

TENTERDEN TOWN COUNCIL



MINUTES OF THE SPECIAL PLANNING COMMITTEE MEETING HELD AT TENTERDEN TOWN HALL ON 6TH NOVEMBER 2018

Councillors Present: Cllr. M. Carter, Mrs. J. Curteis, H. Edwards (Vice-Chair), Miss N. Gooch, R. Isworth, Dr. L. Lovelidge, K. Mulholland, J. Nelson and Mrs. C. Walder.

Officers Present: Town Clerk Mr. P. Burgess and Deputy Town Clerk Mrs. C. Gilbert.

Others Present: Cllrs. Mrs. S. Ferguson, M. Freeman, C. Knowles (not members of this Committee) and 102 members of the public.

6872 **MAYORAL ANNOUNCEMENT.** Deputy Town Mayor, Cllr. Mrs. J. Curteis announced the sad news of the passing of Mrs. J. Kirk, former Town Councillor who served as Town Mayor from 1998 to 2000. Mrs. Kirk was well known to many and regularly attended many Town Council civic events. The funeral will take place on Wednesday, 14th November 2018 at 2pm at Charing Crematorium and afterwards at Ashford Indoor Bowling Centre. Attendees are requested to wear informal dress (no black) and donations can be made via Fuggles of Tenterden.

6873 **APOLOGIES FOR ABSENCE.** Cllr. J. Crawford (Chair) and Cllr. M. Hickmott.

6874 **DECLARATIONS OF INTEREST.** None.

6875 **MINUTES.** The minutes and report of the meeting held on 10th September 2018 were confirmed and signed as a correct record.

6876 **MATTERS ARISING.** None.

6877 **MEMBERS' QUESTIONS.** None.

6878 **REPRESENTATIONS FROM MEMBERS OF THE PUBLIC.** One member of the public wished to speak regarding Application No. 18/00448/AS; five members of the public wished to speak regarding Application No. 17/00708/AS; and one member of the public wished to ask a question under Any Other Business.

6879 **PLANNING APPLICATIONS.** The Committee considered the following planning applications. It was **RESOLVED** that its recommendations would be submitted.

18/00448/AS Land South of Tilden Gill Road.

Application for the approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline permission ref 14/01420/AS for the erection of up to 100 dwellings, parking, landscaping, open space and associated works.

Mr. P. Young of the Belgar Residents Group addressed the Committee. Whilst Redrow have supplied many documents detailing house types, specifications and designs, they have failed to address the key issues that both the Belgar Residents Group and the Town Council have raised.

No changes have been made to the configuration of the development on the western edge of the Belgar Settlement. Redrow appear to be prepared to completely ignore the ABC Cabinet Report from June last year. When agreeing to sell the land at Priory Way and the rear of Tilden Gill Road to provide access to the development, one of the conditions was that the developer agree to the Council retaining the existing buffer strip to the rear of the properties on Tilden Gill Road, and the developer providing the Council with an additional buffer strip around the perimeter of the land to the south of Tilden Gill.

The new buffer strip (as shown in the Cabinet Report Appendix) should run right around the whole Belgar settlement: the barn, the Oast and the farmhouse. Currently Redrow propose to build 5 houses right on the western boundary, right within this buffer strip. Research on ABC's website, and that of other Councils, shows that in the majority of cases, these buffer strips are of a minimum of 15 meters wide.

Please can we ask the Town Council to continue to support us and hold ABC 100% accountable and responsible for addressing this, and insist that this application is declined on the basis that the developer is not adhering to the Council's own requirements. Requirements which are supported by yourselves, The Weald of Kent Protection Society (who have put in yet another objection), and the Belgar Residents Group, the residents most affected by this development along with the numerous people in Shrubcote.

With regard to ecology, the developer's ecology agents have just erected herpetosure reptile fencing, with a view to collecting and clearing the site of Great Crested Newts, which are a protected species and highly abundant at the site. Natural England have confirmed this work should only be carried out between February and October and no newts should be captured when temperatures drop below 5 degrees. Any open traps should be checked every 24 hours. The traps were open all weekend, with no checks made, and we are now in November, and with over 4 cold snap days with lower temperatures.

Again, the developers (or their appointed agents, if you will) are flagrantly ignoring these guidelines, and I would ask the Town Council to call upon ABC to ensure that Kent County Council Biodiversity & Ecology department monitor Redrow's activities very closely.

Cllr. Dr. Lovelidge reported that she was disgusted that Redrow had still not been in contact with either the residents or councillors and would like this passed on to ABC.

It was RESOLVED to OBJECT on the following grounds.

1. Redrow have not made any changes to the configuration of the development on the western edge of the Belgar Settlement regarding elevations.

2. The Town Council requests a suitable buffer strip on the perimeter of the development, especially around the existing Belgar site.

3. The Borough Council made the inclusion of this buffer strip a condition of agreeing to sell land to the developer; it appears that the developer is not adhering to the Borough Council's requirements, stated in the minutes from the Cabinet meeting dated 15th June 2017 (point 16 of the minutes and appendix 3). The new buffer strip should run right around the whole Belgar settlement: the barn, the Oast and the farmhouse. Currently Redrow propose to build 5 houses right on the western boundary, within the buffer strip. The buffer strips should be a minimum of 15 meters wide.

4. The developer is already in breach of existing conditions; the developer's ecology agents have erected herpetosure reptile fencing, with a view to collecting and clearing the site of Great Crested Newts, which are a protected species and highly abundant at the site. Natural England have confirmed this work should only be carried out between February and October and no newts should be captured when temperatures drop below 5 degrees. Any open traps should be checked every 24 hours. The Belgar residents have confirmed that the traps were open all weekend, with no checks made, and we are now in November with over 4 cold snap days with lower temperatures so far. ABC need to urgently monitor the developer's activities regarding the traps; ABC also need to ensure that Kent County Council Biodiversity & Ecology department monitor the developer's activities.

5. The Council wishes to inform ABC that Redrow have still not been in contact with either the residents who are affected by the development or Councillors for which the Council is extremely disappointed. The Town Council would like there to be a condition imposed that, before the site layout is finalised and building work starts, the applicant must hold a proper consultation with affected residents and the town council and incorporate into the proposed development the outcome of those consultations.

17/00708/AS Land North of 14 Westwell Court.

Erection of a fifty-six-bed care home and 23 units for assisted living (use class C2) comprising 16 cottages and seven flats (including Manager's accommodation) with associated landscaping, parking, stores and service areas, estate roads, access and landscaping buffers.

Cllr. Edwards presented detailed and comprehensive information regarding the development site, the previous application submitted and stated that he wanted to dispel the notion that the Planning Committee had an 'inducement' to accept the application.

Mr. C. Goodall of Oaks Road addressed the Committee; a complete copy of Mr. Goodall's presentation can be found on the Town Council's website. There are many things that Mr. Goodall objected to in this planning application. In particular, he took issue with the DHA Transport Plan report

which he found to be disingenuous in that some of the quantified arguments put forward are either questionable or simply wrong.

Mr. Goodall's main disagreement, however, was much more serious, and relates to the erroneous calculation that DHA use to justify that the site can be served by a "minor access road". DHA propose that the number of dwellings equivalent to their development is 20, that is less than the 23 dwellings in Westfield Court. This simply defies common-sense.

For the country as a whole there is a peak in traffic during rush hour. This is not applicable to the development. Indeed, the detailed Appendix in the DHA shows that the projected traffic flow for this site is fairly uniform throughout the day.

A much simpler calculation can be made by comparing the expected weekly trip totals associated with the proposed dwellings on the site with those associated with the proposed care home. Both figures can be found in the DHA report. This yields a dwelling equivalent of the development of 86, i.e. more than 4 times the DHA figure above. When the 23 dwellings in Westwell Court are added in, this gives a total number of dwellings served by the access road of 109. This is more than double the maximum number of dwellings for which a "minor access road" is considered suitable in the Kent Design Guide. In short, the access road through the Close is grossly insufficient to serve a development of this size. This surely is grounds alone for the application to be rejected.

Mr. D. Holmes of Westwell Court addressed the Committee; a complete copy of Mr. Holmes' presentation can be found on the Town Council's website.

The DHA commissioned M & S traffic to undertake a Stage 1 Safety Audit. However, the remit appears to be confined merely to the proposed entrance from Westwell Court into the new development. This audit should have included a full assessment of the implications of using Westwell Court as an access road. The geometric design, the restrictions of a 4.8 metre width, the problems with parked vehicles, the significant increase in traffic, and the safety of all user groups are just a few of the risk assessments which have an impact on the viability of this proposal.

The Trip Generation undertaken by DHA, present figures which predict an increase in vehicle trips per day along Westwell Court from 41 to 154. This is an increase of almost factor 4. It is not only the volume but the composition of this increased traffic. DHA have overcome this problem within the confines of their own development by designing their access road and footpath as a shared surface with a total width of 6.6metres.

DHA concludes that Westwell Court provides a safe and suitable access. This is based on a 3-year survey to September 2017 that takes no account of the change in circumstances. This conclusion is unsafe; their analysis is flawed and incomplete, and therefore it has not been shown that this cul-de-sac is a suitable access for a development of this scale.

The Agents submission refers to the Tenterden & Rural site DPD requirements for infill development. These state the proposal should be of a layout, scale, design and appearance that is appropriate to the character

and density of its surrounding area and should not result in the loss of public or private open spaces that are important characteristics of the settlement.

We do know that if this proposal is accepted, it will have a dramatic impact on the residents of Westwell Court. The Green Area, which is a haven for many within the community and for visitors, will be lost, for the benefit of a few shareholders. For the reasons mentioned Mr. Holmes asked that this proposal be rejected.

Mr. T. Escott of Westwell Court addressed the Committee.

For the staff and people living there the car parking required worked out to 154 and upwards. The site has to accept all the traffic to it as there is nowhere else for it to go once you turn into Westwell Court. The road is not wide enough; two commercial vehicles would not be able to pass each other and two cars could only just pass. The developers were asked to look at other sites, and it was interesting to note that one of those sites was the land at the rear of St Mildred's Church. The developers had deemed the access via Turners Avenue as a constrained entrance. The entrance to Turners Avenue is 8m wide and goes down to 7m right the way down to the end and returns to 8m. Pedestrian access is much closer to the Town's services than the Westwell site. Mr. Escott asked the Committee to request that this application was taken to the ABC Planning Committee and the decision not made by an Officer.

Mrs. J. Harrison of Smallhythe Road addressed the Committee. 640 houses under development have in no way reached completion and inhabitation. They may well bring 1500-2000-extra vehicles with perhaps at least 8 traffic movements per day. Until this huge bulge of newcomers to Tenterden has been absorbed then, and only then, can the impact of the extra traffic in Tenterden be assessed; no further building should be considered until this is known.

Tenterden is lucky in having a very good group of GPs and Staff at Ivy Court Surgery. To cope with the increase of perhaps 2000 residents will put a lot of pressure on the surgery even now, but the addition of a 56 bed Care Home, not Nursing Home, along with 23-46 residents in the assisted living dwellings, i.e. 100 new needy, elderly patients will be a step too far for the medical needs of Tenterden.

This application impedes on ancient footpaths and ground rich in natural habitat and will restrict and spoil the wonderful views of an area of natural and outstanding Beauty that the constant stream of dog-walkers, ramblers and joggers enjoy at present. These areas are very much worth conserving for future generations as concrete overruns our countryside.

Mrs Harrison's understanding of this application is that it does not take into consideration the National Planning Policy Framework and its' impact on Nature conservation, preservation and provision of Local Green space Designation for Tenterden which is so important for the well-being of the residents. This area should be left untouched but should be considered in the overall long-term planning for the future health and vibrancy of this town.

Westwell Court is, at present, a very desirable cul-de-sac with many of its residents having lived there for many years and now quite elderly. It would be an unacceptable intrusion of their peaceful and quiet existence to allow

this application to succeed. The access from Westwell Court is difficult enough with a limited amount of traffic, and especially at peak times. With increased staff and service vehicles along with visitors et al, to the proposed site would completely change the character of this delightful close. Mrs. Harrison requested that this application be heard in a Full Planning Meeting at Ashford Borough Council open to the Public.

Mr. R. Masefield of West Cross Gardens addressed the Committee. Mr. Masefield drew the Committee's attention to the number of residents from all parts of the Town who had turned out to register their objections to this application – so many of them wearing green to demonstrate a genuine local concern for the threatened green spaces of this parish.

This amended application is essentially similar in terms of size and approximate position on the site as the one unanimously rejected by this Council last year, after well over 100 residents posted objections to a care home and assisted living units on these fields. This year the Ashford planners are struggling to process the numbers of objections, with many I believe still in the pipeline. So many residents reject this application, and as their representatives we are confident the Council will do the same.

There are further problems of foul water disposal via an overloaded system, and of the fact that a luxury care home is more likely to attract incomers with additional medical needs, than to serve existing residents.

With regard to the AB20 footpath; an ancient field path shown on the 1798 town map and still walked continually by residents in search of exercise in the fresh air. Three versions of the plan have all shown buildings on both sides of the path. This one still urbanises it, obliterating its green context and involving a security risk for vulnerable would-be residents. Studies have shown the area to be ecologically important, supporting numbers of protected species. A nearby badger sett established probably for centuries, would lose its vital foraging ground to the development, and have foundations sunk literally within feet of its outlying burrows.

Even if the Committee does not see this as an attempt by a syndicate of landowners to circumvent the Local Plan for housing, consider the latest version of the National Planning Policy Framework regarding green sites, which states: *'If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), or adequately mitigated... then planning permission should be refused'*. Now, more than at any time in our history, we have a duty to preserve our natural environment from increasingly destructive forces, in Tenterden as much as anywhere. Nothing about this application suggests that it's sufficiently important to this town to be worth sacrificing all we would have to, to allow it.

Cllr. Nelson reported that there has been a lot of information to absorb, both from the application documentation, objections, speakers tonight, but he highlighted the key points. We have got to follow the NPPF; we can only consider material planning considerations, the most relevant of which are highway safety including access, impact on countryside, layout and density, nature conservation and parking. With regard to the DHA assessment, is possible to ask the ABC either themselves or through KCC to interrogate the assessment and put the points to the DHA or applicants to get answers.

Access points and traffic intensification: KCC have advised it is sufficient, however, personally not Cllr. Nelson could not see how.

The application is infinitely better than the previous application and there have been considerably improvements. With regard to the foul water disposal, Southern water have said they want a condition attached. AB20 footpath still there, but usable, even though it will have buildings either side.

Cllr. Carter reported that he generally agreed with Cllr. Nelson. Very difficult situation for the Council to be in; there will be an opportunity for the Council to protect a plot of land. Cllr. Carter suggested writing to KCC for an explanation of the positive response of access points and car parking arrangements and ask KCC to fully investigate the ecology on the site; it is a nature site.

Cllr. Mrs. Walder reported that the Council were told today that the badger report that the residents and Council had requested was not available unless asked for under the Freedom of Information Act due to potential badger baiters. Cllr. Mrs. Walder also reported that the three-page letter from Kent Highways was only made available on the day of this Planning Committee meeting. It was unacceptable that important information was not provided until the night of the meeting and she would be writing to Damian Green and the Head of Planning at ABC.

Cllr. Mrs. Walder reported that the NPPF is designed to remove this; it is supposed to be an open accessible system so the public can have their say. Cllr. Mrs. Walder does not accept fatalism that the land is inevitable going to be built on. Cllr. Mrs. Walder Paragraph 74 of the NPPF 'existing open space should be not built on unless an assessment clearly shows that it is surplus to requirements or if the loss resulting from development would be replaced by equivalent or better provision in terms of quality or quantity in a sustainable location.'

With regard to the public footpath, it is a public right of way. It cannot be obstructed in any way; the public have a complete right to pass at any time. It does not matter what you look like or the time of day, you can pass through that route. In the documents from the applicant, there is information about the security patrols: 'they will have ingress and egress checks; visitors to the site are to be politely challenged to explain what they are doing there.' The footpath runs straight through the site.

Cllr. Mrs. Walder raised her concern at the main care home being so near to the railway line when it is proposed that some residents will have dementia. The Care Home have a duty of care to residents.

With regard to site optionality, there is an exercise that the applicants must go through. However, the first test under the NPPF was not addressed. A local need is required to be identified. Once established, an out of town site can be identified. The marketing campaign conducted by Barchester is not a review of local need; the costs involved for residents are so high that local residents would not be able to afford to live there. Cllr. Mrs. Walder had spoken to Mrs. Harris at Ivy Court Surgery who stated that a care home was not needed in Tenterden, however, a respite care home is. Cllr. Mrs. Walder independently conducted a search for availability in local care homes

and three would have availability in seven days for dementia care. Cllr. Mrs. Walder stated that the development is not for Tenterden.

Cllr. Isworth thanked Cllr. Edwards for his introductory report and Cllr. Mrs. Walder for her summary of the tests that should be met for the development. Cllr. Isworth reported that he could not see how it could be deemed low traffic flow without removal of some of the current properties in Westwell Court. To state that Ivy Court Surgery was walkable from the site was absurd. Cllr. Isworth recommended that the proposal is refused on the grounds that none of the issues highlighted had been addressed.

Cllr. Dr. Lovelidge recorded her thanks to her fellow Councillors for their comments and on that basis felt that the application should be refused. Cllr. Dr. Lovelidge wanted to assure the general public that Cllr. Knowles and Cllr. Clokie who are on the ABC Planning Committee will ensure that the application will go to full a Planning Committee meeting and not be an Officer's decision.

Cllr. Mulholland recorded his thanks to his fellow Councillors for their comments and agreed with all the concerns raised. Cllr. Mulholland stated that there will be parking issues, there will be over-intensification, it will completely wreak havoc with residents of the close, it really is not a practical application as it stands, despite the progress that has been made. The question is do we need it – no.

Cllr. Mrs. Curteis reported that she agreed with her fellow Councillors and was concerned on the access issues.

Cllr. Miss. Gooch reported that she agreed with her fellow Councillors and stated that we did not need another care home and it should be rejected.

Cllr. Sugden, not a member of this Committee, stated that he completely agreed with the residents. It would destroy a lot of green areas and habitats. It will not bring business into the Town, but will cause traffic problems.

Cllr. Knowles, not a member of the Committee, stated that the application will be taken to full Planning Committee at Ashford Borough Council and all the views provided tonight will be taken on board.

Cllr. Mrs. Ferguson, not a member of this Committee, asked the question of where the staff are going to come from as unemployment in Tenterden is .5%. Cllr. Mrs. Walder stated that in her research, it showed that Barchester pay the minimum wage to carers, less than current local care providers, and most of the employees will not be from Tenterden and would probably drive in. It is being advertised that there would be plenty of nearby parking, i.e. residential streets.

It was RESOLVED to OBJECT on the following grounds.

1. There are clear and numerous breaches and conflicts, at least 20, with both the National Planning Policy Framework (NPPF) 2012 and 2018 within the application.

2. It fails to meet the local need in order to apply the sequential test for site selection under the NPPF.

3. The issues relating to the rural Public Right of Way AB20 cannot be legally mitigated or resolved.

4. There are still major issues with highways safety and access.

5. Traffic intensification.

6. There is no clarity as to the protection of protected species.

7. Despite the offer of 17 acres of land to be protected in perpetuity, there is still significant loss of green space and impact on nature and biodiversity.

The Council will be requesting that Borough Councillors Paul Clokie & Mike Bennett take this application to the full Planning Committee at Ashford Borough Council.

Cllr. Edwards abstained from voting.

6880 ANY OTHER BUSINESS.

- (a) Housing Allocation. Mr. R. Baker of Smallhythe Road had requested to speak regarding housing allocation as part of the ABC Local Plan 2030. Mr. Baker raised his concerns over the predictions in housing supply and possible windfall sites. Tent1 A and B were originally a total of 475 houses, however, it was then to be Tent1A 300 high density and Tent1B will have 175 medium density. Tent1A now has 250 therefore this Planning Committee had agreed to increase the number on Tent1B to 225. Due to ABC's very conservative prediction on windfall sites, Mr. Baker believed that Tent1B could be reduced back down to 175. When the Planning Committee agreed to go with the 225 houses, he believed that sufficient assessment was not given to the fact that building more houses in the same parcel of land was going to increase the density of housing quite significantly.

Given that Tilden Gill has put an extra 100 houses in the Tenterden area which was not expected, not predicted, not planned and not estimated, Mr. Baker would ask the Planning Committee to consider reverting to the 175.

Cllr. Edwards suggested that Mr. Baker officially writes to the Planning Committee with his proposal. The Committee is lawfully unable to make a decision under Any Other Business or on an Item not on the agenda.

The meeting opened at 7.00pm and closed at 8.43pm

The foregoing Minutes and Report were confirmed and signed at a meeting of the Planning Committee on the 10th day of December 2018.

Chairman _____ (10.12.2018)