

Limes Land hybrid planning application 19-01788-AS - Objection

Our underlying view on all larger scale development applications such as this, not included in the current Ashford Borough Council (ABC) Local Plan 2030, is that these applications would be considered as completely unsustainable to Tenterden and therefore rejected.

On behalf of the residents we would like to raise the following objections for this application:

The Masterplan Proposal

- The Applicant seeks to have the site approved as a 'Windfall Site' over and above the sites approved in the Ashford Borough Local Plan 2030. As far as we can see, 'Windfall' is defined as sites which become available unexpectedly and are not considered as part of the Borough Local Plan. As this site has been specifically considered and deemed unnecessary to meet the 2030 requirements of the Borough, as well as numerous previous application dismissals, we cannot see how it can be classified or justified as 'Windfall'. Within the Borough Plan, there are key relevant specific criteria under Housing Policy HOU5, as follows:

The need to be proportional to the size of the settlement.

The dwelling projections implied in the 2030 plan are:

	Tenterden	Rest of Borough	Total
2018	3,700	50,653	54,353
2030	4,288	63,183	67,471
Increase	15.9%	24.7%	24.1%

The implications of including the 250 homes proposed in this application change the numbers to:

	Tenterden	Rest of Borough	Total
2018	3,700	50,653	54,353
2030	4,538	63,183	67,721
Increase	22.6%	24.7%	24.6%

(All data sourced from the document Land off Appledore Road Tenterden Growth and community Services Assessment included with the application)

This plan was compiled in full recognition of the ambitions of Ashford town to expand significantly over the period, with plenty of available land in various directions from the town centre. The growth objectives for Tenterden recognised the limited number of possible additional sites available, the severe limitations on

extending the footprint of the town, and the limited capacity to cope with housing and population above that growth level. For the Applicant to represent this changed percentage as proportional is unacceptable and should be rejected.

Conservation and enhancement of the natural environment and preservation or enhancement of any heritage assets in the locality.

The consultants' report does not address these questions fully and you would clearly need further evidence to prove compliance with the policy.

- We at this point register our concerns over the hybrid nature of this application; it is a real risk that issues which might normally be deferred for consideration to a full application are covered in their entirety before any approval of the Country Park could be considered. Many of the issues we raise below apply to the site as a whole and not just to the housing component where the application is for outline approval only.
- The Rural Sites DPD adopted in 2010 has recently delivered approximately 75% of 250 (187 new dwellings on the TENT 1A site (several years in delay), with a significant number of houses yet to be sold. The current Local Plan includes: TENT 1B which has been approved for 225 houses and Pope House providing another 35 dwellings. Tilden Gill, which on appeal is to deliver 100 dwellings is a windfall allocation and in addition numerous care home additions and other smaller windfall sites (not included in the Local Plan figures). This means that more than 100 additional new dwellings are to be imminently delivered (over and above the current Local Plan), well above the housing quota set in the ABC Local Plan to 2030. We require that the applicant presents independent evidence to substantiate their claim that there is currently a need for more housing in Tenterden.
- We believe that any large-scale development over and above the current approved sites in the ABC Local Plan would represent a completely unsustainable level of growth for Tenterden as the current infrastructure is currently at capacity and in some areas over-capacity.
- One report makes assertions that in Limes Close 'views may be possible'. Views of the development will be clearly visible from the start of Limes Close, as well as those properties adjacent to the site, and the development will severely impact on the visual amenity of these residents.
- The applicant comments that 'some houses along Appledore Road, south of the site, are just visible through vegetation'. This statement appears to ignore the generally unimpeded views from the properties on Appledore Road.
- The applicant states that there would be 'glimpsed views from the rear of properties along the south side of Woodchurch Road'. The majority of residents along Woodchurch Road that abut the site have clear views of the site.

- The visual amenity for all residents using the public right of way AB12 will be permanently and substantially affected (application for formal adoption of additional footpaths is currently with KCC for determination).
- The Planning Statement implies that there are only ‘occasional glimpses of the church tower from the higher areas of the site. The church can be seen frequently throughout the site, including the public footpath.
- This application will require the change of use from agricultural land to residential or country park and sports pitches together with a pavilion, however this land is the subject of a restrictive covenant made in the Marriage Settlement of Thomas Manclark and Elizabeth Hyland Weston on 6th April 1822. The covenant is recorded in the KCC archives and is believed to be still enforceable. The covenant restricts the use of this site to meadow and pasture and states there should be no ploughing or other uses permitted. This site is clearly demarcated in the 1843 Tithe Map of Tenterden and associated ownership schedules. The land has been in continuous use as a pasture and grazing land to date. In light of this, the applicant will need to provide evidence that this application is lawful, as the application may not qualify for a ‘Change of Use’ in this respect. In our view, the ‘damages’ that may affect neighbouring plots and the town as a result of this development and potentially in breach of this covenant may entitle those affected to lodge claims against this development. We request that Tenterden Town Council (TTC) seek urgent legal advice on this.
- We request that ABC and TTC examine the proposal for affordable housing and whether this is an appropriate offer, we believe that the current offer is not adequate and is likely not to offer ‘truly’ affordable housing.

Proposed Section 106 Draft Agreement

- It appears that the developer is not offering to build the Sports Pavilion and associated pitches, only to provide the land encompassing this proposal.
- It is not clear if the developer is offering to provide the proposed planting for the Country Park and public open space.
- It is not clear what ‘contribution towards ...’ means as there is no detail provided on the level of provision offered – we require more detail regarding the actual offer.
- We understand at this point in time the Tenterden Schools Trust and/ or Homewood School does not have the relevant permission from the Secretary of State to the Department of Education to actually sell their land, it has been confirmed that there would be a presumption against disposal of such land by the department. We request that TTC compile the evidence required to substantiate the historic use of this land as sports fields and grazing for the school farm to be issued to the Case Officer overseeing this recent application. We believe it important for schools to retain their land for

school use rather than selling it off for development, particularly important for pupils' wellbeing and health. This directly affects the ability of the Applicant to offer this land as stated in the Application.

Ecology

- It appears there are a significant number of fundamental inconsistencies within the evidence provided by Judith Ashton Associates, Wates Developments and their partners, which would be misleading to decision makers and residents alike, including:
- The EPR surveys state 'Semi-Improved Neutral Grassland', Rush dominated Semi-Improved Neutral Grassland and Semi-Improved Acid Grassland as of local importance. However, there is evidence to suggest that 'Unimproved Neutral Grassland' of County and even National importance also exists. Therefore, a full grassland survey needs to take place during the Spring/ Summer, during which time sheep should not graze.
- In terms of methodology, it is evident that the automated static bat detectors were not recording data for May, June and July of 2018.
- Additional equipment is required for identifying myotis bat species, which has not been deployed.
The Invertebrate Scoping Study was conducted for a single day for a 50-acre site. This is unacceptable and further surveys are required.
- A detailed Arboriculture Report is required for the entire site demonstrating root protection allowances, particularly for identified veteran trees and habitat opportunities.
- In the letter to Tenterden Town Council dated 5 November 2018 it is stated that 'a small population of Great Crested Newts has been identified on the site', yet the Planning Statement has confirmed that the population of Great Crested Newts is so significant it could potentially be of County Importance.
- A large number of species have been recorded and shared with KMBRC, including a minimum of 15 BTO 'Red List' birds of primary conservation concern. There is no mention of these species within the documents, therefore the data appears to be out of date, or there could be the possibility that this data has been inadvertently overlooked. Clearly the application should be considered against both accurate and up to date data, neither appear to be fully provided for. Time should be allowed for careful and detailed evaluation, including the obtaining of professional, independent reports where necessary.

Heritage

- We question the applicant's assertion that 'no heritage assets will be directly affected by development within the application site'. The historic landscape character of the site is acknowledged as one exhibiting considerable time depth and coherence with no historic boundary loss and the survival of medieval landscape features, including hedgerows; veteran trees; ponds and trackways. It is felt that this ancient mosaic, in combination with unimproved or semi-improved neutral and acid grassland, renders the site historically important locally, regionally and nationally. Further studies are required.

Transport and Access

- We are concerned about the potential impact to adjacent road junctions by the proposed vehicular access points to the site.
- We are concerned about the impact to traffic flows; likely build-up of congestion and visual impact caused by the 'Choker' traffic calming solution and main access points proposed. Appledore Road is a historically important tree lined avenue leading to the town. It is proposed to remove several established trees that form part of the distinctive landscape and historical feature along Appledore Road, and in addition further visual harm would occur with the introduction of unsightly bollards and signage required by the 'Choker' measure which would degrade the setting significantly.
- We are concerned about the formalisation of a pedestrian access point at Woodchurch Road at the junction of public footpath AB12, this access point is currently dangerous as it is located on a blind bend at the top of Woodchurch Road hill.
- We question the car use assumptions made, believing that car usage will be significantly higher than forecast causing higher levels of air pollution and traffic congestion on surrounding roads. The traffic survey was apparently carried out during a school holiday period and we feel does not present a realistic set of recordings taking into account the higher volumes of traffic generated by the 'school run' and other associated vehicles such as school buses etc. We request that TTC undertake a professional, independent examination of the access and transport proposals submitted as a matter of urgency.

Hydrology

- We are concerned about the extensive disruption and alteration to the complex natural water system on the site. This will negatively impact wildlife habitat (including many protected species) and is likely to overload the currently inadequate sewer system, particularly along Woodchurch Road which currently suffers regular localised flooding and pollution.

- We are concerned about surface water drainage from the proposed development polluting the fragile natural water system, predominantly draining to the Tilden Gill behind Shrubcote.
- We request that TTC undertake a professional, independent examination of the drainage proposals submitted as a matter of urgency.

By TDRA Committee