

PUBLIC COMMENTS ON PRE-APPLICATION DOCUMENTATION, INCLUDING

DESIGN & ACCESS STATEMENT

26TH OCTOBER 2023

1. Albert Poole: pages 2-24
2. Adrian Greaves: pages 25-26
3. Graham Burr: pages 27-28
4. John Crawford: pages 29-31
5. Norman Brice: page 32
6. Ros & John Debling: pages 33-34
7. Samantha Reed: pages 35-41
8. Andrew Wright: page 42

Vistry Pre Application Report and Design and Access Statement

Tue 24/10/2023 18:42

To: Town Clerk <townclerk@tenterdentowncouncil.gov.uk>

📎 4 attachments (6 MB)

Land between Woodchurch Road and Appledore Road Planning Application 2100790AS Vistry.pdf; Planning Application 2100790AS Reserved Matters affecting Rose Cottage and Marne House.pdf; Vistry Design and Access Statement inaccuracies.pdf; Planning Application 2100790AS Vistry Design and Access Statement.pdf;

Dear Debbie

Please find copies of emails sent to Phil Cook, Tree Preservation Officer and Mark Davies, Planning Officer relating to the impact of the proposals affecting trees and hedgerows and the Privacy and Security of Rose Cottage and Marne House on the southern boundary of the proposed development. I believe that the Town Council are already aware of the impact of the proposed roadway based on a previous document sent to the Council.

These emails emphasise the issue with regard to our properties which are the closest to the site.

There is a complete disregard to our properties, contrary to the claims of protecting existing residents with a sufficient buffer.

The loss of the hedgerow on the north of Rose Cottage including category B1 trees is a travesty.

The Design and Access Statement claims to be landscape led. Not in this instance.

The Landscape Design states:-

6.1 The proposed framework responds to the constraints and opportunities of the site, with the existing landscape features given prominence within the development.

Notably the Constraints and Opportunities Plan Figure 2.8 has been , in my opinion, doctored to show the hedgerow and trees surrounding Rose Cottage as category C and U of Low and Poor quality and value when the SJA Tree report shows them as B1. I have asked the tree Preservation Officer to review this.

Please send this information to the Councillors to the Pre Application meeting to emphasise these issues.

Regards

Albert Poole

From: Albert Poole [REDACTED]
Subject: Vistry Design and Access Statement inaccuracies
Date: 22 October 2023 at 12:24
To: Phil Cook ph.cook@ashford.gov.uk
Cc: Mark Davies mark.dav.es@ashford.gov.uk



Dear Phil

Further to my email of yesterday, I have now had opportunity to review the latest Design and Access Statement issued by Vistry, which you will no doubt have seen.

Figure 2.8 Page 13 shows the Constraints and Opportunities Plan. Screenshot attached

To the north of Rose Cottage there is a area of hedgerow shown red. See Extract. According to the Key this seems to signify Category U Tree of poor quality and condition. This plan fails to identify the Field Maples 309 and 310 which are classed as category B1 in the SJA report. There are also other trees in this hedgerow which are not recorded and also the Field Maple referred to as part of my previous email. This plan is inaccurate and misleading. This is where the road is proposed and it is clear that the developer has taken this information from previous reports which are now distorting the facts. This should be challenged.

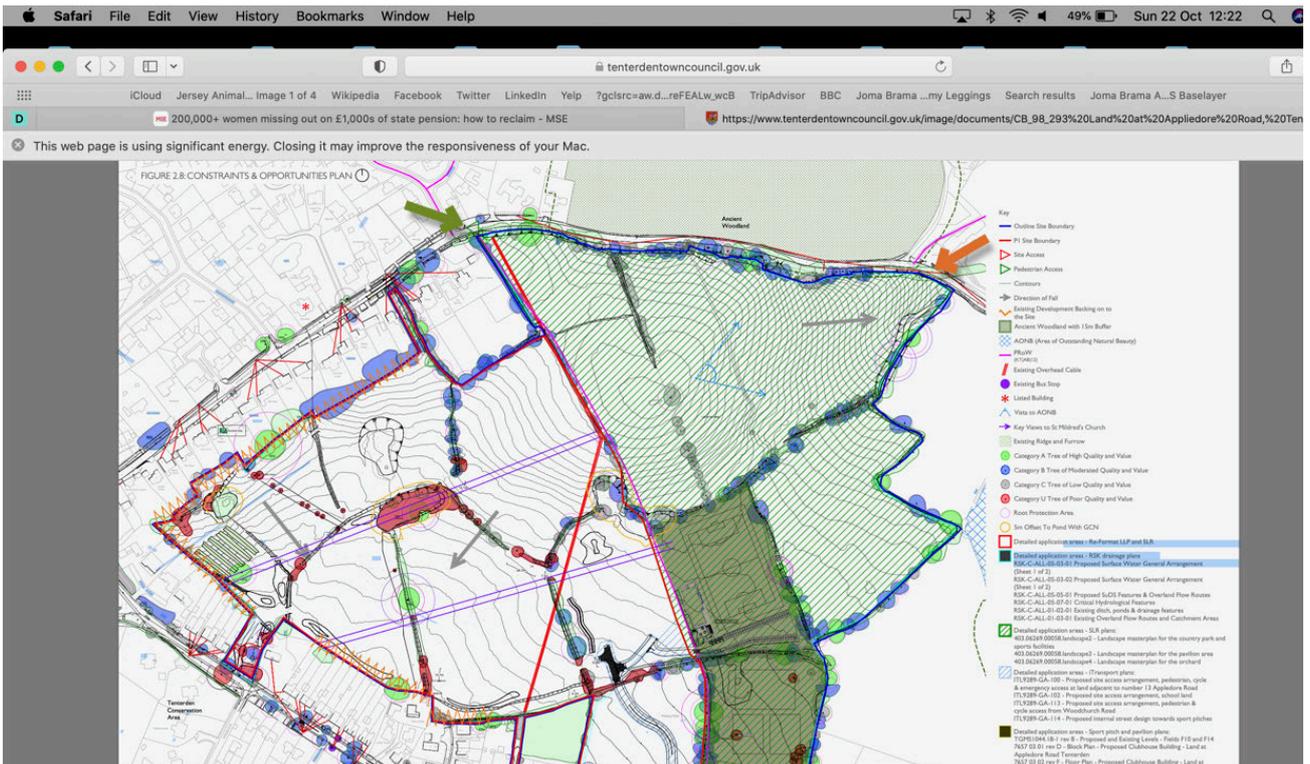
A second point is the area to the east of Rose Cottage which shows a grey shaded area which according to the key relates to Category C Trees of Low quality and value. One of these trees is a substantial Oak tree 307 on which should be assessed I believe as Category B1. This is shown on The 2019 Tree Protection Plan by SJA Trees attached and listed on the Arboricultural Implications Report page 83. See attached extract. The drainage from the site is via a culvert to the east of Rose Cottage and any new system installed will require significant digging in the root protection area of this tree. Again the categorisation of this tree should be challenged. There are other B1 Trees in this area although one was a faller in the strong winds a few years ago. This whole group of trees should be reassessed.

A final point at this time is that there is little reference to the important natural drainage ditches on this site. In particular the main drainage ditch from the large natural pond shown on the Tithe map of 1843 to the north boundary of Rose Cottage.

The reality is that the information provided should be challenged for accuracy and nothing should be accepted at face value. Whilst it appears very detailed, it needs verification. I have only dealt with a relatively small area near our property and the whole document should be examined.

Please can you get back to me?
Regards

Albert Poole



From: Albert Poole [REDACTED]
Subject: Planning Application 21/00790/AS Vistry Design and Access Statement
Date: 22 October 2023 at 13:08
To: Mark Davies mark.dav.es@ashford.gov.uk



Dear Mark

Further to my email yesterday I have now had chance to review the Design and Access statement submitted by Vistry.

In particular I would draw your attention to Page 34 Section 7 Designations referring to Public, Private and Semi-Private.

7.4 states:-

7.4 Private spaces are defined by the use of landscaping and built form. Private residences will have privacy strips or front gardens which are defined by walls, fencing, hedging and / or planting. Back-to-back development adds to the sense of security and ensures that the backs of dwellings are not exposed, meaning access into the private areas is restricted to either through the house or via a side gate/car port.

It appears from this statement that Vistry understand the importance of Privacy and Security when it comes to the new properties.

As I stated in my previous email, this proposal including the main access road and the footpath subject us to a gross and unacceptable intrusion on the privacy and security of Rose Cottage and Marne House gardens which border the site. I would not accept so called structural which would take years to mature and would not be feasible beneath the TPO oak tree 313.

Years of construction traffic and general traffic in perpetuity is unacceptable. The point of Reserved matters is to resolve issues of this nature.

It is clear that Vistry have not been properly briefed about this site. I would request that you raise these issues at the Pre Application meeting.

It cannot be right to have set of principles to the new properties and disregard the principles with respect to existing residents.

One other point I will raise is the position of the swale in relation to T313 Oak Tree. The plans indicate that the swale is still close to the Root Protection area. During the Inquiry Mr Maynard of RSK indicated a distance of 22metres. I am not convinced that the current plan shows this. When I find the reference to 22 metres, I will send it on to you and Phil Cook.

Best Regards

Albert Poole

From: Albert Poole [REDACTED]
Subject: Planning Application 21/00790/AS Reserved Matters affecting Rose Cottage and Marne House
Date: 21 October 2023 at 12:56
To: Mark Davies mark.dav es@ashford.gov.uk
Cc: Simon.co e@ashford.gov.uk



Dear Mark

You will have received a copy of my email to Phil Cook about the trees near our property and they of my daughter at Marne House.

I have just received a copy of the Design and Access Statement by Vistry. I will read this at length and comment in due course. However, I have a number of comments immediately which will affect both our amenity, privacy and security.

It is clear from the Pre Application plan that Vistry have followed closely the layout as shown during the Planning Appeal Inquiry.

The Inspector commented that this was outline and subject to detailed planning.

81. 'I am satisfied that the proposal would provide a wide enough buffer zone between the proposed dwellings and the rear of existing dwellings that would enable sufficient space for landscaping to be provided to ensure that the living conditions of existing residents would not be unacceptably compromised, given that the proposed details have not been finalised. '

This statement refers to the buffer zones between dwellings and makes no reference to roadways. This proposed design will create unacceptable intrusion on our privacy due to 2 factors. The proposed access route will be the main thoroughfare for all construction traffic and ongoing traffic in perpetuity. Our gardens which adjoin the site will be directly overlooked by passing traffic and lorries. My grandchildren are always in our gardens and this proposal poses a serious breach of privacy and amenity.

There is an opportunity at this stage to change this design to avoid this and would expect you to raise this on our behalf.

The second point is the proposed footpath which again is directly next to our gardens. There is absolutely no reason to create this footpath here and it will be routed straight through a drainage ditch which has to be retained. This again poses a major intrusion on our privacy and should be rerouted elsewhere.

It is clear that we are the closest to this site and our concerns to date have been ignored and it is about time for someone to listen and act.

I will ensure that the Town Council will include it in when it is presented to the Planning Committee.

In the meantime I will be seeking legal advice on this matter.

Can you advise when the Pre Application meeting is likely to take place to give me chance to review all this new information and comment?

Regards

Albert Poole

From: Albert Poole [REDACTED]
Subject: Land between Woodchurch Road and App edore Road P ann ng App cat on 21/00790/AS V stry
Date: 21 October 2023 at 12:20
To: Ph Cook ph .cook@ashford.gov.uk
Cc: Mark Dav es mark.dav es@ashford.gov.uk



Dear Mr Cook

I have been made aware that you have been corresponding with Ros Debling regarding TPO Trees on this site.

As you will remember I was involved in the Planning Inquiry as an interested party. In particular you advised that you would comment on the protection of TPO Oak listed as T313. This was likely to be affected by the proposed swales within the SUDS scheme. Previously the Drainage Scheme was produced by RSK and during the inquiry they agreed to amend the position of the swales to avoid the Tree Root Protection Area.

I was advised at the presentation that Vistry are employing a different drainage consultant. Looking at the latest Design and Access Statement by Vistry, it appears that RSK are still involved. They are giving misinformation. In the Pre Application report Savills refer to Condition 28 which refers to T313 and write the following:-

'The reserved matters details submitted pursuant to Condition 10 shall include details of any sustainable drainage schemes and other physical features as part of the development in the vicinity of Tree Preservation Order tree no 313 (SJA air April 2021). The detailed drawings shall show the area and depth of all excavations and their method of construction in relation to the tree's root protection area and any method of protection to ensure that no adverse impact will occur through construction of the development. The development shall be carried out in accordance with the details that will have been approved under reserved matters. '

Their comment is:-

'This will be dealt with through the submission of relevant material with the Reserved Matters Application. '

I am assuming that you will be dealing with this matter. Another issue is the offset of the Tree Root Protection area. When my daughter and husband built their property, Marne House, in 2010, there was an offset of the Tree Root Protection Area of 20% into Limes Land. At the request of ABC they repositioned their property to the South to increase distance from the tree. This would have changed the offset to 10% into Limes Land. This was accepted by ABC. In their plans Wates and it appears Vistry have moved the offset towards Marne House. This is obviously to reduce the impact on their development. They clearly have the opportunity with the reserved matters design to shift the impacts on TPO trees.

As this is offsite, it is clear that they are disregarding the importance of this tree and they need to be reminded that it is a TPO tree.

When this tree was assessed in their report, SJA estimated the diameter of the tree, claiming that the had no access to the property. Bearing in mind this tree is right on the boundary, in my view this was an attempt to minimise the diameter and therefore affect the calculation of the Tree Root Protection Area. I am requesting that you please measure this tree to provide an accurate assessment. As you will see this tree is very healthy. The developer Wates clearly underestimated the value of this tree in the Landscape and there is an opportunity with Vistry to correct this in Reserved Matters.

Another Important feature is the intention to remove a significant part of the hedgerow to the north of Rose Cottage including 2 mature field maples(309 and 310). When I discussed that with Paul Dadswell at their presentation, he claimed that accesses through hedgerows were through natural breaks. This is clearly not the case here.

When the first application 19/01788/AS was submitted in 2019 for 250 houses, there were 2 accesses to the site. One was through the Old Limes Land Farmhouse and the second was through the Homewood School land. Under this scheme there was no requirement to remove this hedgerow.

I have attach an extract of the original Tree Protection Plan. This shows 309 and 310 intact. There are other trees in this section of the hedgerow which have been ignored. I am attaching images of this hedgerow presented at the Appeal Inquiry which show this hedgerow.

When the second Planning Application 21/00790/AS was submitted in 2021 only one access was included through the School Land. This created a main route around the development past our garden at Rose Cottage and Marne House. The Tree Protection Plan(extract attached) showed the removal of Trees 309 and 310 in order to create the opening for the road. This is completely unacceptable. The remainder of the hedgerow between these trees and the TPO Tree 312 is far less significant and should be used to provide the road access.

To the north of Rose Cottage and west of the Hedgerow is a Field Maple which was planted by Hillreed Homes as Structural Planting in 1996/97 associated with a previous application. This was not recorded by SJA Trees and is likely to be an early casualty.

I believe, given the impact the removal of this section of hedgerow will have, you should consider a group TPO. The whole point of the Pre Application meeting, is to discuss where changes could be made to avoid unnecessary destruction of Trees and hedgerows.



Section of Hedgerow to be removed including Field Maples 309 and 310

Viewed from the East



Field Maples
309 and 310

Section of Hedgerow to be removed

Dear Debbie

At the Town Council meeting I requested that Council Representatives should be prepared to receive communications from residents before the Pre Application meeting.

I have sent information to Paul Dadswell of Vistry and Mark Davies, the Planning Officer.

I have attached a copy of my submission to the Appeal Inquiry relating to the impact of this development on our property, Rose Cottage and my daughter's property next door, Marne House.

We are the closest to the site and have the smallest buffer. I spoke to Paul Dadswell at Vistry presentation in the Church Hall and identified our concerns regarding the proximity of the main access road to our gardens. He stated that the design was at an initial stage for comment and could be altered prior to submission of reserved matters.

My submission to the inquiry is still relevant with regard to the issues raised. Please can councillors raise these concerns at the meeting?

Overall we require an increase in the buffer to compare with buffers to all other properties adjoining the site. Also Mr Dadswell commented that the roadways were through natural breaks in the hedgerows. This is clearly not the case as the hedgerow to the north of our property is due to be completely removed, including 2 mature trees to accommodate the roadway. An extract of the tree protection plan is attached along with images of the hedgerow destined for removal under the previous proposals.

I am available to elaborate on any of the subjects in my submission.

Regards
Albert Poole

**Opening Statement to Inquiry by Albert
Poole, Rose Cottage, Appledore Road,
Tenterden 8th February 2022**

Town and Country Planning Act 1990 (As
Amended)

Land between Appledore Road and
Woodchurch Road Tenterden, Kent

**ABC Planning Application Reference
21/00790/AS**

APP/E2205/W/21/3284479

**In my previous statement submitted to
the inquiry I identified a number of issues
with the appeal site which have serious
impact on our property Rose Cottage and
on Marne House which is the
neighbouring property belonging to my
daughter and her family. Rose Cottage is
one of the oldest recorded properties
bordering the appeal site on the Southern
Boundary dating back to 1769. Marne
House was built in 2010.**

Rose Cottage has been extended from the
original brick built construction and the upper

elevations are finished in white weather board in a typical Kentish style. See photos in photo library.

For the many reasons identified by Ashford Borough Council, Tenterden Town Council, Tenterden and District Residents Association, Residents and in particular those expressed by Limes Land Protection Group LLPG of which I am a founder member, this application should be rejected at the appeal.

If, on balance, a form of permission is given then it will be subject to numerous conditions as identified by ABC to the Inspector. I am seeking an undertaking to increase the buffer zone around Rose Cottage and Marne House for the following reasons.

- (1) The area to the North of Rose Cottage is part of Gallows Green, the Historic site of the Town Gallows as shown on the most significant maps of Tenterden and more particularly the Tenterden Tithe Map of 1843 See map extract in photo library. This site is a recorded in Kent Historic Environment Records TQ 83 SE 309.

From the outset Wates have sought to airbrush this Non Designated Heritage Asset from the map as demonstrated in their key facts document of May 2019 available at the first public presentation. (Copy appended). I have submitted strong rebuttals to RPS statements regarding Gallows Green. These are also appended.

- (2) There is a Protected Oak Tree 313 in the Garden of Marne House which has been underestimated in terms of Root Protection Area and was subject to a 20% offset to the North when Marne House was built. (See Arboricultural Report and extract from Planning Report Appended). This tree throws long shadows across Limes Land and will shade the nearest proposed properties. See photo library. It is illogical to propose new dwellings in the shade of existing trees. The design should reflect the existing environment and not be guided by as yet unbuilt dwellings.

- (3) The current outline application which is being appealed proposes a main access road close to the boundaries of Rose Cottage and Marne House . As a result a 30 metre section of the ancient hedgerow from the boundary fence of Rose Cottage to the north will be destroyed. This includes 2 mature field maples. 309 and 310. See extract Tree Protection Plan and images of Hedgerow in Photo Library. Bats are often seen in this hedgerow. This hedgerow is also a watercourse from which surface water leaves the site via a culvert which reaches Appledore Road and South to Tilden Gill
- (4) This new road way will become a main root for heavy site traffic during construction and a main arterial road for residents and heavy goods vehicles in perpetuity. This road will have direct vision into the rear gardens of Rose Cottage and Marne House. Given that the garden of Marne House is the play area of my grandchildren, this proposal is

a gross intrusion on the privacy of my family. See images in Photo Library. Using spatial separation standards and some planting which may take 5 -10 years to mature is totally unacceptable. This issue has been completely ignored by the applicant and disappointingly has not been properly addressed by ABC.

- (5) During extreme weather events the drain to the north of Rose Cottage is overwhelmed and the flood water builds up at the lowest point. See Photos. The original Critical Hydrological Features Drawing 133187-C-ALL-05-07-01 showed an attenuation basin along the southern boundary, presumably to capture this surface water. This basin was shown to be through the roots of Protected Oak Tree 313. I continually raised this as an issue and ABC finally recognised this and added this into the reasons for refusal. In response to this refusal the revised drawing was submitted showing the basin shortened to the west of the oak tree. Apart from

satisfying the reason for refusal, this change does not make any Engineering sense. Extracts of both drawings are appended in the photo library. A file of flooding history and many images and videos were supplied to KCC during the period of assessing this and the previous planning application. I am appending a copy of the information supplied to KCC and a number of flooding images are included in the photo library.

- (6) There is an exceptionally high population of Slow worms, lizards and newts in the immediate area north of Rose Cottage which will be destroyed by the proposed work. See Photo in library.
- (7) Rose Cottage and Marne House are located at the end of a private drive. The properties to the south create an acoustic screen which means virtually no road noise. The open countryside to the north means we live in a peaceful environment. The proposals will create a noisy building

site potentially for 5 years. The main access road will continue to create noise in perpetuity.

- (8) There is a field maple to the north of Rose Cottage which was planted as structural screening in 1996 by a Hillreed Homes, a previous potential developer. This tree was not recorded on the tree protection plan. This is a serious omission. This tree is on the footprint of one of the proposed dwellings and would become an early casualty without being appropriately recorded. See photo in the photo library.
- (9) There is a natural spring fed pond in the garden of Rose Cottage which is shown on the Tithe Map of 1843 and our own deeds of 1860. I have concern that this will be affected by groundworks near our property.
- (10) I also have concerns that the proposed SUDS proposals and groundworks may lead to flooding of our property and we

should be indemnified against such eventualities.

For all the above reasons the buffer around Rose Cottage and Marne House should be increased to (1) Respect the existing landscape, in particular the trees, hedgerows and our pond, (2) Protect the heritage assets, (3) Reduce the potential for flooding, (4) Mitigate noise and airborne dust nuisance (5) Protect our privacy.

Finally, at no time in this whole process and their association with Limes Land have the applicants contacted us to understand our serious concerns over its impact on us and our property. In fact the second application created a greater impact. I am hoping that this inquiry will enable me to give a voice to these concerns and that the inspector will be able to address them. Despite my numerous material objections to this application, the applicant appears to have been reluctant to engage with us.

We fully understand the planning process and the potential outcome. However, as an

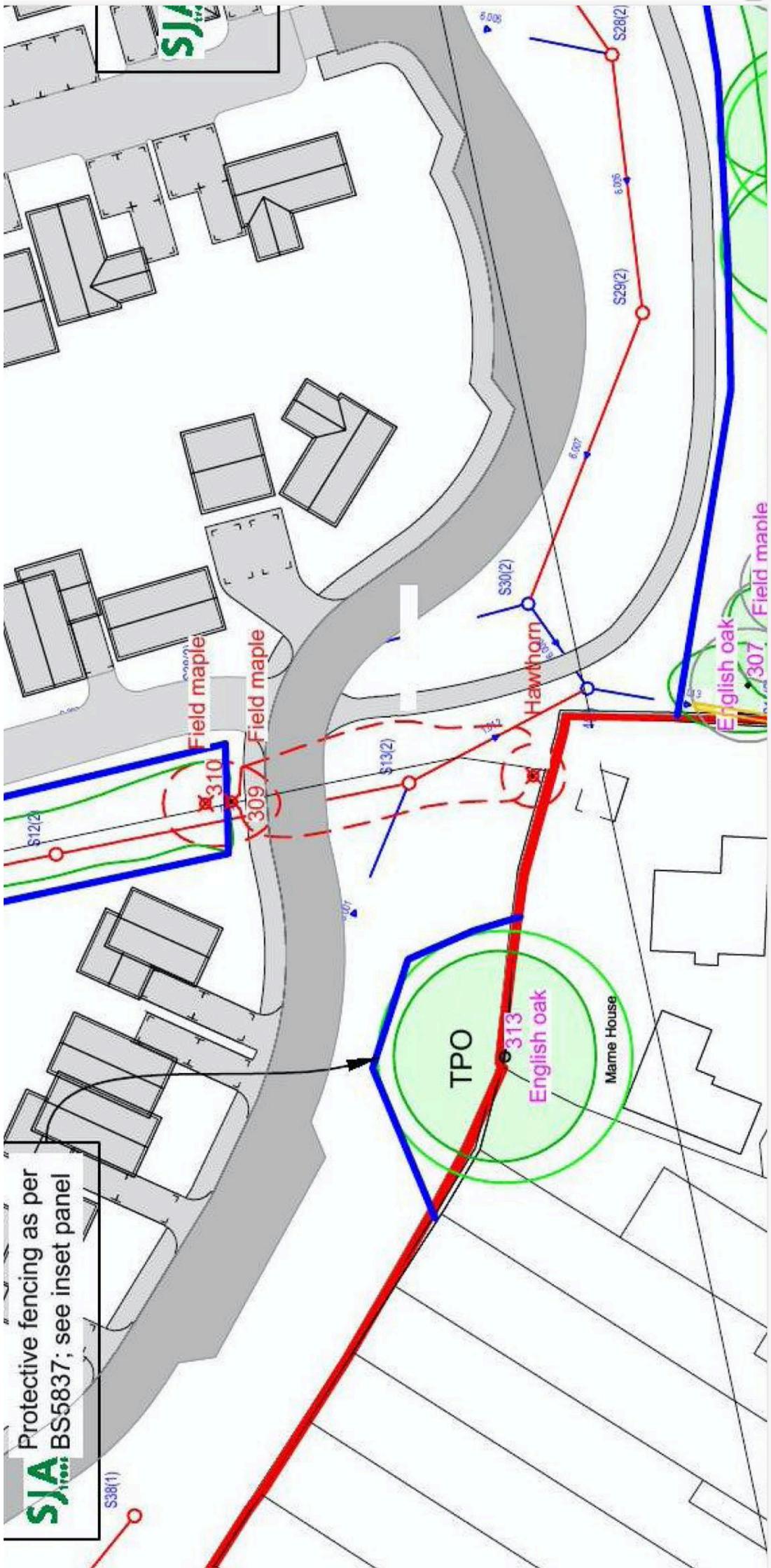
outline application there is ample opportunity to address these concerns and I hope the Inspector will be able to explore these issues.

A photo library has been appended to this document to provide a visual record of the issues raised with this statement.

Albert Poole

Rose Cottage

06/01/22




 Protective fencing as per BS5837; see inset panel

S38(1)

SJA

Field maple

Field maple

310

309

S13(2)

TPO

English oak

Mame House

313

Hawthorn

S30(2)

S29(2)

S29(2)

S28(2)

English oak

Field maple

307



Section of Hedgerow to be removed including Field Maples 309 and 310

Viewed from the East



Field Maples
309 and 310

Section of Hedgerow to be removed

Limes Land

Adrian Greaves

Sat 21/10/2023 14:59

To: Town Clerk <townclerk@tenterdentowncouncil.gov.uk>

Hello Claire,

PROJECT OVERVIEW & SECTION 106 ADVISORY GROUP

I appreciate how busy you are but I would appreciate it if my following observations and some personal concerns could be brought to the attention of councillors?

Land between Appledore and Woodchurch Roads, Tenterden.

1. After completion, what plans are in place to ensure the safety of estate residents at peak times, especially those on foot and school children leaving and returning to the site, when crossing the busy Appledore and Woodchurch Roads?
2. Will the single road access junction, off Appledore Road, be sufficient for both the new residential population of the development and existing neighbours along Appledore Road?
3. Where will site workers' park during the site development. During the building process how will the management of the large number of vehicles working on site enter and exit ensuring existing local residents are not blocked in or endangered?
4. Has consideration been given to the busy Spring and Autumn farming months when heavy tractors and large combine harvester machines constantly use Appledore Road?
5. Has any consideration been given to access across the development for emergency and Council vehicles - I believe a minimum width of 3.7 m is required between kerbs.
6. What parking is envisaged for additional users of the sports pitches and Country Park?
7. a. Who will be responsible for the a. insurance, and b. Health & Safety regulations of the completed project? I anticipate the cost of insurance will be enormous – has this been considered or will this land at the door of local Council Tax payers?
8. Who will fund the maintenance and manage the 'Country Park'? This will be a major financial and on-going task.

9. With regard to the available flooding maps and the extensive annual winter flooding across Limes Land and concomitant flooding of the Appledore Road, will prospective purchasers and their insurers be made aware of flooding risks?



10. How will the bomb crater, which is apparently to become a (deep) pond, to be made safe and secure for residents, including local (and invariably curious) children likely to reside nearby?
11. Does Vistry intend ignoring the bomb disposal expert's report?

I feel that these points should be properly shared with residents prior to further talks with Vistry.

Really sorry to burden you with this but the subject appears to be seriously worrying a growing number of Tenterden people.

Sincerely,

Adrian

Adrian Greaves

From: Graham burr
Sent: Friday, October 20, 2023 11:21:26 PM
To: Cllr Pam Smith <pam.smith@ashford.gov.uk>
Subject: New road layout on Appledore Road

Evening Pam,

My wife and I are growing concerned about the proposed changes to the road layout outside our house as a consequence of the proposed development on Limes Land.

Our point is a practical and safety one. We live at Larkfield (circled in the picture) and the proposed traffic calming measures would be right outside our house.

Our worry is the ability to get on and off our driveway.

If the proposal is to go to a single lane, and we need to turn right onto our driveway when coming back from Tenterden travelling down towards Appledore direction, but traffic is held giving way to us as the oncoming traffic, how are we practically going to turn onto our driveway? It will be blocked. It seems a ridiculous proposal.

Have no complaints about calming traffic (even though we naturally objected to the development, which we find very sad) but somebody really needs to think about an appropriate solution.

Can we ask for your support and help on this point please as we're quite stressed about it and not sure where to turn / what to do?

Picture attached. Thank you.

Thank you for replying Pam.

For us selfishly, it's less about the road access and the buffer, and more the practicalities of the proposed traffic calming measures. However, we may be saying the same thing.

From the plans it looks like a proposed single lane, give priority to oncoming traffic solution. It will certainly calm traffic, but it will create congestion as it won't be easy for residents, particularly us, to get on and off our driveway, especially where the five way point is proposed.

Can you please specifically raise at the steering group that alternative options need to be considered and proposed please?

Are we allowed to attend or is it a private meeting?

Thanks
Graham Burr

Sent from my iPhone

23:12



https://www.te...
www.tenterdentownc...



13 of 40



E 2.9: CHARACTER ASSESSMENT PLAN



Comments from John Crawford

Comments on Planning Obligations:

Para 99 and 100 refers to maintenance of open spaces and buildings which relates to the whole site and has to comply with Policy IMP4 along with other policies.

Comments for Hybrid Application Existing Conditions:

Condition 5: Construction of Pavilion. Though not spelt out, the sustainable design should include energy efficiency measures. This is critical mitigation action to positively impact climate change.

Condition 6: Landscape Design. The TNP policies need to be consulted before submission to the LPA.

Condition 7: Drainage Scheme. This is critical as the site has a very poor history of surface water flooding along with the associated impact of residential homes on Appledore Road.

Condition 10: Layout, scale and appearance. The TNP policies need to be consulted before submission to the LPA.

Condition 23: Though the travel plan is to satisfy the sustainability of the site, it is also true to show the sustainability for the town. In this instance there should be a presentation by developer to the community giving a minimum of 14 days notice. This is a precursor to approval by the LPA.

Condition 24: The welcome pack to new residents to include the legal rights / recourse to residents for snags occurring over the first two years for submission to the developer and then the next eight with your warranty provider for any structural issues. Also to include the complaints when snags or structure issues have not be rectified.

Condition 31: To include safeguarding measures for the southerly "Ridge and Furrow" site as it is so close to the proposed housing development.

Condition 34: In its simplest terms a "construction plan". As there are a large number of residential homes adjoining the site and with the impact on arterial and secondary roads of a continuous stream of lorries and workmen parking, there should be a presentation by developer to the community giving a minimum of 14 days notice to discuss the issues and agree mitigation. This is a precursor to approval by the LPA.

Condition 37: There should be a presentation of the traffic calming scheme by developer to the community giving a minimum of 14 days notice to discuss the issues and agree mitigation. This is a precursor to approval by the LPA.

Condition 40: Considerable anecdotal evidence was presented during the planning application of potential unexplored WWII bombs. The developer should be made fully aware of the evidence produced by the community.

Suggested New Conditions:

- The developer to provide evidence that each new build house is provided with a minimum of 30 sqm of private amenity or garden space, with a minimum of 10 sqm of private balcony space per flat.
- As the Vistry / Wates developer is a subsidiary of their parent companies. There has to be a condition that if it ceases to exist whilst snags and structure issues have not been resolved, the parent companies contractually agree the liabilities on their balance sheet, . This will require the LPA Legal Department to draw up suitable wording.
- Natural England to issue accreditation of the Country park before housing development commences.
- It is understood S106 states that the Professional Management Company for the Country Park has to be registered with Company House. The LPA must issue the exact criteria for the the registered company to met, such as the number of years experience of a similar size park, a good or better reviews, plus the balance sheet demonstrating it can function for perpetuity (unless contract transferred to another professional management company) without relying on TTC public funds. A similar condition for the football pitch and pavilion is required.

Comments on S106:

Talking from experience, this is a complex area and the content needs to be fully understood by all parties as this will impact the roll out in many different ways and in specific sequences.

Comments from John Crawford re Climate Change

I hear Ashford how want to merge two meetings into one comprising of the pre-application and design statement. The design statement is 40 pages in length. In my opinion to have a few hour meeting to cover both the pre-application and design will not "cut the mustard". From my past experience I cannot see how one meeting can do two critical topics justice. I am very concerned with the revised process being imposed by either the developer or the LPA.

According to the United Nations Environment Programme (UNEP), buildings and construction account for 38% of global carbon dioxide emissions. This includes emissions from the production of building materials, the construction process, and the operation of buildings. The UNEP also estimates that the embodied carbon in buildings, or the carbon emissions associated with the materials and construction processes, is about 11% of global emissions.

Whatever the figures are, they are totally unacceptable and the developer and the LPA must put forward proposals that will contribute to reduce. As Tesco would say "every bit helps". I feel this committee has the opportunity to be engaged with the mitigation discussions.

Collectively we should be actively working with the developer to reduce this figure for the Limes Land development.

The topics that immediately come to mind that must be discussed are:

- What measures will the development take to be resilient to the impacts of climate change?
- What measures will the development take to adapt to the changing climate?
- What measures will the development take to reduce greenhouse gas emissions?
- What measures will the development take to improve energy efficiency?
- Will the development incorporate any renewable energy technologies?
- Will the development use any sustainable materials?
- How will the development reduce waste and promote recycling?

Other topics that often appear in articles to reduce embodied carbon are:

- Using recycled and reclaimed materials: This can help to reduce the need to extract new raw materials, which can save energy and reduce emissions.
- Using low-carbon materials: There are a number of new materials and construction methods that are available that have a lower embodied carbon footprint.
- Designing buildings for deconstruction: This can make it easier to recycle and reuse building materials at the end of the building's life.

Tenterden Neighbourhood Plan: definition of "planning permission"

Norman Brice . 

Fri 20/10/2023 10:07

To:daniel.carter@ashford.gov.uk <daniel.carter@ashford.gov.uk>;Cllr Pam Smith <pam.smith@ashford.gov.uk>;Town Clerk <townclerk@tenterdentowncouncil.gov.uk>

Dear Daniel Carter

I would be grateful please for your advice on how to interpret a section of the guidelines for the Tenterden Neighbourhood Plan, specifically regarding "built up confines" and "planning permission".

You will doubtless be aware of the very significant local controversy regarding Limes Land, the (former) Tenterden Schools Trust playing fields and the Neighbourhood Plan. The Plan includes as Built Up Confines that part of the school land and Limes Land to the west of PROW AB 12, despite that land not being in ABC's Local Plan. I queried that with Tenterden Town Council and was referred to Evidence: Built Up Confines Appendix 1 paragraph 5.

"The built-up confines should be drawn to include within the built-up confine's boundary adopted Ashford Local Plan, 2030 allocations and the permitted built-up areas of any extant planning consents. This signifies clearly the planning status of such land and that the principle of development within the area has been approved."

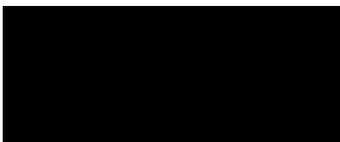
At present, the area in contention has Outline Planning Permission only: a number of conditions must be met before Full Planning Permission may be granted, which is at the discretion of ABC. Such approval cannot be assumed by the Tenterden Neighbourhood Plan.

My question to you is this please: does Outline permission meet the criterion within paragraph 5? Is there any case law on this?

I am copying this to my ABC ward Councillor, Ms Pamela Smith, and to the Town Clerk to Tenterden Town Council for the information of TTC councillors (in accordance with the edict issued by the Town Clerk).

Yours sincerely

Norman Brice



Dear Mr Dadswell

Initial thoughts on the revised but not final plans for building on this cherished land between Appledore and Woodchurch Roads, Tenterden.

1. Only one road entrance, off Appledore Road, for the entire residential population of the development. – Adequate or inadequate? What criteria used for number of vehicle manoeuvres per residence?
2. Roads throughout appear to be a warren of cul-de-sacs – Ashford Borough Council refuse collections will be a nightmare for the operatives. Roads may be impassable if residents' cars parked on the road.
3. How many of the 141 homes and what number of vehicles will have off-road parking available?
4. Will the roads be adopted by ABC or privately owned?
5. Emergency vehicles need a minimum carriageway width of 3.7 m between kerbs. What width are all the residential roads shown? From the diagram provided they appear narrower than the strip of land between Greenways and Willow Cottage, which is deemed to be too narrow for Emergency vehicle access.
6. 5 sports pitches, only one of which appears to be full size. Will these be grass or 4G? The Netherlands have banned all 4G pitches due to health concerns as they are made from shredded tyres and deemed to be a health risk.
7. Is the pink oblong shown a building or the car park?
8. How many designated parking spaces are available for users of the sports pitches? Is the strip of land, to the west, earmarked to provide additional parking or will the adjacent residential road be the only additional parking available?
9. Who will own, fund the maintenance of, manage and ensure Health & Safety regulations of the Sports Pitches are adhered to?
10. Existing trees with TPOs on them are not shown on this draft plan, are you aware of their existence and location?
11. Land assigned as 'Country Park' does not meet the minimum size or criteria required to be designated as a Country Park.
12. Who will own, fund the maintenance and manage the 'Country Park' if the criteria to designate it as such is eventually met?
13. In the original proposal a pavilion formed part of the planning application on the 'Country Park', is this no longer part of Vistry's plans?
14. Mail out states 'will shortly be starting delivery of the sports pitches, access and country park' Where will the 'Country Park' access be?
15. How will the drainage required for this size development be removed from the site, which is largely clay? Currently, after heavy rain, flooding occurs along the Appledore Road.
16. 71 'Affordable Homes' seem to be batched together in the north west, least accessible, corner – with gardens seeming to be to the rear of the properties? What off-road parking is planned for these properties?
17. What is your interpretation of the phrases 'affordable housing' for the 71 properties and to the 70 'market-rate' homes?
18. What plans are in place to ensure the bomb crater, which is to become a pond, will be made safe and secure for all Tenterden residents, taking into account the number of young families who reside here?
19. Does Vistry have plans to ensure there is no ordnance left on Limes Land rather than, as Wates did, dismiss the bomb disposal expert's report?

20. We regularly have badgers in our Woodchurch Road garden in the early hours, camera evidences date & time, what provisions are planned to ensure setts are not damaged nor badgers disturbed during the building of the estate? Protection of Badgers Act 1992.
21. During the building process how will the management of the large number of excavators, earth-movers and trades' vehicles etc needed on site enter and exit ensuring existing local residents are not inconvenienced or endangered?
22. After completion what plans are in place to ensure the safety of estate residents leaving the site and crossing the busy and speedy traffic travelling on the Appledore and Woodchurch Roads especially those on foot?
23. Is this plan the final draft before submission to ABC or will more properties or other changes be added, without further consultation with local residents, to ensure Vistry's profitability?

Ros and John Debling

Comments from Samantha Reed

Conditions 46/47/48

Landscape Ecological Management Plan

- Fig 1 - Veteran tree T315 is not identified on this plan. Any RPA should be offset to counter the large pond which it abuts. Proposed development and infrastructure is situated very close to this area, therefore, an adequate RPA must be in place for the trees protection. For reference, the diameter is 1125mm x 15 = 16.87m.

- Fig 2 - Hanging bat boxes next to the adult football pitch presents huge risk to commuting bats and the proposed boxes. Balls will no doubt hit the trees which may result in the bat boxes being damaged. A suggestion would be for more bat and bird boxes to be placed on trees to the rear of gardens in Woodchurch Road (dark corridor), the hedgerows around the site (away from pitches) and in the park area of the development.

- Fig 2 - the location of the hibernacula is concerning as those near P2&3 will be submerged during wetter months. KCC installed an extension to the footpath here because it's so wet. Accordingly, those located near to T353 & T354 will also be submerged in water during wetter periods as all of these areas are marshy.

- Para 1.6 states that it will take 20-27 years to achieve ecological enhancement of the site. Bakerwell state they are providing a BNG increase of 15.28%, yet KWT calculated a loss in BNG. Furthermore, much of the 'good quality semi-improved grassland' identified on Magic Maps below will be destroyed by development, pitches and infrastructure which has not been factored in as Ecology Solutions considered the grassland poor quality. Surely, Magic Maps represents the authority for accurate recording of habitat and species?

- Para 2.3 states 145 homes yet the outline planning states 141 homes, as per condition 13 of the Conditions.

- Paras 5.6/5.7 - Bakerwell has not referred to GCN population surveyed and recorded by EPR who stated that the population was of **District Importance**; this has conveniently been omitted from the report. Indeed, Bakerwell also omitted EPR's comments that the amphibian population was potentially of **County Importance**.

- Para 5.11 - The last Dormouse survey was carried out 5 years ago. Since that time one dead Dormouse was recorded in a garden which backs onto Limes Land. Furthermore, Ecology Solutions stated that a Dormouse was seen in 2021 in T326 which is due to be removed. It is essential that independent dormice surveys take place to establish the population.

- Para 5.16 - A good population of hedgehogs exists in gardens surrounding the site, yet the ecologists believe that there are not any on Limes Land. One should question whether the ecologists surveyed undergrowth, brambles and gorse areas properly as hedgehogs have a large foraging area which would include Limes Land.

- Para 5.2 – Bakerwell and Ecology Solutions comment that the population of reptiles was **low**, however, EPR stated that the reptile population was potentially of **County Importance**. EPR also stated that the slow-worm population was good, yet Ecology Solutions/Bakerwell state low.

- Para 6.2 - Only 5 log piles and 4 hibernacula will be installed for a site of 50 acres, although Fig 1 implies there are far more, 10 of each, which is misleading. The populations described in para 5.2 should be afforded more habitat. The small area of temporary habitat which has been allocated on the opposite side of the site from their current habitat could adversely impact the population. Both areas resemble marsh for several months of the year.

Para 7.22 - The report estimates 12 years for semi-improved grassland to achieve *fairly* good condition, however, approximately 30 acres of *good quality* semi-improved grassland already exists, as indicated on Magic Maps. The majority of the *good quality semi-improved grassland* will be destroyed due to development, scarification, infrastructure and pitches.

- Para 7.23 omits T315 - veteran oak adjacent to P1.

- Para 8.55 - The report states that grassland improvements correlate with the BNG assessment, however, the BNG assessment/calculation does not factor in the large expanse of *good quality semi-improved grassland* identified on Magic Maps. By destroying the numerous anthills will undoubtedly impact the wildlife which feeds on the ants, impacting the whole ecosystem.

- Para 8.56 proposes to scarify the remaining the semi-improved grassland which will result in a deterioration of the grassland for at least a decade. Updated BNG assessment is necessary to ascertain the impact of damaging semi-improved grassland.

- Para 8.80 - The proposed orchard may obstruct the PROW AB12 and will at increased risk of vandalism as it is crossed by the PROW.

- Para 8.88 - KWT has suggested that two Hornbeams T176 and T178 may be ancient as they resemble the ancient Hornbeams in Epping Forest. Veteran Oak T315 is missing from the documentation so it as risk.

- Para 8.108 - The seeding of sports pitches with Perennial Ryegrass will undermine and adversely affect the integrity of the semi-improved grassland as the grass will self seed and dominate other fields, ultimately leading to a deterioration of semi-improved grassland.

- Para 8.2 - States that herbicides, pesticides and fertilizers will not be used (except for invasive species) yet p8.67 states weeds will be sprayed twice yearly to prevent spread. Some wildflowers and herbs could be considered weeds, therefore, it is essential that these species are not sprayed as they are importance for wildlife.

- Para 8.69 refers to the site providing a hedgehog habitat, yet none were recorded during surveys. Several have been observed in gardens surrounding the site, which I am sure will be foraging across the site. Adequate protection needs to be in place

for hedgehogs such as fencing to separate the development site and dark corridors allowing foraging habitat.

- Para 8.135 states that a 1m buffer strip will surround ponds, ditches, hedgerows, wooded areas and log piles. The plans propose log piles next to the busy PRow - being so close to the PRow which will encourage human disturbance of log piles.

- Para 8.19 states a **5m buffer** for ponds and P8.100 states a 5m buffer for hedges, both vastly different to the 1m stated in P8.135. Which figure is correct?

- Appendix 3 states a 1m buffer for ponds, yet 8.19 states a 5m buffer - which figure is correct? Conflicting figures and assurances are throughout the document so we need to establish which buffer is correct.

SLR Consulting Document (within the LEMP)

- Para 2.4 does not reference T315 - veteran tree adjacent to pond 1.

- The document states that fertilisers will be used on the pitches 4 times per year and herbicide will follow two weeks later, despite 8.2 of the LEMP stating that no fertilisers will be used. This will impact the ancient field maple T381, ponds 2&3 and the network of ditches which connect the whole site. Water run-off which will contain harmful chemicals will adversely impact habitat and wildlife.

- PSD Agronomy suggests **shockwave treatment** to improve drainage of the pitch surface. The proposed **shockwave treatment** will take place above the root system of the ancient field maple T381, ultimately detrimentally impacting this tree. This cannot be allowed to happen.

- The maintenance programme suggests regular pest control of the pitches between August and March every year, ultimately contradicting the earlier statement that this *would not happen*.

Construction Ecological Management Plan

- Fig 2A – It is proposed that most of the bat boxes will be located in the hedgerow adjacent to the adult football pitch. These hanging bat boxes will be at risk from fast moving footballs hitting trees/branches and they will also be affected by the noise made by players and supporters. A more sensible option would be to utilise those boundary trees at the end of gardens on Woodchurch Road and Appledore Road in the *dark corridors* and also in existing hedgerows.

- Only **one bat hibernation box** is proposed to be located in the boundary hedgerow which adjoins Appledore Road footpath (within the cadets outdoor area). A large amount of clearance has taken place here over the last couple of years which has resulted in a sparse hedgerow exposed to residents walking along the public footpath. This does not appear to be the optimum location for a hibernation box. By only providing one box means that the location of the hibernation box is critical to

ensure it properly supports the bat population during the building stage. I request that more hibernation boxes are required for a site of over 50 acres.

- Fig 2B shows a road next to Pond 1, however, no 5-10m buffer is visible on the map; something of that width would be visible. ABC must ensure that adequate buffers are in place to prevent polluted water run-off into GCN ponds.

- Para 1.2 states that the grassland is poor quality semi-improved grassland yet Magic Maps states **good quality semi-improved grassland**. Under valuing the grassland benefits the developers BNG figures as it distorts the baseline. It is therefore essential that the baseline figures are correct and an up-to-date BNG calculation is carried out.

- Fig 2B – more habitat is required for lizards/reptiles on the western side of the site as most of the lizards, snakes and slow-worms are currently found to the west of the PRoW and *not* the east. EPR recorded the slow-worm population as **Good**, yet Bakerwell state low which conveniently supports the developer.

- Para 5.17 – A dormouse was recorded in a garden abutting Limes Land, and furthermore, a dormouse was recorded during surveys by Ecology Solutions on T326.

- Para 6.9 – Trees with moderate bat roost potential that are due to be removed are: 230,254,326,329. Trees with low bat roose potention that are due to be removed are: 45,117,118. This will considerably impact the diverse bat population on Limes Land.

- Paras 8.26 and 8.27 propose that the cadet building be demolished. Is this the plan?

- Para 8.58 states that grazing may not be possible. Surely this will adversely impact the BNG calculation as low intensity grazing improves biodiversity, therefore, the BNG calculation must be updated.

- Para 8.79 – In this paragraph, numbers are given to the hedgerows on the site, but this is not referenced on the maps, therefore, it is impossible to establish which hedgerows will be affected.

- Para 8.88 – hanging bird boxes should not be located next to pitches as they will be at risk of damage.

- Para 8.89 – Badger sett is suspected in extensive bramble patch to rear of Woodchurch Road gardens. Footage of badgers entering gardens via bramble patch is recorded and has been reported to KMBRC. Latrines have also made in a garden, appx 2 metres from bramble patch.

- Para 8.92 – A dormouse was seen in T326 by Ecology Solutions in 2021 and dead dormouse was recorded only 50 metres from this.

- Para 9.42 – A 30 metre buffer should apply to any suspected badger sett on Limes Land.
- Para 9.43 – hedgehog log piles and hibernacula should also be located in the dark corridors around the perimeter of Limes Land and should be protected by post and rail fences.
- Para 12.5 - the report proposes that HGVs access the site between 1900 and 1600 Monday – Friday!
- Para 15.1 – biodiversity protection zones should be fenced off during the whole construction process to avoid damage to habitat and species. Relying on a plan in a works office is not sufficient to protect this important habitats currently in place.
- Para 15.8 states that fires should not occur in biodiversity zones or open space areas. May I suggest that fires should not be lit near to existing residents gardens, dark corridors or bat commuting areas.
- Para 16.6 states that access will be from both Appledore Road and Woodchurch Road. Where in Woodchurch Road as there are two access points?
- Para 16.97 – where is the Arboricultural Report as it is not attached to the report?

Discharge of Condition 40

1. The Planning Inspector stipulated that *'prior to the commencement of the development, a scheme to deal with contamination of land and/or groundwater shall be submitted to and approved in writing by the local planning authority and no development shall commence until the measures approved in that scheme have been implemented'*. Upon making this decision, the Planning Inspector had a large number of reports/documents as part of the planning application/planning inquiry and it is these that have been re-submitted to discharge Condition 40. **No new documentation, other than the 2017 documents, have been created to deal with contamination and groundwater.**

2. The Planning Inspector stated that 'the investigation report shall be conducted and presented in accordance with the guidance in CLR11 'Model Procedures for the Management of contaminated land' published by the Environment Agency. The scheme shall include all the following measures unless the local planning authority dispenses with any such requirement specifically and in writing':

- *A site investigation that shall be carried out by a competent person to characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not commence until a desk-top study has been completed, the requirements of the local planning authority for site investigations have been fully established, and the extent and methodology have been submitted to and approved in writing by the local planning authority.* **An up to date desk-top study has not been carried out. I was unable to find a strategy for dealing with unexploded bombs or dumped munitions.**

- *A full copy of a report on the completed site investigation that shall be submitted to and approved in writing by the local planning authority. **Only previous documentation from 2019&2021 planning applications has been provided, despite the Planning Inspector insisting on additional surveys.***
- *A written method statement for the remediation of land and/or groundwater contamination affecting the site. **2017 documentation only available - unfortunately, I was unable to see any current method statement focusing on recent surveys.***
- *A full copy of a completion report confirming the objectives, methods, results and conclusions of all remediation works that shall be submitted to and approved in writing by the local planning authority. No deviation shall be made from the approved scheme. **All documents formed part of the planning application and no further reports have been provided.***

Design & Access Statement

1. Three different site layouts are in the D&AS - which one is the preferred layout? See fig 3.2 (pg 17). fig 3.3 (pg18) and fig 4.7v(pg 23) for different layouts. It is difficult to fully assess the D&AS when there are substantive differences in layout.
2. On fig 3.3 the PRow is impeded by a road and parking spaces (near pavilion).
3. The bungalows could go on outside of development to soften the edge near to existing dwellings on Appledore Road/Woodchurch Road.
4. The term 'focal building' needs clarification. Will this be higher than others?
5. The document states that Tenterden Golf Club is only 14 minute walk from the development. How are residents expected to walk to the golf club when there is not a pavement on Woodchurch Road after Knockwood Road?
6. On page 22, the imagery showing the ponds with the footbridge over has made the ponds smaller than they actually are. The ponds are currently on both sides of the bridge, however, the plan shows the ponds only to the west of the bridge.
7. The greenway abutting gardens on Woodchurch Road (page 20), or the 'Dark Zone' as it is referred to in the CEMP/LEMP, is becoming pinched due to plot 64. This 'Dark Zone' is crucial for the bats and the recorded bat roost in the ash trees near to plot 64. The house lights, car headlights and road near to plot 64 will disturb the bat roost. There is also a potential badger sett in the bramble patch near to plot 64 as badgers are recorded on wildlife cameras entering/exiting the bramble patch (a latrine is present and grass is flattened by badgers).
8. The proposed orchard will impede the PRow.
9. A concise breakdown of how the 274 parking spaces are allocated to each dwelling is necessary to ensure that the developer is adhering to the ALP.
10. What are the anticipated costs per dwelling for the Management Fee for green space on the development side? Will it differ between affordable and market value houses?
11. The images throughout the document imply that there are more trees in the rear gardens on Woodchurch Road. Trees have been superimposed on the imagery making it appear that half of the garden is filled with trees, however, we only have trees on the boundary. The document has implied that the shade cast from the trees is dense foliage/wooded area, but this is not the case. The imagery should reflect what is actually in situ and should not infer that the properties will be shielded from the new development by trees etc.

12. Parking spaces for the pavilion will impact the RPA's of potentially ancient hornbeams (as quoted by KWT). The drainage for the carpark will also damage tree roots.

13. The proposed materials should include more tiled elevations - the majority of dwellings on Woodchurch Road which back onto the development have tiled elevations.

14. The majority of dwellings abutting the development have brown tiles roofs, so one should question whether grey tiled roofs are in keeping with the existing dwellings?

15. The proposed pond/attenuation basin near to Limes Close will sever the remains of the Drove Road. TTC should ensure that any overflow drainage from the ponds does not harm the RPA's of trees or other heritage features.

16. The parking for plots 92-105 appears to be rather chaotic and I struggle to see how this would work in reality, especially if residents start parking outside of designated areas as this could impact emergency vehicles and refuse trucks.

Comments from Andrew Wright, Tenterden's Climate Action Group

TTC has a meeting with ABC to discuss their priorities for the site, it would be good for the CAAG to have an input. The obvious answers off the top of my head are:

- 1) easy/ safe/ pleasant cycling and walking routes into town and within the development
- 2) highest possible standards of energy efficiency
- 3) solar panels and EV charge points as standard
- 4) electric heat pumps rather than gas boilers as standard. No gas on the development and future proofed electricity network (3-phase to each house?).
- 5) wide range of provision for biodiversity including green spaces, wild areas, water, wild flowers, tree planting and keeping of as much of the flora and fauna on the site as possible (especially hedges and trees).
- 6) sustainable materials used in construction (i.e. not UPVC and masses of concrete).