far as possible. Where this is not possible, appropriate mitigation and compensation is proposed to ensure important ecological features are conserved. The Ecological Assessment also explains that restoration and/or creation of new

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<sup>16</sup> The previous RSA (and the whole assessment strategy) was based on the site at that time being served by either one of the accesses in isolation, or across the two access, i.e. each access was considered on the basis that it could accommodate all vehicular movements from the 250 units (proposed at that time) and the sports pitches/country park. KCC did not oppose that strategy.

ponds, hedgerow enhancements, the creation of an orchard and the creation of wildlife grasslands and scrub within the Country Park will deliver net biodiversity gains.

- 6.2.30 The Arboricultural Impact Report explains how the existing trees are incorporated into the layout and how the proposals will minimise impacts upon them. It also explains how the proposed development looks to provide appropriate buffers between the three ancient tree and three veteran trees that exist on this site, and any built development the details of which were discussed and agreed with the council's tree officer during the determination of the previous application and are respected within this submission, thus protecting, and retaining these important Arboricultural features. The AIR also explains how the changes to the western access have resulted in the retention of tree 110, there being no need for tree 111 to be removed to facilitate the former western access in our opinion. As set out in the Heritage Statement tree 110 lies within the Conservation area and positively contributes to its character and appearance. Its retention will preserve the character and appearance of the conservation area.
- 6.2.31 A detailed desk-based Archaeological Assessment, a site based Heritage Statement and a site based Landscape Heritage Assessment have been undertaken to identify national and locally designated heritage assets within the site and surrounding area. These demonstrate that no known national or locally designated heritage assets fall within the application site, beyond the small overlap with the Conservation Area, and that there would be no harm to the heritage significance of the Grade I Listed St Mildred's Church, the Grade II Listed Craythorne's and Stace House, and the Tenterden Conservation Area through setting; and that the proposed development would preserve the character and appearance of the land within the Conservation Area.
- 6.2.32 The historic environment information has been used within the Landscape and Visual Assessment (LVA) to assist in assessing any visual impact on the setting of heritage assets in the surrounding area and to help design mitigation measures where appropriate. The masterplan has drawn on this information to identify areas within the application site where open space is retained and boundary features preserved and/or strengthened. Likewise, the masterplan has sought to remove adverse visual impacts on heritage assets in the surrounding area or to reduce adverse visual impacts to an acceptable level, and to introduce viewing corridors to retain important local views, especially views of St Mildred's Church from the PRoW that passes north south through the site.
- 6.2.33 Given the above we believe criterion E is complied with.
- 6.2.34 In the context of the above we note that at para 86 of his committee report, the case officer in commenting upon the former application state:  
*'There are two listed buildings Stace House and Craythorne House (both Grade II) located to the west of the site at the Woodchurch Road/ Beacon Oak Road junction. Policy ENV13 ALP states that development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss. Stace House is the nearest listed building and occupies a prominent position at the built crossroad adjoining the southwest corner of the site. The development would be set back behind hedgerows and some trees and due to the separation distances I consider that it is unlikely to result in significant harm to the setting of this listed building, the same would apply to Craythorne House located on the opposite side of the Woodchurch Road.'*

## Policy HOU5 - Criterion F

- 6.2.35 Criterion F requires any development promoted pursuant to policy HOU5 and any associated infrastructure, to be *'of a high quality design'* and to meet 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 the materials used,*
  - v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*
  - vi) It would conserve biodiversity interests on the site and /or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.'*
- 6.2.36 The DAS and LVA explain how a landscape-led approach has been adopted towards the proposed development, taking account of topography; landscape structure afforded by existing vegetation including veteran, ancient, TPO and other important trees; the character of the site in relation to the wider countryside (including the High Weald AONB to the east); views and visual amenity; and biodiversity.
- 6.2.37 The DAS and LVA also both explain how the proposed development is sympathetically set within a conserved landscape structure of hedgerows, ponds, and copses, which are retained wherever possible, and repaired and enhanced, including re-introducing features such as an orchard, meadows and extending ponds and wetland such that there is green connectivity running through the development which responds to NE guidance on green corridors. The aim being to reinstate the landscape context which has been eroded over time to create a residential scheme which is 'grounded' in its landscape. Thus, the proposed development will sit sympathetically within the wider landscape.
- 6.2.38 The retention of the existing hedgerows within the masterplan also creates a strong framework of connected greenways, overlooked by fronting homes, which not only provide attractive and safe walking and cycling connections, but which also allow for continuous and connected habitats which are attractive to a range of fauna including bats and birds.
- 6.2.39 The DAS also explains how the proposed development has evolved to address reason for refusal no 5 of AS/19/01788 and ensure that (i) occupiers would be provided with acceptable minimum levels of amenity and privacy and (ii) sufficient space would be available for policy compliant levels of car parking provision. It also explains that the residential element will comprise predominately 2-2.5 storey houses that will be finished using materials appropriate to the Wealden landscape, and how boundaries will be denoted by hedges, brick walls and appropriate fencing to help ground the proposed houses in the locality. Thus, the proposed development is consistent with local character and built form, including scale, bulk and the materials used; and will preserve the setting of Tenterden.
- 6.2.40 As set out in the DAS the site boundaries, where existing residential properties adjoin the site, are proposed to include corridors of public green space with new native planting, reinforcing retained mature vegetation, and in some cases, water attenuation features. This will create an attractive landscape edge, retain good trees, add new ditches and paths and provide a sympathetic transition between the proposed development and existing residents. Thus, the proposed development will not adversely impact on the neighbouring uses / will provide a good standard of amenity for nearby residents,
- 6.2.41 New paths will link up with the existing public footpath that crosses the site and provide a walking circuit within the green space in the developed area as well as the country park so

that the degree of public access is increased compared with the single existing PRoW which crosses the site. To this end we note that at para 102 of his committee report, the case officer in commenting upon the previous application states:

*'The proposals would utilise the existing PROW AB12 running north to south across the site. This would link into proposed footpaths around the site including connections to the new accesses to Appledore and Woodchurch Roads. KCC Public Protection (PROW) raise no objection commenting it accurately reflects the discussions and agreement they have had with the applicant. I consider there are no PROW objections to the scheme'*

- 6.2.42 Clear vistas towards St Mildred's Church spire in the town centre will be retained and the church will continue to be seen over existing tree canopies. This will provide a strong visual connection between the development and the town, and also retain the distinctiveness and identity of the site. The Country Park will also create an appropriate green gap between the built up area of the town and the countryside and is designed so that its extension through the residential development area effectively extends the Country Park close to the centre of the town and brings the country to the town.
- 6.2.43 The user experience along the existing Public Right of Way will be enriched by providing access to the highest parts of the ridge that runs through the site, affording residents the ability to experience the dramatic panoramas to the east, through the enhanced landscape features including the meadows, trees, water courses and orchard and with the benefit of places to rest or to experience views. The exiting PRoW will also be linked to wider walking circuits, and to the town.
- 6.2.44 In the context of the above, the housing development and adjoining football pitches are, as shown on the illustrative layout, located on the slopes of the site that face towards Tenterden to the west, whilst the ridge and eastern, outward facing slopes, are proposed as a rural Country Park. The character of the Country Park will reflect the wider Wealden countryside including the wooded character of the High Weald AONB. It will consist of new wildlife meadows and woodland established on the existing improved grassland fields along with their retained hedges and mature trees. Thus, the proposed development will provide for an appropriately sized and designed landscape buffer to the open countryside.
- 6.2.45 As set out in the Ecological Assessment and Landscape and Ecological Management Plan, the biodiversity of the site will be protected and enhanced. A comprehensive biodiversity enhancement strategy has been prepared which takes account of the objectives of the adjoining High Weald AONB and Low Weald Biodiversity Opportunity Area. Thus, the proposed development will conserve biodiversity interests on the site and /or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.
- 6.2.46 Given the above we believe criterion F is complied with.

Summary overview of the position relative to policy HOU5.

- 6.2.47 Having regard to the above and the committee report pertaining to the former application we have set out below our position on compliance with the criteria set out in policy HOU5.

**JAA Table 6.1 – Overview of ABC’s view of compliance with Policy HOU5 on 250 unit scheme and Wates position on 145 unit scheme**

HOU5 criteria	ABC on 250 unit scheme - as per Sept 2020 committee report	Wates position on revised scheme
<i>a) the scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available, 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, in liaison with service providers;</i>	Complies – para 61	Complies
<i>b) the site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;</i>	Complies - para 63	Complies
<i>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;</i>	Complies - para 105	Complies
<i>d) the development is located where it is possible to maximise the use of public transport, cycling and walking to access services;</i>	Not commented upon – but explicit given para 63 and 105	Complies see TA
<i>e) conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality;</i>	Fails – para 106 – 113	Complies – see EIA
<i>f) the development (and any associated infrastructure) is of a high quality design and meets the following requirements:</i>		
<i>i) it sits sympathetically within the wider landscape</i>	Fails – para 73	Complies – see LVA
<i>ii) it preserves or enhances the setting of the nearest settlement</i>	Fails – para 73	Complies – see LVA
<i>iii) it includes an appropriately sized and designed landscape buffer to the open countryside</i>	Fails – para 73	Complies – see LVA
<i>iv) it is consistent with local character and built form, including scale, bulk and the materials used,</i>	Fails – para 73	Complies – see DAS and LVA
<i>v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,</i>	Complies – explicit in paras 87 – 90	Complies – see DAS and section 6.9 of this statement
<i>vi) It would conserve biodiversity interests on the site and /or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1</i>	Fails – para 106 – 113	Complies – see EIA
<i>Where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty</i>	Complies – para 65	Complies – see LVA

### HOU5 and impact on the setting of the AONB

- 6.2.48 Policy HOU5 also makes it clear that: *‘Where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty’*
- 6.2.49 This point is covered comprehensively in the LVA which makes it clear that whilst the application site abuts the High Weald AONB for part of the eastern boundary, and that the AONB is of national value, the landscape of the AONB has a medium sensitivity, as despite its high value the proposed development would result in no direct effects on the designation and even visibility of the proposals would be very limited, as the ZTV in drawing T-5 demonstrates. The magnitude of effects on the landscape of the High Weald AONB would thus be negligible: there would be no direct effects on the designation, and the visual effects would be negligible.
- 6.2.50 The LVA also explains that there would be negligible potential for any walkers using paths within the AONB to obtain views of the proposed development; and that there would be no significant potential for long views from the High Weald AONB either to the east or south west of the application site.
- 6.2.51 In the context of the above we note that the case officer in his committee report on the previous application indicates at paras 82 and 83 that:  
*‘Although I have objections to the residential development and to its impact on the landscape setting and character of the surrounding area, I consider it would not be able to be argued that there would be a wider and more harmful impact on the setting of the AONB due to the topography and distance from the AONB boundary.  
The proposed pavilion building and outdoor classroom shown in connection with the sports pitches and Country Park are located in closer proximity to the AONB boundary. However, due their scale and design I consider these would not be objectionable in terms of their impact on the AONB setting if there was a justified need for them. This is on the basis that no floodlights are proposed for the sports pitches.’*
- 6.2.52 Given the above, it is considered that the proposed development conserves and enhances the natural beauty of the High Weald AONB

### The relationship of policy HOU5 and policy SP2 of the ABLP

- 6.2.53 Policy HOU5 provides the policy mechanism by which windfall schemes will be assessed in the context of Policy SP2 within the Ashford Local Plan. Policy SP2 sets out the housing requirement for the plan period and notes that suitable windfall proposals will contribute towards meeting that target. In that context Policy SP2 states:  
*‘Windfall housing development will be permitted where it is consistent with the spatial strategy outlined above and is consistent with other policies of this Local Plan, in order to ensure that sustainable development is delivered.’*
- 6.2.54 Having regard to the above it is clear that in setting the housing requirement, Policy SP2 accepts that suitable windfall proposals will contribute towards meeting the housing requirement, and that Policy HOU5 provides the policy mechanism by which windfall schemes will be assessed in the context of Policy SP2. To this end compliance with Policy HOU5 means that the proposal does not, and indeed could not, “run counter to the adopted spatial strategy enshrined in policy SP2” as alleged in the first reason for refusal cited in the determination of application 19/01788/AS. That said, the weight to attributed to policies SP1,

SP2 and HOU5 are, in the light of the fact the Council accept they do not have a 5 year housing land supply, limited.

6.2.55 Policy SP2 also makes it clear that the majority of new housing development will be at Ashford and its periphery, and that development in the rural areas will be *'of a scale that is consistent with the relevant settlement's accessibility, infrastructure provision, level of services available, suitability of sites and environmental sensitivity.'*

6.2.56 In the context of the above, we note that Tenterden is the second largest settlement in Ashford Borough and is the Borough's only other town outside of Ashford. The ALP identifies it as playing a *"main rural service centre role for much of the south-western part of the borough"* and describes it as *"an attractive, historic town which is relatively well served by shops and services..."* (para 2.49). The town serves a wide rural hinterland and is well connected to larger settlements with regular bus services to Ashford, Maidstone, Tunbridge Wells and Hastings.

6.2.57 As the borough's second largest settlement Tenterden is well served for day-to-day services. It has a breadth and quality of services which reflects its role as a town which serves a much wider rural hinterland within this part of Kent and parts of neighbouring East Sussex. This includes a wide range of day-to-day services, which are also complemented by several higher order and occasional services (such as the leisure swimming pool and a theatre) as well as a rich cultural and tourism offer (such as the Tenterden Museum and the Kent & East Sussex heritage railway).

6.2.58 As the second largest settlement in the borough, and the main rural centre; it is an area where sustainable growth can be accommodated and would be anticipated.

6.2.59 Against this backdrop, if one reviews the information provided within the housing trajectory at appendix 5 of the ABLP and divides the housing supply identified between Ashford, Tenterden and the rural areas it is clear, as set out in table 6.2 below that even with a further 145 dwellings being accommodated as a windfall development within Tenterden, the spatial strategy remains Ashford centric.

**JAA Table 6.2 - JAA Overview of Housing Distribution Strategy as set out in App 5 of the ABLP.**

	Town Centre sites		Urban sites		Unspecified		total	%	Impact of extra 145 in Tenterden and Associated reduction in windfall figure
	Extant commitments	Allocations	Extant commitments	Allocations	Extant commitments	Allocations			
Ashford	1,075	309	4,194	4,563			10,141	74.8%	
Tenterden	-	-	330	275			605	4.5%	750 (5.54%)
Rural areas (Excluding Tenterden)			65	742			807	6%	
Neighbourhood plans						216	216	1.6%	
Windfalls					775	1,000	1,775	13%	1,620 (11.96%)
Total	1,075	309	4,589	5,580	775	1,216	13,544	100%	

- 6.2.60 Clearly the focus of development would remain Ashford, and the scale of growth proposed within and around Tenterden would be consistent with the town's accessibility, infrastructure provision, level of services available, etc, as outlined in this statement.
- 6.2.61 Given the above, and contrary to the first reason for refusal cited in the determination of application 19/01788/AS the development of the application site would, to the extent that it is still relevant given the 5 year housing land supply situation, reflect the spatial strategy enshrined in policy SP2 of the ABLP and the sustainable distribution of housing development across the Borough.
- 6.2.62 The case officer in his committee report on the previous application appears to indicate at para 50 that Tent 1 and Tilden Gill in combination fulfil the town's development needs over the Plan period. This in our opinion belies the aims and objectives of policies SP2 and HOU5 and the importance of windfall sites in helping to meet the councils housing land supply requirements; and Tenterden position in the settlement hierarchy, and in many respects is now irrelevant given the fact the council accept they do not have a 5 year housing land supply. It cannot be right to say that the town has Tent 1 and Tilden Gill and can take no more. That is not what the plan provides for and as set out above, accommodating a further 145 dwellings in the town would not prejudice the spatial strategy in any event.

The weight to be attributed to policies SP1, SP2 and HOU5.

- 6.2.63 Paragraph 11 of the NPPF sets out the '*presumption in favour of sustainable development*'. In essence this means that where applications accord with the provisions of an up-to-date development plan then permission should be granted without delay. However, if there are no relevant development plan policies or the policies which are most important for the determination of the application are out-of-date, planning permission should be granted unless the adverse effects of the development significantly and demonstrably outweigh the benefits and / or specific policies in the NPPF provide a clear reason for refusing consent.
- 6.2.64 There are two routes to demonstrating that policies that are most important are out of date. The first is the application of the five-year housing land supply test as set out in footnote 7 of the NPPF. The second is through the application of paragraph 213 of the NPPF.
- 6.2.65 In this case, for the reasons set out in section XX below, there can be no dispute that the Council cannot demonstrate a five-year housing land supply of deliverable sites. Whilst there may be a difference as to the amount of shortfall and therefore the weight to be afforded to various policies and benefits, this is not material to the applicability of paragraph 11d.
- 6.2.66 Footnote 7 of the NPPF confirms that by virtue of a council not having a five-year housing land supply, the most important policies would be out of date and the tilted balance applies to the determination.
- 6.2.67 This has two effects. The first is the operation of the tilted balance. The second is the reduction of weight to be afforded to the most important policies (in this case, policies relating to delivery of housing). What this means is that these policies cannot be afforded full weight and therefore any breach of such a policy (if such a breach exists) would also be afforded less weight..
- 6.2.68 Given the above and as the Council accept that they so not have a five-year housing land supply, it is the policies that prohibit the achievement of this requirement that fall foul of being out of date. It does not mean that all of the most important policies for the determination of

this application automatically are out of date, but it is clear that policies SP1, SP2 and HOU5 are now out of date.

- 6.2.69 The fact that these policies are out of date does not mean that they must be disregarded in the planning assessment. However, any breach of these policies would be afforded reduced (limited) weight in the planning balance.

#### The definition of windfall development

- 6.2.70 Whilst we consider the proposed development to comply with policy HOU5, we are aware that some will question whether 145 dwellings is a 'windfall' development. Neither policy HOU5 itself, nor its reasoned justification quantify the scale of development that is considered suitable pursuant to policy HOU5. Rather criterion a refers to the scale of development proposed being proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available, whilst para 6.57 advises that:

*'In assessing proposals, the scale of a development will be a major factor to bring into this equation. For larger schemes, the importance of good accessibility to local services and facilities will be of particular importance taking account of the quality and number of such, services and the ability to either benefit or be accommodated by such services. The cumulative effects of windfall schemes on local services and facilities, having taken account of the impacts from any allocated sites in the area and any other developments with extant planning permission, will need to be considered, including whether existing services may readily absorb (or benefit from) the additional demand placed on them as a consequence. This should include reference to the availability of primary school places and GP provision at the nearest available facilities alongside the scale and quality of local community facilities. This may also include any supplementary effects on existing residents, for example as a result of reduced school catchment areas.'*

- 6.2.71 The Inspectors in their report in the Ashford Borough Local Plan made it clear at para 184 that:

*'Policies HOU3a and HOU5 deal with residential windfall development within, adjoining or close to listed settlements in the Borough. They respond to paragraph 55 of the NPPF which seeks to enhance or maintain the vitality of rural communities and notes that development in one village may support services in a village nearby. Moreover, the ALP anticipates that 1,000 dwellings in total will come forward through unidentified projected future windfalls and the policies will ensure that past trends are continued into the future'.*

- 6.2.72 In this regard Paragraph 190 of the Inspector's report accepts that:

*'Policy HOU5 would also apply to Ashford which might imply that quite large scale developments will be accepted'*

- 6.2.73 In addition to the above, we note that the Five Year Housing Land Supply 2020 - 2025 (Update July 2020) encompasses comparable and larger sites, including the former application for 250 dwellings on this site within its list of 'Further potential major windfalls' at table A7, and that when Tenterden Town Council sought legal advice in an attempt to clarify what a windfall site was, the results were 'disappointing' as 'Ashford Local Plan 2030 appears to have been designed not to have limitation of number or size of sites under the windfall policy'<sup>17</sup>

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<sup>17</sup> See TTC minutes - of the Planning Committee Meeting held on Monday, 2 March 2020

6.2.74 Having regard to the above, and our comments in terms of criterion A of policy HOU5, we believe the application site at 24.34ha gross, 5.25ha net, and the proposed development at up to 145 dwellings, to be a windfall development and to be in accordance with policy HOU5 of the development plan, albeit this matter is perhaps immaterial in the light of the councils accepting that they do not have a 5 year housing land supply.

#### Relationship with the Neighbourhood Plan

6.2.75 Tenterden Parish was designated as a Neighbourhood Area on 12<sup>th</sup> March 2019 and is currently progressing a Neighbourhood Plan (NP). A date for Reg 14 consultation has yet to be confirmed. The plan is thus in its infancy and should be afforded no weight in the decision making process.

#### **ii) The Housing Land Supply Situation**

6.2.76 Paragraph 73 of the NPPF highlights the fact that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

6.2.77 The ABLP (Policy SP2) sets a minimum requirement of 16,872 dwellings over the plan-period (2011 to 2030) (ALP, Table 1). This equates to an average annual requirement of 888 dpa over the 19-year plan-period.

6.2.78 ABC's latest five-year housing land supply position ('Five Year Housing Land Supply Update July 2020') concludes that a five-year supply cannot currently be demonstrated. It puts supply at 4.8 years with a deliverable supply of 7,110 units in the five-year period 1st April 2020 to 31st March 2025 against a requirement of 7,405 units; a shortfall of 295 units. Therefore, in accordance with NPPF footnote 7, NPPF paragraph 11(d) the tilted balance is engaged and the presumption in favour of sustainable development applies.

6.2.79 Lichfields, having undertaken an initial review of the Council's housing land supply position statement consider that the shortfall is more severe than set out in the Council's latest five-year housing land supply position statement. This is primarily because the deliverable supply within the five-year period is lower than that set out by the Council when considering: the need for "clear evidence" for certain sites (NPPF Annex 2 definition); the lead-in times and delivery rates assumed for certain sites; and a recent complicating factor currently affecting deliverability in Ashford Borough caused by the necessity for nitrate neutrality in developments where they are likely to have a significant effect on the internationally designated Stodmarsh sites (Special Protection Area, Special Area of Conservation and Ramsar site). As a result, they have removed a further 2,211 units from the housing land supply and have indicated that they consider there is potential scope for further reductions in the housing land supply position given the latest policy guidance on deliverability and the issues surrounding development within those parts of the borough that drain into the Stodmarsh SPA, such that the position is more likely to be circa 3.31 years supply / a 2,506 unit deficit in the 5 year housing land supply position.<sup>18</sup>.

6.2.80 Given the above, even if one were to conclude that the proposed development does not accord with the spatial strategy advocated in policies SP1 and SP2 there is a justifiable

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<sup>18</sup> The application site does not lie within the catchment of the Stodmarsh and its delivery would not be prejudiced by this matter – see appendix L of the FRA.

reason to depart from these and permit the development of this site so as to help address the clear and unequivocal 5 year housing land supply shortfall.

6.2.81 In the context of the above, we note that appendix 5 of the ABLP makes it clear that from 2022/23 the plan looks to include windfalls in its trajectory. Given the above and our position on delivery – see below, this site is well placed to help assist the authority in meeting its housing land supply deficit.

### iii) Affordable Housing Need

6.2.82 The evidence base produced by ABC to support the Local Plan includes the Strategic Housing Market Assessment 2014. The 2014 SHMA identified a need for 368 affordable homes per annum in Ashford over the period to 2030, albeit this should be viewed as an absolute minimum because as set out in para 7.51 of the SHMA:

*“The estimates of gross new household formation have been based on outputs from our zero net migration projection. This projection has been chosen to ensure that in the modelling we are predominantly looking at locally generated needs (or at least that the needs of in-migrants are balanced against the needs of households moving out of the area)”.*

6.2.83 The ‘Local Housing Needs Assessment’ prepared by Lichfields and submitted in support of this application highlights the fact that as, to date, affordable housing needs at the borough-wide level have not been met, there is a shortfall in supply against affordable housing need across Ashford of 1,716 units as of 2018, which by 2030 could increase to 2,039 units.

6.2.84 Within Tenterden, Lichfields explain that whilst the Housing Register shows 54 households in need living in Tenterden and over 500 in total (if you include those expressing Tenterden as an area of choice), the waiting list number for Tenterden is likely to conceal the ‘true’ amount of affordable housing needs, as some households are likely to be living in sub-standard housing, with other households or be spending more than 30% of their income on housing in order to live in housing in line with their needs. Lichfields estimate this current backlog could be between c.100-400 homes. Thus their estimate of demand for affordable housing to rent in the Tenterden area over the period to 2030 is around 250 homes based on a mid-point between their current estimate of backlog of c.100-400; and their estimate of demand for affordable homes for purchase (e.g. discount market sale or shared-ownership) in the Tenterden area over the period to 2030 is around 215 homes. The total affordable housing need for the Tenterden area over the period to 2030 being c.465 dwellings<sup>19</sup>.

In the context of the above, we note that the Tenterden Housing Needs Survey published in June 2020 identified a need for 46 affordable homes for younger people, and 13 for elder people; and a need for a further 7 shared ownership units and 2 market rented units for younger people and 47 open market homes for elder people. As set out in the Lichfields Local Housing Needs Assessment<sup>20</sup> whilst the Tenterden Housing Needs Survey findings indicate a lower affordable housing need in Tenterden than Lichfields’ assessment, this is not surprising, as:

- It is acknowledged in the Tenterden Housing Needs Survey that responses to the survey were potentially unduly low due to the restrictions on travel which were in place when it was conducted (despite the closing date for the survey being extended);

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<sup>19</sup> 250 (200 + 54) + 215 = 465

<sup>20</sup> See para 5.10 of Lichfields Local Housing Needs Assessment

- The method used by Lichfields reflects the approach set out in the PPG which is intended to assess all households based on the local household income profile and local housing costs; and
- Lichfields assessment of future need covers the period to 2030 (i.e. the end of the plan period). Needs in the later part of this period may not be able to be identified in a survey which provides a snapshot in time and is limited to assessing need in the very near future based on households which already exist and are living in Tenterden and their circumstances at the current point in time.

6.2.85 ABC's latest five-year housing land supply position ('Five Year Housing Land Supply Update July 2020') indicates that there were just 84 affordable housing completions in 2019/20. Table A1 of said document indicates that delivery year on year since 2011/12 has fallen woefully short of the need identified in the SHMA.

**JAA Table 6.3 - Affordable Housing Completions 2011/12-2019/20**

2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Total
245	68	4	124	247	148	108	145	84	1,173 Av 130 dpa

6.2.86 The above suggests that not only is the affordable housing need acute, but it remains high, with completions falling significantly short of the requirement.

6.2.87 As set out below, the proposed development will provide for up to 72 affordable units if 145 dwellings are delivered on this site i.e. 50%, which exceeds the requirements of policy HOU1 of the ABLP 2019. This will go a long way towards meeting Tenterden's housing needs as set out in the 'Local Housing Needs Assessment' prepared by Lichfields.<sup>21</sup> This is a highly significant material consideration and should carry substantial weight in the context of the NPPF.

6.2.88 As this is an outline application the affordable housing mix will be agreed with the council's housing department at the reserved matters stage. That said the illustrative site layout demonstrates what could be provided – as set out in section 6.3 below. The DAS also demonstrates how the affordable housing will be pepper potted across the site and confirms that these units will be designed to be tenure blind.

6.2.89 These units will be secured through a S106 agreement and provide for an agreed tenure split of 10% Affordable/Social Rented accommodation and 30% Affordable Home Ownership Products in accordance with the requirements of policy HOU1 of the ABLP 2019

6.2.90 On the basis of the above the proposed development of the application site would actively assist in addressing the affordable housing requirements of the borough in a real and valuable way. Furthermore, as set out in section 6.17 of this statement it is Wates intention that the nomination rights for the affordable housing units are such that the affordable units are in the first instance made available to people in housing need with appropriate connection to the immediate parish of Tenterden. Thereafter the nomination rights will, if necessary, cascade down to those in need in the neighbouring parishes and then those in need in the rest of the district.

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<sup>21</sup> NB Tilden Gill is only expected to provide 35 (35%) affordable housing as per 19/00340/AS. TENT1A will provide 63 (25%) affordable homes as per 14/00757/AS.

#### **iv) The Impact on Existing Sports facilities/ the Need for Additional Sports Facilities**

6.2.91 The Sports Facilities Supporting Statement prepared by Consult QRD Ltd explains that at present the area identified as field F13 comprises a poor-quality playing field owned by Tenterden Schools Trust, which is lacking in ancillary facilities such as changing rooms, adequate access and parking. These factors, in combination with the relative distance from the main campus mean that the playing field is not used by Homewood School for curricular or extra-curricular activities. The Sports Facilities Supporting Statement also explains that the lack of ancillary facilities makes F13 unsuitable for use by local football teams; and that post development, F13 will be used for residential development and will also provide the vehicle access point to the wider site and sports facilities. In this regard the Sports Facilities Supporting Statement also explains that field F14 also owned by Tenterden Schools Trust, which is currently grazing land will be reconfigured and redeveloped to provide junior sports pitches; and that field F10 (part of the main land holding) will be changed from the current arable farming use to an adult sports pitch and also accommodate the pavilion building and car parking.

6.2.92 Post development, the sports facilities will, as set out in the Sports Facilities Supporting Statement, form a hub site, capable of supporting local football teams across adult and junior age groups, comprising:

- 1 x 11v11 Adult Football Pitch (100m x 64m)
- 1 x 9v9 Junior Football Pitch (75m x 45m)
- 1 x 7v7 Mini Soccer Pitch (55m x 37m)
- 2 x 5v5 Mini Soccer Pitch (37m x 28m each)
- Pavilion Building designed to Football Association standards and encompassing:
  - Two team changing rooms
  - Two officials changing rooms
  - Physio and first aid room
  - Club Room (80m<sup>2</sup>)
  - 2 meeting rooms (12m<sup>2</sup> each)
  - Office (6m<sup>2</sup>)
  - Kitchen and servery
  - Storage (totalling approx. 72m<sup>2</sup>)
  - Spectator toilets.This building would also be capable of providing a new home for the local cadet force
- 62 car parking spaces.

6.2.93 In the context of the above the Sports Facilities Supporting Statement explains that Sport England will normally oppose development on playing field land (regardless of whether it is in public, private or educational ownership) which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field.

6.2.94 There are however, as set out in the Sports Facilities Supporting Statement five possible exceptions that could result in any opposition being withdrawn. These exceptions, set out in the document "Playing Fields Policy and Guidance" (March 2018), are as follows:

- Exception 1 – A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the

- catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
- Exception 2 – The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
  - Exception 3 – The proposed development affects only land incapable of forming part of a playing pitch and does not:
    - o reduce the size of any playing pitch;
    - o result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
    - o reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
    - o result in the loss of other sporting provision or ancillary facilities on the site; or
    - o prejudice the use of any remaining areas of playing field on the site.
  - Exception 4 – The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
    - o of equivalent or better quality, and
    - o of equivalent or greater quantity, and
    - o in a suitable location, and
    - o subject to equivalent or better accessibility and management arrangements.
  - Exception 5 – The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

6.2.95 As set out in the Sports Facilities Supporting Statement, Sport England have advised in pre-application correspondence that the proposals are consistent with Exception 4, a position they confirmed when commenting upon planning application 19/01788/AS, which they supported subject to suitable conditions and S106 obligations.

6.2.96 In this regard the Sports Facilities Supporting Statement explains that based on an overall playing field area of 3.3 hectares, approximately 0.75 hectares is replacement provision for the pitch on F13 and approximately 0.56 hectares would be playing fields to serve the development pursuant to policy COM2 of the ABLP. The remaining 2.02 hectares would provide space for the pavilion, access, parking and additional playing field space to address issues identified in ABC's draft Playing Pitch Strategy (PPS).

6.2.97 The Sports Facilities Supporting Statement also explains that the PPS 2017-30 (May 2017) provides an Action Plan to “*Ensure that the current and future demand for sports and recreation are planned for holistically and that the needs of the current and growing population of Ashford Borough can be fully met.*” From the perspective of football, the PPS identifies a range of ‘Strategic Priorities’ across the Borough. These include:

- 1) Protect all pitches unless suitable equivalents or better replacements are provided.
- 2) Ensure formal Community Use Agreements are in place for all 3G pitches on education sites.
- 3) Support junior clubs with facility management and improvement and ensure security of tenure.
- 4) Engage with FA Pitch Improvement Programme resulting in improvements to playing fields.
- 5) Improve non-playing facilities, i.e. changing rooms, parking and access. The need for a new clubhouse in Tenterden is identified.

- 6) Provide three new 3G pitches, including one at Homewood School in Tenterden.
- 7) Grass pitch shortfalls identified across the Borough – including:
  - a) Need for further junior 11v11 pitches in Tenterden. Identifies Homewood School (3G) and Appledore Road as venues.
  - b) Shortfall of 9.5 junior 9v9 match equivalent sessions.
  - c) Current demand for mini soccer pitches can be met through a combination of 3G pitches, improvements to existing sites and reconfiguration. Small projected shortfalls in the future.

6.2.98 Whilst, as set out in the Sports Facilities Supporting Statement a 3G pitch has been built at Homewood School and Sixth Form Centre, thereby delivering one of the key Tenterden priorities (6), the identified need for more increased grass pitch capacity (7a & 7b) and a new club house building remains unaddressed (5). The development will address these outstanding Strategic Priorities, as well as being entirely consistent with Strategic Priority 1.

6.2.99 In addition to the above the Sports Facilities Supporting Statement advises that as of June 2019 Tenterden no longer has any affiliated junior football teams; and that Tenterden Town Council's plans for the redevelopment of the Recreation Ground do not envisage retention of the football pitch, traditionally used by Tenterden Town FC. The proposed facilities at Appledore Road would provide a home for these teams. Furthermore, whilst Tenterden Town FC is able to use the Homewood School 3G pitch as a home ground, this pitch and ancillary facilities do not comply with the Ground Grading criteria required for Clubs at Step 7 of the National League System pyramid. This would therefore prevent the club from being promoted to the Kent County Football League Premier Division if an alternative venue is not available. As set out in the Sports Facilities Supporting Statement the proposed facilities at Appledore Road have been designed to meet this standard.

6.2.100 The Sports Facilities Supporting Statement also explains that the findings of the Tenterden Town Council's Sports Facilities Strategy identify a number of issues for football in Tenterden which remain outstanding. These include:

- The need for a new home ground for Tenterden Tigers (juniors)
- The need for improved drainage at all natural turf pitch sites in Tenterden
- Need for renewal or replacement of the pavilion at the Recreation Ground
- Tenterden Town FC's aspiration to play in the Kent County Football League Premier Division.

The proposed development at Appledore Road would address all of these issues.

6.2.101 The Sports Facilities Supporting Statement goes on to explain that the Sports Hub and Country Park facilities have been designed with the ABLP preference for Community Stewardship in mind; that the applicant would seek to work in partnership with the Borough Council to identify suitable organisations to manage the Country Park and Sports Hub; and that this approach is proposed to offer compliance with preferred Community Stewardship model set out in Policy IMP4. A draft Operator Appointment plan is included at Appendix 10 of the Sports Facilities Supporting Statement.

6.2.102 The Sports Facilities Supporting Statement also explains that to further secure community access to the playing fields, it is proposed that a Community Use Agreement, based on the Sport England template, would be put in place. A draft template is included as Appendix 11 of the Sports Facilities Supporting Statement. The Sports Facilities Supporting Statement also explains that Amenity Green Space within the 12.35-hectare main development area would be managed by an Estate Management Body.

6.2.103 The Sports Facilities Supporting Statement also provides details of the Commuted Maintenance Sums involved, and that these, augmented by a further contribution for the pavilion and car park will result in the delivery of an attractive and sustainable offer for community organisations drawn from Tenterden or the surrounding area.

6.2.104 The Sports Facilities Supporting Statement concludes that:

*'The proposed development of up to 145 units at an average occupancy of 2.4 residents per dwelling would generate demand for approximately 1.60 hectares of open space. However, as summarised in Table 7.1 the proposed provision will exceed this, providing an attractive and extensive area of sports facilities and open space to meet the needs of Tenterden residents now and in the future.*

*The sports facilities will complement the recently opened 3G pitch at Homewood School, further addressing the outstanding issues identified in the Ashford PPS, the Tenterden Town Council Sports Facilities Strategy and ABC Open Spaces Strategy.*

*They will also support the sustainable reestablishment of junior football in the town, providing a catalyst for growth, with a pathway from junior through to adult football.*

*The Country Park will address issues identified in the Open Space Strategy, most notably through provision of a site that could serve as the Strategic Hub for Tenterden, with good quality access arrangements in place.*

*The Sports Hub and Country Park facilities will be delivered in the first phase of the development, without the need for any grant funding. The pitches will be available for use approximately 18 months after construction commences, projected to be in the Autumn of 2023.*

*It is our view that the proposals are consistent with the NPPF, Sport England Policy Exception 4 and Policies COM1 and COM2. Furthermore, they take account of the preference for Community Stewardship outlined in Policy IMP4 with an appropriate Commuted Sum (totalling over £1.5 million excluding inflation) to support ongoing maintenance.*

*Finally, by providing a draft process for appointment of an operator (or operators) and template Community Use Agreement for the Sports Hub, we have demonstrated how the facilities would be secured for the benefit of the local community, thereby addressing the concerns raised in Reason for Refusal 7 for the earlier planning application.'*

#### **v) Appledore Road – A Sustainable Location for New Development**

6.2.105 Paragraph 8 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental. Paragraph 9 of the NPPF advises that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; *'they are not criteria against which every decision can or should be judged'* it continues: *'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'* Having regard to the advice in the NPPF it should be noted that: -

#### The Economic Role

6.2.106 Policy HOU5 of the ABLP provides for Residential Windfall Development on sites adjoining or close to the existing built up confines of Tenterden subject to a number of caveats. As set out above we believe the proposed development complies with policy HOU5, to the extent it is still relevant in the light of the housing land supply shortfall, and that the application site would constitute the right type of land, in the right place at the right time to support growth. In addition, as set out in Lichfields report (Tenterden Growth and Community Services), the proposed development would result in the creation of both

construction jobs and additional indirect and induced construction-related jobs during the build period. The additional population would generate more spending in the local community, which in turn will support further jobs especially in retail, leisure, hospitality and catering. The proposed development would also generate New Homes Bonus funding and additional Council Tax receipts of circa £278,000 per annum, and significant S106 contributions (see section 6.15 below). As such it is considered that the proposed development satisfies the economic dimension of sustainable development.

**JAA Table 6.4 – Economic Benefits Stemming from Development**

Total capital investment	£23.3 million
New construction jobs	259 103 direct construction jobs and 156 indirect jobs
GVA from additional construction jobs	£17.8 million
Additional jobs generated upon completion	20
More spending in the local community	£2million net per year
New Homes Bonus funding	The New Homes Bonus Calculator for Ashford shows a lower tier payment to the Council for one year of £48,628.00 and a total payment of £194,512.00 over four years.
Additional Council Tax receipts	£278,000.00 pa

6.2.107 In addition to the above, as set out in the Sports Facilities Supporting Statement the proposed development would generate a capital investment of circa £1.2 million (+) (including fees), in sports facilities, which would result in a high-quality sports hub facility that will support both sports and wider community uses. Further to this a contribution of circa £1.4 million for the 10 year commuted sum maintenance would also be provided.

6.2.108 These are all factors that should attract substantial weight in favour of the development.

#### Social Role

6.2.109 The provision of up to 145 new dwellings will make a contribution to the boroughs housing supply and will help meet the identified need, particularly in respect of affordable homes (up to 72 dwellings). Thus, it would help to ensure there is a sufficient number and range of homes being provided in the area to meet the needs of present and future generations. This should attract significant weight in favour of the scheme

6.2.110 In addition, the proposed development, in providing a 8.66ha country park and 3.33ha of land to be used as formal sports pitches together with pavilion to serve the proposal and the surrounding area, children's play areas and community orchard, will, as set out above, actively help address the recreational needs of the area. This should attract significant weight in favour of the scheme.

6.2.111 The proposed development also provides an opportunity to expand/consolidate/introduce new services and infrastructure, through S106 contributions towards transport improvements, education services, library services, community facilities etc.

6.2.112 In accordance with para 8 of the NPPF the application site will be accessible to local services that reflect the community's needs and will support the existing and future

communities health, social and cultural well-being. The NPPF seeks to promote a strong vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environments, with accessible local services that reflect the community's needs and supports it health, social and cultural wellbeing. It can be considered that the proposed development satisfies the social dimension of sustainable development.

6.2.113 The social benefits of the proposed development should thus attract substantial weight in favour of the development.

#### Environmental Role

6.2.114 The proposed development is on land that is free from any national environmental designations, i.e. Area of Outstanding Natural Beauty or National Park. Albeit we note that site abuts the High Weald AONB.

6.2.115 Notwithstanding the above, there is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised, and that development should contribute to protecting and enhancing the natural, built and historic environment. The statements submitted in support of this application, especially the LVA, Landscape Heritage Assessment and Ecological Assessment seek to demonstrate how this objective will be met.

6.2.116 In accordance with para 8 of the NPPF the proposed development provides an opportunity to enhance and actively increase the biodiversity on the site. As set out in the LVA, the proposed development has been designed to ensure the majority of the existing landscape features are retained and incorporated within the development; and where existing features are lost, their loss will be mitigated by substantial new tree planting, reinforcing the Site's landscape character. In addition, as set out in the Ecological Impact Assessment the Country Park, children's play areas and community orchard, along with the proposed SuDs features and ecological enhancement works will improve the biodiversity of the site overall.

6.2.117 In addition the proposed development will look to make the most efficient use of the site, provide for biodiversity net gain, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change.

6.2.118 These factors should attract substantial weight in favour of the development.

6.2.119 Given the above it is considered that the proposed development satisfies the environmental dimension of sustainable development.

6.2.120 It is also noteworthy that the application site is located immediately adjacent to the built confines of Tenterden. As a result, set out in the Transport Assessment the application site is located within reasonable walking and cycling distance of a range of facilities in Tenterden<sup>22</sup>. In addition, there is access to existing bus stops within easy walking distance that provides regular services to Ashford, Maidstone, Hastings and Tunbridge Wells. Table 3.1 of the TA, which is set out below, provides a summary of the local facilities, amenities, educational and employment opportunities accessible within 1km of the site.

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<sup>22</sup> As set out in the TA, Tenterden town centre includes circa 100 retail stores, restaurants, cafes, banks, hairdressers, a medical centre and a dentist - the town centre is within easy walking and cycling distance of the site

Purpose	Destination	Distance	Approximate Journey Time (mins)	
			Walking	Cycling
Community and Leisure	Tenterden Recreation Ground	750 m	10 mins	4 mins
	Trinity Baptist Church	750 m	10 mins	4 mins
	St Andrew's Catholic Church	800 m	10 mins	4 mins
	Tenterden Leisure Centre	1,000 m	13 mins	5 mins
	The Sinden Theatre	850 m	11 mins	4 mins
	Saint Mildred's Church	1,000 m	13 mins	5 mins
	Tenterden Town Station	1,300 m	17 mins	6 mins
	Tenterden Museum	1,200 m	15 mins	5 mins
Tenterden Library	1,100 m	14 mins	5 mins	
Retail	Shrubcote stores	350 m	5 mins	2 mins
	Tenterden Town Retail Area (edge of)	650 m	9 mins	3 mins
	Waitrose Supermarket	900 m	12 mins	4 mins
	Tenterden Post Office	1,100 m	14 mins	5 mins
	Tesco Supermarket	1,200 m	15 mins	5 mins
	Boots	750 m	10 mins	4 mins
	M&Co	750 m	10 mins	4 mins
	WHSmith	800 m	10 mins	4 mins
	Holland and Barrett	800 m	10 mins	4 mins
	Santander Bank	900 m	12 mins	4 mins
	Nationwide Building Society	900 m	12 mins	4 mins
	Waterstones	950 m	12 mins	4 mins
	Vision Express	1,000 m	13 mins	5 mins
	This Ancient Boro Alehouse and Tapas Bar	700 m	9 mins	3 mins
	Caffé Nero	750 m	10 mins	4 mins
White Lion Pub and hotel	900 m	12 mins	4 mins	
The Lemon Tree restaurant	900m	12 mins	4 mins	
Hoof & Hook restaurant	900m	12 mins	4 mins	
Education	Tenterden C of E Junior School	900 m	12 mins	4 mins
	Tenterden Infant School	1,000 m	13 mins	5 mins
	Homewood School and Sixth Form Centre	800 m	10 mins	4 mins
Health	Ivy Court Surgery	850 m	11 mins	4 mins
	Boots Pharmacy	750 m	10 mins	4 mins
	Easysmile Dental Care	750 m	10 mins	4 mins
	Paydens Pharmacy	1,000 m	13 mins	5 mins
Employment	Tenterden Town Centre (Centre of High Street)	850 m	11 mins	4 mins

Key:

	Within Manual for Streets 'walkable neighbourhood' 800m distance
	Within 1600m (1 mile), i.e. within a distance where 80% of journeys are on foot)

Notes:

Notes: Approximate journey times are rounded up. Shortest distance permissible by each travel mode. Distances all measured from closest site access point. Walking time based on 1.4m/s and cycling time based on 4.1m/s.

- 6.2.121 Given the above we consider the application site is ideally situated to accommodate further growth in a sustainable manner as defined by para 8 of the NPPF.
- 6.2.122 Thus the presumption in favour of sustainable development applies and consideration needs to be given to the application in the context of paragraph 11 of the NPPF i.e. it should only be refused if any adverse impacts would significantly and demonstrably outweigh the benefits of the development, when assessed against the NPPF as a whole, or specific NPPF policies indicate development should be restricted.
- 6.2.123 In the context of the above we believe there are a number of material planning benefits generated by the proposed development, as set out below:

**Table 6.5 – Social, Economic and Environmental Benefits Generated by Appeal Proposals**

	<b>Benefit</b>	<b>Type</b>	<b>Weight</b>
1	Provision of up to 73 market dwellings	Social/Economic	Very Substantial in the light of the 5 year HLS situation
2	Provision of up to 72 affordable dwellings (50%)	Social	Very Substantial in the light of the affordable housing needs of the district
3	An appropriate dwelling mix	Social	Very Substantial in the light of the housing needs of the district
4	Provision of 8.66ha Country Park together with associated play trail,	Social/Environmental	Substantial in the light of the recreational needs of the area
5	Provision of 5 sports pitches and associated pavilion building	Social/Environmental	Substantial in the light of the recreational needs of the area
6	Provision of publicly accessible incidental open space/ amenity space	Social/Environmental	Substantial in the light of the recreational needs of the area
7	Developing in a highly sustainable location	Social/Environmental/ Economic	Substantial
8	In accordance with spatial strategy – policies SP1, SP2 and HOU5 as set out in ABLP	Social/Environmental/ Economic	Moderate
9	Avoiding designated landscapes such as the High Weald AONB and creating a large open landscape buffer to the AONB	Environmental	Substantial
10	Avoiding impacts on protected areas such as the Stodmarsh SPA	Environmental	Substantial
11	Landscape enhancement and tree and scrub planting	Environmental	Moderate
12	Ecological enhancements	Environmental	Moderate
13	Improved links between the site and the wider area	Environmental	Moderate

14	Managed positive surface water drainage strategy	Environmental	Substantial in the light of existing surface water drainage issues
15	Traffic calming introduced along Appledore Road	Environmental	Moderate
16	New controlled pedestrian (zebra) crossing of Appledore Road	Environmental	moderate
17	New bus stops on Woodchurch Road	Environmental	moderate/limited.
18	Provision of energy efficient homes exceeding policy requirements	Environmental	Substantial
19	Short-term economic benefits from construction	Economic	Moderate – Substantial
20	Long-term economic benefits from S106, new homes bonus and Council tax revenues	Economic/ Social	Substantial

6.2.124 Cumulatively the proposed development will deliver and provide significant benefits which demand very substantial weight.

**vi) Deliverability**

6.2.125 There are, as will be set out later in this statement, no impediments to development on this site. Furthermore the scale of development proposed on this site is such that there are no significant advanced infrastructure requirements. On this basis and as the site is already under contract to the applicant, it is anticipated the development of this site will start as soon as is practically possible after the grant of planning permission. To this end it should be noted that if consent is granted locally in summer 2021, work will start on the country park and sports pitches in 2022 when all the ecological mitigation works have been completed/ pre commencement conditions discharged. This will ensure the country park and sports pitches become part of the first phase of development. First occupation of the proposed dwellings would be expected in 2023, following reserved matters, and the development could be completed in 2026, dependent on market conditions.

6.2.126 The site is available for development, is suitable for development, and can achieve the scale of development proposed within the next 5 years, the development of this site would in our opinion meet the tests of deliverability set out in the NPPF, and would contribute 3.24% towards the overall housing land supply predicted by the housing trajectory in appendix 5 of the ABLP over the four year period 2022/23 to 2025/5<sup>23</sup>; circa 2.04% towards the 5 year housing land supply for the period 2020 – 2025 promoted in the Five Year Housing Land Supply Update June 2020.<sup>24</sup>

**vii) Conclusions on the issue of the principle of development**

6.2.127 The ABLP 2019, via policy HOU5 provides for windfall development adjoining or close to the existing built confines of towns and villages, including Tenterden, subject to a number of criteria. We consider the development of the application site to comply with the criteria set out in policy HOU5. The scale of development relative to that proposed elsewhere within the borough being such that the proposed development respects the spatial strategy set out in policy SP2 of the ABLP, and the strategic objectives set out in policy SP1 of the ABLP.

<sup>23</sup> Total completions predicted for the period 22/23 – 25/26 is 4,478 (1523+1175+835+955) 145 units is 3.24% of 4,478 (145/4478 x 100)

<sup>24</sup> 145units is 2.04% of 7,110 (145/7,110 x 100)

- 6.2.128 That said the weight to be attributed to policies SP1, SP2 and HOU5 is now limited in the light of the council accepting they do not have a five year housing land supply. In the light of the fact that the Council cannot demonstrate a five year housing land supply, paragraph 11d of the NPPF is engaged and the tilted balance applies.
- 6.2.129 The application site is located in Tenterden, the second most sustainable settlement in the borough, on the most sustainable greenfield site in that settlement. In determining this application, the council should do what the government encourages where there is a shortfall - look at sustainable sites and apply the tilted balance.
- 6.2.130 In this context, the benefits of the proposed development are, as set out in this statement, substantial and far outweigh the limited harm the development may cause.
- 6.2.131 As set out above the development proposal would meet the three overarching objectives of sustainable development as set out in paragraph 8 of the NPPF. Prospective occupiers would help to support the range of local facilities and services in Tenterden, including public transport, and would contribute to the vitality of the locality and social cohesion. The development itself would also provide short term construction jobs – economic benefits. There would also be benefits from S106 contributions and the new Homes Bonus, that should be acknowledged in the planning balance.
- 6.2.132 As well as being an acceptable ‘sustainable’ location, the development would provide a relevant and valuable contribution to the Council’s 5 year housing supply and enhanced sports facilities.
- 6.2.133 The site is located within a sustainable location, on the edge of Tenterden, is deliverable within the next 5 years and would facilitate a number of economic, social and environmental benefits.
- 6.2.134 The sites suitability for development and the associated principle of the sites development is thus established and there is no justifiable reason to oppose the release of this site.

### **6.3 The Nature of the Residential Accommodation**

#### **i The Unit Mix**

- 6.3.1 The proposed development provides for up to 145 dwellings. Whilst, as an outline application, the overall unit mix has yet to be determined, the illustrative layout submitted with this application looks to demonstrate how a scheme that encompasses 1 and 2 bed apartments and 2, 3 and 4 bed houses could be accommodated on this site. Thus, the proposed development looks to provide for a range of different house types and sizes, so as to reflect the character of the area, the aims and objectives of policy HOU18, and local market demand.

**JAA Table 6.6 – Proposed Unit Mix**

	Private	% of private	% of total	Affordable	% of affordable	% of total	Total	% of total
1 bed flats	4	5.63%	2.84%	20	28.57%	14.18%	24	17.02%
2 bed flats/houses	20	28.17%	14.18%	27	38.57%	19.15%	47	33.33%
3 bed houses	29	40.85%	20.57%	19	27.14%	13.84%	48	34.04%
4 bed houses	18	25.35%	12.77%	4	5.71%	2.84%	22	15.60%
Total	71	100%	50%	70	100%	50%	141	100%

6.3.2 In the context of the above we note that policy HOU18 cross refers to the SHMA (2014), which at paras 8.29 and 8.32 recommends the following mix be sought for affordable and market dwellings.

**JAA Table 6.7 – SMAR Requirement**

	Affordable	Market
1 bed	25%-30%	5%-10%
2 bed	35%-40%	30%-35%
3 bed	25%-30%	40%-45%
4 bed	5%-10%	15%-20%

6.3.3 The proposed mix would in our opinion reflect the aims and objectives of policy HOU18 and thus also policy SP1(g) of the ABLP. Furthermore, in providing 50% affordable housing the proposed development exceeds the requirements of policy HOU1 of the ABLP.

6.3.4 In the context of the above, and as set out in the DAS, the intention is that the affordable housing units will be designed to be tenure blind and will be pepper potted across the development.

## ii The Density of Development

6.3.5 The proposed development will result in the provision of up to 145 dwellings on a site of circa 24.34ha (60.15 acres). As set out above, 8.66 ha is set aside to accommodate the country park and 3.33ha for the sports facilities. This leaves a residual area of 12.35ha. 145 dwellings on an area of circa 12.35ha would generate 11.74dph. This compares favourably with adjacent existing development patterns on the edges of Tenterden which have generated a gross density of between 13 and 23 dph.<sup>25</sup>

6.3.6 As however some of this area will be set aside to provide open space including children's play areas, community orchard, sustainable drainage systems, primary roads, landscape buffers and green links on the site, the actual developable area (i.e. area set aside for new housing) will be less and the density greater. The DAS explains how the development parcels vary across the site, with those more closely related to the edge of Tenterden shown at

<sup>25</sup> Tent 1 has a gross density of 20.8dph, and Tilden Gill 18.3dph.

around 40-45dph which reflect similar densities seen in other recent local developments<sup>26</sup>, with those further towards the edge of the development reduced to 30-35dph and then 25-30 dph, which are generally lower than comparable densities, and will contribute to a sense of a new rural edge fronting the new country park. The overall development area being circa 5.25ha such that the net residential density is 27.62dph<sup>27</sup>

6.3.7 The above reflects the desire in the NPPF to make the best use of land whilst preserving the character and appearance of the surrounding area.

## 6.4 The Form, Layout and Design of Development

6.4.1 The form, layout and design of the proposed development has, as set out in the DAS, been predicated on a detailed review of the reasons for refusal cited in the determination of 19/01788/AS, the constraints and opportunities associated with the development of this site, and an understanding of the aims and objectives of national and local planning policy guidance.

6.4.2 The DAS explains that the designer's objective was to:

*To provide a design which:*

*1 is distinctive to Tenterden*

*2 addresses local needs in terms of housing need, affordability, access to green space and sports pitches*

*3 provides an overall net gain in biodiversity and resilience to climate change*

*4 in its masterplan approach is compatible with the aims of the High Weald AONB, local landscape character and the Conservation Area*

*5 respects existing residents and gives Tenterden residents access to new green space and Public Rights of Way*

*6 provides sports, learning and recreational facilities in an attractive and convenient setting*

6.4.3 To this end the DAS explains how the design of the proposed development has evolved having regard to:

- its context, especially its landscape setting, character, and relationship to the AONB;
- the context of urban Tenterden and its 'distinctiveness';
- its topography;
- its visibility and the views from it;
- the sites relationship to heritage assets;
- its vegetation and biodiversity
- the access strategy;
- the drainage strategy;
- the sport and recreational needs of the area;

It also explains how the design has evolved through detailed discussions with the project team, the local authority, AONB board, and a thorough assessment of the issues raised during previous public consultation, and the determination of 19/01788/AS.

6.4.4 The DAS explains that the masterplan shows how access (adopted and nonadopted roads), public pedestrian routes, open space and recreation areas, environmental and landscape measures including flood attenuation, are all combined through the medium of development

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<sup>26</sup> Whilst Tent 1 has a net density of 30.3 dph, some parcels are at 44.4dph, similarly whilst Tilden Gill has a net density of 30.5dph, some parcels are at 40.4dph.

<sup>27</sup>  $145/5.25 = 27.62$

to create places and neighbourhoods which sit well within the site and are appropriately distinctive and complement the existing settlement of Tenterden.

- 6.4.5 The DAS explains that the detailed elements of the scheme comprise:  
The main point of access onto Appledore Road;  
The separate emergency, pedestrian/ cycle access onto Appledore Road;  
The pedestrian/ cycle access onto Woodchurch Road,  
The sports pitches, pavilion and associated parking area,  
The country park, and  
The community orchard adjacent to Woodchurch Road

- 6.4.6 The details of which are set out in section 4 above.

Whilst the rest of the application is in outline, the DAS explains that the broad form of buildings and their distribution, densities, the internal access strategy and place-making strategy are set out within the illustrative masterplan; and having regard to the reasons for refusal cited in the determination of 19/01788/AS, how the proposed development can accommodate the quantum of residential development sought having regard to minimum levels of amenity and privacy, and compliant levels of parking provision.

- 6.4.7 In the context of the above the DAS explains how the proposed built development will integrate with the landscape by combining the green network (hedgerows, meadows, and trees, (existing and proposed)), the massing of the proposed buildings, the blue network (drainage basins, swales, existing and proposed ponds, and ditches), and road network to create a distinctive sense of place that respects the site and surrounding area.
- 6.4.8 The LVA goes on to explain that the proposed lighting strategy shows that the entire area east of PRoW AB12 will have no lighting so as to respect the AONB to the east and the proposed dark sky area at Woodchurch; and that whilst the development areas to the west of PRoW AB12 will include LED lighting to KCC standards on adopted roads, private street lighting will comply with KCC Kent Design Guide G6 Street Lighting and will be switched off after 23:00. The LVA also explains that the lighting will avoid sensitive ecological areas such as tree lines along field boundaries and on the periphery of the site so as not to adversely affect nocturnal species such as commuting and foraging bats.

- 6.4.9 The DAS concludes:

*'This hybrid planning application is for up to 145 dwellings and contains elements which are proposed in detail as set out in this document.*

*The proposal has considered carefully the reasons for refusal cited in the determination of the previous application and has made considerable changes via a new design team to respond to the issues raised.*

*As a result this scheme has considerably reduced housing number and corresponding density to at or below existing development patterns, and has sought to reflect heritage views into the design. Moreover, the scheme creates a genuinely 'landscape-led' proposal, that understands, retains and respects its context, and allows the context to shape the design.*

*The scheme creates a network of generous greenspaces that form the basis for the development, and in doing so create a tangible connection from the centre of Tenterden to a new country park.*

*The development forms a small piece of a considerable new green space offer used for outdoor recreation, formal sport, biodiversity and landscape repair. This land is mainly occupied by the Country Park which acts as a buffer between the developed part of the site and the Area of Outstanding Natural Beauty.*

*Significant effort has been spent on ensuring the proposals fit carefully into the existing context and respect heritage views to Tenterden and St Mildred's in particular.*

*This hybrid planning application shows the residential development in Outline only but the proposals have been concerned with scale, built form, density, the relationship of buildings to open space, roads and hardstanding, all in the pursuit of providing a sense of place which complements the existing town.*

*This proposal is respectful in scale, massing, and respectful in its form and layout. It is generous in its landscape and ecology improvements. It will provide much needed affordable and market housing locally for families, and young and old alike.'*

## **6.5 The Potential Landscape and Visual Effects of the Proposed Development on the Area**

- 6.5.1 A LVA of the proposed development has been prepared by SLR. The LVA explains that the application site is not located within any formal designations for the most valued landscapes, although it does abut the High Weald AONB for a short section of its eastern boundary the LVA also highlights the fact that the western edge of the site is adjacent to the Tenterden Conservation Area; that there are Grade II listed buildings on Appledore Road and Woodchurch Road, but that these are separated from the site either by private gardens or by an existing road and housing; and that the Grade I St Mildred's church is visible from several parts of the western end of the site.
- 6.5.2 The LVA goes on to explain that major/moderate landscape effects resulting from the proposed development would be focused on the western end of the application site, where new homes would be introduced to the enclosed pasture fields; and that all other landscape effects would be moderate or less. That said the LVA also explains that even in this part of the site the development proposals would result in moderate/minor and positive effects for the hedgerow network and mature trees and ponds; and that importantly, the effects on the distinctive long views towards the tower of St Mildred's would be moderate: whilst some views would be lost as a result of development, several long vistas from footpath AB12 through the site would be protected in greenways, with other views from open spaces and greenways within the development also becoming available.
- 6.5.3 The LVA goes on to advise that the Open Woodchurch Undulating Farmlands, to the east of the footpath, would experience moderate/minor and positive effects, due to the creation of extensive new habitats and the provision of a new areas of informal recreation; and that the effects on the landscape of the AONB would be minor and neutral, as would the effects on the lowland landscapes of the Woodchurch Undulating Farmlands, to the east of the application site.
- 6.5.4 The LVA also states that the effects of the proposed development on the streetscape of Appledore Road would be minor and negative, and the effects on the conservation area would be negligible and negative.
- 6.5.5 Given the above the LVA concludes that the main negative landscape effects would be localised upon the western end of the site, with the proposals also providing some positive effects for the eastern end of the site and the hedgerow network; and that effects on landscape receptors around the site and further from the site would be minor or less.
- 6.5.6 Turning to the visual effects of the proposed development the LVA indicates that the potential visual effects of the proposed development have been assessed with the aid of a computer-generated zone of theoretical visibility (ZTV), photomontages, desk top assessment and three site visits in autumn 2020 and winter 2021; that even based upon a worst-case assessment, the extent of potential visibility is clearly localised, with very little visibility in the

wider landscape; and that critically, there would be no significant potential for long views from the High Weald AONB either to the east or south west of the application site.

- 6.5.7 In the context of the above we note that the case officer in his committee report on the previous application indicates at paras 82 and 83 that:  
*'Although I have objections to the residential development and to its impact on the landscape setting and character of the surrounding area, I consider it would not be able to be argued that there would be a wider and more harmful impact on the setting of the AONB due to the topography and distance from the AONB boundary. The proposed pavilion building and outdoor classroom shown in connection with the sports pitches and Country Park are located in closer proximity to the AONB boundary. However, due their scale and design I consider these would not be objectionable in terms of their impact on the AONB setting if there was a justified need for them. This is on the basis that no floodlights are proposed for the sports pitches.'*
- 6.5.8 The LVA goes on to explain that the highest levels of visual effect would be focused on walkers using footpath AB12. As set out in the LVA, walkers would be able to obtain clear views towards the new homes as they look to the west. However, they would also be able to experience enhanced habitats and the new orchard to the east of the path. Furthermore, as set out in the LVA, it is important to note that not all visual effects to the west of the path would be entirely negative: there would be several framed views of the tower of St Mildred's, seen above existing tree canopies, viewed along broad greenways.
- 6.5.9 The LVA also acknowledges that residents immediately adjacent to the site also have potential to experience major/moderate effects in the first few years following completion of the development; but that for many residents these effects would reduce over time once proposed new hedgerows on the site boundary reach semi-maturity.
- 6.5.10 The LVA also explains that visual effects for pedestrians and the majority of residents in the conservation area would be limited to minor effects resulting from new traffic calming measures on Appledore Road, with views to the proposed new homes being limited by existing houses and buildings around the site.
- 6.5.11 As set out in the LVA, whilst the proposed masterplan seeks to address concerns expressed in relation to the previous application, all green field residential developments on a settlement edge will result in at least localised landscape and visual harm. This proposal is no different; there would be changes in local views and landscapes caused by the proposed new built forms, and some of these would be negative in nature. That said, the fact that a proposed development results in some negative landscape and visual effects does not mean that it is not a high quality design, or that it is inappropriate for its context. As set out in the LVA, the design of this development would conserve not only the distinctive landscape elements of the site, such as mature trees and hedgerows, but also distinctive views towards St Mildred's church; these elements would help to retain the distinct sense of place. In addition, the country park would provide new opportunities for informal recreation, and the long views to the Low Weald would be retained, again conserving the distinctive sense of place.
- 6.5.12 In reviewing the proposed development in the context of policy HOU5, and comparing it to that which was refused in September 2020, the LVA advises that:  
*'It is concluded that this revised design is suitable in the context of Policy HOU5 in that (only matters relevant to this landscape and visual appraisal are addressed here):*  
*a) The scale of development proposed is proportionate to the size of the settlement...;*  
*e) The development would conserve and enhance the natural environment by protecting and reinforcing the existing hedgerow network and mature trees, and creating extensive new*

areas of new habitats. It would also preserve the visual relationship of the site with St Mildred's, allowing long vistas along greenways towards this local landmark. The negative landscape and visual effects would be localised, with the country park and additional habitat creation providing opportunities for landscape and visual enhancement.

f) The development (and any associated infrastructure) would be of a high quality design and would meet the following requirements:

i) it sits sympathetically within the wider landscape, having minimal effects on surrounding landscape and visual receptors including those in the conservation area and the AONB.

ii) it protects the setting of Tenterden, by conserving views towards St Mildreds from the west of the site and conserving the network of hedgerows and mature trees, and also enhances that setting by creating a new country park to the east.

iii) it provides an 8.66ha country park to the east of the footpath which provides a broad landscape and visual buffer between the site and the open countryside to the east;

v) it would protect the amenity of nearby residents by providing broad stand offs with additional native structure planting around the edges of the site;

vi) it would conserve and enhance biodiversity by preserving existing habitats and creating new habitats, both in the country park and throughout the western end of the site.'

6.5.13 The LVA concludes:

*'The landscape-led design of the development proposals has ensured that potential landscape and visual effects would be localised and would not significantly affect sensitive landscape and visual receptors outside of the site. The design has sought to address the concerns raised in the previous application by providing a much smaller quantum of development, whilst retaining the country park and sports facilities and offering more POS in greenways between houses. The design has, in particular, sought to retain the distinctiveness of this part of the setting of Tenterden by:*

- Retaining views to St Mildred's from the western part of the site;*
- Retaining long views to the Low Weald from the eastern part of the site;*
- Conserving and enhancing the well-established hedgerows and trees;*
- Enhancing the range of habitats on site;*
- Providing a low density development with broad green ways and open spaces, which is appropriate for this settlement edge location.'*

6.5.14 Given the above the proposed development complies with the aims and objectives of policies ENV3a, ENV3b, ENV5, SP1(b) and HOU5 (e) and (f) of the ABLP (2019)

## **6.6 The Effect of the Proposed Development on Existing Landscape Features**

6.6.1 The Arboricultural Implications Report (AIR) prepared by SJAtrees describes the tree surveys undertaken on the application site in accordance with the requirements of BS 5837:2012: *Trees in Relation to Design, Demolition and Construction – Recommendations*.

6.6.2 It indicates that there is a total of 479 individual trees, and 66 groups of trees and hedgerows growing within or adjacent to the application site, or within the avenue along Appledore Road. The surveyed trees and tree groups are shown on the Tree Survey Schedule (TSS) and Tree Protection Plan (TPP) in the SJAtrees report.

6.6.3 Of the 479 individual trees, 34 are category 'A' trees, of high quality and value; 226 are category 'B' specimens, of moderate quality and value; 199 are assessed as category 'C' trees, being either of low quality, very limited merit, only low landscape benefits, no material cultural or conservation value, or only limited or short-term potential; or young trees with trunk diameters below 150mm; or a combination of these; and 20 are category 'U' trees, trees that are unsuitable for retention, on the basis of their being in such a condition that they cannot

realistically be retained as living trees in the context of the current land use for longer than 10 years.

- 6.6.4 Of the category A trees, three are ancient trees (nos. 345, 354 and 381), two of which (nos. 354 and 381) are coppiced specimens, and three are veteran trees (trees nos. 197, 312 and 353).
- 6.6.5 The AIR also explains that a total of seven tree preservation orders (TPOs) cover trees that are on site or in properties that are adjacent to it. They are: TPO no. 5 of 1998 that covers trees that are on-site; and TPO no. 4 of 1964, TPO no. 20 of 1995, TPO no. 2 of 1999, TPO no. 1 of 2002, TPO no. 2 of 2007 and TPO no. 4 of 2008 that cover trees that are off-site and some that are immediately adjacent to it. The trees protected by these TPOs are identified on the tree survey at Appendix 2 of the AIR and on the accompanying tree locations and tree protection plans.
- 6.6.6 Of the 66 groups of trees and hedgerows growing within or adjacent to the application site, 7 (G18, G64, G65, G67, G69, G70 and H3) have been assessed as category 'A', 23 have been assessed as category 'B', and 35 as category 'C', and 1 group (G39) has been assessed as category 'U'.
- 6.6.7 The AIR indicates that the proposed development will result in the removal of 5 individual category B trees (trees 40, 41, 42, 43 and 45), 31 individual category C trees and 10 individual category U trees. A total of 46 trees are to be lost (9.6% of the 479 individual trees located within or adjacent to the application site). The AIR also advises that the proposed development will result in the removal of 7 groups of trees growing within the application site, of which 2 are category B, 4 category C, and 1 category U (10% of the 66 groups of trees / hedgerows growing within or adjacent to the application site). Seven groups of trees / hedgerows growing within the application site will also be partially removed to accommodate the proposed development.
- 6.6.8 The AIR also explains that in addition to the 6 veteran/ ancient trees, the site encompasses 139 mature trees, 261 semi mature trees and 73 young trees; and that only 2 of the trees to be removed (trees 43 and 45) are mature trees i.e. 1.54%. This is as the AIR indicates important as:
- i. for obvious reasons mature trees tend to be larger in size and therefore are likely to be more visible and to make a greater contribution to the landscape.
  - ii. mature trees are more likely to have formed associations with wildlife and to support other flora or fauna (for example, young trees infrequently contain split, cracks or cavities that might provide roosting sites for bats); and
  - iii. mature trees have a significantly greater capacity than smaller trees to actively sequester and store carbon.
- 6.6.9 As can be seen from the above, both of the mature trees are category 'B' specimens, and as set out in the AIR, are to be removed because of the need to provide accesses into the site. One of these (T43) is on highway land and is shown to be removed following consultation with the highway's authority (Kent County Council), who has made it clear that this would be subject to suitable compensation.
- 6.6.10 As set out earlier in this statement the changes to the accessing arrangements mean that Tree 110 which was to be lost to accommodate the western access adjacent to No's 13 Appledore Road does not have to be removed to facilitate this development – such that reason for refusal 3 of the former application has been addressed.

- 6.6.11 Whilst T43 still needs to be removed to accommodate the eastern access, adjacent to the access to the existing sports pitches, as set out in the AIR<sup>28</sup> various options were explored when looking to establish the eastern access point, and the removal of tree no. 43 was considered to be the least arboriculturally harmful option. Furthermore, contrary to reason for refusal 4 cited in the determination of application 19/01788/AS, the impact of the loss of this tree on the visual character of the road will be minimal as T43 does not form a component part of the visual character of Appledore Road. Its loss would only be apparent from immediately opposite and a short distance in either direction, against a backdrop of other trees, and its removal would not create a gap in the tree line or significantly diminish the visual character of this part of the area<sup>29</sup>. The above reflects the position taken by SLR in the LVA which also indicates that the landscape effects of losing this tree on the tree-lined streetscape of Appledore Road would be minor, as this is just one of a number of irregularly spaced mature horse chestnuts which line the road, the loss of which would not disrupt a distinctive pattern.
- 6.6.12 Thus, contrary to reason for refusal 4 of the former application there would be no detrimental impact on the character of the area resulting from the loss required to facilitate the eastern access.
- 6.6.13 The other principal area of tree loss will be within Fields 10 and 14 where the proposed sports pitches, pavilion and associated parking are proposed. As set out in the AIR, only the over-run from proposed sports pitches abuts the buffer zone of the veteran tree no. 197 and could result in some compaction. In conjunction with the ecological consultants, the AIR suggests that to alleviate this and to allow the area to become semi-natural the existing grassland should be enhanced, if needed, through additional seeding and should not be regularly mown so as to discourage heavy foot traffic.
- 6.6.14 The AIR also explains that the buffer zone of the ancient coppiced field maple (tree no. 381) was the subject of detailed discussions with the council's tree officer during the determination of application 19/01788/AS, and that this application reflects the position as agreed with the council's tree officer.
- 6.6.15 The AIR goes on to explain that secondary constraints include the RPAs of the larger and more significant trees within the hedgerow boundaries; and that the layout has had to take account of topography and minimising excavation within RPAs. With these constraints in mind the layout avoids the veteran tree's buffer zone and largely avoids the RPAs of the category 'A' trees (nos. 377, 379 and 381 around Field 10 and nos. 67, 70-74, 78, 176, 177, 184-185 and 200 around Field 14) and the larger category 'B' specimens. However, this has, as set out in the AIR, meant the removal of some smaller trees set apart from the boundary hedgerows.
- 6.6.16 All the trees to be removed are young or semi-mature oak, hornbeam or silver birch specimens, and that their removal will not have a significant impact on the character or appearance of the local landscape or the function and diversity of the hedgerows.
- 6.6.17 Turning to the internal roads and parcel interconnectivity, the AIR explains that whilst '*the route of the internal roads and parcel interconnectivity is still only in outline it was clear from an early stage in the design process that it would not be possible without punctuating the field boundary hedgerows.*' Against this backdrop the AIR goes on to advise that the routes

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<sup>28</sup> See paras 5.2.4 – 5.2.20.

<sup>29</sup> See 5.2.14, 5. 2. 23 - 27 and 9.3.3 of AIR

to and between the indicative layout parcels have taken account of the constraints posed by trees. Therefore, the only tree losses in this regard are a 15m section at the southern end of hedgerow H1; two 10m sections of hedgerow H5; a 5m gap within hedgerow H6; a small portion of H4, a 15m gap in H13, group G35, and individual tree no's 318 and 326. The AIR explains that; 'These are not significant losses and will not have a significant impact on the character and appearance of the site. This routing of internal roads avoids impact upon significant arboricultural constraints such as the veteran trees (nos. 312 and 345), mature oak trees (nos. 88, 89, 93 and 315) and avoids all the trees in hedgerow H3.'

6.6.18 The AIR also advises that the indicative masterplan allows plenty of space for public open space where there is scope for plenty of new tree planting and hedgerow creation. To this end the AIR advises that '*The landscape proposals for the site, shown on the Illustrative Landscape Masterplan (T4) and set out in the LVA report by SLR Consulting show considerable replanting within the site, with native trees to match the existing landscape.*'

6.6.19 The AIR also explains that:

- Overall the Arboricultural impacts of the proposed development compares favourably with the refused scheme<sup>30</sup>
- There are no incursions into the buffer zones of ancient or veteran trees. Therefore, the proposals will not result in the loss of or detrimental impacts on irreplaceable habitats and will comply with current UK Planning and development guidance.
- The proposed pruning is minor in extent, will not detract from the health or appearance of these trees, and complies with current British Standards.
- The incursions into the Root Protection Areas of trees to be retained are minor, and subject to implementation of the measures recommended on the Tree Protection Plan and set out in the outline arboricultural method statement at Appendix 1, no significant or long-term damage to their root systems or rooting environments will occur.
- None of the proposed dwellings or private gardens are likely to be shaded by retained trees to the extent that this will interfere with their reasonable use or enjoyment by incoming occupiers, which might otherwise lead to pressure on the Local Planning Authority to permit felling or severe pruning that it could not reasonably resist.

6.6.20 The Arboricultural Report concludes that

*'As the proposals will retain all the main arboricultural features of the site, its arboricultural attractiveness, history and landscape character and setting will be maintained, thereby complying with Paragraph 127 of the National Planning Policy Framework.*

*As the proposals will not result in the loss or deterioration of any ancient woodland or any ancient or veteran trees, they comply with paragraph 175 of the NPPF.*

*As the proposed development will conserve the Borough's natural environment by retaining and protecting all the ancient and veteran trees and all but two mature trees; and minimises the loss of other trees to 44 semi-mature and young specimens of which 41 are category 'C' or 'U', it complies with Policy SP1 b of the Ashford Local Plan.*

*As the removal of trees is minimised and will not compromise the main arboricultural features within or adjacent to the site, the arboricultural character and distinctiveness of the site and its surroundings will be maintained. Thereby, the proposals comply with Policy SP6.*

*For the same reason, the pattern and composition of trees and woodlands within and adjacent to the site will be maintained and so the proposals comply with Policy ENV3a.*

*This scheme does not require the removal of the horse chestnut trees nos. 110 or 111 which are the only two specimens adjacent to the site that are within the boundaries of the Tenterden Conservation Area. Accordingly, there will be no adverse impact on the character*

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<sup>30</sup> See table 10 of the AIA

*or the appearance of the conservation area and thereby arboriculturally, the proposals comply with Policy ENV14.*

*As the proposals conserve the main arboricultural features of the natural environment, which thereby will remain consistent with local character; and because all the ancient and veteran trees and all but two mature trees will be retained, thereby conserving the arboricultural biodiversity interests of the site, the proposals comply with Policy HOU5, sections e and f.'*

## **6.7 The Effects of the Proposed Development on the Areas of Ecological Interest/Protected Species**

6.7.1 In accordance with the aims and objectives of the NPPF and having regard to policies ENV1 ENV3a, ENV4, ENV5 and ENV9 of the ABLP (2019) an Ecological Assessment (EA) has been undertaken to inform and accompany this application.

6.7.2 The EA confirms that the application site is not situated within any statutory or non-statutory designated sites. Nor are there any statutory designated sites of International/European or National importance within 5km of the Site. There are however six non-statutory Local Wildlife Sites (LWS's) within 2km of the site - Knock Wood LWS, Ashenden Gill LWS, Kench Hill LWS, Heronden Woods and Pasture LWS, Woods and Pasture Millpond Farm LWS and, Friezingham Dykes and Newmill Channel. The nearest being Knock Wood LWS, which is situated just beyond the northern boundary of the site, on the opposite side of Woodchurch Road.

6.7.3 The EA goes on to advise that Knock Wood LWS is also an area of Ancient and Semi-natural Woodland, which is managed for recreation with a number of pathways, which direct recreational activities throughout the woodland. Dense undergrowth precluding most visitors from leaving these paths thus reducing impacts from recreational pressures.

6.7.4 Given the on-going and current management of the Knock Wood LWS and Ancient Woodland, including its variety of footpaths and size, and the significant quantity of attractive open space to be provided on site through the areas of green infrastructure and Country Park, which is located closest to the wood, it is considered that any increases in recreational pressure will be mitigated for through on-site measures. All other non-statutory sites and pockets of Ancient Woodland<sup>31</sup> being located a significant distance away from the application site boundary, and / or having restricted access

6.7.5 The EA goes on to explain that following main habitat / vegetation types were identified within the boundaries of the application site comprise:

- Grassland – Semi-improved Neutral Grassland (Forb Species Poor), Improved Grassland, semi improved acid grassland, and Rush Pasture. All with a limited forb content.
- Scrub
- Recently Felled Woodland
- Ruderal vegetation
- Ponds – 6 on site and 5 adjacent to the site boundary
- Seasonally Wet Ditches
- Hedgerows and treelines
- Built-form

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<sup>31</sup> Two Acre Wood is approximately 200m to the east of the Site and an un-named wood lies approximately 85m to the south-east

- 6.7.6 The EA goes on to advise that generally, the habitats of increased ecological value within the context of the applications site include the hedgerows, mature and Veteran trees, acid grassland and the waterbodies; and that the vast majority of the remainder of the application site comprises semi-improved grassland of varying quality, all of which is considered to be herb species-poor and as such of limited biodiversity value.
- 6.7.7 In the context of the above the EA explains that the proposals seek to largely retained and enhance those habitats of greatest ecological interest, with the development designed in such a way as to largely avoid existing linear features; being mostly contained to areas of lesser quality grassland located within the west of the site. Where some habitats of better quality will need to be lost as part of construction, the EA advises that this will be limited to only where absolutely necessary.
- 6.7.8 The EA also explains that the opportunity to deliver significant ecological enhancements forms an intrinsic element of the development proposals. Losses to semi-natural habitats will be more than mitigated through an extensive landscaping regime which will target the retention, creation and enhancement of habitats on site. Amongst other measures, the Ea advises that this will include the following:
- the provision of a 8.66 ha Country Park, which will include vast areas of enhanced species-rich meadow grassland habitat, dedicated biodiversity ponds, native scrub planting and the retention and enhancement of existing high quality linear features;
  - the provision of a biodiversity led green infrastructure network that will permeate through residential areas, creating high quality green links with the Country Park and areas of development. This will provide excellent connectivity for mobile species Measures will include pond retention and enhancement, pond / SUDS creation (creating a 'stepping stone' approach to aquatic habitats), inclusion of large areas of species rich wet and dry meadow grassland, and, the enhancement and retention of multiple high quality hedgerows and treelines.
- 6.7.9 Subject to the adoption of the above measures, the EA indicates that the proposals will fully accord with legislation and planning policy of relevance to nature conservation and indeed will complement local conservation initiatives, such as those set out by the Low Weald Woodland Biodiversity Opportunity Area. Based on the BIA metric the revised scheme now provides a net gain of 15.28%, which when enhancements for species are taken into account provides a significant gain overall.
- 6.7.10 The EA also explains that during detailed survey work across the application site the recorded use of the application site by protected and notable species comprises:
- Bats – foraging and commuting,
  - Badgers
  - Reptiles – slow worms, common lizard and grass snakes
  - Amphibians – Great Crested Newts
  - Breeding birds – including 4 Red Status BoCC species and
  - Invertebrates
- 6.7.11 Whilst no evidence of hazel dormice were found in surveys undertaken in 2017 and 2018, the EA indicates that KMBRC have records of a dormouse being found at a property off Appledore Road in 2019.
- 6.7.12 Having regard to the above, the EA goes on to explain that the presence of protected and notable species has been carefully considered as part of the development proposals with wide ranging avoidance, mitigation and enhancement measures identified such that significantly improved opportunities will be available for all faunal groups post-development.

Where required, the EA explains that a precautionary approach has also been taken to those species not recorded on site, but identified to be potentially within the zone of influence.

6.7.13 The EA concludes that:

*'...the development proposals will realise significant qualitative enhancements to on-site habitats, providing a mechanism whereby the nature conservation value of the application site can be significantly enhanced in the long term. With reference to faunal species, the recommendations set out within this report will fully mitigate potential impacts and will realise significant enhancements to the range of protected and notable species recorded on site or considered to have potential to colonise in future years. This will ensure the Favourable Conservation Status of on-site species is retained and enhanced, ensuring betterment relative to the current situation.*

*...., the development proposals will avoid or minimise potential adverse effects and provide opportunities for the delivery of enhancements to biodiversity which will greatly outweigh any adverse impacts. On this basis, the development proposals accord with all legislation and planning policy of relevance to ecology and nature conservation and indeed should be viewed as an opportunity to secure significant ecological enhancements at a wider level.'*

6.7.14 On the basis of the above, the proposed development would in our opinion address RfR 6 cited in the determination of the former application for the redevelopment of this site, and accord with policies ENV1, ENV3a, ENV4, ENV5, ENV9, HOU5 (e) and (f(vi)) and SP1(b) of the ABLP (Jan 2019).

## **6.8 The Landscape and Ecological Management Plan**

6.8.1 A Landscape and Ecological Management Plan (LEMP) has been prepared by SLR in consultation with Ecology Solutions, RSK (drainage) and SJAtrees. The main aims and objectives of the LEMP are divided between the western residential development and the eastern country park, and comprise:

### Western residential development area - Landscape Strategy

6.8.2 The proposed landscape strategy for this area will:

- i. Retain and enhance the existing landscape structure of hedgerows and mature trees.
- ii. Enhance biodiversity by creating new species-rich grasslands, scrub and wetlands.
- iii. Create an attractive landscape to live, work and play with cycleway and PRow links.
- iv. Provide educational benefits.
- v. Create a functional landscape, e.g., with surface water attenuation.
- vi. Ensure positive management to retain landscape character.
- vii. Support Community engagement.
- viii. Create an Interconnected network of paths and cycleways between town and the country park.
- ix. Provide LAPs within 5mins of residential properties.
- x. Lighting kept to a minimum.

### Western residential development area – Ecology Strategy

6.8.3 The proposed ecology strategy for this area will look to ensure that

- i. The proposed residential development will be set within a network of interlinked multi-functional green infrastructure focussed around retained habitats and connecting to the wider wooded habitats of Knock Wood, Hales Place and the High Weald AONB. The green infrastructure will also allow for the passage of faunal species across the site, providing key linkages through the development site into the Country Park.

- ii. The site could contribute to the Kent Nature Partnership Low Weald Woodland Biodiversity Opportunity Area (BOA) enhancing wildflower grasslands to provide habitats, e.g. within an orchard, adding to the ponds network that supports Great Crested Newts (GCN), and providing a traditional orchard and small areas of interconnected scrub.
- iii. Integral to the green network through the retention and enhancement of existing habitats and creation of new ones to achieve biodiversity net gain and better connectivity.
- iv. Contribute to local BAP targets and ecological objectives of the High Weald AONB.  
Main aims:
  - to enhance currently species-poor grassland into areas of managed species-rich grasslands/wildflower meadows;
  - to recreate, restore and manage native hedgerows and treelines to benefit local biodiversity and to establish strong green links throughout the site;
  - to create new ponds and ecologically designed attenuation features to enhance biodiversity benefits such as for nesting and foraging habitat for terrestrial and aquatic species;
  - to restore and enhance existing ditches and ponds to benefit aquatic species;
- v. To incorporate the use of ecologically sensitive landscape planting as well as the inclusion of a large number of bat, bird and invertebrate boxes into areas of built-form in order to provide immediate opportunities for a range of faunal species and to ensure developed spaces remained as biodiversity rich as possible.
- vi. To manage all areas of internal green infrastructure and habitats around areas of development in an ecologically sensitive manner for the long-term.

#### Country Park - Landscape and Ecology Strategy

- 6.8.4 The proposed landscape and Ecology strategy for this area will encompass:
- i. Enhancement of biodiversity is the key objective, including diversifying the existing habitats and introducing new habitats.
  - ii. Informal recreation is the other key objective; equipment has been kept to a minimum, including only small areas of timber seating.
  - iii. Extensive area of informal open space on the countryside edge.
  - iv. Retained and enhanced landscape structure of tree belts, hedgerows, scrub and grassland mosaic, meadows, acid grasslands, and ponds.
  - v. Retention of mature and veteran trees, tree belts and hedgerows along historic boundaries to enhance landscape structure. Lost boundaries restored.
  - vi. Existing ponds and watercourses retained and enhanced
  - vii. Extensive lowland meadows managed to enhance biodiversity.
  - viii. New damp grasslands created
  - ix. Informal paths connecting with PRoW to provide extensive public access.
  - x. Interpretation boards provided to explain key features.
  - xi. Trails, orchard to enhance community engagement and learning.
  - xii. No lighting to retain 'dark skies'.

#### Country Park – Ecology Strategy

- 6.8.5 The proposed ecology strategy for this area will look to ensure that
- i. The enhancement of the Country Park will be undertaken in order to provide a betterment to each of the habitats and faunal species recorded on site, as well as assisting the ecological objectives as outlined within local biodiversity initiatives.

- ii. Country Park design and subsequent management has been primarily designed to maximise ecological value, this has been ensured through the careful selection of appropriate habitat creation and management measures suitable to that of both the local area and the current baseline of the site. Such measures will include:
- iii. Large-scale block enhancement of currently species-poor neutral and acidic grassland through the removal of overly detrimental and persistent grazing and through a sensitive scarification and overseeding programme, in addition to long-term maintenance and care;
- iv. Planting of dense scrub habitat as well as enhancements to existing treelines and boundary hedgerows to strengthen linkages throughout the Country Park;
- v. Incorporation of dedicated biodiversity ponds and grassland mosaic habitat to increase range of habitats within Country Park;
- vi. Encouragement of direct links with areas of green infrastructure located within the western development zones.

6.8.6 To this end the LEMP sets out Management Objectives and Operations for:

- Existing Trees and Tree Groups
- Existing Hedgerows
- Existing Ponds and Ditches
- Existing Grasslands including acid grassland
- Existing cultivation ridges
- Proposed Orchard and Cobnut Platts
- Proposed Trees, including street trees, and trees in POS
- Proposed Native mixed hedgerows (including reinforced hedgerows)
- Proposed Scrub and grassland mosaic
- Proposed Wildflower meadows/ species rich grassland
- Proposed ponds and ditches
- Proposed wet grassland
- Proposed emergent and aquatic grassland
- Proposed Amenity grassland
- Proposed Sports pitches
- Proposed Play Areas
- Proposed Hard Landscape Areas and structures
- Proposed ecological features (including hibernacula, bat and bird boxes, invertebrate banks)

6.8.7 It also sets out the management responsibilities. For the residential area, a Management Company will be set up which will be responsible for the management of roads, fences, site services, security, street lighting, and common areas beyond the ownership boundaries of individual properties. An appointed professional managing agent will be responsible for and coordinate all management of this part of the site. A Commuted Maintenance Sum has been calculated in accordance with the Public Green Spaces and Water Environment SPD.

6.8.8 The management proposals for the operation and management of the wider public green space facilities, namely the Country Park and Sports Hub, have been developed within the context of Local Plan Policy IMP4, “*Governance of Public Community Space and Facilities*”. The applicant would seek to work in partnership with the Borough Council to identify suitable organisations to manage the Country Park and Sports Hub. This approach is proposed to offer compliance with the preferred Community Stewardship model set out in Policy IMP4. The approach would allow for operation of the Country Park and Sports Hub either jointly by one body or separately by different organisations. To this end and to further secure

community access to the playing fields, it is proposed that a Community Use Agreement, based on the Sport England template, would be put in place.

6.8.9 The Sports Facilities Supporting Statement and the draft Heads of Terms of the S016 look to demonstrate how the proposed country park, and sports facilities will be delivered and the associated governance arrangement that will facilitate tangible benefits for the local community, thus addressing the 7<sup>th</sup> reason for refusal cited in the determination of application 19/01788/AS.

## **6.9 The Impact of the Proposed Development on the Privacy and Amenity of Adjacent Residents**

6.9.1 In preparing this application, care has been taken to ensure that the proposed development does not prejudice the privacy and amenity of adjacent residents. The nearest properties are those located on Appledore Road and Limes Close which immediately abut the southern boundary of the site, and Woodchurch Road which abuts the northern/ western boundary of the site, however careful design has ensured acceptable set off distances.

6.9.2 In the context of the above, the illustrative site layout shows that the proposed houses situated along the southern boundary of the site are, at the closest, circa 10m from the boundary with the existing dwellings in Appledore Road and Limes Close, and that back to back distances are 30 - 45m. Likewise, the illustrative site layout shows that the proposed houses situated along the western boundary of the site are, at the closest, circa 10m from the boundary with the existing dwellings in Woodchurch Road, and that back to back distances are in excess of 60m. The spatial separation between the proposed development and existing dwellings is thus considerably greater than the 21m back to back distances normally accepted on new developments

6.9.3 Given the above and the fact the boundary vegetation is to be retained and supplemented by further planting, we do not feel that the proposed development would detract from the privacy and amenity of adjacent residents.

6.9.4 The Design and Access Statement also demonstrates that the proposed football pitches and pavilion are over 40m from the nearest properties in Appledore Road. Given the fact the hours of use of the proposed football pitches and pavilion can be controlled by condition, that there is no floodlighting proposed, and that the boundary vegetation is to be retained and supplemented by further planting we do not believe that this element of the proposed development would detract from the privacy and amenity of adjacent residents.

6.9.5 In the context of the above we note that the Case officer in para 88, 89 and 90 of his committee report indicates that:

*'the submitted masterplan shows the extent of the developable area and the general relationship that the scheme would have with neighbouring dwellings. The Woodchurch Road dwellings would have their rear gardens adjoining the site. The perimeter blocks as shown on the masterplan are setback from this boundary by a green 'buffer', the nearest block being approximately 17m away from the nearest garden boundary with other blocks sited further distant. The dwelling to dwelling distances i.e. rear elevation of the Woodchurch Road dwellings to the proposed dwellings would be at least 60m. Although I expect that there would be major change in the outlook from these existing dwellings as a result of grassland replaced by substantial residential development, the actual physical relationship in terms of overlooking is not objectionable and so an acceptable standard of privacy and residential amenity would be provided.'*

*The proposed dwellings are also setback from the existing Appledore Road dwellings. However, some of the existing dwellings along the southern boundary, notably at Limes Close and Briar Court, are located in proximity to application site boundary. Again, I accept there would be a major change in the outlook from these dwellings but I consider that acceptable relationships could be achieved here including distances between primary frontages of new and existing dwellings of at least 21m (and in some instances more). The proposals would involve a new western vehicular access to the Appledore Road that would run between the curtilages of existing dwellings and involve vehicular movements into and from the development. There would also be a new footpath/cycleway to the Woodchurch Road between existing residential dwellings. Neither of these I consider would be objectionable in terms of their impacts on residential amenity. The new eastern access would involve a far greater vehicular use than at present as this serves the sports use that takes place here but would not result in any adverse amenity loss to neighbouring dwellings and neither would the use of the playing fields, country park and pavilion give rise to any such harm.'*

- 6.9.6 Whilst we accept that during the construction phase, the proposed development will have an impact upon the amenities of local residents in terms of general noise and disturbance, we can confirm that the applicant has a strong track record as a considerate contractor and will sign up to a Considerate Contractor's Scheme for this project. In this context we can confirm that the applicant will work closely with local residents to try and minimise any potential disruption, circulating regular newsletters and conducting regular on-site meetings. Furthermore we can confirm that the applicant is prepared to agree to a condition that prevents any development being carried out except between the hours of 8am and 6pm Monday to Friday and 8am – 1pm on Saturdays, with no construction work taking place on site on Sundays and Public Holidays, and to submit a Construction Management Plan prior to any development commencing – as was suggested by the council's Environmental Protection officer in their response of the 15/01/2020 on the previous application.
- 6.9.7 On the basis of the above we do not consider that the effects of the proposed development during the construction period or when completed will be adversely detrimental to the privacy and amenity of those living in the surrounding area, and as such consider that the proposed development would accord with policies SP1 (d), SP6 and HOU5 (f(v)) of the ABLP (Jan 2019).

## **6.10 The Effects of the Proposed Development in Transportation and Highway Terms**

- 6.10.1 The Transport Assessment (TA) prepared by i-Transport indicates that the application site is located within walking distance of Tenterden town centre and the range of facilities available within the town that residents may use on a daily basis, including two supermarkets, retail shops, medical centre and a dentist, plus local schools, leisure facilities and employments areas. It also advises that the existing nearest bus stops on Woodchurch Road are located within a short walk from the site - circa 250m from the proposed emergency, pedestrian and cycle access adjacent to No. 13 Appledore Road. These are served by bus route 2A with a two-hourly service to Ashford plus other "occasional" services provided by route HS2, HS3, and the Tenterden Hopper. The application site is to provide two new bus stops (one in each direction) on Woodchurch Road adjacent to the proposed new pedestrian and cycle access located between the properties known as "Greenways" and "Willow Cottage". These will be served by the same routes as the other existing stops on Woodchurch Road.
- 6.10.2 Other bus services can be accessed from Appledore Road, just 150m from the same site access (bus routes 293 and 297), whilst the same site access is located 800m from the bus stops served by route 12 (with a twice an hour frequency) on Ashford Road (south of the

junction with Beacon Oak Road). In addition, the bus stops on Tenterden High Street are located approximately 1km from the proposed site access on Appledore Road and provide access to routes 2, 2A, 12, 292, 293, 297, 299 and 312. Thus, there is access to regular services to Ashford, Maidstone, Tunbridge Wells and Hastings and intervening villages.

- 6.10.3 The TA also explains that the nearest rail station to the site is Ashford International station, located some 14.5km north of the site, and accessible via bus service No. 2A; and Headcorn railway station, located circa 14.2km north west of the site, and accessible via bus service No. 12. Regular rail services operate from both stations and provide high speed rail links to other areas of Kent and London.
- 6.10.4 The combined public transport infrastructure within the local vicinity of the site is therefore very good, with many sustainable travel opportunities available to future residents of the site.
- 6.10.5 The TA goes on to explain that vehicular access to the proposed development will be gained from a single point of access to the east of field F13, near to the existing sport pitch. This has been designed as a simple priority junction and is shown on drawing ITL9289-GA-102. The site access includes a 5.5m wide carriageway, 6m radii with Appledore Road and 2m wide footways on either side to tie in with the existing footway along Appledore Road.
- 6.10.6 As set out in the TA, whilst the location of this access has been determined having regard to both highway design principles, and the desire to retain as many street trees as possible, the visibility splay does require the removal of a single horse chestnut street tree (T43). Compensatory planting is however planned – as set out in the AIR.
- 6.10.7 Visibility splays have been shown for a 30mph speed, at a 2.4m setback by 43m along the kerb line, in line with Manual for Streets guidance. Again, these visibility distances require a speed reduction along Appledore Road, from the existing 40mph to 30mph. This is to be accommodated via a suite of traffic calming measures as detailed individually in the TA. To summarise, it is proposed to extend the length of the 30mph limit on Appledore Road from its current location some 30m of the junction with East Hill, to the junction with William Judge Close and to introduce traffic calming measures (designed to respect existing residential driveways), that have been agreed in principle with KCC that would provide for:
- A one-way priority shuttle working (located east of the junction with East Hill) with eastbound traffic ceding priority to westbound movements. This includes associated build out, road markings, reflective bollards and signage;
  - A one-way priority shuttle working (located east of the Shrubcote (West) junction) with westbound traffic ceding priority to eastbound movements. This includes associated build out, road markings, reflective bollards and signage;
  - The central section of Appledore Road as detailed in Drawing ITL9289-GA-107 includes a single zebra crossing (located west of Limes Close) with drop kerbs and tactile paving;
  - A one-way priority shuttle working (located west of the proposed site's vehicular access) with eastbound traffic ceding priority to westbound movements. This includes associated build out, road markings, reflective bollards;
  - A one-way priority shuttle working (located east of the proposed site's vehicular access) with westbound traffic ceding priority to eastbound movements. This includes associated build out, road markings, reflective bollards and signage; and
  - A 30mph gateway feature including 30mph road marking roundel, red surfacing, white picket fencing and 30mph signs to the east of the junction with William Judge Close

- 6.10.8 As set out in the TA the speed reduction and traffic calming measures have been the subject of discussion with Kent Police (who agree them as part of a long term signed speed reduction) and have been subject to a Stage 1 Road Safety Audit.
- 6.10.9 The TA also provides details of the emergency, pedestrian and cycle access arrangements, adjacent to no. 13 Appledore Road and the pedestrian/ cycle only access onto Woodchurch Road and works to upgrade the existing public right of way PRow that runs through the site between Woodchurch Road and Appledore Road via the proposed sports pavilion, as agreed with KCC footpath officer during the determination of the previous application.
- 6.10.10 In the context of the above, it should also be noted that the detailed part of the development takes into account a recent application to KCC for a Definitive Map Modification Order (DMMO) and provides for a permissive path through the country park aligned to the claimed route that is subject to the DMMO on a without prejudice basis, whilst the illustrative layout for the residential part of the scheme looks to demonstrate on a without prejudice basis how the route through the residential area could be accommodated in any future reserved matters application.
- 6.10.11 In addition, the TA explains the proposed access arrangements to the sports pavilion, the road hierarchy proposed within the development, and the parking strategy – which in simple terms seeks to reflect the aims and objectives of Ashford Local Plan (Policy TRA3a), the Ashford Borough Council Residential Parking and Design Guidance (2010), Kent Design Review (IGN3, November 2008), and the Kent and Medway Structure Plan, Kent Vehicle Parking Standards (July 2006) SPG 4. The parking for the sports facilities also having been determined having regard to the requirements of the Kent FA.
- 6.10.12 The TA goes on to explain that the overall proposed development (residential and sport pitches) is likely to generate some 71 two-way ‘vehicle trips’ in the morning peak hour and some 108 two-way ‘vehicle trips’ in the evening peak. The highway capacity assessments contained within the TA shows that each of the junctions assessed (the High Street/East Cross/Recreation Ground Road – three arm signal controlled junction, the Ashford Road/Beacon Oak Road – three arm roundabout, the —Oaks Road/East Hill/Golden Square – three arm priority junction, the Beacon Oak Road/Golden Square/Woodchurch Road – staggered four arm priority junction, the Beacon Oak Road/East Hill/Appledore Road – three arm priority junction, and the site access) all have available capacity in the future years both with committed developments<sup>32</sup> and the proposed development. It is noted that the junction of Ashford Road / Beacon Oak Road is modelled as a roundabout junction which is a committed improvement associated with the Tilden Gill consent (14/01420/AS) and is currently being built out. Thus, the TA concludes that no further junction enhancements are required to mitigate the impact of the proposed development.
- 6.10.13 On the basis of the above, the TA concludes that:  
*‘the site meets the tests of the NPPF, in that:*
- *appropriate opportunities to promote sustainable transport modes can be taken up by walking, cycling, and public transport to range of everyday services and facilities in Tenderden and further afield;*
  - *safe and suitable access to the site can be achieved by all users, by way of an all modes access with Appledore Road and separate pedestrian/cycle accesses with Appledore Road and Woodchurch Road; and*
  - *there are no significant impacts from the development on the transport network (in terms of capacity and congestion) with the local junctions able to accommodate the*

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<sup>32</sup> Committed developments for the purpose of the TA include TENT1a- 250 dwellings and Tilden Gill 100 dwellings.

*likely development trips in their current form, or by way of consented improvements, and the local highway safety record is already good and can be improved further by way of the proposed speed reduction on Appledore Road.'*

6.10.14 The TA also, in terms of policy HOU5, advises:

*'When considering local policy, the most relevant to assess against is the site's ability to meet the three transport test in Ashford's Local Plan Policy HOU5. This TA has demonstrated such compliance, in that:*

- the Site is within easy walking distance (generally 10 minutes) of a range of basic day to day services in Tenterden town centre, and has access to numerous bus routes available to access higher order settlements such as Ashford;*
- the Site can be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without significant alterations or improvements; and*
- the Site is located where it can maximise use of walking and cycling, by way of its direct connections to the existing local infrastructure, with good links to the existing bus stops within a couple of minutes walk.'*

6.10.15 A Travel Plan Statement (TPS) also accompanies the application. The TPS focuses on promoting sustainable lifestyles amongst new residents and visitors, through reducing the need for travel by private car; providing non-car mode travel options for local journeys and influencing modal choice. The Travel Plan has the following objectives:

- To support a range of sustainable transport alternatives to provide residents and visitors with options for travel to/from the site;
- To develop an awareness of the options for sustainable travel to and from the site amongst residents and identify how changes to travel behaviour can have positive environmental impact on issues such as air quality; and
- To promote car sharing, walking, cycling and public transport as safe, efficient, affordable alternatives to private cars and highlight the health and environmental benefits of using sustainable travel modes

6.10.16 In order to achieve these objectives, the TPS sets out a series of measures to encourage new residents to walk and cycle, to encourage the use of public transport, and to encourage future residents to car-share. It also highlights the need for new residents to receive a travel information pack during the purchase of their property; and the need for a Travel Plan Co-Ordinator (TPC) to be appointed at least 3 months prior to first occupation to oversee the implementation of the Travel Plan.

6.10.17 Having regard to the above, the fact this application includes works agreed with KCC during the determination of the former application for the redevelopment of this site, and that KCC as the highway authority did not oppose the previous development for a significantly greater quantum of development, subject to appropriate conditions and s106 contributions, the proposed development would in our opinion accord with policies TRA2, TRA3 a and b, TRA4, TRA5, TRA6, TRA7, TRA8, TRA9 SP1 (a), (d) and (f) and HOU5 (b), (c) and (d) of the ABLP (2019); and the aims and objectives of the NPPF.

## **6.11 Site Suitability for Residential Development in Terms of Flood Risk**

6.11.1 As the application site exceeds 1ha, a Flood Risk Assessment and Surface Water Drainage Strategy (FRA) has been prepared to assess the risk of flooding on site and thus the site's suitability for residential development. The FRA also assesses the impact of the proposed development on the potential to cause/ exacerbate any off site flooding.

- 6.11.2 The FRA explains that the application site is situated within Flood Zone 1, and as such is at a very low risk of flooding from fluvial sources and that the site is located far enough inland not to be at risk of any tidal flooding event. The FRA also advises that flood risk from surface water/sewers is low-moderate at the site and the remedial measures proposed will further reduce this risk; that flood risk from other sources – groundwater, reservoirs and artificial sources is low; and that the proposed development will have no impact on other forms of flooding.
- 6.11.3 The FRA goes on to advise that the development proposals will follow best practice regarding site drainage to ensure that any surface water runoff from the development is managed, ensuring flood risk is not increased elsewhere. To this end the FRA notes that the proposed development is approximately 13.1% impermeable (including the Country Park area). Thus, surface water from the proposed development will be attenuated and discharged at rates agreed with the drainage stakeholders, utilising the existing surface water outfalls from the site. This will be done by utilising a variety of Sustainable Drainage Systems (SuDS) including detention basins, ponds, swales, checkdams, ditches and areas of permeable paving as well as the existing on-site ditches and ponds. As set out in the FRA these features will be designed to store the volume of water associated with a 1 in 100year rainfall event, plus an additional allowance to account for increased rainfall due to climate change (40%), in line with current best practice and as agreed with the drainage stakeholders. The SuDS features have, as set out in the FRA, been strategically located across the site, taking into consideration the topography of the site and will also provide additional water quality, amenity and biodiversity benefits.
- 6.11.4 The FRA also indicates that improvements and repairs will be carried out to the existing surface water drainage systems in Appledore Road to ensure that their hydraulic performance is no longer compromised and reduce the risk of known flooding in this area.
- 6.11.5 Having regard to the above the FRA concludes:  
*'Overall and taking into account the above points, the development of the site should not be precluded on flood risk grounds.'*
- 6.11.6 Given the above and having regard to the substance of the FRA and the fact neither KCC as Local Lead Flood Authority or the EA opposed the previous development for a significantly greater quantum of development, subject to appropriate conditions and s106 contributions, the proposed development would in our opinion accord with policies SP1(i) and ENV6 of the ABLP (2019); and the aims and objectives of the NPPF.

## **6.12 The potential effects of the proposed development upon the Built Heritage of the site and surrounding area**

- 6.12.1 A Heritage Statement (HS) has been prepared by Pegasus Heritage in accordance with the NPPF to assist ABC in understanding any impact of the proposed development on the significance of any nearby Heritage Assets, including any contribution the application site makes to their setting.
- 6.12.2 The HS explains that there are no known nationally or locally designated heritage assets within the boundaries of the application site other than the very small area of overlap with the Conservation Area. It goes on to advise that Heritage Assets in the vicinity identified for further assessment on the basis of their proximity, intervisibility, and/or known historic association with the site (i.e. in terms of land ownership and/or functional use) comprise:
- St Mildred's Church and the Tenterden Conservation Area;
  - Grade II Listed Stage House located c. 50m west of the site; and

- Grade II Listed Craythorne located c. 95m north-west of the site.

6.12.3 The HS also explains that other heritage assets have been excluded on the basis of a lack of intervisibility or known historic association with the site

6.12.4 The HS concludes that with regards to the works proposed within the Conservation Area, these would preserve the character and appearance of the area.

6.12.5 With regards to development beyond the Conservation Area, the HS indicates that this would cause no harm to the heritage significance of Tenterden Conservation Area, through changes to setting.

6.12.6 Likewise the HS concludes that the proposed development is not anticipated to cause any harm to the heritage significance of the Grade I Listed church of St Mildred, the Grade II Listed Stace House or the Grade II Listed Craythorne through changes in setting.

6.12.7 The HS concludes:

*'Consideration of the views to St Mildred's Church has been a key consideration in the design of the proposed masterplan. Three view corridors have been created to frame views of the church from the higher ground crossed by public footpath AB12 (See DAS Section 3.10 – Key View Photomontages, and the LVIA, Viewpoint 5, Viewpoint 9 and Viewpoint B).*

*In these views, the tower of the church will still be visible above the line of vegetation within the Conservation Area, maintaining views to the asset from this general area.*

*The change within the views and the blocking of some other views from the high ground will cause no harm to the heritage significance of the Church or the Conservation Area, as they make no particular contribution to the heritage significance of the assets, being distant views to the church from this general area which are not illustrative of its architectural detail, its topographic situation on a local high point, or its location within the historic settlement core.*

*The change of character of the site may also be glimpsed from Appledore Road on the approach to the Conservation Area and on its edge. These changes on the approach to the Conservation Area that is flanked by modern housing would cause no harm to the heritage significance of the asset through setting.*

*In summary, the proposed development would preserve the character and appearance of the land within the Conservation Area, and cause no harm to the heritage significance of the church of St Mildred and the Tenterden Conservation Area through changes in setting.*

*Furthermore, no harm is anticipated to any other designated heritage assets.*

6.12.8 In the context of the above we note that KCC heritage in commenting upon the previous application for the redevelopment of this site indicated that *'In summary, this site has potential to contain as yet unknown archaeological remains and important archaeological landscape features. I welcome the heritage assessment which in my view has been thorough and comprehensive. I particularly welcome the historic landscape assessment and that it seems to have been used, to a certain degree, to guide the masterplan layout and is positive mitigation for heritage. Based on the current masterplan, no further archaeological or historic landscape assessment is needed prior to determination of this application and outstanding archaeological issues can be addressed through the following conditions:....'*

6.12.9 We also note that the case officer at paras 85 and 86 of his committee report on the previous application states:

*'In terms of conservation area setting, the applicant's masterplan is different from the dismissed appeal in that a greater extent of buffer between homes and the edge of the conservation area is now proposed. This being the case, and given the nature of this edge to the conservation area, I consider that harm to the setting of the conservation area would*

*be difficult to demonstrate in practice. However, the prevailing issue is that of the change to the setting of this edge of Tenterden with the surrounding undeveloped landscape, and I have dealt with that matter further above.*

*There are two listed buildings Stace House and Craythorne House (both Grade II) located to the west of the site at the Woodchurch Road/ Beacon Oak Road junction. Policy ENV13 ALP states that development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss. Stace House is the nearest listed building and occupies a prominent position at the built crossroad adjoining the southwest corner of the site. The development would be set back behind hedgerows and some trees and due to the separation distances I consider that it is unlikely to result in significant harm to the setting of this listed building, the same would apply to Craythorne House located on the opposite side of the Woodchurch Road.'*

6.12.10 Having regard to the above, and as this application is for a lesser quantum of development that includes large greenways that provide strategic viewing corridors through the site from the east, towards the town and St Mildred's Church, the proposed development would in our opinion accord with policies SP1 (c) HOU5 (e) ENV13, and ENV14 of the ABLP (2019).

### **6.13 The potential effect of the proposed development upon the Archaeology of the site and surrounding area**

6.13.1 An Archaeological Desk-Based Assessment (ADBA) has been undertaken of the application site by CgMs, now part of RPS. The ADBA explains that whilst the study site has low archaeological potential for significant archaeological evidence for all periods, there is a high potential for archaeological evidence relating to Post Medieval agricultural activity in the north-western corner of the study site. It goes on to advise that any archaeological features that may be present on the study site would probably be of local importance, and that any archaeological investigation, if required by the Local Planning Authority, could follow planning consent secured by an appropriately worded archaeological planning condition.

6.13.2 The ADBA also explains that documentary and cartographic evidence indicates that the former town gallows, which HER data suggested may fall within the site, actually stood at a crossroads which lay outside of the proposed development site boundary.

6.13.3 In addition to the above the ADBA also explains that hedgerows are present within the study site which would be defined as historic under the terms of the Hedgerow Regulations, and that whilst the presence of such hedgerows should not preclude development, the development proposals should look to preserve, where possible, the hedgerows themselves or the boundaries they represent, physically or in design terms. Which it does.

6.13.4 Having regard to the above and given KCC Heritages comments on the previous application, as set out above, and the fact the case officer in his committee report concluded that there could be no objection to the scheme on archaeological grounds<sup>33</sup>, the proposed development would in our opinion accord with policies SP1 (c) HOU5 (e) ENV13 and ENV15 of the ABLP (2019).

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<sup>33</sup> See para 126 of committee report of 16<sup>th</sup> Sept 2020 on 19/01788/AS.

## **6.14 The potential effect of the proposed development upon the Historic Landscape**

- 6.14.1 An Historic Landscape Assessment (HLA) has been undertaken of the application site by RPS Heritage in response to the request from the Senior Archaeological Officer at Kent County Council when commenting upon the application for screening that the development be guided by a specialist HLA with regard to possible impacts to the area of Gallows Green, and the archaeological importance of hedgerows, field boundaries and early trackways. The HLA summarises and supplements the information provided within the ADBA and the Built Heritage. Together the Heritage Statement, ADBA and HLA form an integrated study of the impact of the proposed development on the historic environment.
- 6.14.2 The HLA explains that the application site has comprised agricultural land for all of its recorded history, comprising predominantly pasture fields, ponds and a trackway. It goes on to explain that the trackway as shown on the 1843 Tithe map crossed the southern portion of the site and ran from Gallows Green/Appledore Road in the west to the east-northeast, separating the pasture land to the north (belonging to Eastgate) from the two arable fields to the south (belonging to Place Farm); and that it is possible that this route once linked with Woodchurch Road adjacent to Two Acre Wood via a continuation of the trackway, which is visible on the Lidar data but not recorded on historic maps.
- 6.14.3 The HLA goes on to advise that the historic land divisions, as noted on the 1822 Adams map of Tenterden and the 1843 Tenterden Tithe Map, indicate an area of pre-enclosure irregular fields with sinuous boundaries, most likely assarts, with some later straight-line boundaries inserted, the latter which have since been removed.
- 6.14.4 Having regard to the above, the HLA suggests that the historic landscape character of the site is one exhibiting considerable time depth and coherence, with no historic boundary loss and the survival on site of various historic landscape features pre-dating 1845, including hedgerows, mature trees, ponds and trackways.
- 6.14.5 The HLA also suggests that the area of Gallows Green, which also gave its name to a group of cottages and two fields as recorded in the Tithe Map, has been identified as lying outside of the study site in the area alongside the present Appledore Road, and will not be impacted by the proposed scheme. In essence Gallows Green, and the likely site of the gallows themselves, has already been redeveloped for housing.
- 6.14.6 The HLA also advises that the presence of 'Important' hedgerows and other historic landscape features should not preclude development. Indeed it confirms that the development proposals preserve, where possible, the hedgerows themselves or the boundaries they represent, physically or in design, and applies the same principle to other historic landscape features identified in the assessment.
- 6.14.7 The HLA concludes that:  
*'The development scheme has sought to minimise the impact to the historic landscape through a combination of retention and avoidance, and sympathetic development at a scale and grain which will fit comfortably into its surroundings.'*
- 6.14.8 Having regard to the above and given KCC heritages comments on the previous application, as set out above, the proposed development would in our opinion accord with policies SP1 (c) HOU5 (e) EN3a and ENV13 of the ABLP (2019).

## 6.15 The Implications of Developing this Site in terms of the Loss of Best and Most Versatile Agricultural Land

- 6.15.1 The Agricultural Land Classification and Farming Circumstances report prepared by Reading Agricultural Consultants indicates that the application site extends to 24.5ha of predominantly agricultural grassland, there being a playing field of circa 1.4ha located within the southern part of the site (field F13).
- 6.15.2 The Agricultural Land Classification and Farming Circumstances report goes on to advise that the site was surveyed in detail by the FRCA on behalf of MAFF in 1977 and classified as a mix of mostly Subgrades 3a (good quality agricultural land) and 3b (moderate quality agricultural land), with a small area of Grade 4 (poor quality agricultural land) in the west of the site and an area of Grade 2 (very good quality agricultural land), to the east of the site.
- 6.15.3 The Agricultural Land Classification and Farming Circumstances report goes on, within table 2 (reproduced below) to demonstrate that only 9 ha of agricultural land will be subject to built development, and that this excludes the grade 2 land. It also explains that the public open space and recreational uses occupy the areas where most of the BMV land has been identified and, although this land would be removed from agricultural use, the soils would remain undisturbed and would retain their inherent good quality.

**Table 2 of The Agricultural Land Classification and Farming Circumstances report**

Grade	Description	Area (ha)	% of agric. land	Area of built development (ha)	Area of built development (%)
Grade 2	Very good quality	1.4	6	-	-
Subgrade 3a	Good quality	11.2	50	3.9	44
Subgrade 3b	Moderate quality	9.6	43	4.9	54
Grade 4	Poor quality	0.2	1	0.2	2
	Total Agricultural	22.4	100	9.0	100
	Non Agricultural	2.1	-	1.6	-

- 6.15.4 Having regard to the above the Agricultural Land Classification and Farming Circumstances report concludes that the development accords with the guidance in paragraphs 170 and 171 of the NPPF in recognising the ecosystem services provided by the soils, and in directing the area of built development to the poorer quality land.

## 6.16 Air Quality

- 6.16.1 The need for an Air Quality Assessment was highlighted by ABC's Environmental Health Officer (EHO) during the determination for the former planning application. Based on the EHO consultation response Fichtner Consulting Engineers Ltd produced an Air Quality Assessment (AQA) that looked to address the generation of dust as a result of construction activities; and the generation of exhaust pollutants from operational phase traffic. An updated AQA accompanies this application.
- 6.16.2 The updated AQA indicates that:
- i. The assessment of dust generating activities has deemed that the site is of medium risk to both dust nuisance and health effects, and suitable mitigation measures have been recommended.

- ii. The assessment of the impact of vehicle emissions at receptors has predicted that the magnitude of change at all receptor locations is 'negligible'. Therefore, given that all impacts are predicted to be negligible, the overall significance of the effect of the vehicle emissions associated with the operational phase of the Proposed Development on local air quality is deemed to be 'not significant'.
- iii. The five-year exposure cost has been calculated as £30,909.00. The estimated total cost of proposed mitigation measures<sup>34</sup> by the developer has been calculated as £195,575. Because the total mitigation cost exceeds the five year exposure cost, the proposed mitigation measures are considered financially sufficient.

6.16.3 The AQA concludes:

*'In summary, providing the suggested mitigation measures are taken, the Proposed Development will not have a significant impact on local air quality.'*

6.16.4 The case officer in his committee report on the previous application, advises at para 91 and 92 that:

*'An air quality assessment has been provided with the application to assess the generation of dust as a result of construction activities and generation of exhaust pollutants from operational phase traffic. It concludes that providing the suggested mitigation measures are taken, the proposed development would not have a significant impact on local air quality. Mitigation measures include electric vehicle charging points, travel plan welcome packs, low emission parking, cycle storage gas boiler and new tree planting.*

*92. ABC Environmental Protection have assessed this and raise no objection to the air quality assessment subject to conditions including requiring electric vehicle charging points and the submission of a construction environmental plan. I conclude the proposal would not be contrary to Policy ENV12.'*

6.16.5 Given the above, and the fact that this application is for a smaller quantum of development, there is in our opinion no conflict with Policy ENV12 of the ABLP.

## **6.17 Other Material Considerations**

### **i) Minerals**

6.17.1 Parts of the application area is designated as a Mineral Safeguarding Areas (MSA) in the Kent Minerals and Waste Local Plan (KMWLP) (2016). The northernmost mineral safeguarding area relates to Sandstone which is part of the Tunbridge Wells Sand Formation. The southernmost mineral safeguarding area relates to Sandstone that is part of the Wadhurst Clay Formation. Both mineral resources are designated as potential sources of building stone.

6.17.2 Given the above a Minerals Assessment has been undertaken and accompanies this application. This explains that

- 5.4ha of land within the red line boundary lies within the Tunbridge Wells Sand Formation, and;
- Only 0.7ha (13%) of this area is directly affected by proposed building plots, the remainder is either part of the proposed playing fields, Country Park or lies beneath the retained tree belts and wetland areas.
- For the areas designated within the Wadhurst Clay Formation, only 3.9ha within the red line site boundary is affected, and;

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<sup>34</sup> See para 5.3 and 7.3 of AQA.

- Only 0.7ha (26%) of this area is directly affected by proposed building plots, the remainder is either part of the proposed playing fields, Country Park or lies beneath the retained tree belts and wetland areas

6.17.3 The Minerals Assessment goes on to advise that in terms of geographical distribution, the Tunbridge Wells Sand Formation is relatively widespread across the southern portion of Ashford Borough and covers the vast majority of all the land within the neighbouring Tunbridge Wells Borough. It also advises that there are currently no active quarries mining this mineral in the county and as a result concludes that demand for this type of stone is negligible to very low.

6.17.4 The Minerals Assessment also explain that the geographical spread of the Sandstone within the Wadhurst Clay Formation is limited to the southern portion of Ashford Borough, primarily around Tenterden, and that the Historic England Strategic Stone Study (see Appendix B of the Minerals Assessment) refers to the Sandstone from the Wadhurst Clay Formation and states the following:

*“The Ashdown Formation is overlain by a predominantly argillaceous (clay/mudstone) sequence, the Wadhurst Clay, which also contains beds of siltstone/sandstone, limestone and ironstone, which have provided building stone locally. A number of thin calcareous sandstone beds were used as local building stone in the Tenterden area. The ironstone beds which formed the basis of the famed Wealden iron industry were largely worked from the basal part of this formation, but there is no evidence that they were used to any great extent as building stones.”*

6.17.5 The Minerals Assessment also explain that a BGS Strategic Stone Study Database undertaken by local geologists and historic buildings experts has enabled the most significant building stones in each county to be established and, where possible, the original source of stone for a particular building or settlement was identified. This exercise has been highlighting the notable buildings constructed from either from the Tunbridge Wells formation or the Wadhurst Clay formation sandstone in Kent are very limited in number, the nearest building made from the Tunbridge Wells sandstone to the site being All Saints Church in Biddenden.

6.17.6 Given the above the Minerals Assessment concludes that the demand for the sandstone arising from the Wadhurst Clay Formation is negligible to low.

6.17.7 The Minerals Assessment also explains that whilst the Ground Appraisal report produced by Geo-environmental confirms the presence of the Wadhurst Clay sandstone formation in the southern part of the site within the relevant safeguarded area, none of the boreholes picked up consolidated strata attached to the Tunbridge Wells formation, albeit sand was picked up in the subsoil horizons.

6.17.8 Having regard to the above the Minerals Assessment goes on to assess the development in the context of Policy DM7 of the KMWLP which identifies the circumstances when non-mineral development may be considered acceptable in a designated MSA. Policy DM7 advises:

*Safeguarding Mineral Resources Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:*

1. *the mineral is not of economic value or does not exist; or*
2. *that extraction of the mineral would not be viable or practicable; or*

3. *the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or*
4. *the incompatible development is of a temporary nature that can be completed, and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or*
5. *material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or*
6. *it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or*
7. *it constitutes development on a site allocated in the adopted development plan'*

6.17.9 The Minerals Assessment explains that criteria 2 and 5 are met. In doing so it advises that:

- a) extraction of the mineral would not be viable or practicable.

6.17.10 As set out above the Minerals Assessment advises that the market for both the mineral types found on site is extremely limited and that it is reasonable to conclude that this small market would take limited volumes of stone over a prolonged period. It also advises that there is no existing recorded demand for these types of mineral and no existing building stone quarries within Kent are extracting these stone types.

6.17.11 In addition to the above the Minerals Assessment explains that extraction of the mineral would be significantly constrained in terms of working around retained mature vegetation. To this end it should be noted that both mineral resources cannot be accessed without substantial mature vegetation removal. The northernmost Tunbridge Wells Sand Formation cannot be accessed without removing a mature "important" Hedgerow and tree belt, all of which lies within a 15m buffer of a designated Ancient Woodland and is very important in relation to the setting of the High Weald AONB.

6.17.12 Similarly the Minerals Assessment explains that extraction of the mineral would be significantly constrained by the proximity of existing residential properties which would require the mineral authority to place significant restrictions upon the site operations which would reduce the economic viability of any mineral extraction.

6.17.13 Given the above and having regard to other factors discussed within the assessment, the minerals assessment concludes that: *'the mineral resources found on site cannot be extracted in a viable or practical manner and as such the Appledore Road proposals satisfy this criterion.'*

- b) material considerations indicate that the need for the development override the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction.

6.17.14 In addition to satisfying criterion 2 of policy DM7, the Minerals Assessment also highlights the significant benefits the proposed development would provide for, including the delivery of new housing in an area of significant need, including 50% affordable housing, which it advises should be afforded significant weight. Similarly, the Minerals Assessment highlights the fact that the NPPF places a significant level of weight on the protection of veteran trees,

and that the presence of a veteran tree within the Wadhurst Clay Formation safeguarding area further reduces any potential mineral extraction area. These material considerations should, the Minerals Assessment advises, override the protection of the mineral resources effected, especially considering the very low demand and limited uses of those stone types.

6.17.15 The Minerals Assessment also explains that prior extraction of these mineral types is not practical given the location of the mineral resources and the impact the extraction would have upon being able to deliver the proposed development.

6.17.16 Given the above, the Minerals Assessment concludes that: *'The Appledore Road proposal therefore also complies with criteria 5 of policy DM 7.'*

6.17.17 We note that KCC Minerals raised no objection to the previous application, commenting: *'Having reviewed the submitted Minerals Assessment, the County Council as Mineral Planning Authority is satisfied that safeguarding exemption criterion 5 is applicable in this instance. We therefore wish to raise no objection to the proposal'.*

ii) Renewable Energy

6. 17.18 In accordance with the requirements of the NPPF and DM19 and DM21 of the ABLP (2019), a Sustainability and Energy Statement has been produced to outline the energy and sustainability credentials of the Proposed Development. The Sustainability and Energy Statement explains that the key sustainability findings of the proposed development are: Reduction in carbon dioxide emissions compared to the maximum permissible by the Building Regulations (Part L - 2013) through energy efficiency measures;

- A total reduction in (TER) carbon dioxide emissions of 31% from energy efficiency, low-carbon and renewable technologies will be achieved (based on Part L – 2013);
- The water use to each unit will achieve the enhanced standard required by the Building Regulations of 110 litres per person per day;
- 50% of the homes will be 'affordable' and will be designed to be indistinguishable from other homes;
- Mixed-tenure scheme provides a highly sustainable design with activity throughout the day;
- Outdoor space in the form of private gardens, terraces and private communal spaces as well as enhanced public open space, children's play areas and a community orchard;
- A new country park will be provided together with sport pitches and pavilion
- High standards of environmental construction with compliance to the Considerate Constructors Scheme, a Site Waste Management Plan and other construction management principles;
- Secured by Design principles will be followed;
- All dwellings units will be built in accordance with Part M4(1) of the Building Regulations).

6.17.19 The various options considered to achieve a 31% reduction in emissions across the site (based on Part L –2013) include:

- (i) Solar Hot Water Panels to 22 detached houses – 22 panels + 300 PV panels across the site
- (ii) Photovoltaic Panels – 338 PV panels across the site
- (iii) Air Source Heat Pumps to 22 detached houses + 158 PV panels across the site
- (iv) Flue-Gas Heat Recovery – to all units < 105.0 m<sup>2</sup> + 256 PV panels across the site

6.17.20 The Sustainability and Energy Statement makes it clear that these are just examples of what could be utilised and that there are other options/ that other options may materialise as technology advances. The ultimate solution will depend on commercial availability, viability and the state of technology available when the reserved matters application is finalized.

6.17.21 On the basis of the above the proposed development would exceed the aims and objectives of Policies DM19 and DM21 of the ABLP (2017).

iii) Foul Water Drainage

6.17.22 The Foul Drainage & Utilities Assessment produced by RSK advises that Southern Water has a foul sewer network in the surrounding roads, including a 200mm diameter sewer in Woodchurch Road and 225mm diameter sewers in Appledore Road. The Foul Drainage & Utilities Assessment also advises that at a meeting in June 2019 Southern Water confirmed that provision for the proposed development has been included in Southern Water's infrastructure planning (based upon the predicted build out details provided by RSK). It also advises that under Southern Water's current charging arrangement, offsite network reinforcement works will be paid for through Infrastructure Charges.

6.17.23 RSK has prepared a preliminary foul sewer general arrangement for the site. It is subdivided into two catchments, with separate outfalls into the sewer in Appledore Road via the proposed vehicular entrances.

6.17.24 We note that in his committee report on the previous application the case officer advised at para 121 that:

*'Southern Water have commented on the application that it recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the proposed development. Any such network reinforcement would be part funded through the new infrastructure charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer would work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development, as it would take time to design and deliver any such reinforcement. A condition is requested that construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. I consider that subject to this condition there are no objections to the scheme on grounds to foul water drainage in accordance with Policy ENV8 of the ALP 2030.'*

6.17.25 Having regard to the above the proposed development can be satisfactorily drained in accordance with the aims and objectives of policy ENV8 of the ABLP (2019).

iv) Statutory Services

6.17.26 The Foul Drainage & Utilities Assessment produced by RSK reviews the availability of capacity for new supplies to support the site at full build out. The Foul Drainage & Utilities Assessment confirms the following:

Electricity

6.17.27 UK Power Networks (UKPN) have overhead high voltage mains which traverse the site. Diversion of this apparatus will be necessary to accommodate the proposed development.

- 6.17.28 The electrical supply for the new development will be taken from the diverted High Voltage main.
- 6.17.29 Based upon the estimated load demand (including vehicle charging), it is anticipated that two onsite sub-stations will be required. Provision for these sub-stations has been allowed for in the proposed Masterplan.

#### Gas

- 6.17.30 Southern Gas Networks (SGN) have low-pressure mains in Woodchurch Road and Appledore Road. Capacity advice is still outstanding but SGN has confirmed that their apparatus will be affected by the construction of the proposed eastern site entrance in Appledore Road, so localised diversion work will be necessary.

#### Potable Water

- 6.17.31 There are potable water mains operated by South East Water (SEW) in the area, including a 4" diameter main in Woodchurch Road and a 125mm diameter main in Appledore Road. SEW have advised that should network reinforcement be necessary to supply the site, this will be subsidised through the Infrastructure Charges.

#### Telecommunications

- 6.17.32 British Telecom has plant in Woodchurch Road and Appledore Road, from which the site can be serviced. Alteration to the existing plant is likely to be necessary at both the proposed site entrances in Appledore Road. Gtt also has apparatus in the vicinity of the site.
- 6.17.33 We note that ABC's Economic Development officer in commenting upon the previous application highlighted the need for the proposed development to deliver FTTP. Given the fact the nearest FTTC-enabled cabinet (Cabinet 9) is located almost opposite the proposed entrance to the site we can confirm that the applicant is happy to deliver FTTP and for any consent to be conditional upon the submission of a FTTP Statement in accordance with policy EMP6 of the ABLP 2019.
- 6.17.34 Given the above there are no potential impediments to development commencing.

#### v) Amenity Space

- 6.17.35 The proposed development provides for a 8.66 ha country park and 3.33 ha of formal sports pitches. These are all located to the east of the PRow that traverses the site and include the Community Orchard. To the west, within the area of built development there is a Central Green Space, two LAPS, a LEAP, an outdoor gym, and a number of green margins which together provide over 6.93ha of amenity space. The Planning Policy requirement would, for a scheme of 145 dwellings be 1.87ha (see table below). Clearly the proposed development provides for a considerably greater level of amenity space than required.

<b>Planning requirements</b>	Units total	145
	Resident/ household	2.4
	Total residents	348
<b>Item</b>	<b>m2 /resident</b>	<b>ha. required</b>
Outdoor sport	16	0.56
Children's & young people's play	5	0.17
Informal Natural Green space	20	0.70
Allotments	2	0.07
Parks and recreation	3	0.10
Cemeteries	6	0.21
	<b>Total</b>	<b>1.87</b>

6.17.36 Within the context of the above, we note that the overarching intent of the Ashford Borough Open Space Strategy 2017 is to:

1. *Protect the existing open space network;*
2. *Enhance and improve the accessibility and quality of existing provision;*
3. *Provide new open space to expand the network strategically;*
4. *Create multifunctional strategic hubs of open space; and*
5. *Work together to protect, deliver and effectively manage open space provision across the borough.*

6.17.37 The Open Space Strategy goes on to explain the concept of creating hubs for open space, sport and recreation provision in strategic locations across the Ashford urban area, supported by smaller local and neighbourhood open spaces that serve the needs of its surrounding community; and that there was strong support for the quality of the spaces to be improved with greater connectivity between key spaces and clustering of quality facilities to provide 'destination' hubs. It goes on to highlight the fact at para 4.13 that: *Strategic parks are considered to offer open space provision of borough wide benefit; the spaces are typically high profile and destination sites. Within the borough, all the designated strategic parks are within the Ashford urban area; it is unlikely that there is scope for a strategic park within the rural area, although provision at Tenterden is considered an important local hub, with the combination of informal open space, play and sport*'. Para 5.44 goes on to advise that: *All proposed open space hubs offer an immediate local provision across the urban area and within Tenterden. In addition these hubs potentially have a wider catchment attracting people from outside of the Ashford urban area and Tenterden by means of cycleways and public or private transport*'. This is expanded upon at para 7.10, which, in setting out the emerging strategic recommendations for open space provision in the Rural Area, that a Strategic Hub is created in Tenterden .

6.17.38 The proposed country park would act as a mini hub and would in our opinion reflect the aims and aspiration of the Ashford Borough Open Space Strategy 2017, so is a material benefit and should be given weight in the planning balance.

6.17.39 In addition to the above, the masterplan provides for private amenity space for each of the proposed new dwellings which is comparable to that found elsewhere within the locality, and that private amenity space is proposed to serve the units within the apartment blocks.

6.17.40 The proposed maintenance of the areas of amenity space are set out in the draft Heads of Terms of the S106, the strategy being that within the residential area west of the PRoW, a Management Company will be set which will be responsible for the management of roads,

fences, site services, security, street lighting, and common areas beyond the ownership boundaries of individual properties. An appointed professional managing agent will be responsible for and coordinate all management of this part of the site. A Commuted Maintenance Sum has been calculated in accordance with the Public Green Spaces and Water Environment SPD. Long-term maintenance would be e site in perpetuity, financed by an annual maintenance charge on each residential property. The proposals for operation and management of the wider public green space facilities, namely the Country Park and Sports Hub, have been developed within the context of Local Plan Policy IMP4, “Governance of Public Community Space and Facilities”. The applicant would seek to work in partnership with the Borough Council to identify suitable organisations to manage the Country Park and Sports Hub. This approach is proposed to offer compliance with preferred Community Stewardship model set out in Policy IMP4. The approach would allow for operation of the Country Park and Sports Hub either jointly by one body or separately by different organisations. Furthermore, to further secure community access to the playing fields, it is proposed that a Community Use Agreement, based on the Sport England template, would be put in place.

6.17.41 Given the above we believe the proposed development would provide future residents with more than sufficient amenity space to meet their needs and therefore accords with the aims and objectives of policy SP1 (e), COM1 and COM2 of the ABLP (2019)

vi) Secure by Design

6.17.42 The layout of the sports pitches and pavilion, and the illustrative layout of the residential development has, as set out in the DAS, been designed to prevent crime and the fear of crime in accordance with government guidance set out in “Safer places – the Planning System and Crime Prevention”. To this end, the proposed development provides for passive overlooking of public areas, such as the parking courts; a clear distinction between public and private areas; and dwellings that front onto rather than back onto streets and public places. On this premise, the proposed development would reflect the aims and objectives of Policy SP6 (e) of the ABLP 2019.

vii) Minimum Space Standards

6.17.43 The reserved matters application will demonstrate how the proposed development will reflect the minimum space standards set out in DCLG National Housing Standards and therefore accords with the aims and objectives of policy HOU12 of the ABLP (2019).

viii) Inclusiveness – Access for All

6.17.44 The layout of the sports pitches and pavilion, has, as set out in the DAS, been designed to conform to the requirements of Part M – Access and Facilities – of Building Regulations 2010 as amended i.e. to provide level threshold to entrance doors, appropriate path widths, appropriate corridor widths, appropriately sized W.C. at entry level etc.

6.17.45 The reserved matters application will demonstrate how the residential element of the proposed development will look to provide at least 20% M4 (2) (Accessible & Adaptable Dwellings), with 7.5% of the affordable (5 dwellings) meeting M4(3).

6.17.46 On this premise the proposed development would in our opinion accord with the aims and objectives of policy HOU14 of the ABLP (2019).

ix) Contamination and Remediation

- 6.17.47 The Ground Appraisal Report produced by Geo-Environmental Services Limited explains that following an initial desk based assessment it was concluded that the overall risk of harm to end users was generally low, but that further assessment was likely to be required in order to better characterise contamination on site as a result of current and historical land uses and the associated risk to human health and the environment. As a result the site has been the subject of preliminary intrusive investigation comprising:
- The construction of 40No. machine excavated trial pits to depths of up to 3.00m.
  - Trial pit soakage tests in general accordance with BRE Digest 365 within approximately 16 trial pits situated across site.
  - 24No. window sample boreholes to a depth of 4.00m below ground level (bgl) with regular in situ testing and sampling.
- 6.17.48 Based upon these site investigations the Ground Appraisal Report advises that in terms of Soil Contamination vs. End Users remedial measures are not considered necessary to protect future end users of the development from soils on site. In terms of Ground Gases & Vapours the Ground Appraisal Report advises that whilst no significant concentrations of ground gases were encountered during the return monitoring, and that remedial measures to protect end users of the proposed development are unlikely to be required, given the fact that potential sources were identified, some further testing was recommended and has been instructed.
- 6.17.49 Whilst, given the findings of the Ground Appraisal Report the risks from land contamination to the future users of the land and neighbouring land appear to be minimal, together with those to controlled waters, property and ecological systems, and that as such the development ought to be capable of being carried out safely without unacceptable risks to workers, neighbours and other offsite receptors a suitable worded condition requiring further investigation prior to development commencing is thought to be prudent.
- 6.17.50 We note that the case officer in his report to committee indicates at para 123 that *'A number of representations (neighbours) have raised concern about potential infill contamination on the site including that there may be unexploded ordnance from WW2 and question the adequacy of just a desk top analysis. ABC Environmental Protection have assessed the scheme including the Ground Appraisal Report and representations received. They consider that these matters can be dealt with through planning conditions. A condition requiring a site investigation to be undertaken for contamination including gas monitoring with any remediation action to be agreed with the Local Planning Authority. A further condition requiring the developer thereafter to report any further unexpected contamination being discovered and provide appropriate remediation. The Environmental Agency have made no comment on this matter commenting they have assessed this application as having a low environmental risk. I consider there are no objections to the proposals on grounds of contamination as appropriate planning conditions can be applied to deal with this matter'*.
- 6.17.51 We also note that the councils Environmental Protection officer in commenting upon the issue of unexploded ordnance indicated that *'the whole area of, and around, Tenterden is considered low risk. I would not ask for an UXO risk assessment as a matter of course on this site.'*

x) Infrastructure Provision

6.17.52 As set out in the draft Heads of Terms for the Section 106 Agreement, a planning obligations list has been prepared in the light of Policies COM1, COM2, and IMP1 and IMP4 of the ABLP (2019). The substance of the draft Heads of Terms also reflects initial advice received from officers at Ashford Borough Council and the comments received in respect of the former application for the redevelopment of this site, in particular those from ABC Culture and Env Officer, KCC Economic Development, KCC Highways, the NHS Trust and Sports England.

6.17.53 The draft planning obligations set out below will only be included in the Section 106 Agreement to the extent justifiable in planning policy terms, in particular paragraph 56 of the NPPF and regulation 122 of the Community Infrastructure Levy Regulations 2010. This will be established following further discussions with officers. This draft assumes that the site will not be subject to Community Infrastructure Levy or any other similar charge. If this is not the case the applicant reserves the right to withdraw or amend any of the planning obligations listed below:

- The provision of up to 72 affordable units<sup>35</sup> (50%) – to be 10% affordable/ social rent and 30% affordable home ownership products;
- The nomination rights for the affordable housing units will be such that the affordable units will in the first instance be made available to people in housing need with an appropriate connection to Tenterden. Thereafter the nomination rights will, if necessary, cascade down to those in need in the neighbouring parishes in Ashford;
- 7.5% of the affordable units to be identified as M4(3) dwellings;
- 20% of all dwellings to meet M4(2) standards;
  
- 5% of all dwellings will be set aside for self Build;
  
- The provision of a 8.66ha Country Park;
- The land encompassing the Country Park being transferred to the Borough Council/ Tenterden Town Council or such other independent body for the long term benefit of the local community at nil cost;
- Contributions towards the long term maintenance of the Country Park;
  
- The provision of 3.33ha of land to provide for:
  - 1 x 11v11 Adult Football Pitch (100m x 64m)
  - 1 x 9v9 Junior Football Pitch (75m x 45m)
  - 1 x 7v7 Mini Soccer Pitch (55m x 37m)
  - 2 x 5v5 Mini Soccer Pitch (37m x 28m each)
  
- The provision of land for a Pavilion Building designed to Football Association standards
- The provision of land to provide for car parking spaces to serve the proposed Pavilion Building;
- Contributions towards the long term maintenance of the Sports Pitches and Pavilion building;

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<sup>35</sup> Assuming 145 dwellings are accommodated on site – if not then 50% of the number of dwellings that are accommodated on the site.

- The provision of informal natural green space within the development site (outside the Country Park) the quantum and details of which will be determined at the RM stage;
- Contributions towards the maintenance of the informal natural green space – if not maintained by a resident’s management company;
- The provision of 0.17ha of formal play space within the development site (outside the Country Park) the details of which will be determined at the RM stage;
- Contributions towards the maintenance of the formal play space – if not maintained by a resident’s management company;
- Delivery of the respective Community Facilities to be secured by way of development restrictions linked to appropriate site wide/phased triggers/occupation thresholds

The Section 106 agreement will secure the Borough Council’s approval of an overarching scheme for the delivery, future management, operation and maintenance of all the community facilities within the application site – comprising the Sports Facilities, Country Park and the Natural Green Space. The scheme will be capable of delivering the model of community stewardship required under Policy IMP4 (with proportionate commuted maintenance sums/other appropriate funding mechanism), with the flexibility for an approved site-wide ‘steward’ body to deliver the community benefits of the Sports Facilities and the Country Park by way of appointing specialist operators for those facilities. The scheme will also secure the Borough Council’s approval of the procedure for appointment of those operators as well as any formal community use arrangements. Details of any proposals for the use of a residents service charge associated with in perpetuity maintenance of the Natural Green Space will also be included for the Borough Council’s approval.

- Contributions towards the off site provision and maintenance of allotments;
- Contributions towards the provision and maintenance of Conningbrook Lakes Country Park.
- A suitable contribution towards any highway improvements arising as a result of the proposed development;
- The funding of a TRO to facilitate traffic calming works to reduce vehicle speeds on Appledore Road;
- Contributions towards a replacement tree in Appledore Road;
- Contributions to support and enhance existing bus accessibility;
- The preparation and implementation of a Travel Plan to encourage use of sustainable transport modes;
- Contributions towards primary educational facilities<sup>36</sup>;
- Contributions towards the Local Primary Care Trust for use at the Ivy Court Surgery in Tenterden;
- Contributions towards Youth services;
- Contributions towards Community Learning;
- Contributions towards Social Care;
- Contributions towards Library Services;
- Contributions towards Waste and Recycling facilities.

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<sup>36</sup> KCC Economic Development having previously raised no request for contribution towards nursery, secondary or sixth from educational needs

- Contributions towards Cultural Improvements, including the arts and voluntary sector in Tenterden.

6.17.54 We believe the draft HoT of the S106 look to secure the mitigation that is necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development, reflect the obligations requested in connection with the previous application and listed in para 131 of the case officers report to committee of September 2020, and thus address reason for refusal no's 8 cited in the determination of 19/01788/AS.

## 7 The Planning Balance

- 7.3 Given the detailed information provided with this application we believe that the planning balance rests firmly in favour of granting planning permission, particularly in the light of the engagement of the 'tilted balance'. Although the 'tilted balance' is not essential for the planning balance still to rest in favour of granting planning permission.
- 7.4 In the context of the above, we note that the ABLP through policy SP2 looks to meet the housing requirement of 13,118 net additional dwellings between 2018 and 2030 through a '*combination of committed schemes, site allocations and suitable windfall proposals*'. Policy HOU5 provides for windfall development subject to a number of criteria. We believe the proposed development meet these criteria. Furthermore, the appeal proposals will only increase the level of development being directed towards Tenterden (the second largest town in the borough) as set out in App 5 of the ABLP from circa 4.5% to 6.3%. The majority of development (circa 74.8%) will remain, Ashford centric, in accordance with the spatial strategy established in policies SP1 and SP2 of the ABLP.
- 7.5 The above has to be considered against the background of the fact that ABC have acknowledged that they no longer have a 5 year HLS, and that this situation could well get worse given the current impasse on development within the catchment of the Stodmarsh SAC SPA and Ramsar site. The application site is not within this catchment.
- 7.6 With windfalls being an intrinsic part of the housing land supply, a lack of a 5 year supply and half the district, including large parts of Ashford urban area and its hinterland currently affected by the need to achieve nutrient neutrality for any development that has a potential impact pathway on the Stodmarsh SAC, SPA and Ramsar site, the proposed development provides an ideal opportunity to help address the housing land supply in a policy compliant manner.
- 7.7 Furthermore, the proposed development provides for 50% affordable housing, which exceeds the policy requirement of 40%, enjoys good access to local services and facilities and has good access to public transport that would enable future residents to access services and facilities by means other than the private car. It is also acknowledged by the case officer in his report to committee on the previous application that the scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day services currently available in the town, and commensurate with the ability of these services to absorb the level of development in combination with other planned and committed development in the town.
- 7.8 The site is not designated for its landscape value, or any landscape related attributes, such that the site cannot be said to fall within "an area of high landscape sensitivity". Whilst a small part of the site abuts the High Weald AONB, the LVA makes it clear that the proposed development would result in no direct effects on the designation and that the visibility of the proposals would be very limited/ negligible. The magnitude of effects on the landscape of the High Weald AONB would thus be negligible.
- 7.9 In the context of the above we note that the case officer in his committee report on the previous application indicates at paras 82 and 83 that:  
*'Although I have objections to the residential development and to its impact on the landscape setting and character of the surrounding area, I consider it would not be able to be argued that there would be a wider and more harmful impact on the setting of the AONB due to the topography and distance from the AONB boundary.'*

*The proposed pavilion building and outdoor classroom shown in connection with the sports pitches and Country Park are located in closer proximity to the AONB boundary. However, due their scale and design I consider these would not be objectionable in terms of their impact on the AONB setting if there was a justified need for them. This is on the basis that no floodlights are proposed for the sports pitches.'*

- 7.10 Given the above, it is considered that the proposed development sits sympathetically within the wider landscape, having minimal effects on surrounding landscape and visual receptors including those in the AONB. Thus, it respects the aims and objectives of para 172 of the NPPF and footnote 6 of para 11 in terms of the tilted balance.
- 7.11 Similarly, the site does not contain any known nationally or locally built designated heritage assets beyond the very small part of the Conservation Area which overlaps with the site. It is acknowledged by the case officer in his report to committee on the previous application that the proposed development would not result in any significant harm to the setting of the adjacent listed buildings (Stace House and Craythorne). In addition, we believe, as set out in the Heritage Statement, that the proposed development would preserve the character and appearance of the land within the Conservation Area where it involves works within that area and cause no harm to the heritage significance of the church of St Mildred and the Tenterden Conservation Area through changes to setting. As such, the scheme is considered to comply with the requirements of the NPPF.
- 7.12 In addition, any future development can be designed so that it does not adversely affect neighbouring properties or the visual amenities of the area. It is therefore considered that the site is acceptable, in principle, for residential development.
- 7.13 The proposed development is not situated within an area of flood risk and encompasses a surface water drainage strategy that can accommodate up to and including the 1.0% AEP storm event with an additional 40% allowance for climate change, without any onsite flooding or increasing the extent of any offsite flood risk. In addition, remedial works, and repairs to the existing surface water sewer in Appledore Road will provide for a betterment in their hydraulic performance thus ensuring the current drainage problems in Appledore Road are significantly reduced.
- 7.14 As set out in section 6 of this statement the proposed development would meet the three overarching objectives of sustainable development as set out in paragraph 8 of the NPPF. Prospective occupiers would help to support the range of local facilities and services in Tenterden, including public transport, and would contribute to the vitality of the locality and social cohesion. The development itself would also provide short term construction jobs – economic benefits. There would also be benefits from S106 contributions and the new Homes Bonus, that should be acknowledged in the planning balance.
- 7.15 As well as being an acceptable 'sustainable' location, the development would provide a relevant and valuable contribution to the Council's housing supply; whilst the illustrative layout will conserve and enhance biodiversity interests, proving a BNG of 15.28%. In this respect, and in accordance with paras 170 and 175 of the NPPF, the proposed development provides for biodiversity net gains both on site and off site through the proposed S106 Agreement.
- 7.16 Given the above, whilst we believe the proposed development complies with the aims and objectives of the ABLP, it should be noted that there are material considerations which weigh heavily in favour of the development such as the housing need and the fact that the Council is unable to substantiate a five year supply of deliverable housing land. The proposal would

assist in the provision of housing and help meet the need for affordable housing needs of the area. This is a highly significant material consideration and carries substantial weight in the context of the NPPF. The proposals also provide substantial areas of public amenity, including a 8.64ha country park, and 3.33ha of land set aside for sports pitches and a pavilion building designed to Football Association standards which are also a highly significant material consideration which carries substantial weight in the context of the NPPF.

7.17 The proposed scheme is considered to represent sustainable development in accordance with the NPPF and the ABLP.

7.18 As a result of the above we consider the proposed development is ideally situated to accommodate further growth in a sustainable manner as defined by para 8 of the NPPF. Furthermore, this statement demonstrates that the impact of the proposed development as identified in the reasons for refusal cited in the determination of the former application for the development of this site are not substantiated, whilst the benefits are significant.

7.17 The overall planning balance, encompassing the various benefits and limited disbenefits and the weight that should be afforded to them is set out in the table below:

	<b>Issue</b>	<b>Benefit/ Harm</b>	<b>Weight</b>
1	Market Housing	Benefit	Substantial
2	Affordable Housing	Benefit	Substantial
3	Appropriate dwelling mix	Benefit	Substantial
4	Country park	Benefit	Substantial
5	Sports pitches	Benefit	Substantial
6	Further publicly accessible incidental open space	Benefit	Substantial
7	Developing in a highly sustainable location	Benefit	Substantial
8	In accordance with spatial strategy – policies SP1, SP2 and HOU5 as set out in ABLP	Benefit	Moderate
9	Avoiding impacts on protected areas such as the Stodmarsh SPA	Benefit	Substantial
10	Avoiding designated landscapes such as the High Weald AONB and creating a large open landscape buffer to the AONB	Benefit	Substantial
11	Landscape enhancement and tree and shrub planting	Benefit	Moderate
12	Ecological enhancements, resulting in a BNG of 15.28%	Benefit	Moderate
13	Improved links between the site and the wider area	Benefit	Moderate
14	Managed positive surface water drainage strategy	Benefit	Substantial
15	Traffic calming introduced along Appledore Road	Benefit	Moderate
16	New controlled pedestrian (zebra) crossing of Appledore Road	Benefit	moderate
17	New bus stops on Woodchurch Road	Benefit	moderate/limited.
18	Provision of energy efficient homes exceeding policy requirements	Benefit	Substantial
19	Short-term economic benefits from construction and employment spending	Benefit	Moderate
20	Long-term economic benefits from new residents spending in the local area, S106, new homes bonus and Council tax revenues	Benefit	Moderate
21	Localised Impact on landscape character of area	Harm	Very Limited
22	Localised impact on views from footpath AB12 and private residences	Harm	Very Limited - Moderate

7.18 Having regard to the above and paragraph 11 of the NPPF we consider the planning balance to be in favour of development and that planning permission should be granted accordingly.

## 8 Summary and Conclusions

- 8.1 This hybrid application provides for the development of the land between Appledore Road and Woodchurch Road Tenterden so as to accommodate up to 145 residential dwellings (50% affordable) including the creation of access points from Appledore Road (1 x all modes and 1 x emergency, pedestrian and cycle only) and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site, provision of open space including children's play areas, community orchard, sustainable drainage systems, landscape buffers and green links all on 12.35ha of the site; and the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping. With 6.93ha of informal/natural greenspace delivered within the residential part of the site, the proposed development would, together with the Country Park make available in excess of 15.5ha of land, some 64% of the application site for biodiversity enhancements.
- 8.2 The starting point for the determination of this application is the development plan. Policies SP1 and SP2 of the adopted development plan establish the spatial strategy and allow for the development of sites such as the application site subject to compliance with policy HOU5. Policy SP2 looks to windfall development to help the council meet its housing needs, whilst policy HOU5 provides specific criteria against which windfall developments will be assessed. Whilst we believe the application complies with policies SP1, SP2 and HOU5, and that as such given S38(6) of the TCPA and para 11 (c) of the NPPF, consent should be granted without delay; the fact is given the Council accept that they cannot demonstrate a five year housing land supply. As a result, these policies are effectively out of date, and carry only limited weight, such that any alleged breach of these policies is also limited.
- 8.3 That said, should the council disagree our assessment in this regard, given the fact they acknowledge they cannot demonstrate a five year housing land supply, and that as a result several of the key policies in the development plan are out-of-date, any assertion of non-compliance has reduced weight in the planning balance. Furthermore, paragraph 11d of the NPPF is engaged, the tilted balance applies and there is a presumption in favour of sustainable development, which means that planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits. As indicated in section 7 above, the benefits of the proposed development are considerable, and we do not consider the minor landscape harm outweigh the benefits generated by the proposed development.
- 8.4 In this context, paragraph 11d requires the identification of significant and demonstrable harm to outweigh the benefits. Having regard to the above, the limited harm identified does not outweigh the significant benefits that have also been identified. It certainly goes nowhere near the requirement to demonstrate significant and demonstrable harm. The case for granting planning permission is thus compelling, and consent should be granted without delay.
- 8.5 The framework for the determination of this application is materially different to that which prevailed when the former application was determined as, given the lack of a 5 year housing land supply, the Council need to find alternative (new) sites to meet the shortfall. The only way this can be achieved is by revisiting the planning strategy set out in the development plan and finding new sites in appropriate locations.

- 8.6 We consider the proposed development would help meet the boroughs housing needs in what is a highly sustainable location, on the edge of Tenterden, the second largest town in the borough, at a time when the council have an acknowledged lack of a 5 year housing land supply. Not only would the proposed development comply with the criteria set out in policy HOU5, but facilitate a number of economic, social and environmental benefits, including a new country park and sports pitches that reflect the identified needs of the area as set out in Ashford Borough Council's Playing Pitch Strategy. The scale of development relative to that proposed elsewhere within the borough being such that the proposed development respects the spatial strategy set out in policy SP2 of the ABLP, and the strategic objectives set out in policy SP1 of the ABLP.
- 8.7 For the reasons set out in section 6 of this statement, and contrary to reason for refusal 1 cited in the determination of 19/01788/AS, this application at just 145 dwellings would not significantly increase the number of dwellings to be provided in Tenterden when considered alongside the existing residential allocations and commitments referred to in the adopted Ashford Local Plan 2030, so far as these are still relevant. Nor would it run counter to the adopted spatial strategy enshrined in policy SP2 or undermine the approach to the sustainable distribution of housing development across the borough to 2030. The application when combined with other outstanding committed growth in Tenterden would represent a 13.64 increase in Tenterdens existing housing stock, which is significantly lower than that experienced in other lower tier settlements in the borough and that proposed across the borough as a whole. Furthermore, Tenterden would still only receive 5.5% of the boroughs overall growth – with over 70% still going to Ashford, such that the spatial strategy would remain Ashford centric.
- 8.8 Aside from the principle of development, we have also sought to address a number of other issues which are in our opinion material to the determination of this application having regard to the reasons for refusal cited in the determination of 19/01788/AS. These include the nature of the residential accommodation and overall scale of development including the level of affordable provision; the form, layout and design of the proposed development; the landscape and visual impact of the proposed development on the area; the effect of the proposed development on existing landscape features; the impact of the proposed development on areas of ecological interest/protected species; the impact of the proposed development on the privacy and amenity of adjacent residents; the effect of the proposed development in transportation and highway terms; the sites suitability for development in terms of flood risk; the potential impact of the proposed development upon the cultural heritage of the site and surrounding area; the impact of the proposed development in terms of loss of agricultural land; and the effect of the proposed development on local mineral reserves, on energy consumption, foul water drainage, the capacity of the service providers and on local infrastructure.
- 8.9 As set out in section 6 above, and in greater detail within the LVA and DAS, the proposed development has been designed to sit sympathetically within the wider landscape, preserve the setting of the town and to complement the character of the local area, thus addressing reason for refusal no's 2 cited in the determination of 19/01788/AS. The change in the access strategy, with what was the western site access adjacent to no's 13 Appledore Road in the former application being changed to an emergency, pedestrian and cycle only providing for the retention of the tree [s] located on Appledore Road within and at the entrance to the Tenterden Conservation Area addressing reason for refusal no's 3 cited in the determination of 19/01788/AS; whilst the LVA, DAS and AIR looks to address reason for refusal no's 4 cited in the determination of 19/01788/AS.

- 8.10 The DAS also looks to demonstrate how the quantum of residential development for which permission is sought can realistically be delivered on the site in the area shown in a manner that would ensure that (i) occupiers would be provided with acceptable minimum levels of amenity and privacy and (ii) sufficient space would be available for policy TRA3(a) compliant levels of car parking provision distributed spatially in a manner that would achieve its sensitive integration as part of high quality place-making, thus addressing reason for refusal no's 5 cited in the determination of 19/01788/AS.
- 8.11 The Ecological Assessment looks to demonstrate how the reduction in the quantum of development and associated reconfiguration of the development parcels would enable the proposed ecological mitigation measures to be successfully implemented and the proposed development to preserve and enhance the sites biodiversity, thus addressing reason for refusal no's 6 cited in the determination of 19/01788/AS.
- 8.12 The Sports Facilities Supporting Statement, LEMP, and draft HoT of the S106 look to explain how the proposed development would deliver substantial community space and facilities via the proposed governance arrangement so that they would benefit the whole community, thus addressing reason for refusal no's 7 cited in the determination of 19/01788/AS; whilst the draft HoT of the S106 look to secure the mitigation that is necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development and thus address reason for refusal no's 8 cited in the determination of 19/01788/AS
- 8.13 Having regard to the above, and given the aims and objectives of national and local planning policies we would submit that: -
- a. The proposed development will contribute to the Council's 5 year Housing land supply requirements/ housing need;
  - b. The proposed development will contribute to the Council's affordable housing requirements - it will provide up to 72 affordable units (50% of the units to be provided on site (assuming 145 dwellings are bought forward)), which is in excess of the policy requirement; the illustrative mix meets the need identified by the SHMA, and the development provides for true pepper potting;
  - c. The proposed development will contribute to the Council's recreational needs – both formal (via the sports pitches) and informally via the country park and open spaces proposed within the development;
  - d. The proposed development will contribute to the public realm, providing formal recreation opportunities, such as sports pitches, as well as flexible play space, connected footpath networks, and a country park, these features together with the introduction of an effective management regime, the creation and conservation of wildlife habitat and natural corridors, and provision of SUDs will contribute to local amenity;
  - e. The scale of development is proportionate in size to Tenterden and the level, type and quality of day to day services found in the town;
  - f. The scale of development will not prejudice the spatial strategy of the ABLP – the focus of growth would remain Ashford;
  - g. The detailed elements of the scheme – the sports pitches, pavilion and country park have all been designed to respect the character and appearance of the surrounding area;
  - h. The illustrative layout looks to respect the topography of the site and the existing landscape features found on the site/ site boundaries, and to respect the privacy and amenity of adjacent residents;
  - i. The DAS has demonstrated the site has the capacity to accommodate the development proposed, whilst the LVA has demonstrated that there is scope to

- provide landscape and visual mitigation measures that are in character with this part of the Borough;
- j. At a density of circa 11.74dph gross/ 27.62dph net the outline development area seeks to make the most effective use of the application site without detracting from the character and appearance of the area, and is supported by the findings of the DAS;
  - k. The illustrative design approach reflects the character and scale of existing buildings in the area. This approach, together with the use of traditional local materials will ensure the proposed development reflects the local vernacular;
  - l. The landscape and visual effects would be localised and would not significantly affect sensitive landscape and visual receptors further from the site.
  - m. None of the main Arboricultural features of the site are to be removed. No ancient, veteran, category A trees or trees subject to TPO's need to be removed to accommodate the proposals. The majority of the trees, groups of trees and hedgerows to be removed/ partially removed are category 'C' trees, groups or hedgerows. The arboricultural impact of this scheme is thus of negligible magnitude. Furthermore, as the proposed development will provide the opportunity to plant more trees/hedgerows on the site through the landscape strategy plan, it will actively enhance the landscape character of the site and surrounding area, including the setting of the High Weald AONB that abuts the site to the east;
  - n. The Outline Landscape Environmental Management Plan provides for the management and maintenance of the landscape works and associated ecological mitigation works and SuDs regime long term;
  - o. Following detailed ecological survey work, it has been found that the site and surrounding study area is home to bats, great crested newts, reptiles (slow worms, common lizards and grass snakes) and breeding birds. As a result, the proposed development has been designed to accommodate a number of ecological mitigation and enhancement works, all of which will ensure the protection of these species and provide biodiversity net gains overall;
  - p. Not only does the proposed development look to make a feature of the public open space proposed within the main body of the site, but provides for a significant amount of publically accessible amenity space within the development as a whole so that it forms an integral part of the development, with all residents having access to an appropriate level of private/communal amenity space, it also provides a 8.66ha country park, and sets aside 3.33ha for sports pitches. Overall, in excess of 78% of the site will be publicly accessible green space;
  - q. The application site is located in a highly sustainable location, that is within walking distance of day to day services and facilities, and able to maximise the use of public transport, cycling and walking;
  - r. The proposed accessing arrangements have been designed to accommodate all types of predicted traffic movements. The internal road network provides for a hierarchy of different streets, all of which have been designed to ensure the car does not dominate;
  - s. The level of traffic generation associated with the proposed development would not result in an unacceptable traffic impact to the local highway network;
  - t. The level of car and cycle parking provision will accord with ABC/ KCC's standards and is appropriate for this location given the site's proximity to Tenterden and its associated facilities, including public transport facilities;
  - u. A Travel Plan Statement has been provided to demonstrate how the developer intends to try and reduce the use of the private motor car;
  - v. The FRA submitted with this application demonstrates that the application site is located within flood zone 1 – an area of low probability of flooding where all land uses are appropriate;

- w. The Surface Water Drainage Strategy encompasses a variety of sustainable drainage systems (SuDS) that will be designed to store the volume of water associated with a 1 in 100 year rainfall event, plus an additional allowance to account for increased rainfall due to climate change (40%), which will provide a betterment over the existing situation. The introduction of a SuDS strategy will also ensure that the proposed development does not exacerbate the potential for flooding elsewhere in the area;
- x. The Foul Water Drainage Strategy will connect into the existing foul drainage system in Appledore Road. Southern Water have already made provision for the development in their infrastructure planning
- y. The Archaeological Desk Based Assessment demonstrates that whilst the site has low archaeological potential for significant archaeological evidence for all periods, there is a high potential for archaeological evidence relating to Post Medieval agricultural activity in the north-western corner of the study site. It goes on to advise that any archaeological features that may be present on the study site would probably be of local importance, and that any archaeological investigation, if required by the Local Planning Authority, could follow planning consent secured by an appropriately worded archaeological planning condition.
- z. The Archaeological Desk Based Assessment also explains that documentary and cartographic evidence indicates that the former town gallows, which HER data suggested may fall within the site, actually stood at a crossroads which lay outside of the proposed development site boundary.
- aa. The Heritage Statement advises that the heritage assets identified in the vicinity of the site include the Grade II Stace House and Craythorne that lie close to the western boundary of the site, and the eastern boundary of Tenterden Conservation area which overlaps the western boundary of the site. It demonstrates that the proposed development would not impact upon these heritage assets. Nor would it adversely impact upon views of St Mildred's Church tower from the site.
- bb. The Heritage Landscape Assessment explains how the proposed development has sought to minimise the impact on the historic landscape through a combination of retention and avoidance, and sympathetic development at a scale and grain which will fit comfortably into its surroundings.
- cc. A Ground Appraisal Report has indicated that the risks from land contamination to the future users of the land and neighbouring land appear to be minimal, together with those to controlled waters, property and ecological systems, and that as such the development ought to be capable of being carried out safely without unacceptable risks to workers, neighbours and other offsite receptors;
- dd. A minerals assessment has demonstrated that the extraction of the small mineral reserve that exists on site would not be viable or practical;
- ee. Whilst an outline scheme the illustrative layout seeks to reflect the aims and objectives of Secure by Design;
- ff. The proposed development will meet its infrastructure needs via a S106 - as long as these contributions sought are fairly and reasonable related to the scale of development proposed, such that there will be no adverse impact on day to day services;
- gg. The proposed development generates significant economic, social and environmental benefits.

8.14 The application site is highly sustainable. Development on this site is capable of being assimilated with the wider area without detriment to the character of the area, or amenities of local residents. The landscape strategy, drainage strategy and ecological strategy will all enhance the sites nature conservation value.

8.15 On the basis of the above we believe the case for granting planning permission to be compelling, and that consent should be granted without delay. We trust that planning permission will be granted accordingly.