

Application Number	21/00790/AS
Location	Land between Woodchurch Road and, Appledore Road, Tenterden, Kent
Grid Reference	173267
Parish Council	Tenterden
Ward	Tenterden South Ward
Application Description	<p>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 orchards, sustainable urban drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Save for access, matters of appearance, landscaping, layout & scale reserved for consideration') 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.</p>
Applicant	Wates Developments Limited, Wates House, Station Approach, Leatherhead
Agent	Judith Ashton Associates
Site Area	24.34 hectares

(a) 270 R approx.	(b) Tenterden R	(c) ABC Cultural services R, ABC EP X, CPRE R, Gas X, HM X, HWAONB X, Kent Fire X, KCC DUC X, KCC Ecology R, KHS X, KCC Heritage X, KCC PROW R, KWT R, Minerals X, NE X, POL X, SE X, SWS X, UK Power X, WKPS R
Petition 260 R approx. . 2S		

Introduction

1. This application is reported to the Planning Committee as it is a major application under the Council's scheme of delegation. This is a hybrid planning application i.e. part outline and part full application. It is a further submission in relation to this site following the hybrid planning application ref 19/01788/AS refused permission by the Council in September 2020. The main difference is the number of dwellings on the outline part of the scheme being changed from 'up to 250 dwellings' to 'up to 145 dwellings'. The number of new vehicular accesses to Appledore Road reduced from two to one located at the eastern end of the site.

Site and Surroundings

2. The application site is 24.34 hectares in area situated to the north of Appledore Road and southeast of Woodchurch Road, adjoining the built up edge of Tenterden. At present it comprises of a number fields / 14 parcels of land (Fields F1 -14 as described in the application) some of which are used for occasional grazing, and one of which is currently a sports pitch. The field boundaries are generally enclosed by trees and hedgerow. Some trees within the site are subject of Tree Preservation Orders. A Public Right and Way (PROW) AB12 bisects the application site running from Appledore Road at the southern edge of the site to Woodchurch Road at the northern edge of the site. The application site location plan and field plan F 1- F14 are shown in figures 1 and 2 below.

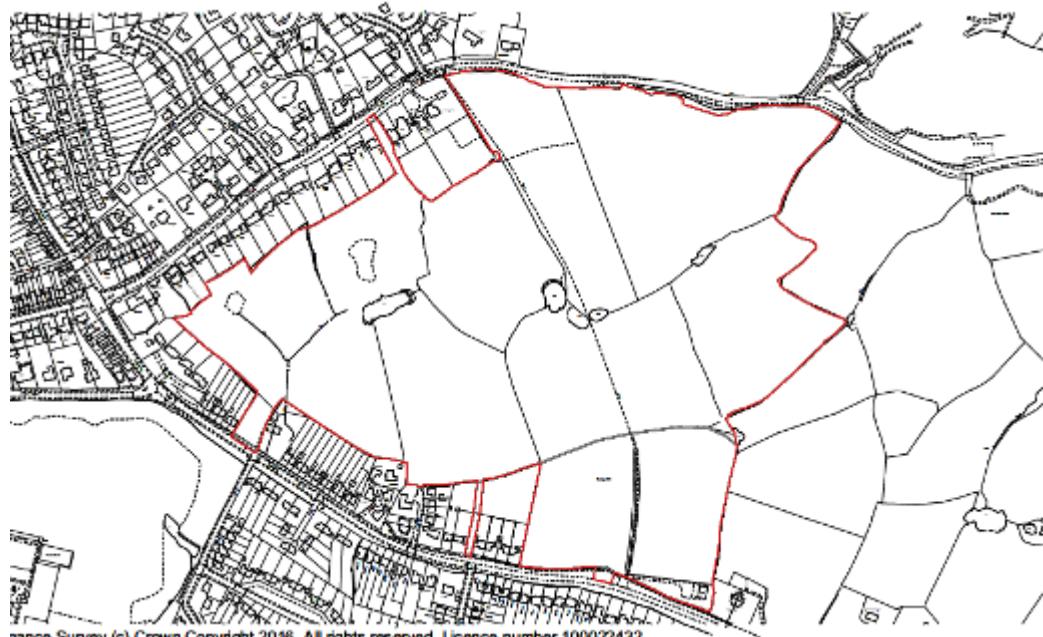


Figure 1: Site location plan



Figure 2: Site field plan

3. In addition to the existing footpath AB12, an Order to record a new public footpath AB70 circulating the site was made in December 2020. As an objection was received the Order has been submitted to the Secretary of State for determination. KCC PROW and Access Service advise that the

planning inquiry to deal with this is not likely to take place for at least a year due to a backlog of cases at the Planning Inspectorate. It will not be known if the Order is confirmed or not until then. The definitive map accompanying the Order showing footpath AB70 is shown in figure 3 below.

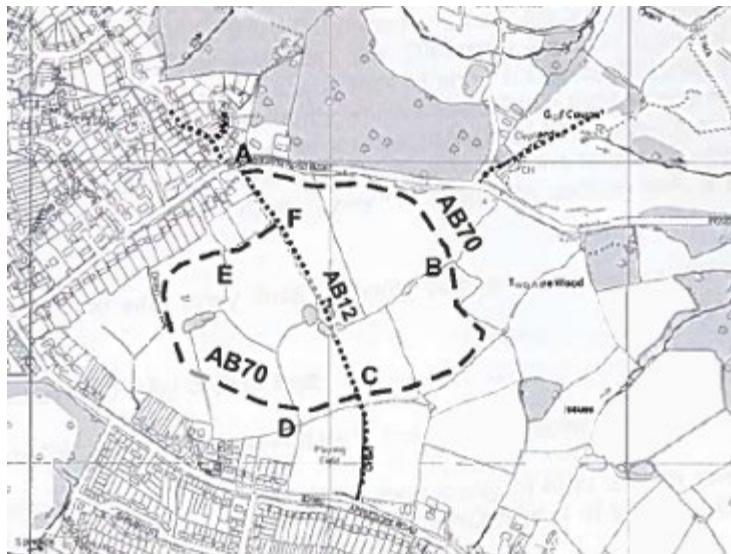


Figure 3: The definitive map showing proposed footpath AB70 and existing footpath AB12

4. There is a change in levels within the site with a ridge of higher ground rising to around 63mAOD, which runs north-south just to the east of the AB12 PROW. To the west of the ridge the land slopes down into a bowl towards the edge of the site with the upper and the northern slopes (F3 and F6) generally steeper, gradually becoming shallower towards the bowl bottom which lies towards the southern edge in fields F4, F5 and F7. The southeast fields (F13-F14) are relatively flat although sloping gently to the southwest. The land along the south-western edge lies at around 49.5m AOD. The lowest lying point of the site is the northeast corner of field F11 adjacent to Woodchurch Road, which lies at around 43.5mAOD sloping down steeply from the north-south ridge. The eastern boundary lies roughly at around 53m AOD.
5. The High Weald Area of Outstanding Natural Beauty (AONB) lies relatively close to the eastern edge of the site and actually adjoins the application site at the eastern point of field F12. To the north of the application site on the opposite (northern) side of Woodchurch Road is the Knock Wood Local Wildlife site (LWS) site comprising of broadleaved woodland. The surrounding designated areas in relation to the application site are shown in figure 4 below with AONB shown in light yellow.

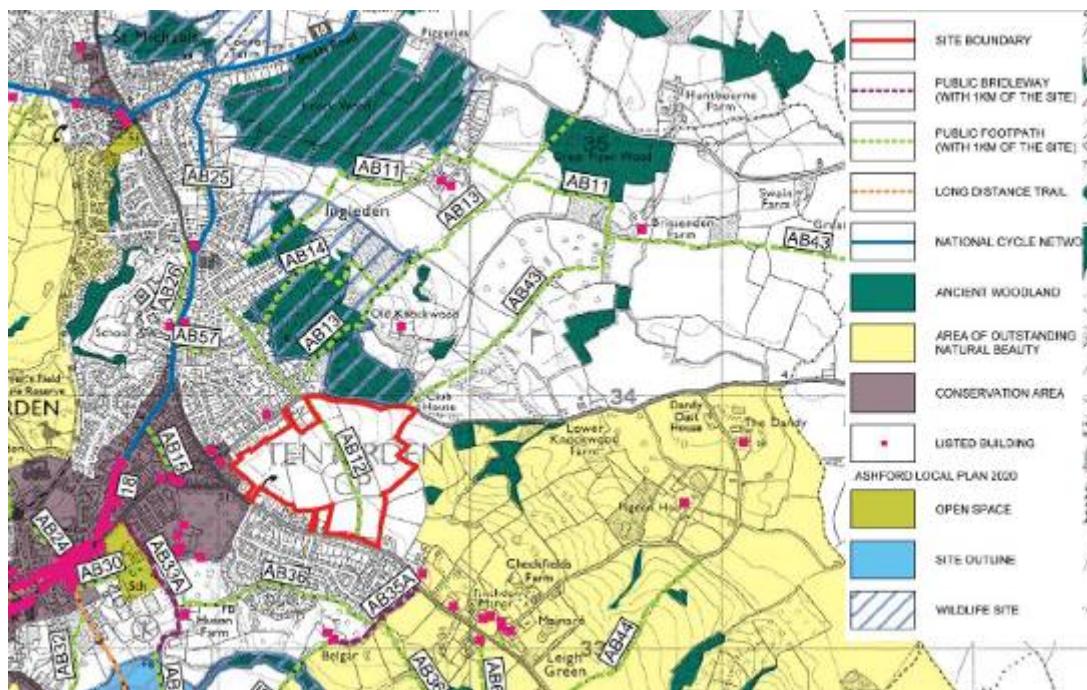


Figure 4: surrounding designations

6. Residential development physically adjoins the western and southern boundaries of the site. The western boundary adjoins ribbon development located along the Woodchurch Road comprising of mainly detached houses sited typically within spacious well landscaped plots. The Woodchurch Road forms part of a major entrance into Tenterden and a subtle lower density gradual transition from the countryside into Tenterden.
7. The southern boundary adjoins houses initially along Beacon Oak Road and then Appledore Road. This is mainly ribbon development apart from two small cul-de-sacs. The housing is mainly 2 storey semi-detached with some detached homes again sited within quite spacious and well landscaped grounds. A particular characteristic of Appledore Road is mature trees regularly planted within the grass verges on both sides of the highway. These create a strongly tree lined street with avenue qualities which continues beyond the application site to the southeast where the built form then becomes more sporadic finally giving way to open countryside beyond.
8. The Tenterden Conservation Area lies at the southwest corner of the site. The application site directly adjoins the Conservation Area (comprising of the rear garden boundaries of dwellings) for approximately 90m. The conservation area then stretches away from the site to the northwest, west and south. The nearest listed building is Stace House a 2.5 storey (Grade 2) dwelling located

just beyond the southwest corner of the application site at the junction between Beacon Oak Road and Woodchurch Road. Another Grade 2 listed building, Craythorne House, a 3 storey building, is located on the opposite side of the Beacon Oak Road and Woodchurch Road junction. The application site all lies within Flood Zone 1.

Proposal

9. This is a hybrid planning application comprising both outline and full planning proposals. The application comprises of the following:
 - a) Outline application (matters of appearance, landscaping, layout and scale reserved for future consideration with access detail for approval at this stage)
 - (i) Up to 145 residential dwellings with 50% being affordable and creation of a network of roads, footways, and cycleways through the site. Provision of open space including children's play areas sustainable drainage systems, landscape buffers and green links.
 - (ii) The creation of two access points from Appledore Road, 1 x main vehicular (all modes) access and 1 x emergency, pedestrian, and cycle access only. On the Woodchurch Road a pedestrian and cycle only access. These access details are requested to be approved at this stage.
 - b) Full planning application.
 - (i) The change of land use from agricultural land to land to be used as a country park (8.66 ha) and the creation of a 'community orchard.'
 - (ii) 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.
10. The outline part of the application relates to the western part of the site while the full application part relates to the eastern portion of the site. The general distribution of the proposals is shown in figure 5 below



Figure 5: General distribution uses.

Outline application up to 145 residential dwellings

11. In respect of the outline element, apart from access details all other matters are reserved at this stage. The applicant has provided an indicative masterplan and other indicative plans of the proposed residential developable area to show how the development proposed could be accommodated on the site. The masterplan states 141 dwellings (not the maximum 145 in the description) with an indicative breakdown of accommodation as follows:

1 Bed flat	24
2 Bed flats	7
2 bed house	40
3 Bed houses	48
4 Bed houses	22

12. As this is indicative the mix and type of accommodation is not being determined at this stage. The illustrative masterplan is shown in figure 6 below.



Figure 6: indicative masterplan

13. The masterplan shows a series of proposed smaller irregular clusters of dwellings that are generally outward facing with road frontages. The clusters are mainly cul-de-sacs but are all linked to a main access road from Appledore Road which would circulate this part of the site. Located in between the clusters are a series of landscaped and sustainable urban drainage (SUDs) areas. 3 play areas and 1 outdoor gym are also shown within or close to residential area.
14. The submitted design and access statement shows an indicative scale of development of primarily 2 storey dwellings, while some flats are proposed at 2.5 storeys (so with rooms in the roof). The indicative scales are shown in figure 7 below.



Figure 7 indicative scale of residential development.

15. A further plan shows how indicative units and tenure types could be distributed around the site with flattened development (shown in red) concentrated in the south west corner. The plan is shown in figure 8 below.



Figure 8 indicative unit types and tenure

16. The indicative plans show parking for the dwellings as mainly on plot tandem parking to the side of homes with some garages/carports and occasional frontage parking and courtyard parking for the flats. Some on street parking is identified for residents/visitors, however only the visitor parking has specific on street parking bays identified on the masterplan. The indicative parking arrangement is shown in figure 9 below



Figure 9: Indicative parking provision

17. The design and access statement outlines the use of Wealden red-brown brick as main walling, Wealden clay roof and wall hanging tiles, timber weatherboarding and fenestration. Appearance, however, is not being determined at this stage. Hard surfacing would seek to limit the use of black macadam to the main parkland road/access road with hard surfacing otherwise reflecting materials used in Tenterden where possible such as cobbles and gravel. Boundaries would either be hedges, post and rail fencing, ragstone walling or brick walling.

Access arrangements (detail to be approved at this stage as these are not 'reserved' for future consideration)

Main vehicular access

18. The proposal is for a single main vehicular access point (for all modes of movement) from Appledore Road to the west of field F13 near to the existing sports pitch. This has been designed as a simple priority junction. 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 the Appledore Road. In order to accommodate this access a horse chestnut tree situated along Appledore Road is to be removed and compensatory planting provided. The main access detail is shown in figure 10 below

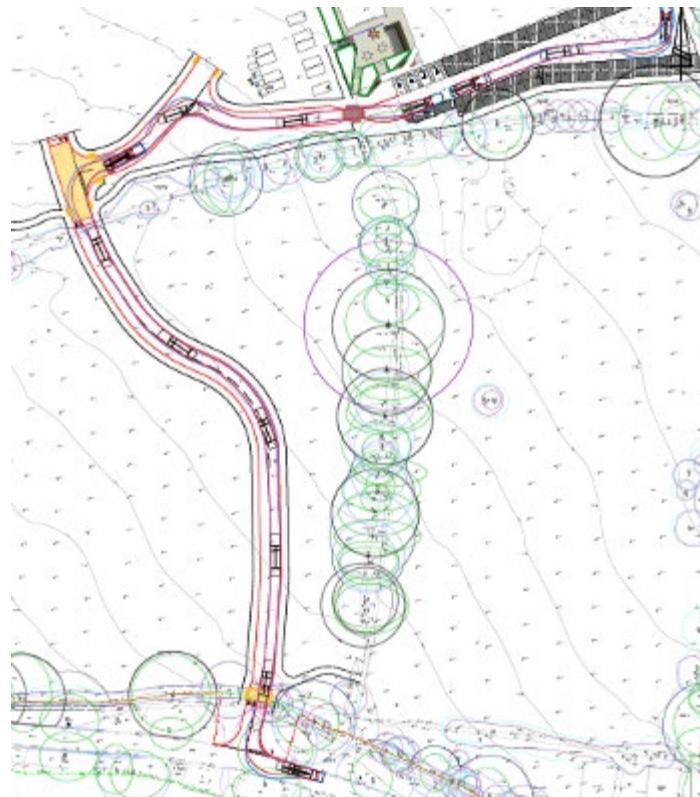


Figure 10. Main access detail to Appledore Road for approval

Pedestrian/ cycle and emergency accesses to Appledore Road

19. A 3.75m wide pedestrian cycle and emergency only access arrangement is also proposed at the western end of the site adjacent to No 13 Appledore Road around 20m west of the Shrubcote/Appledore Road Junction. Existing vehicle access into No 11 and 13-15 Appledore Road would be retained at this location. A bollard that can be lowered with an emergency key would be located beyond the retained driveway accesses, to ensure that the route can provide a secondary emergency access into the site if needed but otherwise prevent vehicular usage. The access is shown in figure 11 below.

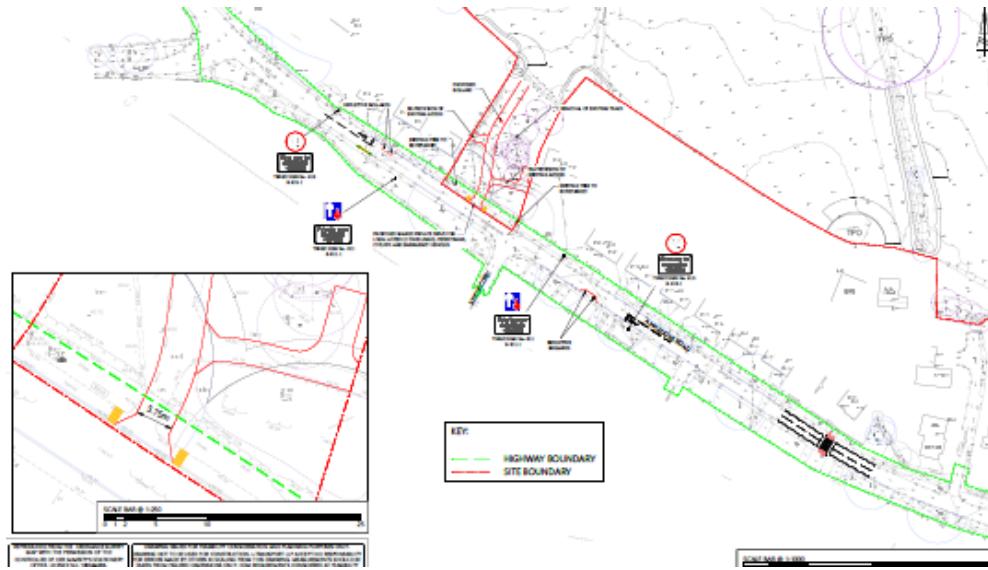


Figure 11: Pedestrian/ cycle and emergency accesses to Appledore Road

Pedestrian and cycle only access to Woodchurch Road

20. A pedestrian and cycle only access agreement is proposed onto Woodchurch Road between the properties "Greenways" and "Willow Cottage" some 75 m west of the junction with Knockwood Road. The access details are shown in figure 12 below.

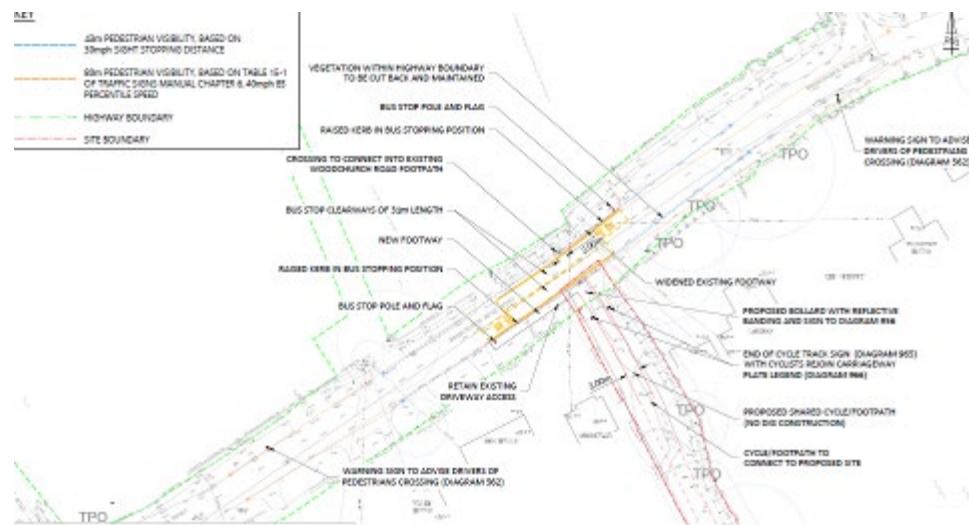


Figure 12: Pedestrian and cycle only access to Woodchurch Road

Traffic calming measures along Appledore road

21. Speed restriction measures are proposed along the Appledore Road to reduce the existing 40mph zone to 30 mph by extending 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 as below.
 - (i) 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;
 - (ii) 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;
 - (iii) The central section of Appledore Road includes a single zebra crossing (located west of Limes Close) with drop kerbs and tactile paving;
 - (iv) 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

;

 - (v) 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
 - (vi) 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.

Full planning permission

- 22 This element of the hybrid application comprises;-
 - (i) The change of land use from agricultural land to land to be used as a 'Country Park' (8.66 ha in extent) and creation of a 'community orchard'.
 - (ii) Land to be used as formal sports pitches (3.33 ha in extent), together with a new pavilion building to serve the pitches. Including accesses, ancillary

parking, pathways, sustainable drainage systems and associated landscaping

23. The proposed country park, would encompass the whole of the eastern part of the site (the whole of Fields F8, 9, 11 and 12), to be a managed natural space. Key objectives for the country park include enhancement of biodiversity and provision of informal recreation. Equipment has been kept to a minimum, including only small areas of timber seating.
24. The country park would encompass a retained and enhanced landscape structure of tree belts, hedgerows, scrub and grassland mosaic, meadows, acid grasslands, and ponds. Likewise, it would provide for the retention of mature and veteran trees, tree belts and hedgerows along historic boundaries to enhance the sites landscape structure. Lost boundaries would be restored, existing ponds and watercourses retained, and enhanced, and extensive lowland meadows managed to enhance biodiversity. In addition, new damp grasslands would be created, informal paths introduced connecting with PRoW to provide public access. Interpretation boards would be provided to explain key features, the provision of trails and a community orchard to enhance community engagement and learning. It would be a 'dark sky' environment with no proposed external lighting. The location of the country park pavilion and sports pitches is shown in figure 13 below.



Figure13. Country park pavilion and sports pitches.

25. A mixed orchard of apple and plums, encompassing a cobnut plat is proposed 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 provide biodiversity and social benefits.

Sports pitches and new pavilion

26. Fields F10 and F14 are proposed to accommodate sports facilities. These comprise the following:

1 x 11 (a side) v11 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 F14

No floodlights are proposed.

27. 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 would form a hub site, capable of supporting local football teams across adult and junior age groups. The pitches would require involve some cut and fill works to provide levelling. A plan showing the proposed sports pitches, pavilion and parking area is shown in figure 14 below.



Figure 14: Proposed sports pitches, pavilion and parking area

28. A new Pavilion building is proposed within the site on the western boundary of parcel F10 adjacent to the proposed new 11 a-side pitch. It comprises a single storey pitched roof building measuring 8 m high to the ridge, 35.7 m in length x 16.4 m wide (max) providing approximately 500sqm of internal floorspace

The pavilion would provide the following accommodation:-

- Two team changing rooms
- Two officials changing rooms
- Physio and first aid room
- Club Room /Drill Hall (80m²)
- 2 meeting rooms (12m² each)
- Office (6m²)
- Kitchen and servery
- Storage (totalling approx. 72m²)
- Spectator toilets.
- 62 car parking spaces.

29. The elevations of the pavilion building are shown in figure 15 below

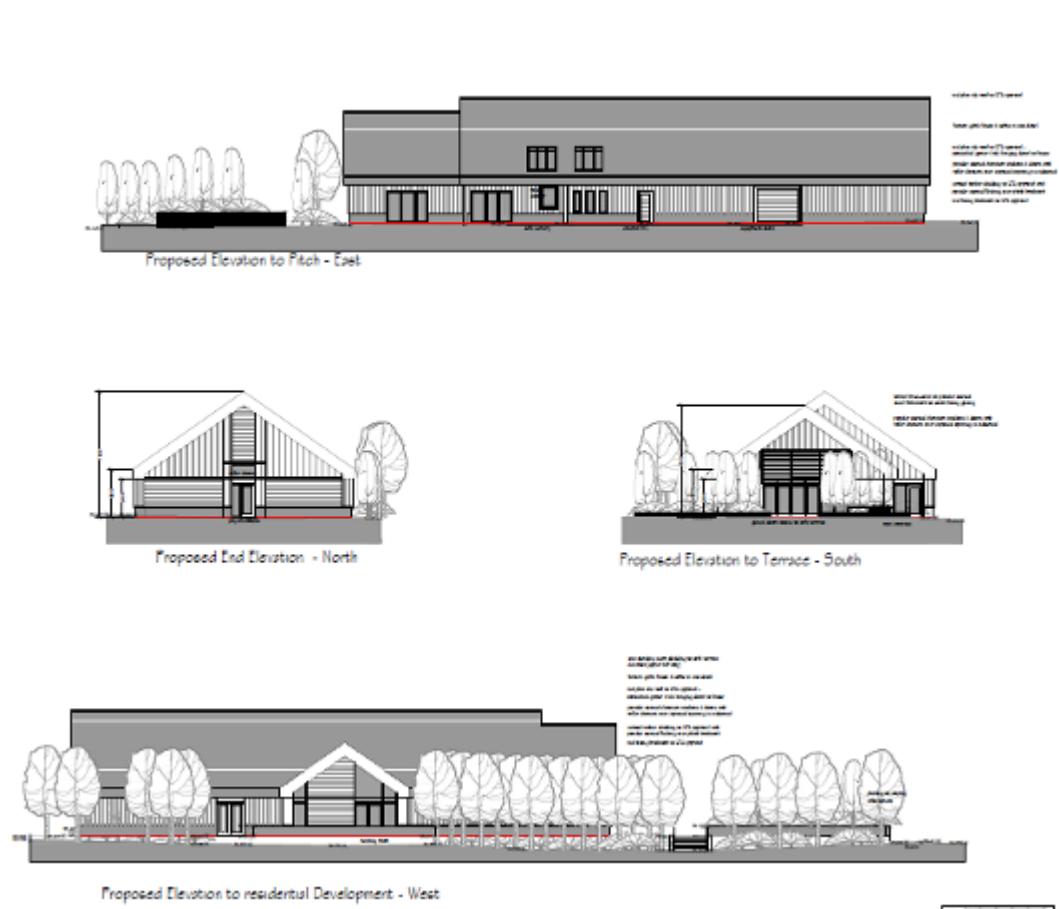


Figure 15: Pavilion building

30. The Pavilion building would be finished in a red plain tile roof, vertical timber cladding and a red facing brick plinth. The windows and doors would be powder coated aluminium with roller shutters over exposed openings Other features are timber brise-soleil on powder coated steel framework to the south facing glazing with feature gables and soffits in zinc detail.
31. The pavilion and sports pitches would be serve by a new car park located south of the 11 a side pitch providing 56 spaces and 4 disabled spaces .It would be connected to proposed main access to the Appledore Road.
32. The following supporting documents have been provided to accompany the application as summarised below.

Planning Statement (PS)

PS1 - Rather than to appeal the previous refusal, the developers 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 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.

PS2 - The proposed changes to the scheme include the reduction in the unit numbers, the reconfiguration of the development parcels; and the changes to the accessing arrangements to 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. The proposed changes to the scheme also 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.

PS3 - The applicant considers the application would generate a significant number of benefits. It would allow the delivery of new homes in an area where such homes are needed, assist in meeting the Council's 5 year housing land supply, provide 50% affordable housing, which is in excess of policy requirement and reflect the fact that housing affordability in the area is getting worse. It would provide open space and recreational facilities for existing and future residents of Tenterden and further afield. It would provide additional employment during construction and operation of the development, additional local spend in the local area, 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.

PS4 - This application is being promoted on the basis of policies SP1, SP2 and HOU5 of the ABLP and the applicant states this application would help the Council meets its housing needs in Tenterden, the second most sustainable settlement in the borough, on the most sustainable greenfield site in that settlement.

PS5 - The applicant recognises in terms of adverse effects, there would be localized effects on the landscape character of the site however they consider that the limited harm identified does not outweigh the significant benefits that have been identified.

PS6 - A single point of access is proposed to the east of field F13, near the existing sports pitch and is a simple priority junction. To accommodate the access one of the Horse Chestnut trees (T43) on Appledore Road is proposed to be removed and compensatory planting provided. They are also proposing to extend the length of the 30mph limit on Appledore Road. A cycle and pedestrian only access arrangement is proposed onto Woodchurch Road.

PS7 - The Pavilion Building has been designed to Football Association standards and comprises a single storey building which is circa 500sqm in size and provides a range of facilities. The building is intended to provide much needed facilities for local football teams and other teams, the cadets and other community uses. The

placement of the building is in accordance with Sport England's requirements. The layout of the 5 pitches has been organized 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 PROW.

PS8 - The applicant explains the country park is to be a managed natural space and that 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 is the provision of formal recreation. It will provide for the retention of mature and veteran trees, tree belts and hedgerows along historic boundaries to enhance the sites landscape structure.

PS9 - 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.

PS10 - Aside from the principle of development, the applicant has also sought to address a number of other issues which are considered material to the determination of the application. These include the housing land supply in Ashford; affordable housing needs; recreational needs; the site's suitability of development; presumption in favour of sustainable development; and the 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 sites 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 amenity of adjacent residents; the effect in highways and transportation terms, the sites 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.

PS11 - Having regard to the above, the applicant believes the proposed development complies with policy HOU5 and would contribute to the Council's Housing land supply requirements / housing need. 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.

PS12 - Outstanding commitments in Tenterden (Tent1A, Tent1B, Pope House Farm and Tilden Gill) amount to 387 dwellings. This will generate a 9.92% increase in Tenterden's existing housing stock of 3900 dwellings. 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.

PS13 - Population increase would not have a harmful impact on the ability of facilities and services to support the population and the need for additional mitigation and infrastructure provision can be secured via Section 106. The 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.

PS14 - 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. The site can be accessed safely by all modes from two points on Appledore Road; and a further pedestrian and cycle access is to be provided from Woodchurch Road.

PS15 - 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.

PS16 - 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 should be afforded no weight in the decision making process.

PS17 - The affordable housing mix would be agreed at the reserved matters stage. An illustrative site layout demonstrates what could be provided – with affordable housing pepper potted across the site. The units would 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.

PS18 - The Country Park, children's play areas and community orchard along with SUDs features and ecological enhancement works will improve the biodiversity of the site overall. In addition the development will look to provide for biodiversity net gain, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change.

PS19 - Concerning deliverability, the site is already under contract to the applicant, it is anticipated the development of the site will start as soon as is practically possible after the grant of planning permission. The site is available for development, is suitable for development, and can achieve the scale of development proposed within the next 5 years.

PS20 - The DAS explains how the built development will integrate with the landscape by combining the green network, the massing of the proposed buildings, the blue network, and road network to create a distinctive sense of place that respects the site and surrounding area. The main negative landscape effects would be localized 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. There would be no significant potential for long view from the High Weald AONB either to the east or south west of the application site.

PS21 - Overall the Arboricultural impacts of the proposed development compares favourably with the refused scheme.

PS22 - The Ecological Assessment (EA) confirms that the application site is not situated within any statutory or non-statutory designated sites. 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 would ensure the protection of these species and biodiversity net gain.

PS23 - The Landscape and Ecological Management Plan provides for the management and maintenance of the landscape works and associated ecological mitigation works and SuDs regime in the long term.

PS24 - 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. The applicant has a strong track record as a considerate contractor and will sign up to a Considerate Contractor's Scheme for this project.

PS25 - 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. A Travel Plan Statement has been provided to demonstrate how the developer intends to try and reduce the use of the private motor car.

PS26 - The FRA submitted with the 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. The Surface Water Drainage Strategy encompasses a variety of sustainable drainage systems (SuDS) that would 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 would provide a betterment over the existing situation. The introduction of a SuDS strategy would also ensure that the proposed development does not exacerbate the potential for flooding elsewhere in the area. Neither KCC as Local Lead Flood Authority or the EA opposed the previous development for a significantly greater quantum of development.

PS27 - The Foul Water Drainage Strategy would connect the development into the existing foul drainage system located in Appledore Road. Southern Water have already made provision for the development in their infrastructure planning.

PS28 - The Heritage Statement advises that the heritage assets identified in the vicinity of the site include St Mildred's Church and the Tenterden Conservation Area, Grade II Listed Stace House and Grade II Listed Craythorne. It is considered 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.

PS29 - 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, could form a planning condition. 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.

PS30 - 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 would fit comfortably into its surroundings.

PS31 - 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.

PS32 - A minerals assessment has demonstrated that the extraction of the small mineral reserve that exists on site would not be viable or practical. Whilst an outline scheme the illustrative layout seeks to reflect the aims and objectives of Secure by Design.

PS33 - The proposed development would 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 would be no adverse impact on day to day services. The proposed development would generate significant economic, social and environmental benefits. 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 site's nature conservation value.

Design and Access Statement (including 'Tenterden Morphology Study') D&A

D&A1 – The aim has been to produce a design which is compatible with the distinctive qualities of Tenterden, which results in wildlife and landscape improvements and is sympathetic to new and existing residents alike. The scheme is 'landscape-led' in that it understands, retains and respects its context, and allows the context to shape the design.

D&A2 – This application now focuses on retaining views to St Mildred's, creating a network of greenways and ecology corridors through the site and a considerable reduction in the approach to density. The result is a much more loose and natural development pattern with abundant greenspaces. Importantly no reduction in country park, sports pitches, orchards and green spaces has been made.

D&A3 – The scheme creates small housing clusters within the historic field demarcations. A new parkland road provides a connection to these clusters, crossing a series of new greenways. Access to these housing clusters from the parkland drive is via a minor rural scale lane and/or mews streets, creating a legible hierarchy of roads for the proposals.

D&A4 – The residential development is primarily 2 storey dwellings set within small clusters created by the natural landscape constraints of the field boundaries and existing drainage. Flats are proposed as 2.5 storeys with rooms in the roof, keeping a lower scale of development and locating these in the more connected settlement edge locations. The density is proposed at 11.74 dwellings per hectare. This compares favourably with recent nearby existing development patterns on the edges of Tenterden which have generated a gross density of between 15 and 23 dwellings per hectare.

D&A5 – The design has focused on realising the overall ecological potential of the site as well as creating contiguous ecological green corridors that space throughout the site.

D&A6 – This hybrid planning application shows the residential development in outline indicative detail 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 would provide much needed affordable and market housing locally for families, and young and old alike.

Avenue Study (AS)

AS1 – The purpose of the study is to appraise the streetscape of Appledore Road, slow traffic speeds, and conserve where possible the avenue of trees that grow along Appledore Road whilst also allowing for the introduction of the new accesses to serve the proposed development north of Appledore Road. The aim is to achieve this while respecting the conservation area and conforming with KCC highway design and safety requirement. It would also reflect AONB guidance.

AS2 – The traffic calming scheme would be blended into the streetscape through the sympathetic use of materials and re-use of kerbs.

Sports Facilities Supporting Statement (SF)

SF1 - The implications of the proposed development, with specific regard to both the impact on the existing (little used) sports pitch (location F13) and the proposed new position (location F10 and F14) have been considered.

SF2 - Currently owned by Tenterden Schools Trust, location F13 is a poor-quality playing field lacking in ancillary features such 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.

SF3 - Also owned by Tenterden Schools Trust, location F14 is currently grazing land. This will be reconfigured and redeveloped to provide junior sports pitches. The provision of a replacement for the pitch currently located on F13 means that the proposals are consistent with the NPPF, Sport England Policy Exception 4 and Policies COM1 and COM2 of the ABLP. Furthermore the construction of the pavilion will mean that the offer is greater than that which exists.

SF4 – The provision of additional pitches to meet demand generated by the development also means that the proposals are consistent with Policy COM2. The on-site provision of other open space typologies as well as off-site capital contributions will ensure consistency with Policy COM2 in these areas.

SF5 – By providing a new home ground for football across a variety of age groups, the proposals will address key issues identified in both the PPS and the Town Council's Sports Facilities Strategy for the longer-term, namely:

- (i) Provision of a new junior grass pitches designed in accordance with Sports England performance quality,

- (ii) Provision of a new club house building,
- (iii)) Development of a ground suitable for the Kent League Premier division.

SF6 – Following the recent completion of the 3G pitch at Homewood School, the facilities at Appledore Road would ensure that all investment priorities have been addressed without recourse to grant funding from the Football Foundation. The facilities at Appledore Road and Homewood School can work in tandem as venues to support the sustainable operation of adult and junior football in the town, providing a catalyst for sustainable growth, with a pathway from mini soccer to senior soccer.

SF7 – Concerning Open Space more generally, the proposals for Appledore Road have the very strong potential to provide the Strategic Hub for Tenterden referenced in the Open Space Strategy, addressing many of the Town Council's identified needs.

SF8 – The Amenity Green Space and Play Spaces will be located in the 12.35-hectare part of the site that is the subject of the outline planning application. Play provision will comprise:

- (i) Two Local Areas for Play (LAP),
- (ii) One Locally Equipped Area for Play (LEAP),
- (iii) An outdoor gym (co-located with the LEAP).

SF9 – The applicant would seek to work in partnership with the Borough Council to identify a suitable organisation that would be consistent with the preferred approach. By providing a draft process for appointment of an operator (or operators) and template Community Use Agreement for the Sports Hub, the applicant has 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.

Transport Assessment (TA)

TA1 – This application seeks to address the previous reasons for refusal. A single point of access for all modes from Appledore Road via field F13 at the eastern end of the site, with a secondary emergency, pedestrian, cycle only access also from Appledore Road are proposed. The previous pedestrian/cycle access onto Woodchurch Road is retained in this development proposal along with new bus stops in its vicinity. The development quantum is lower than the previous application, therefore resulting in fewer all mode (and vehicular) trips associated with its occupation.

TA2 – Discussions with KCC highways officer in early 2021 confirmed that the previous traffic surveys obtained in 2018 could still be used for assessment purposes with relevant growth factors applied. This is due to the data being less than three years old and the fact that KCC consider that collection of newer surveys/traffic data is unlikely to be possible until at least September 2021 due to the current impact of the Covid-19 pandemic and the temporary alterations it has had on traffic volumes.

TA3 – The site is well located being within walking distance of nearby bus stops and within walking and cycling distance of the town centre where there are many local facilities including convenience and comparison retail, banks, hairdressers, cafes, restaurants, a medical centre, and dentist. The site is also within close proximity to Homewood School and the Sinden Theatre. Suitable site accesses have been shown connecting with Appledore Road and Woodchurch Road for all users. The proposals include a suite of traffic calming measures along Appledore Road reducing the existing 40mph speed limit to 30mph, making the road safer for existing users as well as users of the proposed development.

TA4 – The junction assessments have shown that vehicular traffic generated by the development can be accommodated within the existing highway network, with minimal additional queueing expected. The application is also supported by a Travel Plan to ensure that sustainable modes of transport are promoted to future occupiers, to seek to reduce their reliance on travel by private car. The highway assessment makes no allowance for a shift from car based travel to sustainable modes that may be achieved by meeting the Travel Plan goals, and therefore can be considered to be a worst case scenario.

TA5 – It can therefore be concluded that the site meets the tests of the NPPF, in that

- (i) 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;
- (ii) safe and suitable access to the site can be achieved by all users, by way of the two new accesses to Appledore Road and new access to Woodchurch Road; and
- (iii) 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 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.

TA6 – It is therefore concluded that the proposed development at the site would present no material impact on the local highway network. This TA has demonstrated that the proposed development is in accordance with ABC Policy HOU5 and national policy (NPPF), meeting all three transport tests, including sustainable transport opportunities, safe and suitable access and that the impact of the development is minimal.

Travel Plan Statement (TP)

TP1 – The TPS aims to promote sustainable lifestyles amongst new residents and visitors, through reducing the need for travel by private car, (in particular reducing

single occupancy car journeys); providing non-car mode travel options for local journeys; and influencing modal choice.

TP2 – In line with current guidance, sustainable transport measures will be incorporated as an integral part of the site layout design. Car and cycle parking are proposed in line with local standards and the access to the proposed development will be designed to cater for all users and to encourage slow speeds ideal for pedestrians and cyclists. Furthermore, a suite of traffic calming measures are proposed along Appledore Road in combination with reducing the speed limit from 40mph to 30mph; this will improve safety and the environment for both pedestrians and cyclists.

TP3 – The TPS puts forwards a range of non-infrastructure ‘soft’ measures aimed at influencing modal choice for travel to the site, including:

- (i) Measures to promote walking and cycling, including provision of plans showing walking and cycling routes to local facilities.
- (ii) Promotion of public transport, including provision of public transport timetable and routes information.
- (iii) Promotion of a car sharing scheme in Kent.
- (iv) A residents’ travel information pack.

TP4 – A framework for implementation of the TPS is proposed. A Travel Plan Coordinator will be appointed by the developer prior to first occupation to oversee the implementation of the proposed measures. A suggested timetable for the implementation of these measures has been identified.

Flood Risk Assessment & Surface Water Drainage Strategy (SUDS)

SUDS1 - This FRA complies with the NPPF and Planning Practice Guidance and demonstrates that flood risk from all sources has been considered in the proposed development. It is also consistent with the Local Planning Authority requirements with regard to flood risk. The proposed development site lies in an area designated by the EA as Flood Zone 1 and is outlined to have a chance of flooding of less than 1 in 1,000 (<0.1%) in any year.

SUDS2 – The NPPF sets out a Sequential Test, which states that preference should be given to development located within Flood Zone 1. This flood risk assessment demonstrates that the requirements of the Sequential Test have been met, with the location of the site within Flood Zone 1 and ‘More Vulnerable’ classification of the development.

SUDS3 - This flood risk assessment has concluded that:

- (i) The location at which the proposed development is situated within Flood Zone 1, and as such is at a very low risk of flooding from fluvial sources;
- (ii) The site is far enough inland not to be at risk of any tidal flooding event;
- (iii) Flood risk from surface water/sewers is considered low-moderate at the site and the remedial measures proposed will further reduce this risk;
- (iv) Flood risk from other sources – groundwater, reservoirs and artificial sources – is demonstrated to be low.
- (v) The development would have no impact on other forms of flooding.
- (vi) The proposals would 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.
- (vii) The proposed development would increase the impermeable area on site resulting in an increase in surface water runoff if unmanaged. Therefore, surface water from the proposed development would be attenuated and discharged at rates agreed with the drainage stakeholders, utilising the existing surface water outfalls from the site.
- (viii) In order to prevent flooding, both on and off the site, a variety of Sustainable Drainage Systems (SuDS) would be utilised to control surface water flows, including detention basins, ponds, swales, ditches and areas of permeable paving.
- (ix) These features 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, providing a betterment over the existing scenario.
- (x) SuDS features have 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.
- (xi) Improvements and repairs would be carried out to the existing surface water drainage systems in Appledore Road to ensure that their hydraulic performance is no longer compromised.

Foul Drainage & Utilities (FDU)

FDU1 – Southern Water has a foul sewer network in the surrounding roads, including a 200mm Ø sewer in Woodchurch Road and 225mm Ø sewers in Appledore Road. A foul sewer capacity study by Southern Water for the earlier 250-unit scheme confirmed there was insufficient capacity in the existing network to accommodate the site flow.

FDU2 – At a subsequent meeting, Southern Water advised that provision of capacity for the proposed development has been included in their infrastructure planning. In Southern Water's current charging arrangement, offsite network reinforcement works is paid for through Infrastructure Charges and their Capital Works programme. RSK has prepared a preliminary foul sewer general arrangement for the current scheme.

It is sub-divided into two catchments, with separate outfalls into the sewer in Appledore Road via the proposed vehicular entrances.

FDU3 – UPKN has overhead high voltage mains which traverse the site. Diversion of the apparatus will be necessary to accommodate the proposed site layout. The electrical supply for the new development will be taken from the diverted HV main. In view of the predicted load demand from the proposed scheme (including allowance for electric heating and electric vehicle charging), it is anticipated that two or three onsite sub-stations will be required.

FDU4 – SNG has low-pressure mains in Woodchurch Road and Appledore Road. With electric heating in the dwellings, the gas load demand will be low. SGN has confirmed that their apparatus will be affected by the construction of the proposed eastern site entrance in Appledore Road, so localised protection or diversion work will be necessary.

FDU5 – There are portable water mains operated by Southern Water in the area, including a 42" Ø main in Woodchurch Road and a 125mm Ø main in Appledore Road. SEW has advised that, should network reinforcement be necessary to supply the site, this would be subsidised through the Infrastructure Charges.

FDU6 – British Telecom has plant in Woodchurch Road and Appledore Road, from which the site can be serviced. (It is likely that 'fibre to the premises' will be viable for the proposed development). Alteration to the existing plant is expected to be necessary at both of the proposed site entrances in Appledore Road.

Landscape and Visual Appraisal (LVA)

LVA1 – The methodology used, receptors assessed and conclusions reached in this report are entirely independent of the Rummey LVA submitted with the previous application.

LVA2 – 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. All other landscape effects would be moderate or less. However, 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. 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.

LVA3 – 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. 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. The effects on the streetscape of Appledore Road would be minor and negative and the effects on the conservation area would be negligible and negative. The main negative landscape effects would therefore 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. Effects on landscape receptors around the site and further from the site would be minor or less.

LVA4 – 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. The ZTV is based on conservative heights for existing woodland and other structural vegetation around the application site. Even based upon this worst-case assessment the extent of potential visibility is clearly localised, with very little visibility in the wider landscape. 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.

LVA5 – The highest levels of visual effect would be focused on walkers using footpath AB12. 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, 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. Residents immediately adjacent to the site also have potential to experience major/moderate effects in the first few years following completion of the development. For many residents these effects would reduce over time once proposed new hedgerows on the site boundary reach semi-maturity.

LVA6 – 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.

LVA7 – The proposed masterplan seeks to address concerns expressed in relation to the previous application. However, all green field residential developments on the settlement edge will result in at least localised landscape and visual harm, and 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. 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. This design 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.

LVA8 – The masterplan includes broad greenways with fronting homes, which would be accessible from both Appledore Road and Woodchurch Road, and would provide attractive and safe paths to the new country park. 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.

LVA9 – The proposed development (only matters relevant to this landscape and visual appraisal addressed here) would meet the aims of Policy HOU5 points a), e) and f) (i) – (vi).

LVA10 – 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:

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

Arboricultural Implications Report (AIR)

AIR1 – Seven tree preservation orders (TPOs) cover five trees growing within the site and a further seven trees which overhang the site. There is no ancient woodland on this site. The survey recorded three trees (English oak no.345, hornbeam no. 354 and field maple no. 381) that are ancient and three (English oaks nos. 197 and 312 and field maple no. 353) that are veterans.

AIR2 – A total of 488 individual trees, and 50 groups of trees and 16 hedgerows growing with or adjacent to the site were surveyed but since the time of the original survey, a number of trees have been removed, so that at the time of writing 479 remain. Aside from five conifer trees, planted on adjacent private property, all the trees on the site are deciduous and most of native species. For the most part, trees are confined to the hedgerow boundaries, with a few young specimens found within the fields as well as one stand-alone oak tree (no. 327) in Field 1a.

AIR3 – In terms of contribution to the landscape, it is oak, with a far greater number of mature specimens that therefore are larger in size, that dominate and provide the main arboricultural character. Local Planning policies require the retention of trees that are “of landscape significance”.

AIR4 – The individuals and groups of trees within or adjacent to the site, whose attributes are considered to meet these criteria, are as follows:

- the lime and horse chestnut avenue lining Appledore Road which although not immediately adjacent to the site, does correspond with the site entrances and is a significant feature in the local landscape;
- the ancient and veteran trees (nos. 197, 312, 345, 353, 354 and 381) which although not all visually prominent from the public realm (apart from no.197 which is alongside the PROW), are significant in terms of their size, age and ecological values.
- The mature English oak tree (no. 267) called the ‘sentinel tree’ by the design team, is growing on the highest point of the site and is a significant feature in the landscape, visible from the PRoW.
- Twenty individual trees and one group of trees (G39) have been assessed as category ‘U’. These are trees that are unsuitable for retention. There are 34 category ‘A’ trees and 226 category ‘B’ specimens on or adjacent to the site. The remaining 199 trees have been assessed as category ‘C’, 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.
- Of the groups of trees and hedgerows one (G39) has been assessed as category ‘U’; seven (G18, G64, G65, G67, G69, G70 and H3) have been assessed as category ‘A’, 23 as category ‘B’, and the remaining 35 as category ‘C’.
- 46 individual trees and seven groups of trees are to be removed, either because they are situated within the footprints of proposed structures or surfaces, or because they are too close to these to enable them to be retained. For the same reasons, parts of a further eight groups of trees/hedgerows are also to be removed.

Ecological Impact Assessment (ECO)

ECO1 – This report has been commissioned to undertake a Peer Review exercise of ecological assessment work submitted with the previously refused planning application. The purpose of the updated Ecological Assessment being to assesses the ecological interest of the application site as a whole in light of relevant planning policies and legislation. Furthermore, the assessment also sets out how prior Reasons for Refusal for a previous application at the same site, have been addressed.

ECO2 – The development proposals will not result in any adverse effects to statutory designated sites of nature conservation interest. The nature of the development will include large areas of green-open space in addition to the adoption of best practice guidelines during both the construction and operational periods. As such, it is not considered that there remains any potential for adverse impacts upon non-statutory sites.

ECO3 – The site was subject to repeated Phase-1 habitat surveys and walkover survey work between 2016 and 2021. Detailed botanical survey work was conducted within the site during 2016 and 2019. 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. The vast majority of the remainder of the application site comprises grassland of varying quality, albeit all are considered to be herb species-poor and as such are of limited biodiversity value.

ECO4 – The proposals seek to largely retain and enhance those habitats of greatest ecological interest. Where some habitats of better quality will need to be lost as part of construction, this will be limited to only where absolutely necessary.

ECO5 – 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. This includes the incorporation of an 8.6 ha Country Park and incorporation of a biodiversity led green infrastructure network that would permeate through residential areas.

ECO6 – 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, precautionary approaches for those species not recorded on site, however identified to be potentially within the zone of influence, will also be adopted.

ECO7 – In conclusion, 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.

Landscape & Ecological Management Plan (LEMP)

LEMP1 – The Landscape and Ecological Management Plan (LEMP) provides broad principles for long term management of both areas of the site and has been completed with input from the relevant professionals to reflect key landscape and

ecological objectives and strategies for the site. The proposed management of the site reflects the principles of Community Stewardship as set out in Local Plan Policy IMP4, underpinned by Commuted Maintenance Sums calculated in accordance with the Public Green Spaces and Water Environment SPD.

LEMP2 – Further detail on the site management would be provided at the reserved matters stage through a detailed LEMP, which would be reviewed and updated in the longer term to meet the requirements of the landscape as it matures.

LEMP3 – The ecological strategy for the site is considered to be two-fold. In the first instance, widespread and extensive habitat measures will be incorporated within and around areas of development through the implementation of green infrastructure as well as through the creation of the Country Park. The proposed measures would provide a wide range of benefits to faunal species previously recorded within the site, in addition to those which may be present within the wider area.

LEMP4 – Measures will also be implemented directly within areas of development, such as bat/bird/invertebrate boxes, ecologically desirable street planting as well as the distribution of pamphlets to new residents outlining the benefits to maximising biodiversity. The measures are considered to directly provide a range of benefits to faunal species including GCN, breeding birds, invertebrate species, reptiles and bats.

LEMP5 – The implementation of the landscape masterplan would be undertaken in phases. All works within the country park and sports pitch areas would be undertaken in the first phase of development. If consent is granted locally in the Summer of 2021 construction of the Sports Hub would commence in the Spring of 2022, with the pitches and pavilion ready for use in the Autumn of 2023. All other aspects of the landscape scheme related to the residential area would be undertaken in the first available planting season following the completion of each phase of construction.

LEMP6 – The various tasks contained within the LEMP should be reviewed and revised as deemed necessary every 5 years. All areas of the Landscape Scheme will be closely monitored throughout a 5-year aftercare period by a suitably competent professional so that the most appropriate management regime can be defined on an area-by-area basis. This process will identify where the existing management regime requires modification to meet management objectives, both annually and in the long-term. It will be the responsibility of the appointed Management Company and/or Community Stewardship organisation(s) to review and update the LEMP at the end of the 5-year post-construction period and at subsequent appropriate regular intervals.

LEMP7 – It is suggested that the following are appointed:

- (i) A consultant ecologist to monitor the wildflower grassland areas, wetland areas, ponds, hedgerows and treelines, bird/bat/invertebrate boxes and hibernacula, across both the areas of Country Park and in and around the green infrastructure of the development space.
- (ii) Appoint a qualified arboriculturalist to undertake the annual tree inspections and any remedial work; and
- (iii) Contact an independent inspector to undertake the Annual Risk Assessment of the Equipped Children's Play Area; and undertake the more frequent inspections of the Area and street furniture.

LEMP8 – Visual inspections during years 1-5 should be carried out twice a year (at the start and end of the growing season in September/October and March) to check for good strong foliage, and growth, and the success of habitats, so that the most suitable management regime/operations can be defined for the forthcoming year. In years 6-15 maintenance operations would be adapted to reflect the increasing maturity of plating and habitats and visual inspections would be carried out once per year in late September.

Heritage Statement (HS)

HS1 – Heritage has been a key consideration in the design of the proposed scheme. The mature horse chestnut tree within the part of the site that lies within the Conservation Area and positively contributes to its character and appearance will be retained. Hence, the character and appearance of the Conservation Area will be preserved.

HS2 – 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. 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.

HS3 – 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.

HS4 – 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.

HS5 – 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.

HS6 – Furthermore, no harm is anticipated to any other designated heritage assets. With regards to policies ENV13 and ENV14 of the ABLP (2019), the proposals are not in conflict with ENV13 as no harm would occur, nor ENV14, as the tree within the Conservation Area would be retained. With regards to HOU5, the development complies with criterion (e).

Desk Based Archaeological Assessment (ARCH)

ARCH1 – The land has been reviewed for its archaeological potential and a desk based assessment has been undertaken to clarify the archaeological potential of the study area together with a study of the historic landscape.

ARCH2 – Hedgerows, which would be defined as historic under the terms of the Hedgerow Regulations, are present within the study site. The historic field boundaries within the site comprise undesignated heritage assets of local significance. It is therefore considered that the presence of such hedgerows should not preclude development. It is however suggested that development proposals preserve, where possible, the hedgerows themselves or the boundaries they represent, physically or in design.

ARCH3 – The study site has low archaeological potential for significant archaeological evidence for all periods. A high potential for archaeological evidence relating to Post Medieval agricultural activity has been identified in the north-western corner of the study site.

ARCH4 – Documentary and cartographic evidence indicates that the former town gallows stood at a crossroads which lay outside of the proposed development site boundary. The current HER data provides only a general location for the gallows and this is superseded by the information contained in this report and the complementary Historic Landscape Assessment (RPS 2019).

ARCH5 – Any archaeological features that may be present on the study site would probably be of local importance. It is suggested that any archaeological investigation, if required by the Local Planning Authority, could follow planning consent secured by an appropriately worded archaeological planning condition.

Historic Landscape Assessment (HLA)

HLA1 – This document has been updated in accordance with revisions to the proposed scheme in terms of its description and masterplan (March 2021). The conclusions of the initial report still stand, and it remains the case 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.

HLA2 – The presence of ‘Important’ hedgerows and other historic landscape features should not preclude development. The development proposals preserve, where possible, the hedgerows themselves and the boundaries they represent, physically or in design, and have applied the same principle to other historic landscape features identified in the assessment. 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.

HLA3 – The historic landscape character of the site is one exhibiting considerable time depth and coherence, with minimal historic boundary loss and the survival on site of various historic landscape features predating 1845, including hedgerows, mature trees, ponds and trackways. The area of the actual Gallows Green, which also gave its name to a group of cottages and two fields as recorded in the Tithe, 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. Gallows Green, and the likely site of the gallows themselves, has already been redeveloped for housing.

HLA4 – Field names recorded within the Tithe Apportionment and names of important figures associated with the site could be included within the scheme as a nod to its historic past. An outline landscape management plan is being submitted as part of the application to provide a framework for how the historic woodland and other landscape features are to be managed for the future.

Sustainability and Energy Statement (SS)

SS1 – The statement demonstrates that the proposed development will provide a highly sustainable development in terms of its economic, social and environmental sustainability. The proposed development will include accommodation of varying types, tenures and sizes, which will create a real and tangible opportunity for the site, providing vitality and diversification to the area.

SS2 – The key sustainability findings can be summarised as;

- (i) Reduction in carbon dioxide emissions compared to the maximum permissible by the Building Regulations (Part L - 2013) through energy efficiency measures;
- (ii) 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);
- (iii) The water use to each unit will achieve the enhanced standard required by the Building Regulations of 110 litres per person per day;

- (iv) 50% of the homes will be 'affordable' and will be designed to be indistinguishable from other homes;
- (v) Mixed-tenure scheme provides a highly sustainable design with activity throughout the day;
- (vi) 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 community orchards;
- (vii) A new country park will be provided together with sport pitches and pavilion;
- (viii) High standards of environmental construction with compliance to the Considerate Constructors Scheme, a Site Waste Management Plan and other construction management principles;
- (ix) Secured by Design principles will be followed;
- (x) All dwellings will be built in accordance with Part M4(1) of the Building Regulations).

Five Year Land Supply Report (FY)

FY1 – The applicant considers the degree of shortfall more than significant and as such the significance of the provision of homes is evidently enhanced.

FY2 – There are significant benefits of the provision of new homes in Ashford and this scheme will help contribute to addressing the current shortfall in housing supply and the expected lack of delivery until a strategic solution can be found for the Stodmarsh issue.

FY3 - This is a site outside the effected Stodmarsh area and development is urgently needed to make up for what will be a significant period with depressed delivery within the affected area. Even if a solution is found in the shorter-term – which at this stage appears unlikely – it will already have resulted in a lack of new permissioned sites. This in combination with the impacts of COVID-19 will clearly scar the Council's supply, with depressed delivery across the five-year period. The delivery of new homes should therefore be given significant weight in the balance, particularly in the context of both the Council failing the latest Housing Delivery Test (with a measurement of 90%) and the scale of shortfall identified, and the ongoing Stodmarsh issue. Unless new permissions are granted now, an updated five-year supply position is likely to show a significantly worse position than currently presented.

Ground Appraisal (GA)

GA1 – The desk study has shown the site to have remained as an open field throughout its history, numerous ponds were identified and may have been subsequently infilled with unknown material. The surrounding land comprised primarily open space and gradually became developed for residential purposes to

the north east and west. Areas of potentially infilled ground have been identified within 250m of the site.

GA2 – Sensitive uses such as in private gardens with garden activities (including dust being tracked back into buildings) and growing vegetables are considered likely to form part of the end use scenario for this site.

GA3 – It is concluded that the overall risk of harm to end users is generally low but further assessment is likely to be required in order to better characterise contamination on site as result of current and historic land uses and the associated risk to human health and the environment.

Minerals Assessment (MIN)

MIN1 – This Minerals Assessment has been prepared in accordance with policy DM7 of the 2016 Kent Minerals and Waste Local Plan. This assessment demonstrates that mineral extraction is unviable and impractical and the need for the proposed non-mineral development outweighs the need for the effected minerals.

MIN2 – The findings of this report originally produced for the 2019 application are relevant and applicable to the revised 2021 scheme. On this basis the no objection raised by the Kent County Council Minerals and Waste Team to the previous application should be similarly applied to this updated report and the revised scheme which it is submitted alongside.

Agricultural Impact (AGR)

ARG1 – The site was surveyed in detail by the FRCA on behalf of MAFF in 1997 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) and an area of Grade 2 (very good quality) to the east of the site.

ARG2 – 56% of the site is classified as BMV (best and most versatile) land classified as grades 1, 2, and 3a.

ARG3 – The built development has been directed toward the areas of lower quality agricultural land, with 56% (4.9 hectares) of the area for built development classified on grade 3b and grade 4 land and 44% (3.9 hectares) of built development on BMV grade 1, 2, and 3a land.

ARG4 – 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.

ARG5 – As such, 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.

Statement of Community Involvement (SOCI)

SOCI1 – This Statement of Community Involvement has demonstrated how Wates Developments has effectively engaged with the local community and relevant stakeholders in the emerging proposals for Land North of Appledore Road. For over six years it has sought opportunities to engage with stakeholders to listen, engage and learn from their concerns.

SOCI2 – The project team has done the following to make this happen:

- (i) Early engagement with Ashford Borough Council and Tenterden Town Council
- (ii) Partnership with TST and engagement with the Schools and its audience including a presentation to the parents, carers and staff within the trust
- (iii) Over 2,500 households have been written to on two occasions
- (iv) One public exhibition event
- (v) Significant consultation with Kent Wildlife Trust
- (vi) One drop-in session to parents/carers of students at St Michael's Primary School
- (vii) Ongoing engagement with politicians.

SOCI3 – As a consequence, Wates Developments has modified its scheme by:

- (i) Removing housing away from neighbouring properties
- (ii) New orchard introduced to enhance rural view
- (iii) Housing and outdoor classrooms relocated to protect important views.

SOCI4 – Wates Developments has also committed to the following in response to feedback received:

- (i) Quality charter ensuring high quality design and principles are delivered
- (ii) Commitment to work with ABC to ensure the affordable housing is made available to local people / those with a local connection and key workers
- (iii) Submit a management statement with the submission to give more comfort on the future management and maintenance of the different aspects of the scheme. This involved discussions with KWT and the Land Trust on management options for the public open space.

SOCI5 – Wates Developments is confident that many of the identified concerns have been appropriately addressed through the development of the proposals or can be properly managed at a later stage in the development process.

Air Quality Assessment (AIR)

AIR1 – The following air quality effects have been considered in this assessment:

- (i) Generation of dust as a result of construction activities; and
- (ii) Generation of exhaust pollutants from operational phase traffic.

AIR2 – The assessment has been conducted in accordance with the requirements of the Ashford Local Plan.

AIR3 – 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.

AIR4 – 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 effects of the vehicle emissions associated with the operational phase of the Proposed Development on local air quality is deemed to be ‘not significant’.

AIR5 – The five-year exposure cost has been calculated as £30,909. The estimated total cost of proposed mitigation measures 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. In summary, providing the suggested mitigation measures are taken, the proposed development would not have a significant impact on local air quality.

Local Affordable Housing Needs (LAHN)

LAHN1 – There is currently a shortfall in affordable housing delivery across Ashford, which is likely to increase to 2030.

LAHN2 – In Tenterden, whilst existing commitments are likely to provide enough affordable housing to meet newly arising need in the town, there is a significant backlog of affordable rented housing; the applicant estimates this backlog could be in the region of c.100-400 households, of which c.250 would represent an appropriate mid-point.

LAHN3 – In addition to this, the applicant has identified the need for c.215 affordable homes for purchase in the town. Wates’s proposal at Appledore Road would go a

significant way to meeting this need, providing up to 70 affordable homes in a variety of tenures.

Affordable Housing Need (AH)

AH1 – 50% of the proposed units (72 units) are to be set aside as affordable housing units.

AH2 – In terms of habitable rooms it is intended that the reserved matters application ensures that the 1 and 2 bed flats and the 2 bed houses each have 3 habitable rooms, whilst the 3 bed houses have 4 habitable rooms. 7.5% of the affordable dwellings (5 dwellings) will meet M4(3) standards. It is also intended that the reserved matters application reflects the relevant space standards.

AH3 – The affordable units will comprise 18 affordable / social rented units and 54 affordable home ownership units and will be managed by one of the affordable providers in Ashford Borough. The level of affordable housing provision exceeds the requirements of policies HOU18 and SP1(g) of the Ashford Borough Local Plan and should be given significant weight in the planning balance. In addition the nature of the affordable housing provision reflects the current housing need in the area, as set out in the Strategic Housing Market Assessment (2014).

AH4 – In the context of the above, the reserved matters application will ensure that the affordable housing units are designed to reflect the private units i.e are tenure blind, and are pepper potted throughout the development.

Growth and Community Services Assessment (GCSA)

GCSA1 - This report sets out an assessment of Wates' Appledore Road scheme in respect of how it specifically meets the criteria set out in Policy HOU5 criteria (a) by providing an analysis of the size and scale of Tenterden and its facilities and services and how development at Appledore Road is commensurate with these.

GCSA2 – Overall the applicant considers 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. The applicant notes that in the Committee Report relating to Wates' previous larger (250 unit) scheme at the same site it was concluded that the Policy HOU5(a) had been satisfied and this conclusion still stands for the purposes of the now proposed smaller scheme for up to 145 units.

Planning History

Consultations

Ward Member: No formal comments yet made.

Cllr John Crawford: Objects commenting in summary:

"This site known as Limes Land is considered a precious green space jewel within the parish. Its iconic landscape, wild beauty and amazing walks are a magnet to the community and visitors further afield.

This application has galvanised the residents in North Ward and South Ward to highlight this application is harmful to the site, as it is not compliant with the following NPPF policies:

1. Plan Making
2. Conserving and enhancing the natural environment
3. Conserving and enhancing the historic environment
4. Meeting the challenge of climate change and flooding
5. Promoting healthy and safe communities
6. Promoting sustainable transport
7. Achieving well-designed places
8. Building a strong, competitive economy

It is disappointing that minimal attempt has been made to create a comprehensive and reality checked baseline for critical basics such as the sites rich and rare biodiversity, landscape, hydrology, traffic, contamination and many other themes.

The original application 19 / 01788 was refused by Ashford LPA committee for very good reasons. This second attempt still has the same illustrative spatial plan, there is no change to their flawed mitigation and the consequential material harm is the same.

The new masterplan has the same spatial footprint as before. The baseline and assumptions used by the agent for net loss / gain calculations are seriously flawed. Kent Wildlife Trust has picked up on these very points and state that the development will lead to a net loss.

Development of this site would result in the protrusion of the built form into the countryside, which would be incongruous and harm the wider landscape. It would lead to the loss of well-used, peaceful open space and damage to the natural environment, and it would harm the visual amenity of existing residents and walkers on the PROW.

This site has been deemed unsuitable for development by all previous planning applications and site assessments. There have been no material changes to this

greenfield countryside site and its surroundings in previous years to justify a reversal of these decisions.

Any development on this site should be viewed within the wider context of other ongoing residential development in the town and surrounding area. A development of 145 dwellings added to the hundreds of new homes already planned for the town, would increase the local population by a very significant amount. This is disproportionate in terms of scale and unsustainable in terms of existing local infrastructure provision, local employment opportunities and road capacity. The cumulative impact would be intolerable and non-absorbable.

This proposal for many reasons stated above will significantly harm the three pillars of sustainability. It is concluded that the scheme would not comprise sustainable development by any standard. The material harm would clearly outweigh any claimed benefits of the development proposal.

Therefore this application should be rejected.”

“Though the revised NPPF is incremental and not revolutionary, it gives a strong indication of travel regarding sustainability criteria. This application will cause significant material harm in so many ways”.

“Lichfields is just grasping at straws with the issues of Stodmarsh, which is quite a unique issue in England and has no bearing of housing needs of Tenterden. Their sole purpose is to highlight the current problem without any concern for the repercussions on the development impact of the market town of Tenterden.

Lichfields have ignored the profile of house movers looking for new homes in Kent, particularly those that are economically active. Sustainability has not been forensically considered in their apparent skewed deliberations to support Wates application.

With regard to planning balance, the conclusion of Wates Application is that the benefits are of limited weight. Whereas, there is significant negative weight due to the harm the development would cause to the: character and appearance of the area; rare biodiversity species; economically active adults requiring work with unsustainable transport; negative impact on congested roads with the consequences [of discouraging] tourists and visitors which are vital for the town’s economy. The list of harm goes on.

The population grown considerably over the last few years and will continue to do so with the rollout of the allocated sites.

Manageable small windfall organic growth is the best approach for the town from a sustainability point of view.

The Stodmarsh solution has now been identified and will be realised.

In conclusion, the proposal conflicts with the development plan “read as a whole”. Any perceived benefits are overwhelmed by the negative implications of this application.”

Cllr Roger Quinton (Chair of TTC Climate Change Committee). Comments:

‘The applicant has imposed a target of achieving 31% reduction in emissions across the site, as compared with homes of similar spec to those proposed. However their calculations are only based on technologies that might be used – all of this is subject to the reserved matters stage. Most of what is proposed is standard building practice and/or required to comply with building regulations.

I am disappointed that no commitment has been made to incorporate innovative energy-saving technology, for example how the homes will be able to withstand rising temperatures without using energy-consuming air-conditioning. The proposed development could have been an opportunity to utilize and showcase futuristic eco-friendly technology but unfortunately this Statement doesn’t even mention providing EV charging points. They state that renewable and low carbon technologies will be considered for installation to provide heat and electricity, however they reject wind turbines as too noisy and unattractive; they reject CHP as uneconomical, despite it’s potential to deliver significant CO2 savings; they reject ground source heat pumps due to lack of space, and cost; they reject solar hot water panels for the majority of dwellings due to impact on internal space. PV panels for electricity are considered suitable, however their calculations are based on 338 panels, which works out at 2.3 panels per house. How does that work? In any case, the applicant is careful not to say they will actually provide the. Air source heat pumps are thought to work well for the larger houses only, and again, they make no promise to provide them. Furthermore, they state that the majority of the homes will be suited to the use of gas combination boilers. It is highly likely these will be phased out for new builds in 2025 because they burn fossil fuel, which is contributing to global warming. It is irresponsible of a developer to be using this technology in view of its harmful emissions. For this reason the suggestion that they could use Flue Gas Heat Recovery technology, which works alongside gas combi boilers, is unacceptable.

There is nothing encouraging in this statement; it’s all based on supposition, there is no commitment to eco-friendly technology, there is no indication that they will provide anything beyond the bare minimum they need to comply with standard building requirements, and as they state themselves, the ultimate solution will depend on cost and what is available when the reserved matters application is finalized.’

Tenterden Neighbourhood Plan Steering Committee: in summary comment:

Limes Land is prominent amongst the 14 sites included in the Tenterden Neighbourhood Plan for Local Green Space designation. Its unique ecology, historical, recreational and landscape features more than justify its preservation and designation as a Local Green Space for the future use and enjoyment of the Tenterden community and its indigenous wildlife.

Neither of the two fields in ownership of Homewood School & Sixth Form Centre also featured in Application 21/00790/AS are included in the Tenterden Neighbourhood Plan for LGS designation, although they are recommended for recreational Open Space protection. It should be noted however, that the line of 21 oak trees surveyed in January 2020 with permission of the Tenterden School Trust, include a number of veteran specimens which qualify for further protection in accordance with para 175c) of the NPPF.

KCC Economic development

Request the following contributions/conditions:-

- (i) Community learning £16.42 per dwelling towards new equipment and resources for the new learners at Tenterden & Ashford AEC's.
- (ii) Youth £65.50 per dwelling towards additional resources for Youth services in Ashford Borough.
- (iii) Libraries £55.45 per dwelling towards additional services, resources and bookstock for Tenterden library.
- (iv) Social Care £146.88 per dwelling towards Specialist Care Accommodation in Ashford Borough and all homes built to Wheelchair Accessible & Adaptable standard in accordance with Building Regs Part M 4 (2).
- (v) Broadband: A condition for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic.

NHS Kent and Medway Group (CCG)

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

Request Section 106 planning obligations towards General Practice of £125,280 based on 145 units towards refurbishment, reconfiguration and/or extension of primary care premises within the Ashford Rural PCN.

This proposal will generate approximately 348 new patient registrations. The proposed development falls within the current practice boundaries of Ivy Court Surgery. There is limited capacity within existing general practice premises to

accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises.

In addition it is requested that any agreement regarding a financial contribution;

- (i) Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practices detailed above.
- (ii) Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.
- (iii) Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.

Kent Fire and Rescue. Comment:

“The off-site access requirements have been met”.

Ramblers' Association, Kent Area. Comment:

“I object to the application as the proposal concerns a site not permitted in the Tenterden and Rural Sites Development Plan Document of the ALP 2030, the proposed development would significantly damage the town’s character and setting, is on a greenfield site and would involve the extinguishment of PROW AB70”.

ABC Housing Services. Comment:

“Under Local Plan policy, the site lies within the rural area as identified and defined in Policy HOU1 in the borough council’s Local Plan. Therefore, the policy compliant position means there will be an expectation of 40% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).

The application suggests that 145 homes are coming forward on the site on this revised proposal. Therefore, the policy compliant position would see 58 units coming forward as affordable housing on the site. We would require 15 units for affordable rent and 43 units for affordable home ownership, 28 units of which must be for shared ownership and 15 units for either shared ownership, or an affordable home ownership product, to be agreed with the development partnership manager within the authority.

We note however that the applicant is stating that 50% of units delivered on this site will be for affordable housing... 18 for affordable rent and 54 for affordable home ownership. This is welcome. However, it must be noted that while the applicant has

quoted some of the statistics from the local needs survey undertaken by the rural housing enabler in 2020, that survey does talk about the unaffordability of home ownership products to a lot of the respondents. Indeed, of those who did reply, only 12 possibly 13 could actually afford the home ownership tenure.

We would expect the properties to meet the Nationally Described Space Standards. In the case of the 2-bed homes proposed we would expect four bed spaces to be provided and in the case of 3-bed homes we would expect five bed spaces to be provided. In the case of 4-bed properties we would expect to see eight bed spaces provided.

Obviously the detail would come forward at reserved matter stage but we would be looking for 1-bed, 2-bed and 3-bed accommodation as identified in the local needs survey for affordable rent, and mainly smaller affordable home ownership properties to keep the affordability for potential customers.

We are currently concerned about the feedback from RPs on shared ownership flatted units, and would welcome as many houses for rent and shared ownership as possible at a future stage.

The affordable housing statement by the developer is welcome, as we would expect the units to be spread throughout the site rather than positioned in just a cluster. This is integral to creating a mixed and balanced community. Most importantly, we would also expect the affordable housing properties to be visually integrated into the site and not discernible from the open market dwellings – this is essential and referenced in the new Social Housing White Paper.

In line with Policy HOU14 of the local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable. The onus is on the applicant to indicate the specific plots that will be provided within this standard. And as the affordable housing statement identifies 7.5% of the affordable rent units will be M4(3) standard. Nearer the time, subject to relevant permissions, we might identify a plot and match this to a family and perhaps ask the developer to work with that family and maybe an OT. However, that is for the future.”

Scotia Gas Network: Comment in summary.

Provide mains records for the proposed work area.

There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system.

Safe digging practices in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used.

UK Power Networks: Comment in summary.

The applicant should contact UK Networks should excavation affect Extra High Voltage equipment.

KCC Flood & Water Management: Comment in summary.

This letter amends an earlier consultation response provided on 22 July 2021 which we would request be withdrawn. Further information has been provided to respond to our consultation response on 8 June 2021 including complete Appendices I and J as well as greenfield runoff rate calculations. For ease of reference, the comments below refer to the latest pdf versions of the extracts of the appendices.

The Flood Risk Assessment states that the existing total site area is 23.34 ha, of which it is based on the indicative layout to result in 3.184 ha becoming impermeable (Chapter 9, FRA). The site has three existing outfalls. The site is currently crossed by a number of ditches with ponds that receive surface water flow from a developed area to the north, as well as serving the undeveloped site area. These are shown with the existing features on drawing Existing Ditch, Ponds and Surface water Drainage Features in Appendix J1. The catchment per outfall is shown on drawing Overland Flow Routes and

Catchment Areas in Appendix J2. Catchments 1 through 5 contribute to the three outfalls to the south towards Appledore Road. The existing ditches which cross the site direct flows to these outfalls: currently Catchment 1 and 2 contribute to outfall 1, catchment 3 to outfall 2 and catchment 4 and 5 to outfall 3. We have not provided a review of catchments which are not affected by proposed development and will constitute the country park as they remain unchanged.

Our pre-application discussions with the applicant did highlight the contribution from the public sewer system from the north. A separated public surface water sewer which is located in Eastgate Road crosses a private residence on Woodchurch Road to contribute to a ditch on the northern area of the site, which would contribute to the current outfall at 13 Appledore Road. The proposed development will result in control of surface water from developed impermeable surfaces for all rainfall events up to the 1 in 100 year plus 40% climate change adjusted rainfall.

Kent County Council as Lead Local Flood Authority has the following comments:

1. The applicant has provided Microdrainage network analysis (Appendix I) which provide only a summary of critical results for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus 40% climate change adjusted rainfall event. Summary of impermeable areas per node has not been provided for ease of reference and review. This information is sufficient to demonstrate the provision and details for the cellular storage, porous car parks, swales and other attenuation and discharge controls within the proposed drainage system.
2. However, the summary of critical events tables are not sufficient to understand the operation of the proposed drainage system. Though this may not be significant, flooding appears to be indicated within Network 1 at the last two manholes for the 1 in 30 and the 1 in 100 year plus 40% rainfall events. Further information is required

for all three networks for the range of rainfall events including the 1 in 100 plus 20% climate change event.

3. In the site walkover of 8 March 2018, three locations of potential for inflows into the site from properties on Woodchurch Road were identified: (1) rear of the Old Coach House (2) rear of Linford/Carinda, and (3) ditch system following Willow Cottage boundary. The public sewer connection for location (2) is referenced in section 6.7.1 of the Flood Risk Assessment; however, the other two potential contributing systems have not been discussed within the report. Further information should be provided as to the significance of the contributions from these two locations and how they are accommodated within the proposed drainage network.

4. The off-site contribution from the rear of Linford/Carinda connects at Node S17 (Appendix J4, Proposed Surface Water General Arrangement Sheet 1 of 2). The immediate drainage lengths below this outlet are retained as open channels, whereby retaining capacity for the flows which are contributed into the drainage system. Though a connection is shown on the drainage drawings, the Microdrainage calculations do not appear to account for an off-site contribution through an input hydrograph at Node S17 or contributing area for Pipe number 3.000. It is appreciated that we may have overlooked something in the way that this is modelled but we would seek clarification on how this contribution to the drainage system is accounted. The concern is that there are culverted sections downstream in this network which would have to accommodate this flow. The outlet is controlled to discharge at 5 l/s so any attenuation provided within the system would have to accommodate an additional volume of water.

5. Outlet 2 discharges to an existing culvert at Node S15. Flows are attenuated prior to S15 by a hydrobrake manhole at S14 to a discharge rate of 10.2 l/s. This outlet also receives surface water flow from the retained ditch channel represented by pipeline length 1.008 through to 1.011 (Appendix J3, Proposed Surface Water General Arrangement Sheet 2 of 2). No areas are noted as contributing to these channel lengths. Though the channel lengths are retained at the current capacity, the network modelling indicates a control at 1.012. Therefore, there is a concern that additional contributing area will impact the operation of the channel. The Microdrainage network model results are not sufficient to demonstrate the operation of these drainage elements.

6. At pre-application discussion we had informed the applicant that integrating any drainage provision with the existing ditches that the impermeable areas for the new development would be that which was managed and controlled with discharge to the existing watercourse system. However, the development layout crosses the existing ditch system as well as providing for diversion of surface water. It is not clear that the positive drainage system serving the impermeable areas (roads/dwellings) will not also receive surface water flows from permeable areas (green space). In addition, the proposed flow controls are placed in line (ie. within the piped network) at the outlets. This in effect is controlling all surface water contributions from the site area. It would be beneficial if:

- a) an impermeable areas plan is provided and a review undertaken against ground levels to confirm contributing areas;
- b) a contributing area table is provided within the Microdrainage results;

- c) the existing areas contributing to current outlets are compared to proposed areas to confirm that all catchment areas are accounted for which may contribute to surface water flow at each outlet; and,
- d) a table was provided which states pre- and post-development discharge rates for the entire site, for each catchment, for each of the outfalls to demonstrate the reduction and controlled discharge to Appledore Road.

7. A Critical Hydrological Drainage Features drawing (Appendix J8) shows the location of proposed attenuation ponds and swales/ditches. It would be beneficial if this drawing also included the ditches which will be retained and form an active contribution to surface water conveyance.

8. The housing layout is shown on the surface drainage layout drawings. In several instances, house footprints are shown over the top or in close proximity to the retained ditches. This needs to be reviewed as it would not be accepted. Usually we would recommend a maintenance buffer of 5 to 8m.

9. We are aware that concerns have been raised as to the proximity of some drainage features on the boundaries with other residential development. Adequate separation distances appear to have been provided for maintenance purposes. In relation to any increased water logging, it is anticipated that engineering design can mitigate any potential impacts. It would be recommended that this concern is addressed to the applicant for a considered response. The construction of a positive drainage system will result in a reduction of surface water peak flows to the outlets in Appledore Road. In controlling surface water flows from impermeable surfaces to 4 l/s/ha there will be a reduction in final outflows; therefore the final outcome is expected to provide a significant benefit to surface water flows downstream.

The current lack of clarity for the management/contribution of greenfield areas that will remain after development still needs to be addressed. It is not stated clearly as to the level of reduction and that all surface water contributing areas are accounted for in the design. We would therefore recommend that further information is provided to address the comments above before this application may be determined.

Weald of Kent Protection Society: Comment in summary

The adjustments made to the application will not resolve the fundamental objections made by ABC and WKPS. This development will destroy a rural and recreational wedge of land on the edge of Tenterden which is not included in the ABC 2030 development plan.

The application should be refused on the same grounds as the decision under 19/01788/AS.

High Weald AONB: Comment.

It is the responsibility of the Local Planning Authority to decide whether the application meets legislative and policy requirements in respect of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to ‘the purpose of conserving and enhancing the natural beauty of AONBs’ in making decisions that affect the designated area. The National Planning Policy Framework paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.

The Planning Practice Guidance on development in the setting of AONBs says “Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account”.

The High Weald AONB Management Plan has been adopted by all the relevant local authorities with land in the AONB as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan defines the natural beauty of the AONB in its Statement of Significance and identifies the key landscape components of the High Weald. The Management Plan then sets objectives for these components and identifies actions that could conserve and enhance the AONB. These should be used as a ‘checklist’ against which to assess the impact of proposals on AONB purposes. A template is provided in the Legislation and Planning Advice Note.

In the event that the Local Planning Authority considers that the principle of development is acceptable, it is recommended that the following detailed requirements are met:

- The High Weald AONB Design Guide should be used to ensure that the design of the development is landscape-led, locally distinctive and conserves and enhances the setting of the AONB;
- The High Weald Colour Study should be used to select the colours of external materials of structures so that they are appropriate to the setting of the High Weald AONB landscape;
- Drainage proposals should seek to restore the natural functioning of river catchments and avoid polluting watercourses, especially where these flow through the AONB downstream of the application site (Management Plan objective G1);
- A Management Plan for the Country Park and other areas of open space should be a requirement of any planning permission. It is requested that the High Weald AONB Unit be involved in the details of this Plan and be invited to participate in any liaison groups to advise on the future management of the land;

- Local habitats and species should be protected and enhanced as appropriate, creating networks connecting into the High Weald AONB (Management Plan objectives G3, R2, W1, W2, FH2, and FH3);
- Native, locally sourced plants should be used for any additional landscaping to support local wildlife and avoid contamination by invasive non-native species or plant diseases (Management Plan objective FH3); and
- Controls over lighting should be imposed (Institute of Lighting Professionals recommended light control zone E1) to protect the intrinsically dark night skies of the High Weald (Management Plan objective OQ4).

The above comments are advisory and are the professional views of the AONB Unit's Planning Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

KCC Highways & Transportation: Comments in summary.

Only one vehicular access is now being proposed to the east of the site off Appledore Road together with an emergency / pedestrian / cycle access in the location of the previously submitted western access point on Appledore Road. This is acceptable to KCC Highways and Transportation as the access points meet the parameters of a Major Access Road in the Kent Design Guide. The location of the eastern access point will result in the loss of a horse chestnut highway tree and so KCC Highways and Transportation have undertaken a CAVAT value of the loss of the tree.

The proposed footway / cycle way connection is also being promoted as per details submitted previously onto Woodchurch Road together with the provision of two new bus stops. Again this is acceptable.

Junction capacity assessments have been undertaken at six junctions as well as the proposed site access point in order to determine the impact of the proposed development as well as including committed developments and background traffic growth. Future years of 2023 and 2026 have been used for the junction capacity assessments for all of the above junctions and also included are the committed developments known as Taylor Wimpey / Dandara scheme (TENT1) and Tilden Gill scheme, Redrow. The potential traffic from TENT 1b (allocated for 225 units) has also been included in the junction capacity assessments as requested by KCC Highways and Transportation as a sensitivity test. Traffic growth factors have also been included in the junction capacity assessments.

A28 High Street / East Cross / Recreation Ground Road

This signalised junction is predicted to go over capacity with a degree of Saturation of 91.5% on the A28 High Street east Left, Ahead arm in a 2023 AM Peak scenario with committed developments and the proposed development. The proposed

development will worsen capacity on this arm by just over 2% together with a two vehicle queue increase. Overall the capacity of the junction will worsen by 1%. The junction will operate within capacity in a 2021 PM Peak scenario. In a 2026 AM Peak scenario with committed developments and the proposed development the capacity will worsen to 93.8% on the A28 High Street east Left, Ahead arm resulting in an increase in three vehicles. Overall the junction capacity will worsen by 2%. Although this is a slight worsening in capacity an increase in queuing of three vehicles is not considered to be severe in accordance with the National Planning Policy Framework. The sensitivity test with the higher trip rates demonstrates a further slight worsening in capacity to 94.0% on the A28 High Street east Left, Ahead arm.

The applicant is however suggesting to increase the cycle times from 100 to 112 seconds in the morning peak hour and 90 to 100 seconds in the evening peak hour to mitigate the impact of the proposed development. By increasing these cycle times the highest degree of saturation reduces from 94% to 90.1% and provides a nil-detriment scenario and is therefore acceptable to KCC Highways and Transportation. The practical capacity improves by 2% in the AM Peak compared to a without development scenario and also 2% in the PM Peak. These changes to the cycle times should be secured prior to the occupation of any dwelling on site.

A28 Ashford Road / Beacon Oak Road Junction

The Tilden Gill development has delivered a roundabout at this junction in order to provide extra capacity for the Beacon Oak Road arm of this junction. The constructed roundabout scheme has been assessed for all the above future year scenarios. The results demonstrate that the roundabout will have ample capacity to accommodate development traffic associated with this proposal and all arms will operate within capacity with a maximum queue of four vehicles in the PM peak on the Ashford Road North arm in a 2026 future year scenario. All other four other existing junctions and the proposed site access junction will operate with plenty of spare capacity in a 2026 future year scenario.

I subsequently have no objections to the planning application subject to the following planning conditions / Section 106 Legal Agreement attached to any planning permission granted:

OUTLINE

- 1) Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
- 2) Before and after construction of the development, highway condition surveys for the highway access route on Appledore Road should be undertaken and a

commitment provided to fund the repair of any damage caused by vehicles related to the development.

- 3) Changes to the cycle times at the A28 High Street / East Cross / Recreation Ground Road traffic signal junction with details to be agreed in writing with KCC Highways and Transportation prior to the occupation of any dwelling on site.
- 4) Provision and permanent retention of vehicle parking spaces for each residential dwelling (in accordance with the Ashford Local Plan parking standards or any other standard hereby approved) in accordance with details to be submitted to and approved by the Local Planning Authority.
- 5) Provision and permanent retention of secure, covered cycle parking facilities for each residential dwelling in accordance with details to be submitted to and approved by the Local Planning Authority.
- 6) The proposed roads, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
- 7) Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Total of £34,213 towards funding of additional tree planting within the vicinity of the site based on the CAVAT value of the loss of the existing highway tree (number 43) on Appledore Road.

This should be payable prior to the commencement of any development on site as the tree will need to be removed in order to install the proposed vehicle access point onto Appledore Road.

Kent Police: Comment.

We request a condition for this site to follow SBD Homes 2019 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be

subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site and neighbouring country park. These areas must be well lit and covered by natural surveillance from neighbouring properties. The country park must have natural sightlines which are not obscured by planting of trees or shrubs.

2. Emergency access routes are only to be used when the primary route is blocked. The plan shows an access route through the south west the site. If this route is for emergency vehicles (i.e. KFRS) we understand it needs to be a minimum of 3.7m wide for fire service appliances and a folding bollard may be required to their standards. We recommend that this is checked by KFRS. We require vehicle mitigation such as kissing gates at the start/ end to each path to prevent mopeds, or similar, from using this walk way if it is to be used solely as a pedestrian access point into the site.
3. Perimeter, boundary and divisional treatments must be 1.8m high. Any service alleyways must have secure side gates, which are lockable from both sides, located as close to the front building line as possible.
4. Pedestrian routes through the site do not meet SBD guidance and would result in pedestrians using areas with minimal natural surveillance and lighting. We would strongly recommend the installation of pavements on all streets to avoid vehicle and pedestrian conflict, the current plan shows shared vehicle/ pedestrian areas to some properties.
5. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or sold secure ground or wall anchors can help provide this. We require all parking areas to have natural surveillance from active windows (i.e. a kitchen or living room) as parking to the rear or side of the property can create limited surveillance for the occupier unless side elevation windows are installed. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
6. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
7. Corner properties require defensible spaces to avoid desire lines that can cause conflict. This can be provided by planting of prickly plants or knee high rails/ fences, for example.
8. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be

easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

9. We recommend bicycles are stored in lockable and secure sheds with a ground or wall anchor, as mentioned above under point 4.
10. Play areas must be fenced with an auto-close gate to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime. The equipment proposed on the play area plan is advised as it does not obscure surveillance, therefore increasing safety. We recommend the sales team advice potential buyers of the plots close to the play area of its location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints.
11. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
12. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
13. We recommend a provision of a lighting column to be wired for a community safety unit ASB camera, should ASB occur near the play area and pavilion site.

For the pavilion we advise;

- External lighting be installed, especially within the parking areas.
- CCTV is installed to cover access doors, parking areas, cycle parking and any vulnerable areas such as the seating area and steps adjacent to the football pitch.
- Alarms be installed on the building, preferably with an auto-dial function
- To prevent misuse and ASB within the parking area overnight we recommend installation of swing arm and height restriction barriers or gates – lockable in the open and closed positions to protect the entrance road, to prevent/deter unauthorised vehicle access and anti-social vehicle misuse, fly tipping etc.

- We recommend shutters fitted flush to the building line externally or internally to protect the glazing and doors. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013.
- Bin Stores to be secure, lit and, if in an area with limited natural surveillance we recommend CCTV cameras be installed.
- Any potential purchasers of the properties opposite the football pitch must be informed during the buying process to avoid future conflict and complaints.

If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

Kent Public Rights of Way: Comment in summary

Public Footpath AB12 would be directly affected by the proposed development and is a material consideration.

KCC PROW have no objection to this new application with reduced housing as there is no change to previous responses and engagement with the applicant regarding the incorporation of Public Footpath AB12. Recognise that the views and visual impact to the East of AB12 northern end would now be improved by the proposed country park. East of AB12 southern end at the pavilion and sports pitches again reflects previous response.

However must draw attention to the recent claim of a new Public Footpath circulating the site and that an Order to record a Footpath has been made. As an objection was received, the Order has been submitted to the Secretary of State for determination and if the Order is confirmed, this will have a major impact on the proposed development. We estimate that it would be at least a year before the necessary public inquiry would take place as The Planning inspectorate have a significant backlog of cases. Please see attached documents for reference. If determined, this route must be incorporated into the development both through the Country Park to the East and the housing to the West. The eastern route of new Public Footpath AB70 would appear to run the route of the proposed paths which would easily align with the Order route with minimal amendment. The route of AB70 through the housing on the western side would require diversion under The Town and Country Planning Act if the Order is confirmed. We therefore advise engagement with KCC PROW as a matter of urgency to resolve this route alignment and specification.

Tenterden Town Council:

Object on the following grounds.

Policies Are Not “Out of Date”

Despite the 4.8 year land supply, the committee does not consider the 2030 ALP Policies to be out of date as there is no indication in the NPPF Para 11D to suggest any expiry of the plan would automatically render the policies in the plan “out of date”. This is supported by case law (Peel Investments Limited and Secretary of State for Housing, Communities and Local Government / Salford City Council).

S38(6) of the Planning and Compulsory Purchase Act 2004 advises that determination must be made in accordance with the plan unless material considerations indicate otherwise. We do not consider the 4.8 year land supply being a significant shortfall. The harm resulting from this application upon the character, environment and visual amenities of the surrounding area together with the harm to sustainability would clearly outweigh the benefits of additional housing.

Windfall

Since the adoption of the local plan, 101 windfall dwellings have been permitted in Tenterden. Tent1A is also providing an additional 5 dwellings, making a total of 106. Tenterden’s contribution to windfall is therefore proportionate and fair. With Tilden Gill development of 100 dwellings, the completion of Tent 1A next year, followed by Tent 1B, plus no doubt many other additional infill developments, there is no justification for further major housing developments in this current planning period. Tenterden’s contribution to land supply is also proportionate.

Not Compliant with Ashford Vision

The vision is very specifically worded. The key statements are:

1. To protect the setting and character of our rural town of Tenterden while still enabling evolution to take place in a natural and managed way;
2. To conserve and enhance its historic centre and accommodate development of a suitable scale, design, and character;
3. Limited growth for Tenterden with a focus on growth for Ashford;
4. The high quality of Tenterden’s landscape setting and its intrinsic historical character are factors that suggest new development in the town should be, ‘ limited, phased, and very carefully planned’;
5. Moving away from the allocated sites can quickly lead to unsustainable development which will harm the environment. It continues to say that the countryside is not a sustainable location for large scale development.

The proposal is not limited, not carefully planned, nor of a suitable scale. This application would seriously harm the provision of local amenities, services, and the environment. If the vision was to be ignored, this would put unacceptable strain on the town and the three pillars of sustainability.

This proposal is located outside the built-up settlement, presenting significant visual harm to a nationally protected rural landscape. It would urbanise this site's appearance, a harm magnified by the elevated position of the site.

Tenterden Schools Trust (Homewood School) has not sought permissions from the Secretary of State for Education for the disposal of Appledore football pitch. Normally there would be a presumption against disposal by the department. In our opinion, the site is therefore not deliverable.

If the football pitch and abandoned cricket pitch were restored, there would be no need to provide additional pitches. Tenterden Town Council has attempted to negotiate a lease with the School without success.

Does not comply with SP1 Strategic Policy

1. This application will not "conserve and enhance" "the identity and attractive character of the Borough's rural area. Nor will it "conserve and reinforce" Limes Land site L23 within the Ashford Landscape Character SPD.
2. It would be incongruous, intrusive, and damaging to the character of the settlement and the surrounding landscape.
3. The recent Ashford SHELAA report highlights this site is peripheral to the town centre. Development here could have a significant impact on the existing rural character for this part of Tenterden and the AONB setting.
4. A critical local green space and lung would be lost, as well the harm to a distinctive identity and rolling landscape.
5. It is located outside the town's settlement boundary and seriously encroaches into Tenterden's Weald biodiverse landscape blessed with rich biodiversity.
6. Rings the rural town of Tenterden with high density urban sprawl.
7. Does not grow or innovate the local economy. There is no independent evidence supplied to support this assertion.
8. Does not provide access to sustainable transport. Suggestions include the provision of rural bus timetables – a close reading of which would highlight the lack of such services.

A site of this size adversely impacts on local amenities, services, and infrastructure, together with harming to the environment in a manner that cannot be mitigated. This development would be un-absorbable.

Does not comply with SP2 Strategic Approach

SP2 says:

1. The countryside is not a sustainable location for large scale development and
 2. Development located outside an AONB but which would have a significant adverse effect on the setting of the AONB should also be resisted.
- CPRE have approached Natural England for the High Weald AONB to be extended to include Limes Land, an indication of the site's importance in landscape terms.

3. Transferring major housing growth should be avoided from Ashford to the rural parts of the borough. Doing so creates an unsustainable housing development model.

The ALP states clearly that the combined master planned southern extension to the town and the permitted extension to housing at Tilden Gill Road on the Shrubcote estate can fulfil the town's development needs over the Plan period without adversely affecting the character of the town. This Application fails to meet the ALP's strategic objectives.

The application ignores the strategy for rural areas will be of a scale that is consistent within the relevant settlement's accessibility, infrastructure provision, level of services available, suitability of sites and environment sensitivity.

This level of housing growth would significantly harm Tenterden's biodiversity and landscape setting; its intrinsic historic character; social amenity and put existing infrastructure under strain; and put the town's tourism economy at risk. This site is not sustainable.

Does not comply with SP6 Promoting High Quality Design

The masterplan density is an over development of 27 dwellings per hectare (based on the application's planning statement of 5.41 hectare developable area).

It is considered:

1. Out-of-scale and out of character in terms of its appearance in comparison with the dwellings in Woodchurch Road and Appledore Road.
2. Will have a serious harm the residential amenity value where new residents would be able to look straight into Appledore Road properties due to its prominent elevated position.
3. Cramped, bulky and poor appearance – highly urbanised with this creeping into the Appledore Road with traffic-calming measures, bollards and signage.

In this instance the proposal would not provide the high-quality built environment required, failing to provide a scheme of the scale, mass and character that would conserve or enhance the sensitive landscape and conservation area to which it lies adjacent, as well as harming the character of this transitional site at the edge of Tenterden, typified by existing development.

Does not comply with SP7 Separation of Settlements

This development is a non-allocated site and separation would not be maintained. It would result in:

1. Coalescence of the settlement between Woodchurch Road with Appledore Road.

2. Wanton harmful erosion of the countryside, tranquillity and protected wildlife, by removing an important green gap and lung.
3. Blurring of historical settlement patterns, erased by an overlaying-built environment.

The Ashford, Tenterden and Rural Sites Inspector's Report 2010, Para 2.98, says, "the site forms a wedge of countryside within the urban form of Tenterden in a strongly rural setting, which would be eroded by development".

Does not comply with ENV1 Biodiversity

ENV1 Biodiversity Policy says: Development should avoid significant harm to locally identified biodiversity assets, as well as priority and locally important habitats and protected species.

1. This site is species rich with largely unimproved lowland grassland plus numerous mature and veteran trees supporting approximately 17 red listed birds, 15 amber listed birds, 6 protected amphibian species, 3 protected reptiles, plus protected mammals on the site such as hazel dormice, polecat and badger.
2. Minimal evidence to mitigate loss of rare and protected species (in the KRAG and KMBRC records) has been presented. A very serious omission.
3. Mitigation cannot preserve each protected and rare species to secure the biodiversity 'gain' claimed.
4. There will be a 10.37ha wildlife loss – new growth/planting can never mitigate the loss sustained to established, intertwined and fragile ecosystems and the introduction of wildlife harms – lighting, traffic, domestic pets, hard-standing and disruption to migration, nesting, feeding routes.
5. The removal of ancient and veteran trees and historic biodiverse rich hedgerows is contrary to national planning law (NPPF para,175 (c) and the Hedgerows Regulations 1997.

Tenterden Town Council requested some years ago to conduct an independent biodiversity and habitat survey, but was refused.

Biodiversity Net loss

The new masterplan of 145 dwellings itself remains similar to the previous 250 dwelling application with an apparent identical footprint. Therefore impacts on the environment and ecology will still harm the same portion of the site.

Calculations have used the same EPR baseline from the previous application 19/01788 which were considered inaccurate. Incorrect and unsubstantiated assumptions have been used which has resulted in an inflated and un-evidenced net gain. Kent Wildlife Trust has commented in detail, and their evidence supports a net loss.

Does not comply with ENV3a Landscape Character and Design and ENV5 Protecting Important Rural Features

The historic and ecological importance of Limes Land dates back over a millennium. It is an 'ancient landscape' which exhibits 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. Historic England affords equal protection to both built and landscape/archaeological assets. We believe these heritage assets are important and should be conserved.

Limes Land as a designated landscape area has been adopted as LCA 23 by the current ALP. The 2009 Assessment concluded that there is a coherent and strong pattern defined by trees and hedges. It is visually unified with good cultural integrity and strong ecological integrity with a coherent pattern of elements with few distracting features. The landscape is undulating with strong sense of enclosure provided by mixed woodlands and hedgerows. The overall guidelines for this area are to "conserve and reinforce" and warn against urbanisation.

1. The land has been appreciated by generations of residents and wildlife alike.
2. The majority of properties on both Woodchurch Road and Appledore Road enjoy uninterrupted views of Limes Land and suffer harm to their residential visual amenity.
3. This development would have a detrimental and damaging impact on the countryside especially for the properties which border the site.
4. The development would transform a rural and agricultural landscape with clearly defined boundaries, hedgerows and ponds into an urban settlement that would be out of character with the surrounding area.

It is impossible to "conserve and reinforce" this site with a major development. It would adversely harm the character of the town with its adjoining countryside and destroy the unique landscape and views to and from the ridge.

Does not comply with ENV6 Surface Water

The geology of this site is impermeable due to the clay substrate. We are concerned that the site's natural hydrology would be damaged by extensive disruption and alteration to the complex historic water system on the site, predominantly draining to the Tilden Gill behind Shrubcote. The surface water run off relies on the existing ditches and outflow via culverts into the surface water sewerage network into Appledore Road. It is likely to overload the currently inadequate sewer system. It is considered flooding will worsen with new hard landscaping across so much of the site.

Does not comply with ENV8 Water Quality, Supply and Treatment

South East Water have not stated if there is sufficient capacity in the water supply. Southern Water Services have advised previously there is insufficient capacity and pressure in the existing network in Appledore Road to cater for the number of dwellings on this site.

Does not comply with ENV9 Sustainable Drainage

Southern Water Services have previously raised issues on capacity.

Does not comply with ENV13 Conservation and Enhancement of Heritage Assets

The topography of the site is significant as in the middle is a ridge sloping North East and South West. It is one of the highest points in Tenterden with unimpeded views across the countryside to St Mildred's Church and to Kench Hill.

This site is renowned for its Medieval Ridge and Furrow ploughed field, Gallows Green and the Drove. Limes Land is typical of the Wealden pastoral landscape separated by hedgerows and drainage ditches. This ancient mosaic field structure, in combination with unimproved or semi-improved neutral and acid grassland, affirms the site historically importance locally, regionally and nationally.

It has to be noted that Schedule 4 of The Hedgerows Regulations 1997 does not allow hedges over 20 metres in length or which join other hedgerows adjoin agricultural land to be removed without planning permission. No permission has been sought.

Appledore Road is a historically important tree lined avenue leading to the town. It is proposed to remove established trees and destroy this historic and distinctive streetscape along Appledore Road. Significant visual harm would occur with the introduction of 'urban' traffic calming measures, bollards and signage, completely at odds with its character.

We refer also to the draft Tenterden Neighbourhood Plan policies TEN NP7 and TEN NP16. This proposal does not preserve or enhance the heritage assets of the Borough. The policy continues 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. Tenterden Neighbourhood Plan has reached Regulation 14 stage.

Does not comply with Policy TRA7 – Road Network and Development (Sustainable Transport)

This cumulative development would generate significant traffic movements with negative consequences to the primary and secondary road network, which does not have adequate capacity to accommodate this unplanned development.

Signalisation for Recreation Ground Road with the High Street and Ashford Road will be over capacity in 12 months' time. No long-term solution is available, only tweaks in cycle times.

Traffic pressure from this site will compound new traffic from the approved sites of Tilden Gill and Tent 1. The Town Council anticipates that:

1. with the additional traffic on Appledore Road in recent years coinciding with developments at Appledore and Tilden Gill, together with the extra

- movements from the site will create increase congestion and difficulties for Shrubbote residents;
2. the proposed traffic calming measures will harm the historic tree lined vista which forms the entrance into Tenterden;
 3. rush hour gridlock from Beacon Oak roundabout through to the traffic lights by the Caxton pub;
 4. school run gridlock at Homewood School and St Michael's Church of England Primary School – Homewood is one of the largest secondary schools in the country;
 5. congestion on existing roads with on street parking - Golden Square, Oaks Road and East Hill will become permanent during the day and at peak times.

It is well known there are “no” funds available now or in the immediate future to solve the critical traffic congestion of arterial roads into and out of town. Therefore, the roads within and around Tenterden will become more and more congested. Policy TRA7 must be adhered to as there will be insufficient capacity to contain new traffic impacts.

Does not comply with HOU5 (Windfall Outside the Settlement Area)

There are six criteria in HOU5 – this application fails to meet any of these criteria.

Paragraph 6.35 of HOU3a states that residential development which comes forward on sites outside of those allocated in the local plan are known as ‘housing windfalls’.

There is no specific definition for a HOU5 Windfall, therefore other criteria have to apply and be governed within the context of by paragraphs 6.54 to 6.61, plus the ALP vision, strategic policies, plus environmental and transport policies as stated above.

- a) Criteria A: a development should be proportionate to the size of the settlement regarding services and infrastructure.
 - i. In assessing a windfall application, the scale of a development will be a major factor. Paragraph 190 of the ALP inspectors report states that Policy HOU5 would also apply to Ashford which might imply that quite large-scale developments will be accepted. It does not say large scale development would apply to rural towns.
 - ii. In addition, the ALP inspectors report says that taking existing commitments and proposed allocations into account some 625 dwellings would be provided in Tenterden over the plan period. This equates to some 5% of the Borough’s residual housing requirement in Table 1. This is not a precise ‘fit’ with the size of the town compared to the Borough as a whole, but consideration has to be given to constraints such as the Area of Outstanding Natural Beauty (AONB) that surrounds much of Tenterden. These attributes secure Tenterden’s tourist economy.
 - iii. Paragraph 2.51 of the ALP says the high quality of Tenterden’s landscape setting and its intrinsic historic character are factors that suggest that new development in the town should be limited, phased and very carefully

- planned. Therefore, no more major new development is planned in Tenterden itself.
- iv. Taking these statements into consideration this development is not required and would be overbearing.
 - v. We support small scale and organic housing growth for the town that is sustainable within the town confines.
 - vi. Tenterden has yet to absorb the additional pressure placed on services and infrastructure by planned large developments within the town by Tent 1a and Tilden Gill, without considering any other unplanned developments such as this.
 - vii. There is particular concern about the impact on Ivy Court Surgery. The expansion of the surgery has been designed in line with the Local Plan but does not take into account large windfall developments. Warehorne, Appledore and Orlestone councils have all voiced concerns about the additional pressure on the local health services, particularly with regard to emergency weekend cover.
 - viii. The density of the proposed development is around 27 dwellings per hectare. This is way out of proportion with the density of the surrounding settlements, which is in the low teens per hectare.
 - ix. The application of this scale together with other committed / allocated developments in Tenterden, would be disproportionate to the settlement's scale.

This windfall development is disproportionate to the size of Tenterden and cause significant harm to the social, environmental and economic sustainability balance.

This windfall development is disproportionate to the size of Tenterden and cause significant harm to the social, environmental and economic sustainability balance.

- b) Criteria B: a development should be within easy walking distance of basic day today services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services.
 - i. The application has provided walking distances to emergency access entrances. Measurements should have been presented from the main entrance which exceeds the Manual of Streets guidelines. This would have shown the majority of the town's services are well above 800 metres and some up to 1,650 metres.
 - ii. 2011 Census shows that 20% of the residents work locally and of those 48.7% travel by car with only 1.7% by bicycle. That illustrates very strongly that claims made for sustainable travel are flawed. It must be remembered, that 80% of the residents travel further afield mainly to Ashford and London.
 - iii. For past planning applications for this site, previous Appeal Inspectors have stated there is no strategic transport infrastructure or strategic transport schemes for Tenterden to allow sustainable travel to employment centres. Private transport will continue grow as the main mode of travelling due to convenience, cost and speed.
 - iv. Private transport is and will continue to be the main mode of travelling due to convenience, cost, and speed.

This windfall development would not encourage sustainable transport as the only practical mode of transport is the car.

- c) Criteria C: the development is able to be safely access form 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. Residents will be nearly 100% reliant on the car. Today there are numerous traffic congestion pinch points from the proposed site towards Tenterden and Ashford, resulting in gridlock during school runs and rush hour.
 - ii. KCC Highways have already stated that the signalling system at Recreation Ground Road will pass capacity by next year, 2022.
 - iii. A development of this scale will generate a significant increase in traffic which will significantly add to congestion as well as a negative impact on climate change.
 - iv. The Kent Growth and Infrastructure Framework shows that there are no plans to improve the road network to or from Tenterden for the foreseeable future. As the road network is already under pressure it will not be able to accommodate any large unplanned housing growth.
 - v. Warehorne and Orlestone Parish Councils have stated that traffic using the A28 to access Hamstreet, Ashford and motorway connection is becoming a 'rat run'. This is causing problems with the number of both minor and major accidents increasing.

This windfall development would not improve safety and would harm the existing poor traffic flow further.

- d) Criteria D: the development is located where it is possible to maximise the use of local transport, cycling and walking to access services.
 - i. There are very limited public transport options in Tenterden so it is likely that people will use their own vehicles to access services within the borough. Paragraph 2.66 of the Local Plan says that "transferring major housing growth from Ashford to the rural parts of the borough should be avoided as it would result in an unsustainable model of development by being poorly served by sustainable modes of transport, leading to significantly more trips being made by private car".
 - ii. With a large number of destinations over the 800m mark, residents will opt for car use for trips within the town.
 - iii. Cycling routes are predominately for exercise and leisure. There will be minimal use of bicycles for travelling to employment centres. Only 1.7% of the residents use the bike for commuting.
 - iv. NPPF Paragraph 103 says, 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. The application is significant; does not provide a genuine choice of transport; and places the car as the main form of transport.

Tenterden has no rail station, very poor rural bus services and no bicycle lanes. The NPPF and Robert Jenrick are clear that development should occur where there is sustainable transport.

- e) Criteria E: the development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality.
 - i. The Ashford Landscape Assessment Special Planning Document has identified this site as being within a designated Landscape Character Area. The recommendations for this LCA are to protect and enhance - not build on. As this SPD has been adopted by the ALP, Ashford has a duty to enforce its own policies.
 - ii. There are major concerns about the damage this development will cause to the natural environment and the surrounding landscape. These have been echoed by Kent Wildlife Trust.
 - iii. This housing development would impact significantly on the precious environment in disregard of ENV1 Biodiversity. ENV1 policy specifically says: Development should avoid significant harm to locally identified biodiversity assets, including priority and locally important habitats and protected species.
 - iv. This site has many priority habitats and protected species. It has been reported there are 17 red listed birds, 15 on the amber list, 6 protected amphibian species and 3 protected reptiles. Despite the well-known protected mammals on the site such as hazel dormice, polecat and other protected species, a comprehensive Mammal Survey has not been conducted.
 - v. The current setting is of an indispensable and continuous green lung and wildlife corridor that supports a rich habitat, high landscape value, typical Weald fields, hedge boundaries in the setting of the High Weald AONB; all that gives the site its unique characteristic. The landscape character of site is complementary and seamless with the AONB.

This windfall development would extensively harm and the existing precious habitats and protected species on the site, with no practical method of recovery.

- f) Criteria F: the development is of a high-quality design which takes into account setting, scale, local character and residential amenity.
 - i. There have been many attempts to develop this land. The first was in 1960, and again in 1987 and 1997. Following a series of appeals 1988 and 1989 to the Secretary of State for the Environment, which have all failed as they would be intrusive into the countryside.
 - ii. The development will impact on views into and out of the site, including towards St Mildred's Church and the Woodchurch Dark Skies area.

- iii. It will severely impact on the visual amenity of the residents in the surrounding housing.
- iv. The design for the housing is based on the style and density of housing of inner London, which is totally out of keeping with the semi-rural nature of the site.

This windfall development would exorbitantly harm local character area LCA23 beyond recognition.

Past Applications

Planning officers and appeal inspectors of past applications have rejected development on this site, all saying it would damage the setting of the rural character. It was rejected by the 2020 Local Plan process and last year's 19/01788/AS application.

Robert Jenrick Secretary of State for MHCLG – Ministration Statement

On 16th December 2020, Robert Jenrick MP issued a written ministerial statement, which is material consideration and sits alongside the National Planning Policy Framework and Planning Practice Guidance.

In essence it says:

1. green spaces should be avoided;
2. urban centres are the best-served by existing infrastructure – with schools, shops and medical facilities;
3. sites with quality transport systems within urban centres are best placed for sustainable housing development;
4. building homes around our transport hubs will help deliver the government's ambition to tackle climate change by offering greater access to more sustainable forms of transport and reducing unnecessary journeys;
5. building more homes in cities and urban centres will mean making the best use of brownfield land, of which many cities and urban centres continue to have large quantities, and protecting our countryside as much as possible.

This proposal does not comply with the minister's statement and would harm the town's economic and environmental sustainability.

Developer Contributions

The Draft S106 Contributions refers to schemes are ambiguous. It is unclear how the various maintenance proposals will be funded by the developer, by the borough council and by new residents. It is unlikely that a levy on the proposed dwelling units will be inexpensive for the new residents (including those in affordable homes). Again this potential burden is likely to move to Ashford Borough Council whose budgets are already incredibly stretched and, in our

view, would be unrealistic to expect. Certainly, Tenterden Town Council does not have the funds and we do not believe these are deliverable or sustainable.

It is requested that Ashford Legal Department dissect before any determination is made. In addition we would ask them to ensure the S106 is directly related to the development site; and is fairly and reasonably related in scale and kind to the development. It is recognised that planning permission cannot be bought or sold and it is important the proposed contributions do not exceed what is expected for this size development.

Planning Obligations Guidance Paragraph: 002 Reference ID: 23b-002-20190901 on the Planning Portal says:

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- 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.

Neighbourhood Plan Site Assessment

Our Plan commenced Reg 14 on the 23rd June and starts to carry weight for all planning applications within the parish of Tenterden.

There are polices that protect Limes Land through:

1. Proposed designation as a “Local Green Space” and, enforcement of Landscape Character Area 23.
2. Proposed designation of heritage assets on Limes Land, such as the Ridge and Furrow Cultivation plot, the Drove Way, and Gallows Green.
3. Protection of historic routeways where applications should not result in any unsympathetic changes to the character by the pavilion and houses between the ridge and St Mildred’s church. Currently both views would suffer from significant harm.

The council attaches a copy of the full site assessment produced by the Neighbourhood Plan Steering Group, an official subcommittee of Tenterden Town council.

Objections with Associated Weight

Non-adherence to Ashford Vision will create severe harm to economic, social, and environmental sustainability.

Non-adherence to Ashford Polices that will create severe harm to environmental sustainability are:

- a) SP1 Strategic Policy

- b) SP2 Strategic Approach
- c) SP6 High Quality Design
- d) SP7 Separation of Settlements
- e) HOU5 Windfall Outside the Settlement Area
- f) ENV1 Biodiversity
- g) ENV3a Landscape Character and Design
- h) Neighbourhood Plan Policies NP1, NP2, NP7 and NP16.

Ashford Policies that will create harm to economic sustainability are:

- a) ENV13 Conservation and Enhancement of Heritage Assets
- b) TRA7 Road network and Development
- c) Past Rejections

Non-adherence to Ashford Policies that will create harm to social sustainability are:

- a) ENV6 Surface Water
- b) ENV8 Water Quality and Supply
- c) ENV9 Sustainable Drainage

Non-adherence to Robert Jenrick Ministerial Statement that will create harm to economic and environmental sustainability.

On balance, due to the significant harm identified to the biodiversity of the site, the landscape character, setting of the adjacent AONB, it is concluded that the scheme would not comprise sustainable development on any front and that the benefits of the development proposal would not outweigh the clear conflict with the development plan and other material considerations.

Natural England: In summary

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

ABC Cultural Services: In summary.

Public Open Space contributions

1.1. Off site provision of public open space:

S106 SUMMARY: CULTURE CONTRIBUTIONS:			
PUBLIC OPEN SPACE:	Off-site capital provision:		Commututed maintenance sum
	£/dwelling	Total	
	Allotments	258.00	37,410.00
	Strategic Parks	146.00	21,170.00
Cemeteries	284.00	41,180.00	
CULTURAL PROVISION:	£/dwelling	Total	
	Arts Sector	338.40	49,068.00
	Voluntary Sector	87.00	12,615.00
			N/A

Allotments: Local provision with investment within Tenterden.

Strategic Parks: When funding is available, the investment will be towards a Strategic Park site as identified in the Local Plan 2030, COM2. To be either a contribution towards provision of Conningbrook Lakes Country Park, to include fees, infrastructure works and management and maintenance of CLCP. Alternatively, contribution towards provision of Discovery Park, to include fees, infrastructure works (including land purchase) and management and maintenance of Discovery Park.

Cemeteries: Local Provision with investment within Tenterden.

Arts Sector: Local provision with investment within Tenterden. This will be the St Mildred's Church project, as requested for application 19/01788/AS.

Voluntary sector: Local provision with investment within Tenterden. This will be the St Mildred's Church project, as requested for application 19/01788/AS.

Note that all sums detailed will require indexation:

- Open space typologies from 2012
- Voluntary sector from 2018
- Public Art from 2016

On-site provision

Sports provision

Sport is to be provided on site. This will be a combination of replacement provision for the existing 11 x 11 adult pitch, provision as required by the size of the development, and provision in excess of this requirement. Provision includes pitches, a building and necessary infrastructure. It is noted the scheme does not include lighting.

We note the statement in the application that the building has been designed to FA standards. It must also be compliant in terms of changing facilities for all and fully accessible. The proposed development involves the loss of existing provision; the

planning condition must allow the compensatory provision to be available for use, with suitable vehicle access, before the loss of existing provision, to avoid the loss of sports provision at any time.

The application fails to provider a named team or organisation where agreement, whether informal or formal, has been achieved.

There is no detail on who will be responsible and we cannot see anywhere within the application where engagement has been progressed with any suitable operator, sports club or community organisation. Given the weight of sport provision for this application, engagement and consultation with local sport clubs appears limited. We would like to see the evidence and outcome of engagement with Tenterden Tigers. We note that the adult football team, Tenterden Town Football Club, although listed as a key stakeholder, is not listed at page 22 as part of the summary of stakeholders who have been consulted.

Without the necessary engagement and consultation, what is the evidence of need for the sports provision? Although the Playing Pitch Strategy 2017-30 demonstrates need, this requires testing before any significant investment, to allow for changes in sport requirements and for the possibility of fluctuating club membership. As such it is not clear what clubs are intending to use the site, and how the sport pitches, pavilion, open space and related infrastructure will be managed. Please can we see evidence of this?

We would also like some clarity on what will be school provision, and what local clubs will use. It is important to clarify this point as the wider community need to benefit from the sports provision, not just the school and closed club usage. The Statement of Community Involvement is based on previous applications. We cannot see there has been any engagement on the current layout - the timeline stops at September 2019. Please can the applicant provide evidence on community engagement and consultation on this specific application.

The application references the current application for Tenterden Recreation Ground, 21/00724/AS, where there will potentially be a loss of one full size adult grass pitch, and is referenced in the Sports Facilities and Open Space Supporting Statement considered as part of the sports context, paragraphs 3.2.7 – 3.2.10. Application 21/00724/AS has not been determined, and it is noted that Sport England have raised an objection to the proposal. To be clear, this application, as currently designed, will not provide the replacement provision for the Tenterden Recreation Ground site. This application proposes one adult grass pitch, and this is in lieu of the loss of the existing adult grass pitch at the Appledore Road site. In order to accommodate loss of one adult grass pitch at the Recreation Ground site, the Appledore Road site would need to provide two adult grass pitches as a minimum.

The Sports Facilities and Open Space Supporting Statement details in the summary at 6.22 on Operation Management, 'The applicant would seek to develop a transparent approach, working in partnership with the Borough Council to identify suitable organisation to manage the Country Park and Sports Hub.' Given this element of the planning application is for full planning permission, the lack of

consultation to date with the council or any suitable body is of concern. At this stage of the application, the council requires more than just a statement that details an approach, as this provides no security on future management.

To confirm, Ashford Borough Council will not be adopting any of the on-site sport provision (or any other open space typology).

Informal/natural provision

At 145 dwellings, informal/natural public open space is required as on site provision. This development triggers a requirement of 0.70 ha, with a minimal capital investment of £52,490, and subsequent minimum maintenance value of £47,125 over ten years index linked. Informal open space provided as part of the development must be integrated within the built development, entirely overlooked, genuinely useable and fully accessible all year round, and within 400m walking distance of all properties.

The public open space must include all the necessary infrastructure and planting to create a quality landscape scheme. The following locations will not count towards the area of required informal public open space:

- Flood zone areas
- Necessary drainage features such as attenuation ponds
- Landscape required as ecological mitigation
- Amenity space – verges, buffers etc

The minimum size of informal public open space must be 0.25ha, as detailed in the adopted Public Green Spaces & Water Environment SPD. The Sport & Open Space Statement lists at 1.3.9:

- *Country Park (8.66 ha)*
- *Equipped Play Space (0.17 ha)*
- *Amenity Green Space in and around the proposed housing development (6.93 ha).*

The 'Country Park' element at 8.66 ha can feasibly be considered to be public open space, however the majority of amenity space in and around the development is unlikely to comply. Given that 0.70ha is required on site, the 'Country Park' element would appear to provide the necessary quantum of informal/natural public open space. 1.6. It is difficult to comment on the design for the Country Park, as the Country Park Masterplan is not clear enough on what is existing and proposed provision. The proposal appears to be very light touch, with a minimal amount of paths, planting and site infrastructure. The park is immediately adjacent to the High Weald AONB, and therefore the landscape of the park, and the built development, must be mindful of this character and integrate with it.

The western part of the site provides limited level of detail regarding landscape and open space. We can see that there are potentially new hedgerows proposed, which will improve the green infrastructure and provide ecological corridors throughout the

site. Our preference is always for open space to be overlooked; the current design has some examples of rear/side property boundaries adjacent to open space, which represents poor design. The image below is an extract from the centre of the site, and demonstrates a long garden boundary adjacent to a central block of open space, which includes a play feature. The connections between the residential development and the 'Country Park' are poor; the layout and pedestrian movement of both sites needs to be considered as one.

On site informal/natural open space will require further detail as part of a planning condition, to ensure high quality is achieved. As well as detail on the hard and soft landscaping, we expect to see a detailed Design and Access Statement, and the methodology behind the approach to landscape character and how this will both mitigate for the impact on the adjacent AONB, and contribute towards the necessary net gain in biodiversity. We also expect community engagement as part of the design process for the proposed new park. Therefore we request a condition regarding public consultation that will inform the final design for open space and play. Given the extensive nature of the open space being put forward, and to ensure it reflects community need, consultation is required both to gauge on-site requirements but also as part of the process of embedding this potential park into the local community. We note the quantity of SUDS proposed; these features will need to complement the existing waterbodies and provide positive landscape features. The approach to the design of SUDS should be as part of the landscape infrastructure, and must not be designed and delivered as highly engineered features. The Sustainable Drainage SPD provides further detail. SUDS can not be considered as part of useable public open space.

The drainage strategy appears to impact on the Heritage Asset ridge & furrow feature in the north-west of the site. A negative impact on this asset is not acceptable.

Given the impact on the local landscape and adjacent AONB, the quality of the landscape proposed here will need to be very high. The 'detailed area' drawings provide limited details, and do not cover the whole area for the full planning permission element of the submission. The drawings typically do not detail levels, materials, suppliers etc; any planning conditions will need to ensure we receive sufficient detail to allow us to provide informed comments. Please note that we do not consider the Country Park as named by the applicant to be a country park, or of strategic value. It is a local piece of open space, and lacks the required infrastructure to be considered strategic. Country Parks are large-scale destination spaces, which typically provide a wide range of recreation opportunities, with a destination play space, toilets, refreshment facilities and dedicated parking.

To confirm, Ashford Borough Council will not be adopting any of the on-site public open space.

Play

Consultation is required with Tenterden Town Council to agree public open space provision on-site, as existing and planned provision for Tenterden impacts on what should be provided at this location. Typically for a development of this size, the only public open space to be provided on site would be Informal public open space. However the location of this site raises the possibility of the Play space typology at this location; the nearest off site play space is greater than the current walking threshold of 400m as detailed in the Open Space SPD. Play could feasibly be provided at this location. The play space calculates as 0.17 ha, with a minimum capital investment of £78,445, and subsequent minimum maintenance value of £96,135 over ten years.

A development of this scale will only generate one play space on site; this should be integrated into the development and well overlooked, to provide natural surveillance. There should also be clear linkages between the play space and the rest of the development to demonstrate it will be easily and readily accessible. Consideration should be given to the provision of accessible play equipment for children with limited mobility and/or learning difficulties.

The current proposal of three play spaces is not required, although we do expect informal open space throughout the development to be playable and accessible. The Sport & Open Space Statement lists at 5.3.2:

- Two Local Areas for Play (LAP)
- One Locally Equipped Area for Play (LEAP)
- An outdoor gym (co-located with the LEAP)

At least one play space must be a minimum of 0.17 ha and must include a 30m buffer, as detailed in the PGS&WE SPD. We require confirmation of this provision. The current design for play is very standard and demonstrates limited play value. On site play will require further detail as part of a planning condition, to ensure high quality is achieved. Play space must be formal and 'equipped play'; natural features will not contribute towards play space provision. The LAPS detailed in the application will not count towards required play provision - this is not a designation the council uses or recognises. The current location for play is not ideal, and could be better integrated within the centre of the development and not pushed to the edge, where natural surveillance will be limited.

If Play is provided off site then Tenterden Town Council will need to advise on a suitable site. The capital contribution will be a minimum £94,105, and commuted maintenance sum as based on the open space SPD.

Ecology & biodiversity

Regarding the open space on site and impact to the landscape, we expect a net gain in terms of biodiversity and loss of landscape features, particularly loss of water bodies/features, hedgerow and trees. Replacement of an existing water feature with a SuDS feature will not automatically be considered as suitable replacement.

Clarity is also required on the involvement of Kent Wildlife Trust. They are mentioned several times in the Statement of Community Involvement, but this appears to be in relation to a previous application for this site. What is their involvement now, and have they had any input into the LEMP? We note comments from KWT, disputing a net gain in biodiversity.

Management of Facilities

Planning Statement p51 6.2.101 - 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.

We understand the approach for the management of the sports and community provision, however we need to see assurance from an actual club or organisation who will be committed to take on the role of managing the sport provision, and what the delivery model will be. Regarding the management of the sport provision we would be looking for a club that is registered with the Football Association (Kent FA), and has the required FA Charter Standard status to be able to offer youth provision and integrates disability team or teams within the club.

We also need assurance from a management body regarding the long-term management of open space, particularly the 'Country Park' element of the scheme, and the financial mechanism for this.

Our requirement of the developer is to demonstrate a reasonable level of certainty that the facility will be managed, with agreed maintenance sum committed for ten years.

We also need clarity on who will be the owner of the site; currently there is no detail on which organisation will have ultimate responsibility for the public open space and sport provision.

We require more detail on how the local community will benefit from the facilities, beyond any identified club as prime user.

We have reviewed the LEMP in terms of management of open space; the outline prescriptions appear reasonable and practical but at this stage are high level. We expect to see more detail as part of a planning condition regarding management of all open space.

Summary

- We require evidence of need for sport facilities, and evidence of engagement and consultation with relevant clubs.

- We require evidence of engagement and consultation with the community.
- We require a proposal for how the building will be of benefit to the community, and what will be available for community use. Consideration needs to be given as to how users of the Country Park will be accommodated.
- We require evidence of engagement and consultation with management organisations, with regards the operational needs for both the sport facilities and 'Country Park'.
- We require a S106 trigger whereby the governance, management and maintenance of the open space and sports provision, has been contractually agreed in writing with a suitable organisation and any sub-operator(s), prior to first occupation.
- The proposal for all open space typologies is currently of low quality and will require more investment and detail.
- To confirm, Ashford Borough Council will not be adopting any of the on-site open space or facilities.

Ashford Borough Council Environmental Protection Officer: Comment in summary.

Note the damage costs associated with the submitted air quality assessment. In order to mitigate against the damage associated with the development we would request a condition for the air quality mitigation measures specified in the submitted Air Quality Assessment to be installed prior to occupation of each unit.

To promote the move towards sustainable transport options and to take account of cumulative impacts of development on air quality we would request the application of a condition to provide electric vehicle charging facilities on driveways etc.

As with all developments on sites where there has been previous activity/development there is a potential for unexpected contamination to be found during the works. As such we would ask that a condition for the reporting of unexpected contamination is included.

A condition for a Code of Construction Practice to be submitted prior to the commencement of development is also requested.

An informative relating to code of practice hours is also recommended.

KCC Minerals: comment in summary.

I can confirm that the application site is not within 250 metres of a safeguarded mineral or waste facility and therefore does not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals

Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.

With regard to land-won minerals safeguarding matters it is the case that the area of the application site is partially coincident with two safeguarded mineral deposits. These being the sandstones, the Wadhurst Clay Formation and the Tunbridge Wells Sand Formation, as shown by the below extract from the Ashford Borough Minerals Safeguarding Proposals Map of the Kent Minerals and waste Local Plan 2013-30. Both are of historic importance in that they have been used in the past as sources of building stone. Currently these sandstones are not commercially extracted in Kent by the quarrying industry for a supply of stone for construction.

Therefore, although the development proposed is not of a minor nature, any prior extraction of any usable mineral would not be practical or viable in all probability. The applicant has submitted a Minerals Assessment (MA) with the application that examines if an exemption from the presumption to safeguard can be invoked by evidentially arguing that a criterion of Policy DM 7 Safeguarding Mineral Resources should apply. Though it is only required to invoke one criterion to can an exemption under this policy the MA states that criterion 1 and 5 can be invoked. Criterion 1 looks at viability of pro extraction and the MA concludes it would not be viable or practicable to do so. It may be an arguable point with regard practicality, given that the open landscape would, despite the proximity of existing residential properties, some sandstone may be able to be quarried from this land. However, given what is understood about the low need for this material, in modern construction material supply chains, it is a reasonable to conclude that any prior extraction would not be economic and the requirements of criterion 1 of Policy DM 7 has been met and the proposal is exempt from the land-won mineral safeguarding presumption of Policy CSM 5: Land-won Mineral Safeguarding of the Kent Minerals and Waste Local Plan 2013-30.

The County Council has, therefore, no minerals or waste safeguarding objections to the proposal.

KCC Archaeology: comment in summary.

This site has potential to contain as yet unknown archaeological remains and does contain important archaeological landscape features. I welcome the heritage assessments, including the addendums, which in my view have 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. Further archaeological or historic landscape assessment is not essential prior to determination of this application but further clarification on mitigation for both buried archaeology and archaeological landscape features would be preferable. I would encourage a review of the current masterplan to ensure that positive archaeological landscape measures are robust and meaningful.

Some of the concerns over the gallows site, driveway and ponds might be able to be addressed through further documentary research and interpretation measures. Heritage enhancement measures could be covered preferably through S106 Agreement or through conditions. If through conditions, I would like the opportunity to recommend wording for archaeological landscape management and enhancement conditions. Outstanding archaeological issues can be addressed through conditions.

KCC Ecology: comments in summary.

While some of the species date is 5 years old, it's likely that they provide a reasonable understanding of the ecological interest of the site particularly as it was supported by an updated walkover survey carried out in 2021.

The proposed development is intending to retain habitats which support the species which have been recorded within the proposed development site. However as discussed in detail below (in relation to the biodiversity net gain metric) we are concerned that the retained habitats (particularly the grassland) cannot be created/enhanced to the quality anticipated by the Biodiversity Net Gain Metric. Therefore there is a risk that the number of species recorded within the site may decline as a result of the proposed development. On receipt of the additional information requested in relation to the biodiversity net gain metric we will re-review the impact on the species and habitats from the proposed development.

The biodiversity net gain metric is a tool to assist in understanding the ecological impact of the proposed development and considering if the proposed mitigation is appropriate and achievable – we have a number of concerns with the submitted Biodiversity Net Gain Metric and the associated information used to inform the metric.

A biodiversity net gain metric has been submitted and it has detailed that the proposal will result in a 15% biodiversity net gain and we query how this is achievable within the proposed development site.

There is no information with the Metric demonstrating how the applicants have reached the conclusions about the condition of the existing, enhanced or proposed habitat and no map has been provided clearly demonstrating where the habitat creation/enhancement works (as detailed within the metric) will be carried out to support our understanding of the metric.

The metric currently details that the neutral/acid grassland habitats are currently in poor/fairly poor condition and subsequently once the management has been implemented the metric had detailed that the condition of the neutral and acid grassland will improve to good/fairly good – we have the following concern with those conclusions:

1. The presence of Ant hills within the slight indicated that the site has been unploughed for a number of years and the previous metric assessed the condition of the majority of the neutral and acid grassland as moderate and therefore we question whether the condition of the grassland has been under represented within the current metric.
2. The reduction of grassland and the increase in pressure from the proposed development (including recreation) we question if an increase in quality of the grassland is achievable and additional information must be provided demonstrating why the applicant is satisfied that the management can achieve what it details in the metric.

Due to the reduction of grassland and the increase in pressure from the proposed development we question if the increase in the quality of grassland habitat is achievable. The proposal is to actively manage the grasslands on site to benefit biodiversity and the management plan details that within the country park it will be wildflower meadows and within the residential areas it will be a mixture of wildflower grassland and amenity grassland. On paper we do understand the reasoning behind this proposal but in practice we do question if it can be achieved – particularly within the residential areas which will have a higher level of impact such as from recreational pressure, residents implementing their own management due to the area being messy or impacts from car parking on verges etc. We advise that additional information must be provided demonstrating how the applicant can be satisfied that the proposed management is achievable across the whole site and will achieve the intended conclusions.

We question if the metric calculation has taken in to account the installation and maintenance of the utilities required for the site or any land levelling required. Any underground cables/pipes required for water/gas/electricity may have to be accessed at short/no notice and subsequently impacting any habitat creation/enhancement which had previously been implemented.

The reptile mitigation is proposed for the NE corner of the proposed development site and it will be managed as a scrub / grassland mosaic. Typically the grasslands within receptor sites are managed on a rotational basis with sections of the grassland cut on alternative years to create a tussocky grassland. The management of the grassland in this fashion may result in a decrease in botanical interest due to the reduction in mowing. This is a conflict in management requirements and due to this we question if the quality of the grassland can be improved as suggested by the biodiversity net gain metric.

Based on the above it is our view that the metric needs to be updated and additional information provided to ensure that the information is based on the proposed development.

We recommend that the metric is submitted as an excel spreadsheet rather than a PDF to enable the data to be reviewed in more detail.

Lighting

The Ecological Assessment has provided the following information about lighting within the proposed development: *During the operational phase, lighting will be limited only to areas of development (i.e. street lighting) as well as expected to be utilised within areas of anticipated high footfall within development space for the purposes of preserving public health and safety.* We advise that a light spill plan is submitted demonstrating what the anticipated light spill from the proposed development will be to enable consideration of the impact the proposal will be on foraging/commuting/roosting bats and other nocturnal animals. The increase in lighting within the proposed residential area may mean that suitable habitat may not be utilised by species recorded within the site due to increased lighting levels.

LEAP

The submitted site plan currently shows the proposed LEAP within close proximity to the residential housing. We presume it's been located within this area due to previous concerns raised about if the quality of the grassland within the LEAP area previously located within the proposed country park. However we highlight that ABC must be satisfied that the proposal will be located within that area and not, if planning permission is granted, moved in to the country park area.

Kent Wildlife Trust: object and state:-

Kent Wildlife Trust **objects** to this application on the grounds that it will lead to a measurable net loss in biodiversity, in contravention of paragraphs 170 and 175 of the National Planning Policy Framework.

In this letter we highlight discrepancies within the applicant's Defra Biodiversity Metric calculation, including issues which were previously raised in relation to application AS/19/01788. It is noted that some of our advice on AS/19/01788 has been implemented, however a number of key issues remain. Based on our ecological expertise and experience of dealing with other similar biodiversity metric calculations elsewhere in the county we have assessed that the proposals will lead to a net loss of biodiversity. As with the previous application by Wates, this application continues to underestimate the baseline value of the site and overestimates what will be achieved by the proposed management scheme. A more detailed assessment can be undertaken following the submission of further information by the applicant.

We recommend that this application is refused on the grounds of significant measurable loss to biodiversity unless the applicant is prepared to commit to significantly amending the development masterplan or providing for a large scale scheme of offsite habitat compensation to reflect biodiversity losses.

CPRE: object and state:-

CPRE strongly objects to this further attempt to undermine the character of Tenterden and the coherence of the Local Plan by this proposal to develop the countryside that reaches close into the heart of Tenterden and connects the whole

settlement to the AONB that surrounds it. 124 houses on this site were rejected at appeal in 1989 ; the site was specifically excluded from the current adopted ALP 2030 ; 250 houses plus sports facilities and a country park were refused recently under 19/01788. This application is a minor evolution of 19/ 01788 : the illustrative spatial plan is the essentially the same but each house has more space around it – potentially making it easier for a developer to propose intensifying at reserved matters to maintain the 72 affordable units offered but with a larger viability margin.

The headline objections to this development are its harmful effects on the natural and historic landscape character of Tenterden in conflict with SP1, ENV1 and ENV5 , and that this would be major development harming the setting of the AONB in conflict with ENV 3b . All these policies are up to date and relevant to this application. It would also be a devastating destruction of a piece of ancient agricultural land with very high biodiversity value in its trees, mature grazed grassland and legibly historic environment evident in the remains of the medieval field patterns. All this would be lost by felling over 200 trees incorrectly dismissed as of low value in the arboricultural study, and those remaining would be irreparably damaged by inadequate root protection areas (RPAs) and eroded by attenuation ponds. As admitted in the LEPM the [ancient] grassland would be scarified away once the grazing animals were removed and replaced by wildflower meadow seed - to be reseeded as necessary. The first principle of managing trees to enhance biodiversity is to maintain and protect what we have. It takes many many years to recreate biodiversity that is lost. Climate and biodiversity imperatives are repeatedly emphasising the need to respect and maintain trees and mature species rich landscapes such as this for carbon sequestration and biodiversity protection. This is quite independently from its valued green space contribution to the historic settlement of Tenterden.

The proposed destruction of natural capital and biodiversity would be contrary to NPPF para 175a. There are considerable doubts that the ecological studies have adequately measured the baseline biodiversity correctly, and there is a balance of probabilities that there would actually be a net loss of biodiversity contrary to national and local policy. The natural character of the area is marked by its location and the pattern of tree cover all of which provides a unique landscape in the setting of the AONB which is also defined and nurtured by underground springs and water channels. These are less visible but equally important aspects of the natural environment, and potential sources of flood risk problems exacerbated by climate change and therefore potentially in conflict with NPPF para 157.

ABC has been right to refuse development on this site, and should continue to do so, with even stronger reasons today in the heightened attention to biodiversity in general and the vital role of trees and established grassland in particular. The bird population is notable and includes red list species for which all the trees together provide essential habitat. This should remain agricultural land and be designated green space in the next Borough Plan.

Sport England: Raise no objection but make the following comments:

Assessment of Existing Playing Fields

The playing field to be lost (plot F13) comprises circa 1.2ha and accommodates 1 x full sized adult 11v11 football pitch. It is understood however, that the pitch is of poor quality and lacks basic facilities such as toilet and change facilities. As such, it is some time since it has been used by the site owner, Homewood School. There is also no current community use.

Assessment of Proposed Playing Fields

The proposed replacement site (F10) is of approximately the same total area as the one to be lost (F13) and the TGMS report at appendix 6 of the Sports Statement accompanying the application identifies, that with a certain amount of improvement, involving cut and fill to re-grade the site to meet Sport England guidelines and the installation of a primary drainage system, a good quality pitch to FA recommended dimensions can be satisfactorily accommodated here. Sport England is satisfied that subject to these improvements being undertaken and maintained, and the new pitch being constructed and thereafter made available in an appropriate timescale, that this part of the proposal meets the requirements of exception E4 of our play field policy. These matters should be secured by condition and / or through the s.106 legal agreement.

It is acknowledged that the amended proposal now under consideration allocates the existing football pitch field as the only vehicular access into the development site, and that that has implications for the timing of the replacement and new pitches being constructed and thereafter, being available for use. However, it is recognised that the existing pitch has fallen into poor condition and disuse and that the replacement pitch would offer significant benefits to local senior football particularly when considered with the new ancillary facilities proposed. Therefore, subject to a firm timetable for the provision and availability of the replacement pitch being established within any planning permission granted, Sport England has no objection to this aspect of the proposal.

Sport England has previously consulted with the Football Foundation (FF) on the details of the proposal at pre application and formal planning application stage. The FF is supportive of the proposal to provide new junior and mini pitches on plot F14. The provision of

1 x junior 11v11 pitch, 1 x 9v9 pitch, 1 x 7 v7 pitch and 2 x 5v5 mini pitches would meet one of the strategic priorities for football identified in the Council's Playing Pitch Strategy 2017- 2033 that is to provide additional pitches at Homewood School, Appledore Road, to provide additional playing facilities for Tenterden Tigers. The pavilion building proposed meets relevant Sport England and FA guidance. This part of the proposal is therefore considered to meet our Provide objective.

Given the above assessment, Sport England has no objection as it is considered to meet exception 4 of the above policy and the Provide objective of our planning objectives for sport. The absence of an objection is subject to condition(s) being attached to the decision notice should the local planning authority be minded to approve the application.

It is recommended that a full specification of the sport facilities to be provided and the agreed triggers for their availability, is included within the s.106 legal agreement to be negotiated.

Southern Water: comment in summary.

- (i) It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- (ii) Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.
- (iii) It may be possible for some initial properties to connect with the current capacity in the network, pending network reinforcement to provide capacity for the remaining properties. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.
- (iv) A condition is requested that occupation of the development is to phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.
- (v) A condition is requested for "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."

Neighbours: Approximately 270 objections were received including a petition with approximately 260 names making in summary the following comments

- Concerns with employment opportunities for existing and future residents.

- The creation of a children's play area, community orchard, landscape buffers and green links would further distance access to the natural and open countryside which is already heavily impinged around Tenterden.
- There has been no attempt by the developers to contact individual residents bordering the site.
- Increase in greenhouse gases
- The Growth and Community Services Assessment states Tenterden is 5.5% of Ashford's population, yet already provides 7% of Ashford's housing stock.
- The Statement of Community Involvement is misleading. Tenterden Schools Trust Partnership & Engagement is a Business Partnership and should not be included as Community Involvement.
- 81% of respondents to the consultation questionnaire in 2019 did not agree with the development plans.
- Tenterden is known as the Jewel in the Weald.
- Detrimental impact of proposed single vehicular entrance to the site for nearby neighbouring properties.
- Who would pay for the management company proposed.
- It could be possible to have an access road which slants, with chicanes and the judicious use of screening inside the site, with hedges which protect the areas outside the site, so that light and other pollution is minimised.
- Though Tenterden's Neighbourhood Plan still has to be formally published, there is no reason to dismiss it.
- Inaccuracies with the description of the fields.
- There is no commitment to build social housing accommodation for the elderly or disabled.
- Impact upon the Dark Skies Area and would generate huge amount of artificial light.
- Would impact the landscape which is part of the LCA23 Local Character Area – Woodchurch Undulating Farmlands.
- Clarification should be sought on the Promotion and Marketing Agreement with the owners of the site.
- Bee hives are proposed but the threat to bee populations is not the lack of bees but the destruction of flower rich habitats. Since orchards only flower for

a few weeks and many flowers will be concreted over or replaced by football pitches what impact will this and the introduction of more bees have on the existing bee population?

- The land has never been ploughed, as per the Dowry of 1822.
- The development would encourage urban sprawl.
- Tenterden is a unique ancient market town with outstanding architecture.
- The loss of the tree and ancient hedgerow should be calculated and included in a S106 agreement.
- Loss of a view of St Mildred's Church from the public right of way (PROW)
- The data within the Ecological Surveys undertaken by the developer is out of date.
- The site is not suitable for development as it has been identified by Natural England as a habitat for wildlife as a Network Enhancement Zone under the National Habitat Network.
- There is a need for an independent survey to investigate the presence of unimproved grassland.
- The developers maps/plans for ecology conflict with the size and location of Acid and Neutral Grassland identified on the KLIS maps (Kent Landscape Information System – Kent Country Council). The development would result in a loss of 26 acres of priority habitat.
- All trees should have been subject to a full assessment for bat roosts and additional bat surveys should be carried including Hibernation Assessments.
- The developers reptile surveys are misleading and contradict one another. Reptile surveys were conducted during cold weather which will impact upon findings.
- Surveys for Great Crested Newts were not carried out on ponds in neighbouring residential gardens.
- The developers proposals would conflict with guidance from the Freshwater Habitats Trust.
- Plan ECO2 underplays the number of anthills on the site.
- The ecological surveys have not recorded all of the species present including Polecats, Stag Beetles and many Red List and Amber List birds.

- Ancient ponds should be given a 20 metre buffer to ensure the ecosystem is not impacted by development or by water run-off from vehicles. The pond edges would be eroded by residents standing at the waters edge.
- The site is not allocated in the Ashford Local Plan so would be unsustainable.
- The site does not meet the requirements of policy HOU5 to be a windfall site. 90% of the site has previously been identified and has been subject of many planning applications for over 60 years. It was included in the sites for consideration in the ALP to 2030. There is no way the site can be described as unexpectedly available.
- The land is classified as a playing field although the eastern part has been used for agricultural purposes for some years. It is not clear that any change of use was sought for this activity.
- Development will overwhelm Tenterden's infrastructure which is at maximum capacity including road network, Schools, GPs, sewage system.
- Concerns with flooding of the site and flooding of neighbouring properties.
- The existing overflow from the pond at Rose Cottage should be included in any drainage design. Indemnity insurance for neighbouring properties in the event of flooding as a result of the development should be secured by S106 agreement.
- Plans make no reference to the Natural spring fed pond in the garden of Rose Cottage.
- Increased traffic on Appledore Road creating congestion and increased risk of accidents.
- Reinforcement of the sewage network might be possible but this is subject to a feasibility study which could take up to 24 months.
- Spoil countryside, flora and natural wildlife habitat.
- Trees in Appledore Road and on Limes Land form a historical landscape feature. Removal of trees would permanently alter the setting of the town and countryside, nearby AONB and would negatively impact upon residential visual amenity.
- Trees should be surveyed by The Woodland Trust.
- The land should be preserved as AONB. AONB must be conserved and enhanced.

- The site meets the criteria for Local Green Space selection and should be preserved.
- A football pitch would be better placed in the town centre to benefit local businesses.
- Concerned about who will pay for the upkeep and maintenance of the pitches.
- The site is of historical importance, known historically as 'Gallows Green' and remains in part home to a 2 acre Saxon Hill Fort.
- The land is on Kent clay and sits adjacent to the sandstone buttress running alongside the north side of Woodchurch Road.
- Beautiful green asset will be destroyed.
- Local people that have used the footpaths will lose rapidly diminishing green space.
- Tenterden has already seen hundreds of new houses built in the past 5 years.
- Concerned that after permission is granted the developer will day 50% affordable housing is unviable.
- Proposal exceeds the Tenterden Plan for 2030 and the quota already agreed. Passing this application would be a breach of trust.
- This is not in line with recent government strategy to protect green field sites.
- Whilst the plan indicates 50% affordable housing, local people can still not afford the prices.
- One gym/swimming pool facility in Tenterden that is affordable. More health facilities need to be built to support an increase in the population.
- Concerns with groups congregating and causing damage to play and sports areas.
- Pressure on supermarket supply and parking problems.
- More traffic in the town center creating congestion and reduced parking opportunities.
- Will affect residents of Appledore Road who's gardens will back onto a housing estate instead of countryside.
- The application should be refused as it contravenes the Ashford Local Plan. The site is outside of the 'built up' confines of Tenterden and is located within ancient open countryside.

- The SHELAA shows there is very little scope to deliver new housing growth within the confines of rural settlements.
- Development would impact on the 'sense of place', character and uniqueness of Tenterden.
- Proposal does not meet the criteria of Policy HOU5 as it will not be conserving and enhancing the natural environment.
- Ecologists surveying the site have not followed Chartered Institute of Ecology and Environmental Management (CIEEM) practice guidelines.
- The previous application for a similar development on this site was rejected for numerous valid reasons.
- New homes in other local developments remain empty therefore how can a further 145 new homes be justified.
- Don't want Tenterden to become a suburban town.
- The site contains archaeological remains of a defensive rampart created by Romano Britons and is a site of historic interest.
- The heritage reports lack independence and are inaccurate. The site has not been fully assessed and to leave this to planning conditions is totally unacceptable.
- A current survey of the University of Brighton to establish the number of invertebrates on the land may lead to it being designated a site of special scientific interest.
- Independent ecologists have confirmed that the site cannot be replicated with mitigation as it is ancient countryside.
- The developer is clearly ignoring the relevant sections of the NPPF and to ignore biodiversity guidance is negligent.
- There are discrepancies within the arboricultural date provided by the developer. Many trees with estimated circumferences and have not been properly measured.
- Further bird surveys should take place as this proposal will negatively impact on nesting and foraging birds.
- The developers have not addressed the issue that the bat recording equipment was faulty on many occasions.

- The Council should propose that all mature, veteran and ancient trees have an indepth root radar scan/assessment to ascertain the exact location and depth of tree roots.
- The root protection area (RPA) radius on the survey schedule is inadequate to protect TPO No. 5 1998 (Oak Tree in the garden of Marne House).
- The badger set has not been identified in the ecological reports.
- The Five Year Land Supply Report placed great emphasis on 'deliverability' of sites and listed sites that were not deemed deliverable due to pollution issues at Stodmarsh and the impact of Covid 19. This site is not deliverable without the prior consent from the Secretary of State for Education. Neither Tenterden Schools Trust/Homewood School nor Wates have permission to dispose of the land.
- There is a strict and detailed procedure for applying to dispose of school playing fields, including a public consultation period.
- Excessive development within the borough has brought upon pollution issues of immense concern. Damage and pollution is already occurring at Tilder Gill due to development and inappropriate land use, ie destroying orchards and burning waste leading to polluted water run-off. Central government should review the disproportionate housing targets for the borough and reduce targets to reflect their environmental ambitions.
- To use Grade 2 agricultural land for football pitches should not be permitted. As a nation, we should be protecting all grade 1&2 agricultural land to ensure we can graze animals and grow food following our departure from the EU.
- The town is losing its identity.
- It's a beautiful piece of land and all the people who have enjoyed it during difficult times like lockdown would be very sad to see it all dug up and the animals and wildlife displaced.
- Whatever other comments are made, however many appeals get made and overturned, the eventual outcome will be that our beautiful green spaces will get torn up and replaced with little identical overpriced boxes.
- The design of the buildings in particular their gardens are not in keeping with the outside spaces seen in the surrounding housing stock. When the site is looked at from a satellite view it is noticeable how small the gardens are.

- It is not good design.
- The close proximity of the houses to one another would lead to overlooking by neighbours. If any other building was built that close to each other there would be a requirement for fenestration to have obscured glass fitted.
- The proposed development does not provide sufficient parking per unit.
- If permission is granted a Section 106 should be sought for the country park and sports facility's to be transferred in title to the people of Tenterden "Tenterden Town Council" to use in perpetuity.
- The proposal affects the setting of listed buildings and can be seen within a view from the listed building "Stace House".
- The site plan shows several access points over the Appledore road verge but it is believed this land forms part of the highway verge and therefore the applicant does not own this land. Without these entrances the proposal would not have sufficient vehicular access and would fail to provide visibility splays.
- It is an Area of Outstanding Natural Beauty so building an artificial country park is absurd.
- Lack of police presence will encourage crime & unruly behavior.
- Rumours of unexploded bombs on the land and craters from bomb explosions during WW2.
- Concerns with Public Rights of Way across the land.
- The local bus service is inadequate.
- Due to decrease in demand of office space due to Covid-19 instead of building new houses developers should look to converting office spaces.
- Concerns with air quality pollution & noise pollution.
- Would not support development of the site until a bypass has been built to the east of Tenterden from somewhere like the east Leigh Green to the A28 Ashford Road north of St Michaels.
- There is a covenant on the land.
- Concerns with impact on wellbeing of existing residents of the area.
- Government have recently announced they will be adding a legally binding agreement of the Environment Bill to stop the loss of wildlife in England by 2030 – how can developments like this be allowed to go ahead?

- Contamination cannot be dealt with by condition as contamination is expected on the site from historic uses and the condition can only be for “unexpected contamination”. Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance as per the NPPF should be followed in these circumstances.
- Ground Conditions and Pollution paragraphs 178 to 183 is very clear on the responsibilities of the developer. If Wates will not undertake voluntary the relevant investigate in line with government acts of parliament and guidance, then I would suggest ABC instruct them. The report should then be made public for scrutiny.
- Has there been a stipulation that all new buildings must have alternative sources of energy? Solar panels, heat exchangers. If not why not?
- Who would be responsible for the maintenance of the common areas i.e footpaths, verges, orchards and landscaping.
- The development will cause extra demand on utility services i.e water, electric, gas.
- The submitted transport plans give a false visual impression of the siting of the bus stops and proposed crossing.
- Over three years Community Speedwatch sessions at the exact point where the eastbound bus stop is proposed recorded on average 23% of all vehicles passing were travelling above 35mph. The fastest recorded was 71mph.
- The warning sign ‘pedestrians crossing’ for the east is 51 metres from the footpath. This is too dangerous and insufficient warning to drivers.
- The proposed bus stops are opposite each other and in the event of both bus stops being occupied would prohibit free flow of traffic and add another obstacle to the sight line of both pedestrians and motorists.
- The proposal is in direct conflict with environmental policies both ENVs and SP1 and SP2.
- The current area of the school land is 3.4 hectares and 3.3 hectares is proposed for sports provision. In effect this is like for like and the suggested provision of 0.56 hectares of playing fields to serve the development pursuant to policy COM2 of the ABLP is misleading as this is not extra provision.

- The creation of a football pitch on the waterlogged site will require a massive groundworks operation to provide the drainage to meet Sport England standard.
- The developer does not own any of the land and there is no guarantee that they will retain the land for development many of the statements made must be questioned.
- The developer should produce some critical path analysis showing all aspects of the development of the site including all the necessary consents and conditional actions required, road improvements, delivery of football pitches, pavilion, country park and associated parking. This should also identify who is responsible for all these actions.
- Previous applications on the site have been refused and quashed by the High Court. The Inspector concluded that the development would result in a significant intrusion into the countryside and that it would detract from the character and setting of a very attractive small town.
- Open space is important to local people during Covid 19 lockdowns.
- Double yellow line parking restrictions would need to be introduced on surrounding roads.
- This application does not alter the proposed SUDS proposals compared with previous application.
- The existence of ponds on the site have been downplayed in the accompanying documents. These should be investigated by Senior Archaeologists.
- Development would impact upon amenity and privacy of adjacent residents, particularly Marne House & Rose Cottage.
- Concerns with noise during construction.
- The tree plan shows screening as if it exists already which is misleading as such screen would take years to establish.
- Concerns with the impact of the development on Protected Tree 313 on the Tree Plan.
- The 2010 ABC Sustainability Appraisal Tenterden and Rural Sites DPD concluded that the style of development on this site would be out of keeping with the prevailing character of the area and access to the site is limited.

- A one way traffic system at the A28 junction should be made a permanent feature.
- Concerns with soil management during construction.
- There is limited mention of the Drove Road on the Southern Boundary.
- The landscape is a classic example of ancient countryside and include a faulted landform of clay and soft sandstone, ancient ponds (possibly marl pits), visible ancient routeways, irregular shaped small fields enclosed by a network of hedgerows of medieval origin or earlier, an ancient grassland, ridge and furrows which all represent a classic medieval landscape within the High Weald NCA.
- Contravenes policy ENV13 as the number of objections from the previous application clearly highlights local opinion to this application, with the majority stating that the site will not provide any public benefit.
- There are numerous inspector decisions on proposed development of the site and these views are independent and form a significant material consideration and should add significant weight towards a refusal of this application.
- There are errors with the submitted Surface water drainage system documents.
- Concerns with the future design at reserved matters stage.
- The site history on the Council's planning portal is inaccurate.
- Issues of contamination should be properly investigated before the application can be considered.
- Many neighbouring dwellings do not benefit from vegetation screening the site. The landscape buffers need to be reviewed.
- The site was voted by 600 residents in 2019 as the most popular in the Parish for recreational use.
- Insufficient time to read over 100 detailed documents, especially during half term time.
- The proposal of 27.62 dwellings per hectare is out of proportion with the immediate density of the houses on Woodchurch Road & Appledore Road.
- The proposed density would cause significant harm to the character of the area, the residential amenity of the adjoining residents and the AONB.
- The previous application was refused on the basis of the lack of clarity regarding the delivery and future financing and maintenance of the Country Park, Sports Facilities, Pavillion and Car Park along with Community Use Agreement. Is this latest proposal any clearer?
- Concerns with electricity supply to the site and the need for the existing overhead line to be diverted underground but the route has not yet been determined. Without any feasibility study on the source of electrical supply and the timescale for delivery any necessary reinforcements, the deliverability of this site and the timescales have to be questioned.
- If permission is granted the applicant may gain approval to revert to the original application for 250 dwellings.
- Carbon will be released from the ancient grassland.

- Rye grass seeding of the football pitches will negatively impact on the ancient neutral/acid grassland as seeds will disperse.
- A plan showing 250 houses still remains within the ecological report.
- The loss of the Cadet Hut will ultimately impact on the deliverability of this service to young people and the pavilion will not provide the same opportunities or practicalities.
- The removal of livestock from the grassland will be detrimental to the site's biodiversity.
- According to Land Registry the ownership remains with the original owners and they remained so at the date the application was submitted.
- Inaccuracies with the Ariel visualization which shows the southern boundary. On this image the boundary shown is incorrect at the location of Rose Cottage and appears to show a wider buffer than is actual.
- There are moles on the site, do the developers plan to get rid of them?
- The applicants place great weight on the current position regarding ABC's five-year land supply. This is a borough-wide issue and I question why any shortfall should be met by Tenterden.
- Object to the removal of 25 metres of the historic Hedgerow between Field 5 and Field 6.
- This proposal will not grow or innovate the local economy. There are no economic needs for additional houses in Tenterden.
- Disappointing that the developer did not consult Ashford for a new pre-app
- The proposed contributions are practically indecipherable, and possibly surpass what is expected for this size development. Ashford LPA need to scrutinise and determine if the contributions exceed what is expected for a 145 housing development.
- If it is the intention of the landowners to introduce cattle to Limes Land, then it is only right that the landowners and Wates accept legal responsibility for any injury caused to a resident by cattle.
- Concerns with cattle causing environmental pollution and damage.
- If the Army Cadets are to share the new pavilion going forwards they should be given special storage space at the new shared building to compensate them for their loss.
- More cycle paths must be added to the scheme.
- Kent Police would be requesting a condition for the site to address designing out crime, however although this in essence is a good idea the suggestions made would be completely incongruous with the idea of a "country Park".
- Acid grassland (which has been referred to for this site) is protected under guidelines from the Department for Environment (Defra).
- Visible and underground water ways (ditches, ponds, streams, culverts, etc) will be impacted by the increasing wet winters with the consequence of flooding in areas not previously recorded by statutory bodies. This major development together with these waterways will significantly increase surface water on this site as the ground is impermeable. The Wates proposal is not sustainable and the design fails to meet the needs of surface water run offs.

- There are no provisions shown for electric charging points.
- 2 comments received supporting the scheme commenting as follows.
- Children will benefit from the sports pitches.
 - Ability to raise children in the area with 50% affordable housing and schools will benefit from the increase in numbers on roll.
 - The plans are suitable for the town.
 - Country Park and formal sports pitches and a pavilion which the whole area lacks would be of great benefit to all ages of the community.

Planning Policy

33. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rovenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
34. Not part of the Development Plan but noteworthy are (i) the Boughton Aluph & Eastwell Neighbourhood Plan that is proposed to be adopted by the Borough Council in the very near future, (ii) the Egerton Neighbourhood Plan that is currently at 'Regulation 16' (Examination) stage and (iii) the Tenterden Neighbourhood Plan that, although it has been out to consultation is at an earlier 'Regulation 14' stage in the process towards adoption.
35. The following are also material considerations to the determination of this application:-

Ashford Local Plan 2030 (adopted February 2019)

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU1 - Affordable Housing

HOU5 - Residential windfall development in the countryside

HOU6 -Self and Custom Built Development

HOU12 - Residential space standards

HOU14 - Accessibility standards

HOU15 - Private External open space

HOU18 - Providing a range and mix of dwelling types and sizes

TRA3 (a) - Parking Standards for Residential Development

TRA4 - Promoting the local bus network

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

TRA8 - Travel Plans, Assessments and Statements

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV3b - Landscape Character and Design in the AONBs

ENV4 - Light Pollution and Promoting Dark Skies

ENV5 - Protecting Important Rural Features

ENV6 - Flood Risk

ENV7 - Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV12 - Air Quality

ENV13 - Conserving and Enhancing Heritage Assets

ENV14 - Conservation Areas

ENV15 - Archaeology

COM1 -Meeting the Community's Needs

COM2 - Recreation, Sport, Play and Open Spaces

COM3 - Allotments

COM4 - Cemetery Provision

IMP1 -Infrastructure Provision

IMP4 – Governance of Public Community Space and Facilities

Kent Minerals and Waste Local Plan (2016).

DM7 - Safeguarding Mineral Resources

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011(now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Fibre to the Premises SPD 2020

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal. Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point.

Tenterden Neighbourhood Plan

The Regulation 14 version of the draft Tenterden Neighbourhood Plan was published for public consultation on Wednesday 23rd June 2021 for 8 weeks. The consultation has now ended.

Policy TEN NP2 of the draft version of the Tenterden Neighbourhood Plan, proposes to designate a large proportion of the application site as 'Local Green Space' as per the area masked in lime green on the image below.



Draft Policy TEN NP2 states that "proposals for development at the sites identified as designated Local Green Spaces will be considered in line with national planning policy on Green Belts".

Although a material consideration, due to the stage of preparation the Tenterden Neighbourhood Plan it can be afforded limited weight when determining the application.

Government Advice

National Planning Policy Framework (NPFF) 2021

36. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

37. Paragraph 8 - The NPPF sets out the high level government aim of achieving sustainable development through 3 main objectives which are interdependent and need to be pursued in mutually supportive ways. These are
 - a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

Paragraph 11 - Presumption in favour of sustainable development

Paragraph 20 – 23 - Strategic policies

Paragraph 28 – 29 Non Strategic polices

Paragraph 34 - Developer contributions

Paragraph 38 - Decision making

Paragraphs 39 to 46 - Pre-application engagement

Paragraph 47 – 50 - Determining planning applications.

Paragraphs 55 to 58 - Planning conditions and obligations

Paragraph 60 to 67 - Delivering a sufficient supply of homes

Paragraphs 68 to 73 - Identifying land for homes

Paragraphs 74 to 77 - Maintaining supply and delivery

Paragraphs 92 to 97 - Promoting healthy and safe communities.

Paragraphs 98 to 103 – open space and recreation

Paragraphs 114 to 118 - Promoting sustainable transport

Paragraphs 112 to 116 - Supporting high quality communications

Paragraphs 119 to 123 - Making effective use of land

Paragraphs 124 to 125 - Achieving appropriate densities

Paragraphs 126 to 136 - Achieving well-designed places.

Paragraphs 152 to 169 - Meeting the challenge of climate change, flooding.

Paragraphs 174 to 178 - Conserving and enhancing the natural environment.

Paragraphs 179 to 182 - Habitats and biodiversity.

Paragraphs 183 to 188 - Ground conditions and pollution

Paragraphs 189 to 208 - Conserving and enhancing the historic environment

Paragraphs 209 to 214 - Facilitating the sustainable use of minerals

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

38. The main issues for consideration are as follows:

- (a) The application proposals in relation to the Borough's 5 year housing land supply.
- (b) The application proposals in relation to the Borough's strategic approach to housing development
- (c) The location of the site in relation to the level, type and quality of day to day service provision currently available and accessibility to those services
- (d) The impact of the scheme on the character and appearance of the surrounding area
- (e) The impact on neighbouring uses and residential amenity
- (f) The impact on the surrounding road network and highway safety
- (g) The Impact on public rights of ways within the site.
- (h) The governance arrangement for the country park, sports pitches and pavilion .
- (i) The impact on ecology
- (j) Flooding and drainage issues
- (k) Ground contamination
- (l) Archaeology
- (m) Affordable housing provision

(a) The application proposals in relation to the Borough's 5 year housing land Supply

- 38. The Council can currently demonstrate a 4.80 years supply of land for housing, which includes a 5% buffer
- 39. Accordingly, the national presumption in favour of sustainable development is engaged and is a material consideration.

40. It is accepted that the delivery of a maximum of 145 additional dwellings would assist with housing supply across the borough. The scheme may also be fully delivered within five years albeit it would require a subsequent reserved matters application approval first, and this consideration also carries some planning weight.
41. However, in terms of the principle of the proposed development, Policy SP2 clearly sets out that Ashford is by far the most sustainable location for development, and that development in the rural areas will be dependent on the suitability of sites, environmental sensitivities, and on development scale being consistent with the relevant settlement's accessibility, infrastructure provision, and service availability. In this context, current Stodmarsh-related difficulties should not be viewed as justification for allowing unsustainable development (the NPPF presumption is in favour of sustainable development only). Housing supply shortfall does not outweigh all other factors. A detailed assessment of the scheme against Policy HOU5 of the ALP 2030 is provided elsewhere in this report.
42. It is noted that the applicant is suggesting that a number of sites which are relied upon for the 4.8 year supply figure are 'not deliverable' because housing applications cannot currently be determined, on account of there currently being no solution to mitigating the adverse ecological impacts of such developments on the water quality of the Stodmarsh National Nature Reserve in Kent (classified as a Special Protection Area (SPA)). It is suggested (in para. 6.1 of the applicant's April 2021 'Five Year Land Supply Report') that the supply of land for housing in Ashford is currently 3.31 years and that this should frame any decision.
43. Whilst I acknowledge that a number of planning applications cannot currently be determined, it does not agree that such sites are therefore 'not deliverable' and that the supply is therefore 3.31 years. The applicant's determination of what is 'not deliverable' is inconsistent with the definition of 'deliverable' in Annex 2 of the National Planning Policy Framework, which states that: "*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 5 years.*"
44. The applicant provides no evidence that the developments referenced will not happen within 5 years. The largest developments are proposing their own on-site nutrient mitigation, and the Council is currently actively pursuing solutions to mitigate the adverse impacts of developments in general on Stodmarsh, including almost all the developments referenced in the applicant's April 2021 report. It is therefore highly likely that housing will in fact be delivered on the sites in question within 5 years.
45. Once Stodmarsh mitigation is in place, there will be no infrastructure impediment to these sites being built out, and pent up demand for housing may actually result in an increased rate of housing completions. Housing completions monitoring undertaken in Summer 2021, to be made available in

due course, demonstrates that delivery of housing has not been made worse by current Stodmarsh-related difficulties with determining some applications.

46. It is noted that, besides referencing Stodmarsh-related issues, the applicant has not alluded to any other concerns about deliverability, or explained if there are reasons besides Stodmarsh why any of the sites referenced as being undeliverable cannot come forward.

47. In my view, the proposed development would result in a number of unacceptable adverse impacts. These are outlined in more detail in the report below. The modest deficit in housing land supply is insufficient to outweigh these adverse impacts and therefore to outweigh the harm caused by the development.

(b) The application proposals in relation to the Borough's strategic approach to housing development

48. The adopted Ashford Local Plan (ALP) 2030 sets out the land use planning strategy for the Borough including the strategy for housing delivery in policy SP2 ALP. The policy identifies that the housing target for the Borough will be met through a combination of committed schemes, site allocations and suitable windfall proposals and that the majority of new housing should be at and around Ashford as it is the most sustainable location for housing development in the Borough.

49. In rural areas, policy SP2 ALP states that development should be at a scale that is consistent with the relevant settlement's accessibility, infrastructure provision, level of services available, suitability of sites and environmental sustainability. For development in Tenterden specifically, paragraphs 2.48-50 of the ALP explain that, whilst the town is relatively well served by shops and services and is a main service centre in the south-western part of the borough, development opportunities are constrained by the presence of the AONB on its periphery and the character of the conservation area at its heart.

50. Consequently, the Plan's strategy for the Plan period involves no more large scale allocations in Tenterden beyond the completion of the southern extension to the town (site S24 in the Plan for, indicatively, 225 units) and the committed 100-unit extension to the Shrubcote estate at Tilden Gill. In combination, these additional areas of development are considered to fulfil the town's development needs over the Plan period.

51. In their Report on the Examination of the Local Plan 2030, the Inspectors considered the role that Tenterden should play in meeting the housing needs of the borough and recognised that, over the last 20 years or so, the population of the town had not increased in line with the overall population growth of the borough and that this had led to some evidence of higher house prices than the borough average and a relatively higher proportion of ageing households.

52. However, they concluded (at para. 35 of their Report) that there was; - “*no evidence that the vitality and viability of shops and services in the town had suffered as a result and the town appears to be thriving. Therefore, it is not essential for the growth strategy to be changed to favour Tenterden in order to arrest potentially serious economic or social consequences. The distribution of development enshrined within the ALP should allow Tenterden to perform its role as a principal rural service centre as set out at paragraph 3.8 of the Vision.*”
53. It is pertinent to note that the applicant made substantial representations to, and appeared at, the ALP examination in 2018 to promote both the merits of developing this site for housing and the role of Tenterden as a location for meeting a greater share of borough’s housing needs. In both instances, the Inspectors rejected the case that was advanced.
54. As a large, unallocated, housing proposal, the application would significantly increase the number of dwellings to be provided in Tenterden when considered alongside the existing residential allocations and commitments referred to in the ALP. The scale of development proposed here runs counter to the adopted spatial strategy enshrined in policy SP2 and would undermine the carefully considered and independently-examined approach to the sustainable distribution of housing development across the borough.
55. Whilst policy SP2 allows for windfall housing development to come forward, this is where it is consistent in the first instance with the spatial strategy outlined in the policy and, in the second instance, with other policies in the Local Plan to ensure that sustainable development is delivered. I deal with the consistency of the proposals with other ALP policies below but, more fundamentally, I do not consider that the scheme is consistent with the spatial strategy for housing delivery in the borough and therefore is in conflict with policy SP2 of the ALP on that point.
56. Notwithstanding that overarching objection, I have also considered the role of policy HOU5 of the Local Plan (Residential windfall development in the countryside) in assessing the suitability of the proposal as a ‘windfall’ development.
57. Policy HOU5 states that proposals for residential development adjoining or close to the existing built up confines of identified settlements, including Tenterden, will be acceptable 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) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,
- 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.

58. Policy HOU5 also deals with the issue of windfall development within or in the setting of an AONB and the need for proposals to be justifiable within the context of the national level of protection afforded to such areas and the need to conserve and enhance their natural beauty.
59. A more detailed assessment of the proposal against the relevant specific limbs of policy HOU5 is set out further below.

- (c) The location of the site in relation to the level, type and quality of day to day service provision currently available and accessibility to those services.
60. Policy HOU5 (a) requires that 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 the Local Plan and committed development in liaison with service providers.
61. 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).
62. Turning to Policy HOU5 (b), this requires that a windfall development 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. The supporting text to this policy outlines that basic day to day services such as a grocery shop, public house, play/community facilities and a primary school should be within a generally accepted easy walking distance of 800 metres in order to be considered sustainable, although it is identified that the specific local context of a settlement may mean a higher or lower distance would be a more appropriate guide.
63. 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.
- (d) The impact of the scheme on the character and appearance of the surrounding area

64. Policy HOU5 (f) requires the development (and any associated infrastructure) to be of a high quality design and meet the following requirements:-
- i) the need to sit sympathetically within the wider landscape,
 - ii) the need to preserve or enhance the setting of the nearest settlement,
 - iii) the need to include an appropriately sized and designed landscape buffer to the open countryside,
 - iv) the need to be consistent with local character and built form, including scale, bulk and the materials used.
65. The application site comprises of mainly fields with a strong rural appearance located outside the built confines of Tenterden. Although it is partly bordered by housing on the Appledore & Woodchuch Roads this comprises of mainly lower density detached and semi-detached linear ribbon development located within spacious and well landscaped grounds with large rear gardens backing onto the site. This creates an attractively leafy and relaxed feel to the settlement edge in the form of Woodchurch Road and Appledore Road. The undeveloped land forming part of the application site that is situated between the rear gardens of the homes on those Roads further contributes to the overall character of this edge because it provides for landscape penetration right into the point where built development occurs and therefore is part of the setting of the settlement. The combination of landscape penetration and low intensity ribbon development creates an edge that has a verdant, relaxed character and setting that gently manages the entrance into the town from the surrounding countryside and helps maintain Tenterden as a rural town with considerable charm.
66. Tenterden, together with St Michaels, forms a linear settlement along the A28 with some development including more recent C20th development extending along other main routes into the town – Appledore Rd; Woodchurch Rd and Smallhythe Rd. Nevertheless the overriding linear form of the settlement is still apparent. The proposals are a reduction in the maximum number of dwellings proposed from the previous refused application 19/01788/AS reduced from ‘up to 250’ dwellings to ‘up to 145’ dwellings, however the developable area remains similar. I consider my objections to the previous application remain pertinent for these current proposals. The proposals would still involve a substantial level of housing development within a proposed series of intensely developed development blocks served by a network of prominent streets together with a new substantial main access to the Appledore Road. This access would require changes affecting a mature tree located on the Appledore Road and which is part and parcel of its character (I deal with impacts on trees further below in my Assessment).

67. The proposed development by ‘filling in’ agricultural land between the Woodchurch Road and Appledore Road would not respect the linear settlement form. Furthermore, the fields comprising the application site have a role to play in anchoring historic Tenterden (the conservation area immediately adjoins the site to the north west) into its rural context with the physical linkages (PROW) across the site and visual connections (views of the town from the application site) embedding the settlement in its rural context.
68. I do not consider that the proposal would sit sympathetically within the setting of the settlement and the aforementioned subtle transition that manages the change from countryside into the town. Notwithstanding the provision of a small ‘no development’ buffer at Parcel F1 (the far southwest corner of the application site), it would inevitably appear a substantial addition to the town through the substantial infilling of the landscape close to the edge of properties
69. I consider that it would be incongruous as a result. The rising levels of the land located to the rear of homes on Woodchurch Road in an easterly direction towards the crown of the site close to the PROW in particular would mean that development parcels would represent development that would not be able be hidden or easily visually absorbed as a low impact sympathetic windfall addition to Tenterden. In my opinion the opposite would be true. The nature of the homes adjacent to the site is such that they are visually contained by a combination of proximity to the road frontage, generous plots and mature landscaping. The undeveloped landscape therefore predominates and the site remains strongly rural in character. The net result of proposed development would fundamentally alter this position with a more intense form of residential development ascending the hill in an incongruous and intrusive manner. The development would be able to be seen and sensed both in glimpsed form between existing buildings as well as from longer views where homes rising up the hill in particular would be discernible above the roof tops of existing homes located at lower levels. It would represents an inappropriate urban expansion into open countryside that would erode an important green wedge which reinforces the historic linear form of the town and helps embed it in its rural setting
70. The applicant’s proposals involve north-south axis tree planting belts near to the aforementioned crown of the hill in order to try and soften the impact of homes at the highest point of the site when viewed from the east: although I would always support tree planting as a matter of principle, I view this approach as symptomatic of an overambitious approach to development and an attempt to try and hide it. Clearly, for example, without housing parcels the existing landscape would be retained free from new homes, homes would not be discernible ascending to the highest ground in the application site and the landscape would continue to dominate and penetrate downwards to the application site boundaries in a manner that creates a strong landscape setting to this side of Tenterden.

71. The scale, form and intensity of the proposed windfall development is such that I conclude that it fails to meet criterion HOU5 (f) as that which is sought would not be able to be absorbed sympathetically within the landscape and it would harm rather than preserve or enhance the characterful existing setting.
72. Although details of the final dwellings and layout are reserved for future consideration the extent of the proposed developable area is shown within the illustrative masterplan. It comprises of a series of smaller development areas within a new network of streets separated by open spaces. This combined with the green buffer zones to existing development around the site means the development is 'pushed back' into the site. The result is prominent outward facing streets which combined with on street parking areas, whether in specific bays or on the street, would result in a rather visually highway dominated layout. Most of the developable area are illustrated as cul-de-sacs and would require engineered turning areas for cars/ refuse vehicles that would add to this feel. In places, the blocks break down with some properties having open backs. It does not follow the general pattern of development in the area with back to back development.
73. The final typology mix is a reserved matter. However the Design and access statement outlines a potential mix of 1 and 2 bed flats and 2, 3 and 4 bed dwellings. The application states that the actual masterplan only shows 141 dwellings. In order to allow the houses to have on-site parking provision and a minimum of 10m long gardens to meet space standards (which is not reflective of the much larger gardens of surrounding properties) would mean providing a number of flats indicatively shown to be around 31, 1 and 2 bed units or nearly 22% of the total dwellings proposed. One flat block is shown at 2.5 storeys the rest 2 storey. These would require substantial hard-surfaced parking courts with parking provision at 1 space per unit for 1 bed flats and 2 spaces for 2 bed flats.
74. Although the proposal involve a reduction in the maximum number of dwellings from the previous refused scheme it does not alter my concern that the overall scale, form and quantum/intensity of the proposed development would be unable to be absorbed without harm to the character of the surrounding area.. Additional landscaping is proposed along boundaries as well as the aforementioned ridge but this does alter my conclusion that to the residential proposals would be contrary to policy HOU5 part f (i) to (iv).
75. The Inspector, in the in 1989 dismissed appeal, agreed that despite the site being bordered by housing on Appledore Road and Woodchurch Road there was no sense of urban enclosure. He disagreed that housing would merely 'round off' the edge of Tenterden with the development contained behind a pocket of existing development. Tenterden had largely a linear form and a significant element of its character derives from the proximity of the countryside to the heart of the town, as in this case. Although the scheme was

for slightly smaller scale development of 124 dwellings in the western corner of the application site the findings still have relevance to the current proposals.

76. The residential development is not justified by the provision of the country park, sports pitches and associated development as outlined further in the report. I consider that the visual impact of the proposed pavilion building, sports pitches (apart from the 11 a side sports pitch due to a tree issue mentioned below), ancillary car park and Country Park are in themselves not objectionable if there was a proven need for them. The applicant has confirmed the sports pitches would have no floodlights as otherwise these would likely to have a wider adverse landscape impact, including on the AONB further to the east. This, however, would restrict usage of the pitches to daylight hours.

(i) Impact on trees and vegetation

77. The application has been accompanied by an Arboricultural Implications Report. 46 individual trees and seven groups of trees are to be removed, either because they are situated within the footprints of proposed structures or surfaces, or because they are too close to these to enable them to be retained. For the same reasons, parts of a further eight groups of trees/hedgerows are also to be removed. I have the following objections to the impact of the scheme on existing trees.

(a) Proposed new vehicular main access Appledore Road

78. In order to construct the proposed main vehicular access to the Appledore Road it would be necessary to remove a mature Horse Chestnut tree at the highway verge entrance to achieve visibility splays acceptable to Kent Highways. A particular feature of the Appledore Road are the mature trees on either side giving it strong tree lined avenue characteristic that enhance the area.
79. I regard the tree as a very significant landscape component of the avenue that guides the transition into Tenterden along the Appledore Road from the south. I don't support the arboricultural assessment describing the lack of importance of the tree as an avenue component and the likelihood that the tree would succumb to disease. The loss of the tree would, in itself, be harmful to the quality and coherence of the existing street scene contrary to policy ENV3a(b) of the ALP 2030. Although mitigation, in the form of a replacement planting through a KCC CAVAT payment is proposed, this would have almost no effect for many years. The tree has a good prospect of contributing to the landscape as an important component for many years to come.
80. The previous scheme 19/01788/AS proposed a second (western)vehicular access involving the loss of a further two mature horse chestnut trees along the Appledore Road. This access however has been changed to a pedestrian

and cycle access only and the two trees are not now required to be removed due to highway requirements and would therefore be retained.

(b) Impact of 11 a side pitch on ancient tree T381

81. The proposals shows a new 11 a side football pitch proposed in area F10 within the offset Buffer Zone for the ancient tree T381 and an incursion within the Root Protection Area (RPA). The soil level would be raised by the pitch run off zone and probably the pitch itself within a reconfigured buffer zone and RPA, but incursions are shown even within the offset to the east buffer zone of the proposal shown. In addition, excavation is planned for within T381 to install drainage for the pitch.
82. This level of incursion is unacceptable as BS5837:2012 tree standard recommends that no development should occur within the RPA of any ancient or veteran tree. The drainage excavation is development and would likely result in a deterioration to the rooting area of the ancient tree. Furthermore, as has been highlighted, the ditch would have likely had an effect on the rooting morphology of T381 and with an appropriately offset RPA and buffer zone to the west aspect, the incursions would be even greater and of a magnitude that should not be reasonably countenanced.
83. I therefore object to the developmental incursions within Ancient tree T381 and the application of the offset buffer zone as this would be likely to result in a deterioration to the ancient tree that is contrary to NPPF para 180 and policy ENV3a(b) ALP.
84. Within Area F10 the construction of the sports pitch, pavilion and car parking area relies on the crown lifting of a significant number of trees. Currently, many have attractive low crowns that would have a significantly altered aesthetic if crown lifted. However, I do not consider the extent of this impact in visual terms is objectionable in this case.

(c) Impact on ancient tree T312

85. The veteran tree T312 lies within the southern part of the proposed housing situated between developable areas. The indicative developable layout on the west aspect of T312 appears to run very close to the Buffer Zone with garden space not seemingly achievable, the quantum of development in the section may not be viable but space could be freed by consideration of T312's true rooting morphology. Owing to the ditch acting as a barrier to rooting T312 has a root morphology that has concentrated on the eastern side of the ditch, and the RPA should reflect this and logically so should the buffer.
86. By not reflecting the rooting morphology of the veteran tree T312 as a result of the RPA and buffer zone plotting the proposals in my view, amounts to a

deterioration of an irreplaceable habitat and results in harm to the Veteran tree T312 contrary to advice in the NPPF.

(d) Impact on T313 TPO oak

87. This TPO tree is located on the southern boundary of the scheme. The SUDs proposals appears to run through the RPA of this TPO oak, and I have concern as to whether this could be achieved without harm to the tree. Without further detail to confirm this I object to the proposals on grounds of likely detrimental impact on the tree.

(ii) Impact on the character of the AONB

Policy ENV3b of the ALP outlines that regard shall be had to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs and states;-. *'Major development proposals within AONBs will only be permitted in exceptional circumstances and where it is demonstrated they are in the public interest.'*

All proposals within or affecting the setting of AONBs will also only be permitted under the following circumstances:

- (i) The location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape.*
- (ii) The development would enhance the special qualities, distinctive character and tranquility of the AONB.*
- (iii) The development has regard to the relevant AONB management plan and any associated guidance.*
- (iv) The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the AONB.'*

88. The boundary of the AONB lies to the east of the site (see figure 4 above in the proposals section). The residential development is proposed on the western side of the site below the central ridge though which the existing PROW passes. 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.
89. The proposed pavilion building 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, however, on the applicant's basis of no floodlights being proposed for the sports pitches.

(iii) The impact on the character of the conservation area and setting listed buildings

90. Policy ENV14 of the ALP requires that development or redevelopment within conservation areas will be permitted provided such proposals preserve or enhance the character and appearance of an area and its setting. The covering text outlines that it is important that new development takes a particular account of the impact on the setting of a conservation area and important views into and out of the area.
91. A small number of properties and their gardens adjacent to the application site fall within the boundaries of the conservation area. 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.
92. 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.

(e) The impact on neighbouring uses and residential amenity

93. Policy HOU5 (f)(v) requires the development (and any associated infrastructure) to be of a high quality design and not adversely impact on the neighbouring uses or a good standard of amenity for existing residents

94. Details of the scheme are a reserved matter. However, 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 developable areas as shown on the masterplan are setback from this boundary by a green 'buffer' The closest parts of the developable area are shown as mostly access road with the nearest being approximately 12m away from the nearest rear garden boundary, with other parts of the developable area 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 50m. Although I accept 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
95. 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).
96. The proposed dwellings are also setback from the existing Appledore Road dwellings behind a narrow green buffer and proposed access road. Some of the existing dwellings along the southern boundary, notably at Limes Close and Briar Court, are located in close 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).
97. The proposals would involve a new western pedestrian/cycleway access to the Appledore Road that would run between the curtilages of existing dwellings and involve pedestrian/cyclist 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 vehicular 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.

(i) Air quality

98. Policy ENV12 of the ALP outlines that all major development proposals should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality. Proposals which would result in National Air quality objectives being exceeded will not be permitted. An air quality assessment (updated form the previous application) 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. 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 management has been recommended
99. The assessment of the impact of vehicle emissions at receptors has predicted that the magnitude of change at all receptors locations is negligible. Therefore, given that all impacts are predicted as 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 not significant. It concludes that providing the suggested mitigation measures are taken, the proposed development would not have a significant impact on local air quality
100. Mitigation measures include electric vehicle charging points, travel plan welcome packs, and soft landscaping. 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 of the ALP 2030.

(f) The impact on the surrounding road network and highway safety

101. Policy TRA7 of the ALP 2030 outlines that developments that would generate significant traffic movements must be well related to the primary and secondary road network. New accesses and intensified use of existing accesses onto the road network will not be permitted if a clear risk of road traffic accidents or significant traffic delays would be likely to result. Other requirements are not permitting development that exceed what local road capacity could reasonable accommodate and demonstrating that traffic movements to and from the development can be accommodated, resolved or mitigated to avoid severe cumulative residual impacts.
102. Policy HOU5 (c) of the ALP requires the site is able to be safely accessed from the local road network and that the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area.
103. A Transport Assessment has been submitted with the application. It includes junction assessments that have shown that vehicular traffic generated by the

development can be accommodated within the existing highway network, with minimal additional queueing expected. The application is also supported by a Travel Plan to ensure that sustainable modes of transport are promoted to future occupiers, to seek to reduce their reliance on travel by private car.

104. Kent Highways and Transportation raise no objection to the proposals commenting that only one vehicular access is now being proposed to the east of the site off Appledore Road together with an emergency / pedestrian / cycle access in the location of the previously submitted western access point on Appledore Road. This is acceptable as the access points meet the parameters of a Major Access Road in the Kent Design Guide.
105. A footway / cycleway connection is also being promoted as per details submitted previously onto Woodchurch Road together with the provision of two new bus stops which, again, is acceptable to KCC Highways and Transportation.
106. In addition, the impact on existing surrounding junctions was assessed as follows: A28 High Street / East Cross / Recreation Ground Road, Ashford Road / Beacon Oak Road, Oaks Road / East Hill / Golden Square, Beacon Oak Road / Golden Square / Woodchurch Road, Beacon Oak Road / East Hill / Appledore Road, Appledore Road / Shrubcote and Site access
107. Future years of 2023 and 2026 have been used for the junction capacity assessments for all of the above junctions and also included are the committed developments known as Taylor Wimpey / Dandara scheme (TENT1) and Tilden Gill scheme, Redrow. The potential traffic from TENT 1b (allocated for 225 units) has also been included in the junction capacity assessments as requested by KCC Highways and Transportation as a sensitivity test. Traffic growth factors have also been included in the junction capacity assessments.
108. For the A28 High Street / East Cross / Recreation Ground Road Overall the junction capacity will worsen by 2%. Although this is a slight worsening in capacity an increase in queuing of three vehicles is not considered to be severe in accordance with the National Planning Policy Framework.
109. For the A28 Ashford Road / Beacon Oak Road Junction, the Tilden Gill development has delivered a roundabout at this junction in order to provide extra capacity for the Beacon Oak Road arm of this junction. The constructed roundabout scheme has been assessed for all the above future year scenarios. The results demonstrate that the roundabout will have ample capacity to accommodate development traffic associated with this proposal and all arms will operate within capacity with a maximum queue of four vehicles in the PM peak on the Ashford Road North arm in a 2026 future year scenario. All other four other existing junctions and the proposed site access

junction will operate with plenty of spare capacity in a 2026 future year scenario.

110. To support the proposals a reduction in the speed limit along Appledore Road from 40mph to 30mph is proposed together with traffic calming features in the form of traffic build-outs and a new zebra crossing across Appledore Road

(i) Parking provision

- 111 The housing development is an outline planning application proposal so the final parking details are not being determined at this stage. Based on the indicative typologies for 141 dwellings outlined in the D and A Statement, a minimum of around 280 parking spaces would be needed to serve the dwellings with and a further 28 visitor parking spaces applying ALP policy TRA3a parking standards. This could change with a different number and typology mix. Kent Highways and Transportation request that this is secured through a condition that vehicle parking spaces for each residential dwelling shall be in accordance with the ALP parking standards. Kent Highways and Transportation comment that the proposed car parking for the sports pitches would be acceptable
112. In summary, and based on Kent Highways and Transportation advice and subject to planning conditions and planning obligations, I consider that there is no highway objection to the proposals or conflicts with polices TRA7 and HOU5 (c) of the ALP 2030.

(g)The impact on public rights of ways within the site.

113. Policy SP1 of the ALP 2030 aims to promote access to a wide choice of easy to uses forms of sustainable transport including walking to encourage as much non-car based travel as possible to promote healthier lifestyles. Policy TRA5 of the ALP 2030 outlines that development proposals shall demonstrate how safe and accessible pedestrian access and movement will be delivered and how they will connect to the wider movement network. Opportunities should be proactively taken to connect with and enhance public rights of way whenever possible encouraging journeys on foot. The supporting text outlines that the use of existing public rights of way should be retained and ABC supports any opportunity to enhance and regularise PROWs and other pedestrian routes to encourage journeys by foot.
114. The NPPF outlines that for development proposals, opportunities to promote walking, cycling and public transport use are identified and pursued. Priority first should be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas. Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. Polices should provide for attractive

and well-designed walking and cycling networks. Developments should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas and create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

115. The proposals would not interfere with the existing established footpath AB12 running through the centre of the site in a north-south direction; this is incorporated within the scheme to which KCC PROW and Access Service have no objection.
116. In addition to the existing footpath AB12, an Order to record a new public footpath AB70 circulating the site was made in December 2020. As an objection was received the Order has been submitted to the Secretary of State for determination. KCC PROW and Access Service advise that the planning inquiry to deal with this is not likely to take place for at least a year due to a backlog of cases at the Planning Inspectorate. It will not be known if the Order is confirmed or not until then.
117. The definitive map accompanying the order showing footpath AB70 indicates that it would clearly bisect the current outline residential development area and likely go through the southern car park to the 11 and side pitch and around the proposed country park. The applicant has been requested to show the actual route on the masterplan to confirm this but has not provided this information. The applicant considers it is not necessary to show this on the outline part of the scheme and these matters could be dealt with at the reserved matters stage through an appropriate condition. It should be noted the sports pitches/pavilion country park are part of the full detailed application proposals.
118. KCC PROW and Access Service advise that it is not acceptable to leave this issue to a condition, as suggested by the applicant .The Masterplan is not an irrelevant document (as suggested) and to leave the potential incorporation until Reserved Matters is too late in the process; in the event that a diversion of AB70 is required, it is requested at this stage to see a proposed alternative route in case planning permission is granted. For this reason, KCC PROW and Access Service maintain a holding objection to the proposals.
119. I support the KCC PROW and Access Service position. The proposed AB70 footpath route cannot be ignored or dealt with at a later subsequent reserved matters stage on grounds its confirmation would be not be known until the subsequent inquiry is held. The masterplan is still a relevant plan even if it is showing only indicative details of the residential scheme at this stage. It is gives an indication spatially how the development of up to 145 (141) dwellings would be provided on site indicatively showing the layout of the dwellings,

streets, parking areas, SUDs features, open spaces etc. It cannot be assumed that the AB70 footpath would not be confirmed at the inquiry. The route passes right through the residential area. It would clearly be likely to have a major impact on the scheme with a knock-on impact on layout, the quantum of development, typology mix and the ability provide a high quality design pursuant to Policies SP1 and SP6 of the ALP 2030. Notwithstanding this, it would change the dynamic of the footpath experience itself by routing a substantial portion through a built up residential area rather than a series of fields as per the present situation.

120. I consider that it is reasonable to ask that the impacts of AB70 footpath are dealt with at this stage and that an alternative acceptable diverted route can be provided without impediment. For this reason the proposals are contrary to policies SP1 and TRA5 of the ALP 2030 and NPPF advice as it fails to show how safe and accessible pedestrian access and movement routes will be delivered and connect to the wider movement network. It does not proactively connect with and enhance public rights of way. It fails show how an attractive and well-designed walking network can be provided that is safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

(h) The clear governance arrangement for the country park, sports pitches and pavilion

121. Policy IMP4 of the adopted Ashford Local Plan 2030 requires proposals that would deliver substantial community space and facilities are required to be supported by a governance strategy which will need to be agreed with the Council. This strategy will need to set out what facilities are to be delivered and by when and how they will be managed over time to an acceptable standard.
122. The previous scheme was refused on grounds that it was not clear from the application what expertise (the Land Trust) had in managing sporting facilities similar to those which are proposed and how the local community would benefit from the facilities and are not considered to fully satisfy the requirements of policy IMP4 of the adopted ALP 2030.
123. ABC Culture, Tourism and Leisure have raised a number of issues with the applicant which they do not consider have been addressed in covering statements or supplementary information subsequently provided. It has not alleviated their concerns regarding the general need, community provision, community engagement and management of the proposed sports, community and open space facilities in particular for the following reasons.

- (i) The responses do not provide a named team or organisation where agreement, whether informal or formal, has been achieved or where engagement has been progressed with any suitable operator, sports club, community and land management organisation
 - (ii) It is still not clear what clubs are intending to use the site, and how the sport pitches, pavilion, open space and related infrastructure will be managed.
 - (iii) It does not address community provision, and does not provide clarity on what will be school provision, and what local clubs will use.
 - (iv) It has not responded to ABC comments regarding the absence of community engagement for this specific application.
 - (v) The 'blessing' of ABC for representatives from the Sports Review to talk to Wates has no weight and is not related to Wates' lack of meaningful consultation with local clubs. The 'blessing' of ABC is not required in order for any club or individual to discuss this application or any sports related issue with the applicant.
124. The proposals have not provided sufficient information regarding general need, community provision, community engagement and management of the sport, community and open space facilities. Accordingly, the proposals are not considered to fully satisfy the requirements of policy IMP4 of the ALP 2030.
- (i) The impact on ecology
125. Policy HOU5 (e) and (f vi) of the ALP 2030 outlines that development must conserve and enhance the natural environment and 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 ALP. The site is not located within any national or local designated ecological or wildlife sites.
126. Policy ENV1 of the ALP 2030 outlines that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. In particular, development should take opportunities to help connect and improve their wider ecological networks.
127. The NPPF outlines that planning decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. 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.

128. Previous application 19/01788/AS was refused on grounds that it would not preserve or enhance biodiversity. In particular, the proposals would erode into areas of habitat (semi neutral grassland). It was unclear whether the proposed ecological mitigation measures could actually be successfully implemented due to the quantum of development and proposed usage of the site. There would be a loss of biodiversity as a result of the proposals, due to the direct loss or impact on the existing grassland habitat.
129. The current application submission includes an ecological impact assessment and ecological management plan. The information has been assessed by KCC Ecological Advice Service and other organisations such as Kent Wildlife Trust.
130. KCC Ecological Advice Service raise concern that the retained habitats (particularly the grassland) cannot be created/ enhanced to the quality anticipated by the biodiversity net gain metric. There is a risk that the number of species recorded within the site may decline as a result of the proposed development. A biodiversity net gain metric has been submitted showing the proposal would result in a 15% biodiversity net gain. The metric conclusions are queried. There is no information with the metric demonstrating how the applicants have reached the conclusions about the condition of the existing, enhanced or proposed habitat and no map has been provided clearly demonstrating where the habitat creation/enhancement works (as detailed within the metric) would be carried out to support the understanding of the metric.
131. Following this advice, KCC Ecological Advice Service have liaised with the applicant and provided the following additional advice in summary:
 - (i) The ecological surveys have been or are currently being updated in 2021. These have been reviewed in conjunction with the ecological information submitted with the current and original planning application .KCC Ecological Advice Service are satisfied that the submitted information does provide a good understanding of the ecological interest of the site.
 - (ii) It is accepted that if hedgerows and ponds are retained, the lighting can be designed to have minimal impact and the wider site managed as proposed it's likely that there is capacity within the site to retain and enhance the protected/notable species interest of the site

Habitats

- (iii) The biodiversity net gain metric is a tool to assist in understanding the ecological impact of the proposed development and considering if the proposed mitigation is appropriate and achievable. It details an anticipated biodiversity net gain of 15% of habitat units and 23% anticipated biodiversity net gain of hedgerow units. This would largely be achieved by improving the grassland which has been assessed as poor/fairly poor condition to good/fairly good through the implementation of management.
 - (iv) Appropriate management can improve the ecological interest of a site. There are concerns that in the long term the proposed management will not be carried out as intended or residents implement unapproved management
 - (v) Limited information has been provided with the metric demonstrating how the applicants have reached the conclusions about the condition of the existing, enhanced or proposed habitat and no map has been provided clearly demonstrating where the habitat creation/enhancement works (as detailed within the metric) will be carried out to support the understanding of the metric
 - (v) It is recommended that a plan is submitted clearly demonstrating the areas where anticipated creation/enhancements will be implemented and clarification that the plan has taken in to account constraints which may impact the implementation of the management – for example utilities required for the site, land levelling required or habitat requirements for species mitigation. The additional information would help KCC understand if the anticipated quality of grassland habitat is achievable
132. Kent Wildlife Trust have assessed the proposals and object on the grounds that it would lead to a measurable net loss in biodiversity, in contravention of the National Planning Policy Framework. In summary they outline the following;
- (i) There are discrepancies within the applicant's Defra biodiversity metric calculation, including issues which were previously raised in relation to application 19/01788/AS. Some of KWT's advice has been implemented, however a number of key issues remain
 - (ii) Based on their ecological expertise and experience of dealing with other similar biodiversity metric calculations elsewhere in the county KWT have assessed that the proposals would lead to a net loss of biodiversity. As with the previous application by Wates, this application continues to underestimate the baseline value of the site and overestimates what would be achieved by the proposed management scheme. A more detailed assessment can be undertaken following the submission of further information by the applicant.

- (iii) It is recommended that this application is refused on the grounds of significant measurable loss to biodiversity unless the applicant is prepared to commit to significantly amending the development masterplan or providing for a large scale scheme of offsite habitat compensation to reflect biodiversity losses.
133. In view of the above advice from KCC Ecological Advice and KWT I consider that the proposals would not preserve or enhance biodiversity and instead would be likely to result in harm to biodiversity interests on the site. It has not been shown that this harm can be adequately mitigated on site. I do not consider there are any exceptional circumstances for an off-site or financial contribution in lieu of on-site mitigation as outlined under policy ENV1 of the ALP 2030. The proposals would therefore be contrary to HOU5 (e) and (f vi) and ENV1 of the ALP 2030 and advice in the National Planning Policy Framework
- (j) Flooding and drainage issues
- Surface water drainage
134. Policy ENV6 of the ALP states that proposals for new development should contribute to an overall flood risk reduction. Development will only be permitted where it would not be at an unacceptable risk of flooding on the site. Sequential and exception tests established by the NPPF will be strictly adhered to with new development preferably located within Flood Zone 1. The NPPF states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and major developments should incorporate sustainable drainage systems.
135. The planning application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy. This information has been assessed by KCC Flooding and Water Management who comment that the construction of a positive drainage system would result in a reduction of surface water peak flows to the outlets in Appledore Road. In controlling surface water flows from impermeable surfaces to 4 l/s/ha there would be a reduction in final outflows; therefore the final outcome is expected to provide a significant benefit to surface water flows downstream.
136. However, at present there is a lack of clarity for the management/contribution of greenfield areas that would remain after development that still needs to be addressed. It is not stated clearly as to the level of reduction and that all surface water contributing areas are accounted for in the design. Further information is required to address this including that the housing layout is shown on the surface drainage layout drawings. In several instances, house footprints are shown over the top or in close proximity to the retained ditches. This needs to be reviewed as it would not be accepted. Usually KCC

would recommend a maintenance buffer of 5 to 8 m. This may have spatial layout implications for the developable area of the site.

137. KCC Flooding and Water Management have confirmed a holding objection to the proposals until these matters are acceptable dealt with. In view of this I consider there is an objection to the scheme under Policy ENV6 of the ALP 2030 and NPPF advice as the proposals do not demonstrate that the proposals contribute to an overall flood risk reduction and an acceptable risk of flooding on the site or elsewhere through suitable flood protection and mitigation measures. There may also be spatial implications resulting from the drainage proposals that may have a knock-on impact on the scheme as a whole, such as its layout and therefore typologies and quantum that would need to be holistically assessed.

(i) Wastewater

138. Policy ENV8 of the ALP 2030 requires that major proposals must be able to demonstrate there are or will be adequate wastewater treatment facilities in place to service the whole development and provide a connection to the sewerage system at the nearest point of adequate capacity wherever feasible. The Foul Drainage & Utilities Assessment submitted with the application outlines that a foul sewer capacity study by Southern Water in April 2018 confirms there is insufficient capacity in the existing network to accommodate the site flow and that Southern Water advised that provision for the proposed development has been included in their infrastructure planning
139. Southern Water have commented on the current proposals and confirm their initial study indicates that the additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this would be provided by Southern Water. Conditions are requested, firstly, on providing the details of means of foul and surface water sewerage disposal to be submitted, and approved in writing by, the Local Planning Authority in consultation with Southern Water. Secondly, that occupation of the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement. This is required to ensure that adequate waste water network capacity is available to adequately drain the development. I consider that subject to these conditions there are no objections to the scheme on grounds to foul water drainage in accordance with Policy ENV8 of the ALP 2030.

(k) Ground contamination

- 140 The application has provided a Ground Appraisal Report outlining that a desk top study has shown the site to have remained as an open field

throughout its history, numerous ponds were identified and may have been subsequently infilled with unknown material. It is concluded that the overall risk of harm to end users is generally low but further assessment is likely to be required in order to better characterise contamination on site as result of current and historic land uses and the associated risk to human health and the environment.

141. A number of residents have raised concerns 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 Environment 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.

(I) Archaeology

142. Policy ENV15 of the ALP 2030 outlines that the archaeological and historic integrity of important archaeological sites together with their settings will be protected and where possible enhanced. Development which would adversely affect such designated heritage assets will be assessed in line with policy ENV13 ALP 2030 that aims to preserve or enhance heritage assets and prevent their loss or substantial harm to their significance
143. The application includes an updated desk based archaeological assessment to clarify the archaeological potential of the site and an updated historic landscape assessment to study the historic landscape.
144. KCC Heritage have assessed the proposals and acknowledge for this latest application, additional information has been provided including further comments from the applicant's heritage consultant, RPS, and from local heritage groups. Local heritage groups are expressing concern over some heritage issues including some specific archaeological landscape elements. As part of the review of the scheme the archaeological officer undertook a further site visit in June 2021.
145. In summary KCC Heritage has concluded the following:

- (i) The site has potential to contain as yet unknown archaeological remains and does contain important archaeological landscape features.
- (ii) The heritage assessments, including the addendums, are considered thorough and comprehensive
- (iii) The historic landscape assessment seems to have been used, to a certain degree, to guide the masterplan layout
- (iv) Further archaeological or historic landscape assessment is not essential prior to determination of this application but further clarification on mitigation for both buried archaeology and archaeological landscape features would be preferable.
- (v) Heritage enhancement measures could be covered preferably through S106 Agreement or through conditions including for archaeological landscape management and enhancement, implementation of archaeological field evaluation works in accordance with a specification and written timetable and to secure the implementation of a programme of archaeological and historic landscape interpretation work in accordance with a written specification

146. I therefore conclude based on advice from KCC Heritage that subject to the imposition of relevant conditions and/ or section 106 obligation agreement that there is no objection to the scheme on archaeological grounds.

(m) Affordable housing provision

147. Policy HOU1 of the ALP requires the provision of affordable housing on all schemes promoting 10 or more dwellings or on sites 0.5 hectares or more. All proposals are expected to meet their full affordable housing provision on-site. For Tenterden, the policy requires 40 % affordable housing with 10% affordable rented and 30 % affordable home ownership (including a minimum of 20 % shared ownership).
148. The application has been accompanied by an Affordable Housing Statement. It is proposed to provide 50% of the proposed units (or 72 units based on a maximum of up to 145 dwellings) to be set aside as affordable housing units. The affordable units would comprise 18 affordable / social rented units (10%) and 54 affordable home ownership units (30%) and would be managed by one of the affordable providers in Ashford Borough. The level of affordable housing provision put forward exceeds the requirements of policy HOU1 of the ALP 2030 by providing an additional 10% of affordable housing.
149. ABC Housing have commented that while a 50 % provision is welcome a 40 % policy compliant position would see 58 units coming forward as affordable

housing on the site. This would breakdown as 15 units for affordable rent and 43 units for affordable home ownership, 28 units of which must be for shared ownership and 15 units for either shared ownership, or an affordable home ownership product, to be agreed with the Development Partnership Manager within the authority.

150. ABC Housing would seek 1, 2 and 3 bed accommodation as identified in the local needs survey for affordable rent, and mainly smaller affordable home ownership properties to keep the affordability for potential customers. Properties would need to meet the Nationally Described Space Standards and to be spread throughout the site rather than positioned in just a cluster. In accordance with Policy HOU14 ALP 2030, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable. Policy HOU14 of the ALP 2030 also requires a proportion of affordable housing to be identified as M4(3) dwellings.
151. The applicant has stated that the additional provision of affordable housing from 40% to 50% should be given significant weight in the planning balance when determining the application i.e. in favour of granting planning permission. I do not consider this is justified. The Council cannot require this higher level of affordable housing provision in policy terms as part of any section 106 agreement attached to a planning permission. In addition, I do not consider it not reasonable to use it as a factor to provide additional justification for a residential windfall development. Criteria in Policy HOU5 of the ALP 2030 relate to the impact of the proposals on the surrounding area such as character, built form, wider landscape, sustainability etc. There is no mention of additional affordable housing provision being a factor in proving further weight to justify a development and to do so would be to create a precedent. It could also impact on wider viability issues of the development on its implementation if granted planning permission. However, I do consider this to be a ground of refusal as the Council would simply only enter into a section 106 agreement for a lesser amount of 40% affordable housing as per the policy requirement established in the ALP 2030.

Planning Obligations

152. Regulation 122 of the Community Infrastructure Regulations 2010 state that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is (a) necessary to make the development acceptable in planning terms,(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
153. Section 106 planning obligation requests included include the following
 - (i) Accessible & adaptable dwellings (M4(2) & M4(3) standard)

- (ii) Affordable housing
- (iii) Allotments provision
- (iv) Arts sector
- (v) Broadband
- (vi) CAVAT value of the loss of the existing highway trees on Appledore Road
- (vii) Community learning
- (viii) Healthcare improvements to existing and future surgeries
- (ix) Implementation of surface water strategy with maintenance and monitoring
- (x) Informal/natural and play provision commuted maintenance sums
- (xi) Libraries
- (xii) Monitoring fee
- (xiii) Primary education
- (xiv) Provision of sports pitches and facilities
- (xv) Secondary schools
- (xvi) Social care
- (xvii) Strategic parks
- (xviii) Voluntary sector
- (xix) Youth

153. I have not listed a Table 1 in the normal manner as my Recommendation further below is to refuse planning permission. I have, however, built in to my Recommendation further below delegation back to officers to prepare and submit a Table 1 in the event of an appeal being lodged against a refusal of permission. This would expand on the reasons for planning obligations requested and identify projects, amounts and trigger points as necessary. The

same delegation back to officers is sought in relation to the drafting of planning conditions and informatics.

154. In the absence of a unilateral undertaking at the time of drafting this report , the proposal would fail to secure the mitigation that would be 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 COM1, COM2, COM3, COM4 HOU1 and IMP1 of the ALP 2030.

Human Rights Issues

155. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

156. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

157. The scale of development proposed runs counter to the adopted spatial strategy enshrined in Policy SP2 of the ALP 2030 and would undermine the carefully considered and independently-examined approach to the sustainable distribution of housing development across the Borough. I 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. The site would be within easy walking distance of basic day to day services and so would satisfy criterion (b) of Policy HOU5 of the ALP 2030.
158. The proposals would be contrary to polices HOU5, SP1, SP6 and ENV3a of the ALP 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, by virtue of their scale, form and intensity would not sit sympathetically within the wider landscape, would not preserve 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.

159. The proposals, in their current form, would have a detrimental impact on important ancient, veteran and TPO trees within the site. The main vehicular access would also result in the loss of a mature horse chestnut tree that forms part of the treed line character of the Appledore Road. The loss or damage to these trees would be detrimental to the character the area and result in the deterioration of an irreplaceable habitat.
160. The application is likely to result in loss and harm to biodiversity interests on the site contrary to policies HOU5 (e) and (f vi) and ENV1 of the ALP 2030. The proposals have not provided sufficient information regarding general need, community provision, community engagement and management of the sport, community and open space facilities. Accordingly, the proposals are not considered to fully satisfy the requirements of policy IMP4 of the ALP 2030.
161. The proposals are contrary to policies ENV6 of the ALP 2030 and advice in the National Planning Policy Framework Guidance as they have not demonstrated they contribute to an overall flood risk reduction. The proposal fails to consider or acceptably incorporate the AB70 footpath within the scheme. It therefore does not demonstrate how safe and accessible pedestrian access and movement routes will be delivered.
162. In my view, the proposed development would result in a number of unacceptable adverse impacts as outlined above. The Council can currently demonstrate a 4.80 years supply of land for housing which includes a 5% buffer. As such, the national presumption in favour of sustainable development is engaged and is a material consideration. However, the approach in the ALP 2030 is one focused on Ashford as the most sustainable location for development and assessed against other Policies in the ALP 2030 the scheme would give rise to a number of adverse impacts. The modest deficit in housing land supply is insufficient to outweigh the adverse impacts and harm that would arise from the applicant's proposals.
163. With regards to other matters, the scheme would not adversely impact on the setting of the AONB, listed buildings and the conservation area. It would not adversely harm residential amenity. There are no highways objections. There are no unacceptable ground contamination and archaeology issues. The Council cannot request 50% affordable housing in policy terms but the proposal would provide the 40% required under Policy HOU1 of the ALP 2030.

Recommendation

(A) Refuse on the following grounds:-

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 by virtue of their scale, form and intensity would not sit sympathetically within the wider landscape, preserve 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 main vehicular site access would result in the loss of a Mature Horse chestnut 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 habitat contrary to policies SP1, SP6 and ENV3 of the adopted Ashford Local Plan 2030 and advice in the National Planning Policy Framework Guidance. It is not considered that this detrimental impact can be adequately mitigated
4. The proposals in their current form would have a detrimental impact on the following important trees within the site.
 - (a) T381 Ancient Field Maple. A new football pitch is proposed within its offset Buffer Zone and an incursion within its Root Protection area. The Root Protection Area and buffer zone plotting of the tree described in the application is not accepted. The associated works required for the footbath pitch would result in a deterioration and possible loss of this ancient tree.
 - (b) T312 veteran oak tree. The development area lies too close and does not reflect the rooting morphology of the veteran tree. The Root Protection Area and buffer zone plotting of the tree described in the application is not accepted. The proposals would result in the deterioration and possible loss of this to the veteran tree.

(c) T313 Oak. The proposed SUDs features appear to run through the Root Protection area of the tree subject to a preservation order. Insufficient detail and analysis of the impact of this feature has been provided and the construction of the SUDs will likely be detrimental to the protected tree.

The deterioration and possible loss of T381, T312 and T313 would amount to a deterioration of an irreplaceable habitat and harm to the visual character of the area contrary to policies SP1, SP6 and ENV3 of the adopted Ashford Local Plan 2030 and advice in the National Planning Policy Framework Guidance para 180 (c).

5. 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 scale of development for which permission is sought. The application is likely to result in loss and harm to biodiversity interests on the site contrary to policies HOU5 (e) and (f vi) and ENV1 of the adopted Ashford Local Plan 2030.
6. 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 strategy which will need to be agreed with the Council. This strategy will need to set out what facilities are to be delivered and by when, and how they will be managed over time to an acceptable standard. The proposals have not provided sufficient information regarding general need, community provision, community engagement and management of the sport, community and open space facilities. Accordingly, the proposals are not considered to fully satisfy the requirements of Policy IMP4 of the adopted Ashford Local Plan 2030.
7. The proposals are contrary to Policy ENV6 of adopted Ashford local Plan advice in the National Planning Policy Framework Guidance as they have not demonstrated they contribute to an overall flood risk reduction, that the site itself would not be at an unacceptable risk of flooding and that there would be no increase in flood risk elsewhere. It has also not been shown that the flood risk mitigation measures would have any no adverse spatial implications for the development proposals in terms of delivering the scale and type of development proposed.
8. An Order has been made to record a new footpath AB70 within site that is subject a forthcoming Planning Inquiry. The proposals fail to show the impact of the scheme on the AB70 footpath within the site or any acceptable diversion to it, if it is approved by the Secretary of State. The AB70 footpath

would clearly have a significant impact on the spatial layout of the development that is proposed and change the dynamic of the footpath experience itself by passing through a built up residential area rather than a series of fields as at present. The proposals are therefore contrary to policies SP1 and TRA5 of adopted Ashford Local Plan 2030 and National Planning Policy Framework Guidance advice. The proposal fails to consider or acceptably incorporate the AB70 footpath within the scheme. It therefore does not demonstrate how safe and accessible pedestrian access and movement routes will be delivered and connect to the wider movement network and proactively, looks to connect with and enhance public rights of way whenever possible, encouraging journeys by foot.

9. In the absence of a unilateral undertaking, 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.

(B) For the avoidance of doubt, in the event of an planning appeal delegated authority to be given to the Strategic Development and Delivery Manager or Development Management Manager to:-

- (i) prepare a detailed Table 1 and to enter into a section 106 agreement/undertaking in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance,**
- (ii) to prepare and agree draft planning conditions and Notes to applicant as appropriate for consideration at planning appeal, and,**
- (iii) to make or approve changes to draft proposed planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit.**

Note to Applicant

1. Working with the Applicant

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance***add / delete as appropriate.***

- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 21/790/AS)

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