AGENDA

PLANNING COMMITTEE

Wednesday 14 August 2019 at 5.00 pm
Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS

Members:  Councillor Noakes (Chairman), Councillors Bland (Vice-Chairman), Atwood, Backhouse, Bailey, Mrs Cobbold, Podbury, Poile, Pound, Mrs Thomas and Warne

Quorum:  5 Members

1  Chairman's Introduction  (Pages 5 - 6)
   Announcement on procedural matters.

2  Apologies  (Pages 7 - 8)
   Apologies for absence as reported at the meeting.

3  Declarations of Interest  (Pages 9 - 10)
   To receive any declarations of interest by Members in items on the agenda.

4  Declarations of Lobbying (in accordance with the Protocol for Members taking part in the Planning Process, Part 5, Section 5.11, Paragraph 6.6)  (Pages 11 - 12)
   If a Member has been lobbied in connection with any application on the agenda, this should be declared at the start of the meeting, whether by, or in support of, the applicant or objectors.

   Members in doubt about such a declaration are advised to contact the Legal Services Manager/Monitoring Officer before the date of the meeting.

5  Site Inspections  (Pages 13 - 14)
   To note the application sites visited, as recorded at the meeting.

6  To approve the minutes of the meeting dated - 24 July 2019  (Pages 15 - 16)

7  Reports of Head of Planning Services (attached)  (Pages 17 - 18)
   The running order of the applications listed below is subject to change and will be agreed by the Chairman and announced at the meeting.
(A) Application for Consideration - 19/01521/FULL - Chapel Farm, Chapel Lane, Sissinghurst, Cranbrook, Kent TN17 2JN (Pages 19 - 34)

(B) Application for Consideration - 19/01586/OUT - Land West Of Sychem Place, Five Oak Green, Tonbridge, Kent (Pages 35 - 62)

(C) Application for Consideration - 19/01632/FULL - 74 Hilbert Road, Royal Tunbridge Wells, Kent TN2 3SF (Pages 63 - 68)

8 Appeal Decisions for noting - 06/07/2019-30/07/2019 (Pages 69 - 72)

9 Date of Next Meeting (Pages 73 - 74)
The next Planning Committee meeting to be held on Wednesday 11 September 2019, at 5pm.

10 Urgent Business (Pages 75 - 76)
To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

Cheryl Clark
Democratic Services Officer
cCheryl.Clark@TunbridgeWells.gov.uk
Town Hall
ROYAL TUNBRIDGE WELLS
Kent TN1 1RS
Tel: (01892) 554413

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**Notes on Procedure**

(1) A list of background papers appears within each report, where appropriate, pursuant to the Local Government Act 1972, section 100D(i).

(2) Members seeking factual information about agenda items are requested to contact the appropriate Service Manager prior to the meeting.

(3) Members of the public and other stakeholders are required to register with the Democratic Services Officer if they wish to speak on an agenda item at a meeting. Public places are limited to a maximum of four objectors and four supporters. The deadline for registering to speak is 4.00 pm the last working day before the meeting. Each speaker will be given a maximum of 3 minutes to address the Committee.

(4) All meetings are open to the public except where confidential or exempt information is being discussed. The agenda will identify whether a meeting or part of a meeting is not open to the public. Meeting rooms have a maximum public capacity as follows: Council Chamber: 100, Committee Room A: 20, Committee Room B: 10.

(5) Please note that the public proceedings of this meeting will be recorded and made available for playback on the Tunbridge Wells Borough Council website. Any other third party may also record or film meetings, unless exempt or confidential information is being considered, but are requested as a courtesy to others to give notice of this to the Democratic Services Officer before the meeting. The Council is not liable for any third party recordings.

Further details are available on the website ([www.tunbridgewells.gov.uk](http://www.tunbridgewells.gov.uk)) or from Democratic Services.

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If you require this information in another format please contact us, call 01892 526121 or email [committee@tunbridgewells.gov.uk](mailto:committee@tunbridgewells.gov.uk)

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**Hearing Loop System** – The Council Chamber and Committee Rooms A and B have been equipped with hearing induction loop systems. The Council Chamber also has a fully equipped audio-visual system.
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Chairman’s Introduction

Procedural Item:

Announcement on procedural matters.
Apologies for Absence

Procedural Item:

Apologies for absence as reported at the meeting.
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Declarations of Interest

Procedural Item:

To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest; please contact the Monitoring Officer before the meeting.
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Declarations of Lobbying (in accordance with the Protocol for Members taking part in the Planning Process, Part 5, Section 5.11, Paragraph 6.6)

Procedural Item:

If a Member has been lobbied in connection with any application on the agenda, this should be declared at the start of the meeting, whether by, or in support of, the applicant or objectors.

Members in doubt about such a declaration are advised to contact the Legal Services Officer/Monitoring Officer before the date of the meeting.
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Site Inspections

Procedural Item:

To note the application sites visited, as recorded at the meeting.
PLANNING COMMITTEE

Wednesday, 24 July 2019

Present: Councillor Noakes (Chairman)
Councilors Bland (Vice-Chairman), Atwood, Bailey, Mrs Cobbold, Podbury, Poile and Warne

Officers in Attendance: Cheryl Clark (Democratic Services Officer), Peter Hockney (Development Manager), Jo Smith (Lawyer) and Richard Hazelgrove (Principal Planning Officer)

Other Members in Attendance: None.

CHAIRMAN’S INTRODUCTION

PLA29/19 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

APOLOGIES

PLA30/19 Apologies for absence were recorded from Councillors Backhouse, Pound and Mrs Thomas.

DECLARATIONS OF INTEREST

PLA31/19 No declarations of interest were made.

DECLARATIONS OF LOBBYING (IN ACCORDANCE WITH THE PROTOCOL FOR MEMBERS TAKING PART IN THE PLANNING PROCESS, PART 5, SECTION 5.11, PARAGRAPH 6.6)

PLA32/19 No declarations of lobbying were made.

SITE INSPECTIONS

PLA33/19 There were no site inspections as members of the Committee were understood to be familiar with the site.

TO APPROVE THE MINUTES OF THE MEETING DATED 12 JUNE 2019

PLA34/19 RESOLVED – That the minutes of the meeting dated 12 June 2019 be approved as a correct record.

TO APPROVE THE MINUTES OF THE MEETING DATED 3 JULY 2019

PLA35/19 RESOLVED – That the minutes of the meeting dated 3 July 2019 be approved as a correct record.

REPORTS OF HEAD OF PLANNING SERVICES

PLA36/19 The order of business was as set out in the agenda.
APPLICATION FOR CONSIDERATION - 19/01742/FULL - WAR MEMORIAL, MOUNT PLEASANT ROAD, ROYAL TUNBRIDGE WELLS, KENT

PLA37/19 **Planning Report and Presentation** - The Head of Planning Services submitted a report in respect of application 19/01742 and this was summarised at the meeting by Mr Hazelgrove, Principal Planning Officer, and illustrated by means of a visual presentation.

**Updates and Additional Representations** – Since publication of the agenda report, the presenting officer updated that a further representation had been received objecting to the loss of the trees and the wider public realm developments surrounding the site.

**Registered Speakers** - There was one speaker, Miss C Fisher who had registered to speak to object to the application but she failed to attend the meeting.

**Committee Member Debate:** In response to questions from members, Mr Hazelgrove drew attention to condition 11, which provided information on the size and proposals for dealing with the replacement trees and confirmed there would be 11 steps each side of the War Memorial.

**Decision/voting** - On the basis that members were satisfied that all relevant planning considerations had been covered within the report and the debate, a motion was proposed by Councillor Podbury, seconded by Councillor Warne and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** - That application 19/01742 be approved subject to the plans, conditions and informatives as set out in the agenda report.

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**APPEAL DECISIONS FOR NOTING - 15 JUNE TO 5 JULY 2019**

PLA38/19 The list of appeal decisions provided for information was duly noted.

**DATE OF NEXT MEETING**

PLA39/19 **RESOLVED** – That the next Planning Committee meeting take place on Wednesday 14 August 2019, at 5pm.

**URGENT BUSINESS**

PLA40/19 **RESOLVED** – That there was no urgent business for consideration.

**NOTES:**
1. An audio recording of the full proceedings of this meeting is available on the Tunbridge Wells Borough Council website.
2. The meeting concluded at 5.20pm.
Reports of Head of Planning Services

Procedural Item:

The running order of the applications listed below is subject to change and will be agreed by the Chairman and announced at the meeting.
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**REPORT SUMMARY**

<table>
<thead>
<tr>
<th>REFERENCE NO</th>
<th>19/01521/FULL</th>
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**APPLICATION PROPOSAL**
Demolition of existing buildings and structures and erection of two dwellings with parking provision and soft landscaping.

**ADDRESS** Chapel Farm, Chapel Lane, Sissinghurst, Cranbrook, Kent, TN17 2JN

**RECOMMENDATION** REFUSAL (see section 11 of report for full recommendation)

**SUMMARY OF REASONS FOR RECOMMENDATION**
- The proposal would not result in the delivery of sustainable development in accordance with the development plan and national policies. It is situated outside of the Limits to Built Development (LBD) and therefore outside a sustainable, built up and largely developed location and would be significantly reliant on journeys by private car and no alternative modes of transport available.
- The proposal would have an adverse impact on the openness of the landscape and result in an undue domestication of the site’s rural locality.
- All other material considerations have been taken into account and are not considered to outweigh the identified harm that the proposal would cause.

**INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL**
The following are considered to be material to the application:

- **Contributions** (to be secured through Section 106 legal agreement/unilateral undertaking): N/A
- **Net increase in numbers of jobs**: N/A
- **Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs**: N/A

The following are not considered to be material to the application:

- **Estimated annual council tax benefit for Borough**: £357.52
- **Estimated annual council tax benefit total**: £3,609.06
- **Annual New Homes Bonus (for first 4 years)**: £2,000.00
- **Estimated annual business rates benefits for Borough**: N/A

**REASON FOR REFERRAL TO COMMITTEE**
Referred by the Head of Planning Services.

<table>
<thead>
<tr>
<th>WARD</th>
<th>Frittenden &amp; Sissinghurst</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARISH/TOWN COUNCIL</td>
<td>Cranbrook &amp; Sissinghurst Parish Council</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Jason Wright</td>
</tr>
<tr>
<td>AGENT</td>
<td>Mrs Hannah Ronan</td>
</tr>
</tbody>
</table>

| DECISION DUE DATE | 09/08/19 |
| PUBLICITY EXPIRY DATE | 19/07/19 |
| OFFICER SITE VISIT DATE | 10/07/19 |

**RELEVANT PLANNING HISTORY** (including appeals and relevant history on adjoining sites):
### App No. | Proposal | Decision | Date
--- | --- | --- | ---
17/04293/FULL | Conversion of a redundant building to a single dwelling and erection of a detached garage; Demolition of existing stable buildings, erection of a new stable building and construction of a 20m x 40m sand school for private use | Granted | 13/03/18
99/01216/FUL | Retrospective - 2 storage bays and a dog kennel plus amended parking proposals in connection with application TW/95/00435 | Refused | 01/09/99
96/01306/FUL | 3 Aggregate bays and amended parking proposals in connection with application TW/95/00435 | Refused | 30/10/96
95/00435/FUL | Change of use of agricultural building to B1 Use (joinery shop and fence manufacturers workshop) with new single storey front extension to provide office and W.C. | Granted | 24/04/96
94/00698/FUL | Change of Use of agricultural land and building for storage and distribution and replacement porta cabin | Withdrawn | 19/09/94
88/02158/FUL | Change of use from agricultural to storage and distribution of aggregate and associated products | Refused (Appeal Dismissed) | 13/02/89
84/01317/FUL | Parking of haulage vehicles and storage | Refused | 10/05/85
83/01416/FUL | Agricultural dwelling | Refused | 09/03/84
81/01157/FUL | Alteration to existing agricultural access | Granted | 11/12/81

**MAIN REPORT**

### 1.0 DESCRIPTION OF SITE

1.01 The application site forms part of Chapel Farm located on the west side of Chapel Lane within the Cranbrook & Sissinghurst Parish. The site comprises a single storey, rectangular shaped, metal framed building currently in use for storage and an unauthorised car workshop. To the front and rear of the building lies a yard and several storage containers and structures understood to be used in association with the unlawful car business. To the rear and east of the site are unlawful mobile homes and two stable blocks.

1.02 The site is accessed from the south east corner of the site by a hard surface track from Chapel Lane which leads upwards to a front yard area before continuing past the south facing elevation of the metal clad building to the rear parts of the site. The site sits on a higher land level (approximately 2-3m) to that of the road and gently
slopes towards the west of the site. The rear of the site is also predominantly hard surfaced. The front (east), south and north boundaries of the site are largely marked by conifers and hedging. The west boundary of the site is largely open leading into an undeveloped parcel of land.

1.03 The main metal framed structure within the site is set back from the road by approximately 30m and is positioned towards the south boundary of the application site. Permission has previously been granted under 17/04293/FULL for the conversion of this building into a single dwelling along with the erection of a detached garage, removal of the existing stable buildings and erection of a new stable building and private sand school. This permission has not been implemented. This building was originally constructed for agricultural purposes but under 95/00435/FUL was granted use for B1 purposes. The remainder of the site has a lawful use for agriculture and much of the activity on the site is unlawful and enforcement notices were issued in September 2018. The notices require the cessation of the uses for car sales, storage of containers and residential use of caravans. Also required is the demolition of two buildings on the site. The time limit for compliance was 10 April 2019 and is yet to be undertaken.

1.04 Chapel Lane and the immediate area is sparsely developed with the site surrounded by paddock and agricultural land. The site is located Outside of the Limits to Built Development (LBD) and within an Area of Outstanding Natural Beauty (AONB). The nearest defined LBD is that of Sissinghurst approximately 825m to the north of the site and approximately 1.6km to the west of the site lies the defined settlement of Cranbrook. Approximately 160m to the west of the site lies Public Right of Way WC106 and 112m to the north east lies Public Right of Way WC105. The site entrance and east of the site falls within an area designated as Potential Archaeological Importance. Chapel Lane is also a designated Rural Lane. A small number of listed buildings are located to the south east of the site the closest being approximately 57m from the site’s entrance.

2.0 PROPOSAL

2.01 The application seeks full planning permission for the demolition and removal of all of the existing structures on the site and erection of two detached houses with detached garage structures.

2.02 The site’s existing access arrangements are proposed to be largely retained as existing as is the track running from the access point adjacent to the sites south boundary to the rear of the site. The existing boundary treatments to the front and side of the site are to be largely retained as existing with addition of soft landscaping and post and rail fencing.

2.03 Unit 1 is proposed to be located towards the west of the site and to front towards the east. It is proposed to comprise of three levels (which includes a habitable roof space) and includes a single storey rear element. The dwelling is proposed to be of a rectangular shape with a pitched roof gable ended at the south facing elevation and hip ended at the north facing elevation. At ground floor level an external porch, entrance hall sitting room, dining room, toilet, open kitchen and family room, boot room, utility room and garden room are proposed. At first floor level a large master bedroom is proposed which includes an en-suite bathroom and dressing room. Also proposed at first floor level are two other bedrooms, a family bathroom and landing. At second floor level a further two bedrooms are proposed, both with en-suite bathrooms and dressing areas, a central landing and eaves storage spaces. Seven roof lights are proposed to serve these rooms. The dwelling is proposed to be
finished in facing brickwork, hanging tiles at first floor level, roof tiles and timber framed doors and windows. A patio area is proposed to the immediate rear of the property and grassed surface garden to the north (side).

2.04 Unit 2 is proposed to be located towards the front of the site and front towards the south. It is proposed to comprise of two levels and again rectangular in shape with a pitched roof gabled ended at the east facing elevation and hip ended at the west facing elevation. At ground floor level an external porch, an entrance hall (which is partly open to the first floor), toilet, living room, open kitchen, dining and family room and utility room. At first floor level a master bedroom is proposed which includes an en-suite bathroom, three other bedrooms, bathroom and landing which partly overlooks the entrance hall at ground floor level. The dwelling is proposed to be finished in horizontal timber weatherboarding, roof tiles and timber framed doors and windows. A patio area is proposed to the immediate rear of the property and grassed surface garden to the rear of this and east of the dwelling.

2.05 Both properties are proposed to have a separate gated parking area along with a two bay detached garage. The garages are parking areas are proposed to be located between the two proposed properties. A grass surfaced space with additional tree planting is proposed to the front of the site and provides a buffer between Unit 2 and the road. The proposed shared access is also proposed to continue beyond the entrance to the parking area serving Unit 1 and leads to the rear of the site and entrance gate to serve the existing agricultural land.

3.0 SUMMARY INFORMATION

<table>
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<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
<th>Change (+/-)</th>
</tr>
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<tbody>
<tr>
<td>Site area</td>
<td>0.55ha</td>
<td>0.55ha</td>
<td>-</td>
</tr>
<tr>
<td>Use</td>
<td>B1 use and agriculture</td>
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<tr>
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<td>0</td>
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<td>+2</td>
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<td>Car parking spaces</td>
<td>Approx. 10 (to front of site)</td>
<td>Approx. 10</td>
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</tr>
<tr>
<td>No. of storeys</td>
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<td>Unit 1: 3</td>
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<tr>
<td></td>
<td></td>
<td>Unit 2: 2</td>
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<td></td>
<td></td>
<td>Unit 2: 5.0m</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td>Unit 2: 11.8m</td>
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<tr>
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<td></td>
<td></td>
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Garages

<table>
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<tbody>
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<tr>
<td>No. of storeys</td>
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<tr>
<td>Max height</td>
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<td>Max eaves height</td>
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<td>Max depth</td>
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</tr>
<tr>
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<td>Proposed</td>
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</tr>
</tbody>
</table>

4.0 PLANNING CONSTRAINTS

Agricultural Land Classification Grade 3 (This information is taken from the MAFF 1998 national survey series at 1:250 000 scale derived from the Provisional 1” to one mile ALC maps and is intended for strategic uses. These maps are not sufficiently accurate for use in assessment of individual fields or sites and any enlargement could be misleading. The maps show Grades 1-5, but grade 3 is not subdivided)

Area of Outstanding Natural Beauty AONB (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Outside the Limits to Built Development (LBD)

Potential Archaeological Importance – East part of the site

Public Right of Way – WC106 (to the west) and WC105 (to the north east)

Rural Lane – Chapel Lane

Enforcement Notice various

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework 2019 (NPPF)
National Planning Practice Guidance (NPPG)

Development Plan:
Site Allocations Local Plan Adopted 2016
Policy AL/STR 1: Limits to Built Development

Tunbridge Wells Borough Core Strategy 2010
Core Policy 1: Delivery of Development
Core Policy 3: Transport Infrastructure
Core Policy 4: Environment
Core Policy 5: Sustainable Design and Construction
Core Policy 6: Housing Provision
Core Policy 7: Employment Provision
Core Policy 14: Development in Villages and Rural Areas

Tunbridge Wells Borough Local Plan 2006
Policy LBD1: Development outside the Limits to Built Development
Policy EN1: Development Control Criteria
Planning Committee Report  
14 August 2019

Policy EN8: Outdoor Lighting  
Policy EN13: Tree and Woodland Protection  
Policy EN25: Development affecting the rural landscape  
Policy TP4: Access to Road Network  
Policy TP5: Vehicle Parking Standards

Supplementary Planning Documents:  
Landscape Character Area Assessment 2018: Cranbrook Fruit Belt  
Renewable Energy SPD  
Rural Lanes SPD

Other documents:  
Kent Design Guide Review: Interim Guidance Note 3 (Residential parking);  
High Weald AONB Management Plan 2014-2019

6.0 LOCAL REPRESENTATIONS

6.01 Three site notices were displayed around the site on the 26th June 2019.

6.02 One response letter has been received from Council for the Protection of Rural England (CPRE) raising the following (summarised) concerns and objections:

- CPRE objects to this application to build 2 market houses on a 0.55ha site.
- Recognise that the proposal could potentially tidy up a partly previously developed site (although note the various enforcement orders).
- Unlike the permission to convert the old agricultural (now B1) building into a single house with equestrian facilities, which would arguably maintain the agricultural character of the area, this proposal will give a more suburban character to this part of the AONB.
- Two houses will not make a significant difference to the housing land supply and cannot therefore be considered to amount to “exceptional circumstances” sufficient to justify this development in the AONB.
- The proposed density of housing on the site amounts to a density of a mere 4 dwellings per hectare (dph) and as such would appear to conflict with paragraphs 122 and 123 of the NPPF.
- Allowing development at a rate of 4 dph, instead of the 30 or more dph then the greenfield land take for the housing required to the detriment of the AONB.
- Recognise that the applicant’s Statement says part of the site would be returned to agricultural land (which is, of course, its existing status in planning terms) but it does not clearly specify how much of the site would be returned to agricultural use and the plans submitted with the application appear somewhat unclear in this respect.
- If the Council is minded to approve this application then it is strongly recommend that, as the Parish Council has suggested, the Council should impose a condition that all existing containers and the buildings must be fully removed and relocated on nearby land.

7.0 CONSULTATIONS

Cranbrook & Sissinghurst Parish Council

7.01 (02/07/19) The Parish Council recommend approval in principle, to the development of the site. They would like consideration given to 4 smaller dwellings and would reiterate previous comments made, that all existing containers and sundry buildings should be removed and not relocated on adjacent land.
Southern Water
7.02 (08/07/19) The applicant has not stated details of means of disposal of foul drainage from the site. There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

KCC Highways & Transportation
7.03 (27/06/19) It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

KCC Archaeology
7.04 (28/06/19) No archaeological measures are required in this instance.

Environmental Protection
7.05 (24/06/19) Demolition/construction activities may have an impact on local residents and so the usual conditions/informative should apply in this respect. Before demolition, building should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

TWBC Conservation Officer
7.06 (24/06/19) Specialist advice from the Conservation Team is not, in this case, necessary for the determination of this application.

TWBC Landscape and Biodiversity Officer
7.07 (30/07/19, verbal comments) Object to the application on the grounds that the proposal would result in a much greater urbanisation and intensified domestication of the countryside than the existing lawful uses, which would be harmful to the AONB. The proposal would have a much greater impact than that of the previously approved conversion. The ecology reports and findings are satisfactory.

8.0 APPLICANT’S SUPPORTING COMMENTS

8.01 The Planning Statement has identified a raft of supportive planning policy and guidance confirming that the development is acceptable when assessed against the relevant national and local planning policy and legislation. This Statement also provides an assessment and justification of the proposed scheme in relation to the associated material planning considerations.

8.02 Overall it is considered the development represents an acceptable form of development in principle. There are no identifiable adverse impacts that significantly and demonstrably outweigh the benefits of the proposal therefore the proposal should be approved in line with provisions of the NPPF (2019), and subject to the attachment of appropriate conditions which are considered relevant, reasonable, necessary, enforceable and precise to this development.

9.0 BACKGROUND PAPERS AND PLANS

1777- 01 - Existing Plan and Location
1777- 02 - Existing Block
10.0 **APPRAISAL**

**Principle of Development**

10.01 The site is located within the countryside, outside the Limits to Built Development (LDB), in an area that would normally be an area of restraint to development. The site is also located within the High Weald Area of Outstanding Natural Beauty (AONB). The adopted development plan policies seek to direct new residential development to the most sustainable locations within the LBD.

10.02 The Council’s new Local Plan has been published, but does not carry weight at this stage.

**Housing Land supply situation**

10.03 The appeal decision at Land at Common Road, Sissinghurst on 21/03/16 included some conclusions (in respect of housing land supply) that are highly pertinent to this application. In particular, the conclusion that in relation to the objectively assessed need (at that point in time) that applying “the Council’s preferred backlog, buffer and claimed deliverable supply against the SHMA figure of 648 per year results in a supply of only 2.5 years of housing land” (Officer emphasis).

10.04 Since this date work on the Council’s new Local Plan has been progressed with an anticipated submission date of December 2020. Recent updates to Planning Policy Guidance and the NPPF (2019) have changed the way that local authorities must calculate their housing targets.

10.05 NPPF Paragraph 73 requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

10.06 The NPPF requires, based on the housing delivery test, that currently a 5% buffer be included in TWBC’s five year supply calculations.

10.07 Every year a position is established regarding the five year supply, based on the position in April of that year. This requires detailed monitoring work. This detailed work has been undertaken and has determined that the Council currently have 4.69 year housing supply at 1st April 2019. The position for the end of September will be calculated in October 2019.

10.08 In view of the above, the spatial strategy for the delivery of housing in TWBC (such as Core Strategy Policies 1 and 6) are considered to be out of date, it is necessary to consider whether the development is sustainable in the context of the NPPF, whether there are any adverse impacts that would significantly and demonstrably outweigh
the benefits when considering the Framework when taken as a whole and whether specific policies in the Framework indicate development should be restricted.

10.09 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

"i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

10.10 Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in Paragraph 73. Footnote 6 states these policies include ‘irreplaceable habitats’ which Paragraph 175 states includes AONBs.

10.11 Paragraph 172 of the NPPF advises that ‘great weight’ should be given to conserving landscape and scenic beauty in AONBs, as they have the highest status of protection in relation to landscape and scenic beauty. This does not create a blanket presumption against new housing in the AONB, but does require detailed consideration of the impacts of new development in such locations.

10.12 Whilst the use of the LBD as a restraint on new housing development in itself cannot be used, the sub-text to Policy LBD1 in the Local Plan sets out that the LBD’s purpose is to direct development to built up areas to ensure sustainable development patterns, and the site’s distance outside the nominal boundaries of such an area.

10.13 Therefore the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies within Paragraph 11 and Footnote 7 indicate this development should be restricted. Paragraph 8 of the NPPF explains that there are three dimensions to sustainable development:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution,
and mitigate and adapt to climate change including moving to a low carbon economy.”

10.14 It can be seen that sustainability is thus a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position. The following paragraphs of this report assess the proposal against the three roles as defined by the NPPF.

10.15 The NPPF at Paragraph 79 provides policies on “isolated” new houses in the countryside. Given the location of other dwellings and built from in the vicinity of the site, the site is, on balance, not considered to be “isolated” in the context of this part of the NPPF and therefore Paragraph 79 is not applicable.

10.16 The key matters for consideration in this application are therefore considered to be whether the proposal comprises sustainable development and if the development would cause significant visual harm which would outweigh its contribution to the housing land supply. The contribution to the housing supply of two units (although only an increase of one on the previous permission for conversion) is not a significant contribution to the supply.

10.17 It is acknowledged that a previous permission has been granted at the site under 17/04293/FULL for the conversion of the existing building into a single dwelling. However, this scheme has not been implemented and therefore the site does not have a lawful residential use. There is also policy support for the conversion of rural building in the Local Plan where there is no broad policy support for the erection of new dwellings in the countryside. It is also considered that the conversion of an existing building has greater sustainability credentials as it re-uses an existing resource as encouraged by the NPPF 148.

Location of the site (social and environmental dimension of sustainable development)

10.18 A key consideration is whether future occupants of the dwelling would be likely to meet some/all day-to-day needs by walking to facilities, thereby reducing the need to travel by private car, which would reduce greenhouse gas emissions (Paragraph 148 of the NPPF).

10.19 The sub-text to Policy LBD1 in the Local Plan (para 3.39) sets out that the LBD’s purpose is to direct development to built up areas to ensure sustainable development patterns and to prevent encroachment into the countryside. The site is located approximately 825m to the south of the LBD of Sissinghurst and approximately 1.6km to the east of Cranbrook. There are also limited facilities within the immediate area.

10.20 The site is located along an unlit designated Rural Lane with no pavements either side of the road. Chapel Lane, immediately outside of the site, would also appear to have no speed restrictions. The closest bus stop would appear to be located approximately 60m to the south of the site along Golford Road, but not connected to the site by a pavement or footway. Because of this it is considered that future occupants would not feel safe walking or cycling to this bus stop or the closest settlements and services particularly in adverse weather conditions or after dark and that the road would present a hostile environment for users.

10.21 Overall, it is considered that there are limited opportunities to access local facilities by foot or public transport, and occupiers would almost be entirely reliant on the use of a private vehicle to access a wider range of facilities and services. It is thus considered that purely in terms of its location; the site is not sustainable and therefore would not contribute toward a move to a low carbon future as advocated by the NPPF. This is
considered to be a significant negative in terms of whether the proposal comprises sustainable development.

Use of Previously Developed Land (PDL)

10.22 Annexe 2 of the NPPF defines ‘previously developed land’. This is, inter alia, defined as land which has previously been occupied by permanent or fixed surfaced infrastructure. The site has previously been granted consent for the building to be used for B1 purposes (joinery shop and fence manufacturers’ workshop) under 95/00435/FUL. This weighs in favour of the proposal.

Impact on the AONB and wider Landscape including Design and Layout

10.23 Part 12 of the NPPF addresses good design, which is a key aspect of sustainable development (para 124). Para 127, inter alia, requires that developments respond to local character and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation; also that they are visually attractive as a result of good architecture and appropriate landscaping. Importantly, para 130 of the NPPF states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

10.24 Paragraph 172 of the NPPF states that ‘great weight should be given to conserving and enhancing landscape and scenic beauty’ in AONBs, which ‘have the highest status of protection in relation to landscape and scenic beauty’.

10.25 At Development Plan level, protection of the AONB is addressed in Core Policy 4 (1) of the CS which seeks to conserve and enhance it in accordance with national policy (see below). Core Policy 14 (6) stresses that a policy of restraint will operate in order to maintain the landscape character and quality of the countryside.

10.26 Local Plan Policy EN25 sets out the criteria that development outside the LBD is required to satisfy; including that the proposal has a minimal impact on the landscape character of the area.

10.27 The High Weald AONB Management Plan details that the AONB as a whole is “characterised by dispersed historic settlement, ancient routeways, an abundance of woodland, wooded heaths and shaws, and small irregularly shaped fields. These are draped over a deeply incised and ridged landform of clays and sandstones with numerous gill/ghyll streams, and are closely related to socio-economic characteristics that have roots extending deep into history”.

10.28 The Borough Landscape Character Assessment (LCA) is a material consideration. The site lies within Local Character Area 4: Cranbrook Fruit Belt which is summarised as ‘A plateau-top landscape where the topography flattens out (compared with the more intricate topography of the fruit belt to the west) permitting larger-scale land uses to exist. This is a diverse zone of transition and typical of the High Weald landscape. The strong yet diverse character incorporates elements of fruit belt, forested plateau and wooded farmland and the historic town of Cranbrook.’

10.29 The site is occupied by a single storey structure originally built for agricultural proposes and several unlawful structures. The main building on site whilst not particularly visually attractive it is not considered to detract from the site’s rural character. It is of the appearance and scale of a typical, functional, agricultural structure found in the countryside and does not appear out of place or visually harmful. It is also not considered to be of an excessive height or scale that appears highly prominent in the area or site’s rural locality. Whilst it is accepted that the site
presently does not appear visually attractive it is considered that this is largely because of the unlawful uses taking place on the site against which enforcement action has been taken.

10.30 The application seeks consent for the removal of the existing buildings on site and the erection of two detached dwellings and two detached garages located between the two properties. The proposed development would result in a significant increase in built form at the site and result in a much more suburban appearance that would be considered to be harmful to the rural character of the locality.

10.31 The site is well screened from Chapel Lane by landscaping to the front of the site which is to be retained. Whilst there is no submitted design rational for the dwellings in relation to how they take cues from the AONB landscape the proposed dwellings are considered to be of an appropriate design concept for the site’s locality. However by virtue of the proposed dwellings much greater height, combined built footprint and domestic appearance the proposed development would appear more prominent in the landscape. The buildings would also appear more visible than the existing structure from the surrounding public vantage points.

10.32 The proposal would result in a harmful change to the character of the rural area through the increased built form at the site, increased domestic paraphernalia and loss of open space. The proposed development would also result in a much more suburban appearance that would be considered to be harmful to the rural character of the locality. The proposed development would fail to preserve or enhance the site’s setting within AONB.

10.33 It is therefore not considered to be consistent with policies regarding the rural landscape contained in the adopted Local Plan 2006 and Core Development Strategy 2010. The conclusion is therefore reached that the development will result in harm to the AONB and rural character of the area, contrary to Development Plan policies and there are no material considerations which justify this harm.

10.34 This is considered to be a negative impact and would be contrary to the aims of Policy EN25 and Paragraphs 127, 130, 170 and 172 of the NPPF as it would not significantly enhance its immediate setting, and it would not be sensitive to the defining characteristics of the local area due to the harmful impact on the countryside. The landscape harm would not be outweighed by contributions to the housing supply.

Impact nearby Grade II Listed Buildings

10.35 Approximately 55m to the south east of the site are situated the Grade II listed properties of Laylocks and Went Ways. From discussions with the Council’s Conservation Officer it is considered that by virtue of the separation distance between the site and these properties; the proposal would not have a detrimental impact upon the setting of these Grade II listed properties.

Loss of Employment use

10.36 The proposed development would result in the loss of the site for employment purposes, being a B1 use. However, permission has previously been granted for the conversion of the main building on the site into a single dwelling and this permission could still be implemented. Nonetheless, the site is not considered to be located within a sustainable location or well connected to main road networks. The site is also not considered to generate a significant level of employment. Whilst the loss of employment would be seen as a negative impact of the proposal the likely loss of employment would not warrant the application being refused on such grounds alone.
Ecology

10.37 An ecological survey has been provided as part of the application. Having discussed this with the Council’s Landscape and Biodiversity Officer the findings are accepted. The Council’s Landscape and Biodiversity Officer has however recommended that in the event of an approval a condition for a scheme of ecological mitigation and enhancements should be imposed to ensure the development does not cause significant harm to present habitats on or around the site.

Housing and economic considerations (social and economic role)

10.38 The proposal is for two detached dwellings. As such, an additional two dwellings is not considered to contribute towards the Borough’s housing needs (affordable or otherwise) in any meaningful or significant way. The proposal does not create any employment opportunities (other than in the short term during its construction) and there is no evidence that the contribution the occupants would make to the local economy would be significant when weighed against the local economy as a whole.

Summary of whether the proposal comprises sustainable development

10.39 The proposal site is considered to be in an unsustainable location where future occupiers would be largely dependent of the private car to access a wider range of facilities and to meet everyday needs which is considered to be a significant negative impact. The proposal is considered to have a harmful impact upon the character and appearance of the rural area, AONB and countryside. The economic and social benefits of the additional dwellings are considered to be neutral. When assessed against Paragraph 11 of the NPPF, it is considered that the adverse impacts in terms of conflict with the environmental objectives of the Framework significantly and demonstrably outweigh the benefits of the proposal, even when the extent of the housing deficit is considered. Additionally, it is also considered that the application of AONB policies in the NPPF provide a clear reason for refusing the development proposed. As such, the proposal is not considered to comprise sustainable development, and the principal of this development it not considered acceptable.

10.40 Paragraph 78 of the NPPF also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The proposed development by virtue of its location and scale would not be considered to contribute significantly to the vitality of the closest settlements.

10.41 Paragraph 79 of the NPPF does allow dwellings of exceptional quality in rural areas. However the proposed development is not considered to fall in to this category.

10.42 As a whole, the proposal is considered to be unsustainable and therefore be unacceptable. The benefit of two dwellings is not considered to outweigh the harm caused to the AONB and rural, countryside setting of the site.

Residential Amenity

10.43 The proposed development by virtue of the sites location, position and distance from neighbouring properties is considered to respect the amenities of all nearby properties.

Living conditions

10.44 The proposed dwellings are not considered to be unduly shaded or overlooked by surrounding development and the private amenity spaces are not considered to be cramped or restricted in size. The existing trees to be retained are not considered to
adversely restrict light flow or outlook to the new dwellings. The proposed units are considered to have acceptable living conditions.

**Highway Safety and Parking**

10.45 The proposal seeks to maintain the existing access to the site. Following discussions with KCC Highways it is considered that the proposal would allow for vehicles to safely enter and exit the site and that there is sufficient turning space for vehicles to avoid exiting the site in reverse gear. The proposed off road parking provisions are also considered to be suitable and adequate for the sites locality. The proposal in terms of highway safety would be considered acceptable, subject to conditions.

**Other Matters**

10.46 In terms of flood risk, the site falls outside of any designated flood zone and therefore the proposed development is not considered to increase the flood risk in the area.

**Conclusion**

10.47 For the reasons set out above the proposal is recommended for refusal. The proposed development is not considered to constitute sustainable development by virtue of its location and its connectivity to everyday services and facilities resulting in future occupiers having a high dependency on the use of a private vehicle. The benefit of two dwellings is not considered to outweigh the harm caused. The proposal would also result in a harmful impact upon the AONB and the sites rural setting by virtue of the scale and amount of built form proposed along with the associated domestic paraphernalia. The application is therefore not considered to be acceptable or policy compliant.

**RECOMMENDATION** – REFUSE for the following reasons:

1. The proposal is not considered to comprise sustainable development, and the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Due to the location of the site and the nature of the routes to facilities, future residents are likely to use private cars for the majority of trips, which does not support the move to a low carbon future as required by Paragraph 148 of the National Planning Policy Framework. The site lies outside the Limits to Built Development as defined within the Tunbridge Wells Borough Local Plan 2006, which indicate the most sustainable areas for new housing development, in an unsustainable rural location. The proposal therefore fails to comply with the National Planning Policy Framework 2018, saved Policy LBD1 of the Tunbridge Wells Local Plan 2006 and Core Policies 4, 5, 6 and 14 of the Tunbridge Wells Core Strategy 2010.

2. The construction of two dwellings and detached garages along with the associated domestic paraphernalia with this residential use is not appropriate in this sensitive rural location, as it adversely affects the rural landscape and causes significant harm to the character of the countryside and in particular the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty. The application of AONB policies in the NPPF provide a clear reason for refusing the development proposed. It would not therefore comprise sustainable development. It is thereby in conflict with the National Planning Policy Framework 2012, saved policies LBD1, EN1 and EN25 of the Tunbridge Wells Local Plan 2006, Core Policies 4, 5, 14 of the Tunbridge Wells Core Strategy 2010 and the Landscape Character Assessment.

Case Officer: James Moysey
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.
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### REPORT SUMMARY

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<thead>
<tr>
<th>REFERENCE NO</th>
<th>19/01586/OUT</th>
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<tbody>
<tr>
<td>APPLICATION PROPOSAL</td>
<td>Outline (Access Not Reserved) - Residential development of five detached houses</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>Land West Of Sychem Place Five Oak Green Tonbridge Kent</td>
</tr>
<tr>
<td>RECOMMENDATION</td>
<td>to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation)</td>
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### SUMMARY OF REASONS FOR RECOMMENDATION

- In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied);
- At this site those policies relate to the Green Belt (GB);
- The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and Local Policy in respect of these material considerations.
- The proposal is considered to constitute ‘limited infilling in villages’ and thus accords with Para 145 of the NPPF relating to appropriate development within the GB. Members may alternatively consider it to be the ‘partial or complete redevelopment of previously developed land’
- In the event that it is considered to comprise the redevelopment of previously developed land, it is considered that Very Special Circumstances (VSC) exist which outweigh the moderate harm to the openness of the Green Belt.
- The indicative design, form and scale of the proposed dwellings are considered to be appropriate and would create a good quality development.
- The number of residential units is considered to be appropriate to this site.
- There is no objection to the loss of the existing buildings or land uses.
- Additional landscaping is proposed to preserve the landscape character of the locality.
- There would not be any significant ecological impact as a result of the proposed development.
- The traffic movements generated by the development can be accommodated without detriment to highway safety and the proposal includes adequate car parking provision.
- The development would not be significantly harmful to the residential amenities of neighbouring dwellings.
- The proposal is moderately well located to the nearest primary school and nearby bus stops and is moderately well located in relation to the village centre.
- Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.

### INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

- **Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):** N/A
- **Net increase in numbers of jobs:** N/A
Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A

The following are not considered to be material to the application:

Estimated annual council tax benefit for Borough: £893.80
Estimated annual council tax benefit total: £9,022.65
Annual New Homes Bonus (for first 4 years): £5,000
Estimated annual business rates benefits for Borough: N/A

REASON FOR REFERRAL TO COMMITTEE

Tunbridge Wells Borough Council is the landowner and applicant

<table>
<thead>
<tr>
<th>WARD</th>
<th>PARISH/TOWN COUNCIL</th>
<th>APPLICANT</th>
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<tbody>
<tr>
<td>Capel</td>
<td>Capel Parish Council</td>
<td>Tunbridge Wells Borough Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td>AGENT Mrs Tracey Dixon</td>
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<th>DECISION DUE DATE</th>
<th>PUBLICITY EXPIRY DATE</th>
<th>OFFICER SITE VISIT DATE</th>
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<td>06/09/19</td>
<td>19/07/19</td>
<td>Various</td>
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RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

**History for main part of site:**

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<tr>
<th>Planning Application</th>
<th>Description</th>
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<tr>
<td>18/03797/OUT</td>
<td>Outline (Appearance, Landscaping, Layout and Scale Reserved): Erection of up to 16 dwellings</td>
<td>Withdrawn</td>
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**History for part of site occupied by Capel Fencing**

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<tr>
<th>Reference</th>
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<th>Decision</th>
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<tr>
<td>14/500834/PNJ CLA</td>
<td>Prior Notification - change of use of B1(a) (offices) to C3 residential use</td>
<td>Refused</td>
<td>06/08/14</td>
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<tr>
<td>05/00160/FUL</td>
<td>Variation of Condition 2 (TW/03/00796 refers) - To permit floodlights to be used between the hours of 07.00 - 19.30 Monday to Friday and 07.00 - 13.00 Saturday, together with use as required for emergency purposes.</td>
<td>Granted</td>
<td>15/03/05</td>
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<tr>
<td>04/02060/FUL</td>
<td>Variation of condition 2 (TW/03/00796 refers) to permit floodlights to be used between the hours of 06.30 - 22.00 Monday to Friday, 06.30 - 20.00 Saturdays, 07.00 - 13.00 Sundays and 07.00 - 13.00 on Bank Holidays.</td>
<td>Refused</td>
<td>23/09/04</td>
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<tr>
<td>03/01630/FUL</td>
<td>2 Portacabins for toilet/mess room and office facilities.</td>
<td>Granted</td>
<td>04/05/04</td>
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<tr>
<td>03/00796/FUL</td>
<td>Retrospective - Flood lighting</td>
<td>Granted</td>
<td>04/05/04</td>
</tr>
<tr>
<td>02/00412/FUL</td>
<td>Retrospective - Change of use of land for the keeping of horses, erection of stable and tack room</td>
<td>Granted</td>
<td>31/05/02</td>
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</table>
1.0 DESCRIPTION OF SITE

1.01 This site lies to the west of Sychem Place, in Five Oak Green. The site is relatively level. Access is via a rough surfaced track leading between Nos. 24 and 25 Sychem Place which narrows at one point to 3.7m due to the presence of a brick-built electricity sub station owned and operated by UK Power Networks.

1.02 Beyond the access the site falls in to two distinct areas. The westernmost part of the site has limited specific site history and is in a private equestrian use, including a stable block, small open paddock and several rudimentary timber buildings/structures. The stables appear to be those authorised under 02/00412/FUL and which were restricted by condition to the occupiers of 22 Sychem Place only. This condition relating to its use appears to have been in breach for many years. This part of the site is let under a tenancy agreement between TWBC and the occupier.

1.03 The easternmost part of the application site is divided off with a palisade fence and is part of an adjacent commercial storage yard, operated by a firm called Capel Fencing. Thus, half of that commercial yard (western side) is owned by TWBC and is tenanted under an agreement between TWBC and the occupier. The remainder (eastern side) is in private ownership.

1.04 The easternmost part of the application site falls within the red line of several planning applications from between 2003-2005 for various operational development associated with the commercial yard (e.g. floodlighting and new temporary office structures). This yard is described in a July 2003 Committee report to planning application 03/01630/FUL as having been a builders’ yard for many years and then in use as a fencing contractors’ yard from the mid 1980s. The business was stated back then as employing 10-12 staff permanently at the Sychem Place yard and 50 in total, with the rest working out on site (primarily erecting fencing along railway lines). It was concluded back then that the business had outgrown the site.

1.05 The site does not appear to have been in regular use for some time. It is now occupied by a large number of parked/stored vehicles (commercial and domestic), skips, portable offices and shipping containers.

1.06 A small part of the access point is in the ownership of UK Power Networks Ltd; TWBC has a right of access/easement over this land.

1.07 The buildings close to the northern boundary are in use by No. 34 Sychem Place and lie outside the application site/TWBC ownership.

2.0 PROPOSAL

2.01 The application has been submitted in outline form. It is for clearance of the site and demolition of all buildings within the red lined area and the construction of five
dwellings within the main part of the site with associated garden and parking areas along with an area of shared, landscaped open space. All matters are reserved apart from access.

2.02 As such, the plans which have been submitted are indicative only. The detailed design of the scheme would be incorporated in the subsequent reserved matters application.

2.03 An indicative schedule of accommodation shows the potential mix of housing, which can be achieved in this development. The Design & Access Statement advises the indicative layout revolves around the following key concepts:

- Using the existing vehicular/pedestrian access onto Sychem Lane
- Extending the existing access to provide a new private drive
- Retention of the existing electricity substation
- Low density compatible with the adjoining residential areas
- Making efficient use of the available land, particularly the previously developed sections
- Retention and protection of boundary trees and hedgerows around the site perimeters
- Retention of the south-eastern corner of the site as an open, landscaped green space.
- Mix of house types with parking on curtilage and visitor spaces on street
- Individual rear gardens
- Small front gardens

2.04 Illustrative drawings are provided to demonstrate the intended design approach to scale (to reflect the predominantly 2-storey scale of properties in the area). In terms of appearance the illustrative elevations indicate hipped, barn hip and gable roofs; chimneys; simple design detailing and a traditional fenestration pattern; bay windows and pitched dormer windows.

2.05 Landscaping: the intention is to supplement existing planting growing around the site perimeters to create a visual and physical screen to the housing site from the surrounding area.

2.06 The dwellings are not being proposed as affordable homes and the density of the development would be 10 dwellings per hectare.

2.07 The application was re-validated on 12 July when Notice was re-served on one of the adjoining occupiers.

3.0 SUMMARY INFORMATION

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
<th>Change (+/-)</th>
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<tbody>
<tr>
<td>Site Area (hectares)</td>
<td>0.52</td>
<td>0.52</td>
<td>No change</td>
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<tr>
<td>Land use(s)</td>
<td>Partly used for private equestrian purposes, partly for builders/fencing contractors storage</td>
<td>5 x C3 dwellings</td>
<td></td>
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### 4.0 PLANNING CONSTRAINTS

- Agricultural Land Grade 3
- Tunbridge Wells Asset Register - TWBC Ownership
- Metropolitan Greenbelt - the main part of the site (excluding most of the access road)
- Limits to Built Development - the main part of the site (excluding most of the access road) lies outside the LBD
- A sewer line diagonally crosses the access from the northern boundary of No. 24, leading to No.32.
- Sychem Place is classed as a Rural Lane at this point

### 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

**Site Allocations DPD (July 2016)**
Policy AL/STR 1: Limits to Built Development

**Tunbridge Wells Borough Local Plan 2006**
Policy LBD1: Development outside the Limits to Built Development
Policy MGB1: Metropolitan Greenbelt
Policy EN1: Development Control Criteria
Policy EN13: Tree and Woodland Protection;
Policy EN16: Protection of Groundwater and other watercourses
Policy EN18: Flood Risk
Policy EN25: Development affecting the rural landscape

**Tunbridge Wells Borough Core Strategy 2010**
Core Policy 1: Delivery of Development
Core Policy 2: Green Belt
Core Policy 4: Environment
Planning Committee Report
14 August 2019

Core Policy 5: Sustainable Design and Construction
Core Policy 6: Housing Provision
Core Policy 7: Employment Provision
Core Policy 14: Development in the Villages and Rural Areas

Supplementary Planning Documents:
Landscape Character Area Assessment – Low Weald Farmland

Other documents:
Kent Design Guide Review: Interim Guidance Note 3 (Residential parking);

6.0 LOCAL REPRESENTATIONS

6.01 Six site notices were displayed on 26 June 2019. The application was also advertised in a local newspaper.

6.02 14 individual representations were received raising the following issues:

- Highway safety and parking issues;
- Impact on Green Belt and character of the countryside – no ‘very special circumstances’ demonstrated;
- Noise pollution from increased vehicle movements;
- Impact on property value (not a planning matter);
- New houses unnecessary and unaffordable;
- Disruption during construction works;
- Insufficient public transport and associated infrastructure/services;
- Light pollution;
- Limited public benefits;
- Public use the site;
- Unacceptable in combination with planned development elsewhere in the Borough;
- Loss of agricultural land;
- Impact on ecology.

7.0 CONSULTATIONS

Capel Parish Council
(30/07/19) – Refuse:

1. Failure to demonstrate exceptional circumstances to develop MGB;
2. No consideration of a rural exception scheme;
3. Lack of affordable housing (10 per year identified for Capel);
4. Density at a rate of 10 dwellings per hectare is unsustainable & fails to make “best use of land” thereby conflicting with paras 122 & 123 of NPPF;
5. CPC agree with Highways that site is unsuitable for development, due to lack of key facilities in the village resulting in more car borne journeys. (Facilities listed in documents are incorrect).

Campaign for the Protection of Rural England
(15/07/19) - CPRE’s Tunbridge Wells District committee objects to this application for five large market houses on a 0.52ha site in the Metropolitan Green Belt, only part of which is currently developed. Building on the undeveloped part of the site will clearly harm the openness of the MGB.
The proposal by the Borough Council to build 5 market houses, at a rate of only 10 dwellings per ha, is unsustainable in that it fails to build at a density that makes best use of land and hence it conflicts with paragraphs 122 and 123 of the NPPF. It also fails to meet the need for 10 affordable homes per year in the parish of Capel that was identified in the Council’s Housing Needs Study 2018. This at a time when, according to the Council’s Homelessness Strategy, there are approximately 1,000 households on the housing register within the Borough.

If, owing to problems with the access, the site is not suitable for development at a density of 30 dwellings or more per hectare, then in order to protect the openness of the MGB and to comply with the NPPF, the housing development should be restricted to smaller, more affordable dwellings on only the previously developed part of the land parcel.

KCC Flood and Water Management
7.03 (21/06/19) – below threshold for comment

KCC Heritage
7.04 (12/07/19) - Due to a lack of previous archaeological investigation in this area as well as the size of the proposed development, it is possible that unknown archaeological deposits may be revealed during groundworks involved in the above. Condition requested.

KCC Highways
7.05 (12/07/19) - The highway authority has previously advised the LPA that the site is considered unsuitable for development as part of a plan lead approach due to a lack of key facilities in the village which will result in car borne trips.

7.06 With regard to details, the highway authority has also previously advised that due to the limitations of the access it is not considered suitable for further intensification of use. However unlike the earlier proposals this current scheme is likely to result in an overall reduction in traffic movements at the access. Improvements to access in terms of width and provision of radii are also proposed.

7.07 The introduction of residential traffic alongside the retained commercial use which may attract large vehicles remains of concern but with the scale of development proposed the arrangement will remain as a shared private drive and on this basis the highway authority would not seek to raise objections.

7.08 Given that this will remain a private drive and that the Transport Statement doesn’t demonstrate the refuse vehicles making all manoeuvres at the access, early consultation with TWBC refuse department is required as they may request a bin collection point such that they won’t enter the site.

7.09 As before it is recommended that swept path analysis is undertaken to confirm that larger vehicles can also enter and leave the remaining industrial site in a forward gear.

7.10 A condition is recommended to secure the improvements at the access. Two informatives requested.

KCC Regeneration Projects
7.11 (17/07/19) – S.106 contributions requested towards:
Secondary Education: £20,575.00 towards Phase 2 expansion of Mascalls Academy, Paddock Wood

Community learning: £25.25 towards additional resources for the new adult learners attending courses in Paddock Wood

Library Bookstock: £240.08 towards additional bookstock required to mitigate the impact of the new borrowers from this development supplied to the mobile library service attending Five Oak Green

Youth Service: £198.75 towards Youth work in Five Oak Green

Social Care: £367.65: towards additional Social Care equipment for the new clients arising from this development

Informative regarding High Speed Fibre Optic Broadband connection.

Mid Kent Environmental Protection

7.12 (27/06/19) – Re: Noise, Air quality, Radon & Land Contamination. There is no indication of any significant chance of high radon concentrations. There is no indication of land contamination based on information from the contaminated land database & historic maps databases. Construction activities may have an impact on local residents and so the usual conditions/informative should apply in this respect.

TWBC Client Services

7.13 (20/06/19) - Each property will require the developer to purchase bins from TWBC prior to being sold. Recycling boxes and food caddies will be supplied. Access/swept path for collection vehicle shown should be adequate, albeit dependent as always on parking on the day.

APPLICANT’S SUPPORTING COMMENTS (taken from part 7 of Planning Statement)

8.01 The development is a revised proposal following withdrawal of an earlier scheme, which attracted a number of criticisms in respect of highway related matters relating to the higher number of dwellings proposed in that scheme. The application aims to address specific comments.

8.02 The site was submitted to the Council’s Call for Sites (Site no. 254), promoting the site as a housing allocation for around 15 dwellings, including a mix of dwelling sizes, including 35% affordable homes.

8.03 The application is submitted in outline with all matters reserved for future consideration, except means of access.

8.04 The proposals have been carefully and sensitively redesigned.

8.05 The Council does not have a 5 Year Housing Land Supply and the proposal will make a useful contribution to the Borough’s housing land supply, which is a significant benefit.

8.06 The proposal comprises a residential redevelopment/infill development of a partly previously developed site in the Green Belt, which would not have a greater impact on its openness than the existing development and lawful land uses. It is therefore consistent with the stated exceptions at NPPF Paragraph 89. A case of Very Special Circumstances is put forward to justify the development should the Council not concur that the proposal is an appropriate development in the Green Belt.
8.07 The Council’s housing policies in the Development Plan are out of date. However they do not preclude development outside the settlement confines in every case and provide flexibility and discretion should positive circumstances prevail.

8.08 The proposal is a sustainable development, meeting the three objectives of such in the NPPF.

8.09 The means of access and private drive are acceptable to serve the reduced number of houses and have the support of a Transport Statement.

8.10 The development will create a high quality and attractive environment for future occupiers, whilst preserving the residential amenities of properties in the vicinity of the application site.

8.11 There are no adverse impacts which would significantly and demonstrably outweigh the benefits of providing additional new housing, when assessed against the policies in the Development Plan and NPPF.

9.0 BACKGROUND PAPERS AND PLANS

9.01 Application form
Copy of notice and covering letter
Drawing numbers 1, 06A, 07A, 08A, 09, 865/102A, 865/201A, 865/202A, 865/203B, 865/204B, 865/206
Planning Statement June 2019
Design & Access Statement June 2019
Preliminary Ecological Appraisal April 2018
Arboricultural Survey March 2018
Bat Emergence Survey August 2018
Reptile Survey October 2018
Surface Water Management Strategy May 2019
Transport Statement May 2019

10.0 APPRAISAL

10.01 The site is outside the Limits to Built Development (LBD), within the Metropolitan Green Belt (MGB). The main issues are therefore considered to be:

- The principle of the development at this site, including
- The sustainability of the proposal, including:
  - Five year housing supply;
  - Locational sustainability;
  - The use of Previously Developed Land;
  - Housing considerations;
  - Loss of employment use;
  - Impact on the landscape;
  - Design;
  - Whether the proposal is appropriate development in the GB and if not, whether very special circumstances (VSC) exist to outweigh the harm;
  - Trees;
  - Ecology.
- Residential amenity;
- Flooding and drainage;
- Highways/parking; and
Other relevant matters.

**Principle of the development**

10.02 The adopted Development Plan policies seek to direct new residential development to the most sustainable locations, which are indicated by the LBD. However, the fact that the Council cannot demonstrate a 5 year housing land supply is highly pertinent to this application.

**Housing Land Supply situation**

10.03 The appeal decision at Land at Common Road, Sissinghurst was issued on 21/03/16. Some conclusions on this appeal (in respect of housing land supply) are highly pertinent to this application. In particular, the conclusion that in relation to the objectively assessed need (at that point in time) that applying “the Council’s preferred backlog, buffer and claimed deliverable supply against the SHMA figure of 648 per year results in a supply of only 2.5 years of housing land”.

10.04 Since this date, work on the Council’s new Local Plan has been progressed with an anticipated formal examination date of summer 2021. Recent updates to Planning Policy Guidance and the NPPF (2019) have changed the way that local authorities must calculate their housing targets.

10.05 NPPF Para 73 requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

10.06 The NPPF requires, based on the housing delivery test, that currently a 5% buffer be included in TWBC’s five year supply calculations.

10.07 Every year a position is established regarding the five year supply, based on the position in April of that year. The April figure is 4.69 years and therefore TWBC cannot currently demonstrate a five year housing supply. For 2019/20 an interim position will also be established based on the situation on 30th September 2019. This will occur in October 2019.

10.08 The site has been submitted through the Call for Sites process. The Draft new Local Plan was published on Friday 26th July as part of the papers for the Planning and Transportation Cabinet Advisory Board meeting on 05/08/19 – as such it cannot be given any weight as it has not been through the formal consultation process or examination. The draft LP does not seek to allocate this site; however as its capacity is limited it would not be specifically allocated for residential development. It is important to differentiate between the Draft new Local Plan and the current requirement that this application be assessed against the adopted Development Plan.

10.09 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

“i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh
the benefits, when assessed against the policies in this Framework taken as a
whole.”

10.10 Footnote 7 to the NPPF states that this includes (for applications involving the
provision of housing) situations where the LPA cannot demonstrate a five year supply
of deliverable housing sites with the appropriate buffer, as set out in paragraph 73.
Footnote 6 states these polices include Green Belts.

10.11 As the spatial strategy for the delivery of housing in TWBC (such as Core Policy 6)
and associated policies regarding the LBD are relevant for the supply of housing,
they are considered to be out-of-date. The key matters on which this decision turns
are therefore considered to be:

- Does NPPF and Development Plan GB policy indicate this development should
  be restricted;
- Ultimately, whether or not the proposal would represent a sustainable form of
development (having regard to local planning policies and the NPPF) and if this
development should be restricted.

10.12 Therefore the relevant test is whether or not the proposal would represent a
sustainable form of development, having regard to local planning policies and the
NPPF, and particularly whether specific NPPF policies within para 11 and Footnote 7
indicate this development should be restricted. Para 8 of the NPPF explains that
there are three dimensions to sustainable development:

**an economic objective** – to help build a strong, responsive and competitive
economy, by ensuring that sufficient land of the right types is available in the
right places and at the right time to support growth, innovation and improved
productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by
ensuring that a sufficient number and range of homes can be provided to meet
the needs of present and future generations; and by fostering a well-designed
and safe built environment, with accessible services and open spaces that
reflect current and future needs and support communities’ health, social and
cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our
natural, built and historic environment; including making effective use of land,
helping to improve biodiversity, using natural resources prudently, minimising
waste and pollution, and mitigating and adapting to climate change, including
moving to a low carbon economy.

10.13 It can be seen that sustainability is thus a multi-faceted and broad-based concept. It
is often necessary to weigh certain attributes against each other in order to arrive at a
balanced position. The following paragraphs of this report assess the proposal
against the three roles as defined by the NPPF.

10.14 The NPPF at para 79 provides policies on “isolated” new houses in the countryside.
Given the location on the edge of an existing settlement, the site is not considered to
be “isolated” and therefore NPPF para 79 is not applicable.

**Locational sustainability**
A key consideration is whether future occupants of the dwellings would be likely to meet some/all day-to-day needs by walking to facilities, thereby reducing the need to travel by private car, which would reduce greenhouse gas emissions (para 95 of the NPPF).

Whilst the LBD as a restraint on new housing development in itself is not “up-to-date” with the NPPF (for the reasons set out above), the sub-text to Policy LBD1 in the Local Plan (para 3.39) sets out that the LBD’s purpose is to direct development to built up areas to ensure sustainable development patterns. The site is adjacent to the LBD and is thus very close to the nominal boundary of such an area. Along with school buses there are limited bus services which stop at the junction of Sychem Lane and Five Oak Green Road (205, which runs hourly during the day) and runs between Tonbridge and Paddock Wood, whilst a further service (6A) runs several times a day between Tunbridge Wells and East Peckham from the village centre. There is a village shop in the centre of the settlement and other limited services.

Use of Previously Developed Land (PDL)

Annexe 2 of the NPPF defines ‘previously developed land’. This is, inter alia, defined as land which has previously been occupied by permanent or fixed surfaced infrastructure. Agricultural buildings/land are excluded from this definition. The parts of the site amounting to PDL are those occupied by the commercial yard, the hard surfaced areas along the access route and within the site plus the equestrian buildings. This weighs in favour of the proposal.

Housing considerations and developer contributions

The proposal is for five additional dwellings. As the application is outline the exact size and mix of dwellings is not set at this stage. The indicate plans show five large dwellings. Overall numbers that can be delivered on this site are limited due to shortcomings with the access (see below). It is not, on balance, considered the proposal ‘under-develops’ the site at the expense of smaller dwellings and potentially affordable housing/developer contributions.

As such, the proposal would result in a modest contribution to the supply of housing in the Borough, which as identified by the recent appeal decision, is currently significantly beneath the “five year” requirement. Significant weight can be attached to this in considering whether the proposal comprises sustainable development, and in terms of the GB assessment (see below).

Future occupiers are likely to use the village for some services and moderate weight can be given to this matter. The proposed residential development will contribute to the local economy through the creation of construction jobs, for a limited time, and through additional residents who would potentially utilise some of the nearby services in the settlement, which would also make a contribution to the social vitality of Five Oak Green.

KCC have requested developer contributions from the scheme, on the basis the application is a ‘major’ (as defined by the NPPF glossary). The NPPF states at para 63 (and has done since the 2018 revision):

63. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.
10.22 The glossary defines ‘major’ development (excluding with ref to paras 172/3) as:

For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

10.23 The PPG re-iterates this at [https://www.gov.uk/guidance/planning-obligations](https://www.gov.uk/guidance/planning-obligations).

10.24 However the wording at NPPF Para 63 only refers to ‘affordable housing’ - not ‘developer contributions’ aka ‘tariff style contributions’ such as KCC are seeking. TWBC will not therefore seek the contributions required by KCC as the PPG and NPPF are silent on a threshold for ‘tariff style planning obligations’. Thus the written ministerial statement of 28 November 2014 with its minimum threshold of ten dwellings would still apply to ‘tariff style planning obligations’. The application is not a ‘major’ based on guidance within the Town and Country Planning (Development Management Procedure) (England) Order 2015 as the site area is less than 1ha and the housing numbers are specified.

10.25 With regards to affordable housing, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” Whilst the Council’s Development Plan policies relating to supply of housing are out of date, the provisions of Core Policy 6 (4) would apply. CP6 (4) states:

‘Affordable housing will be provided as a proportion of the total number of dwellings to be delivered in the Borough and will be required on sites capable of delivering 10 dwellings or more. Where proposals are made for fewer than 10 dwellings, the Borough Council may have regard to whether the size of the site would make it capable of accommodating more than that number’

10.26 In this case owing to highway safety constraints around the access it is not considered that the site can accommodate more than ten dwellings.

10.27 Objections have been raised on the basis that the proposal is not for a rural exception site. However there is no requirement for sites such as this to be considered first as a rural exception site before market housing can be deemed acceptable.

**Loss of employment use**

10.28 As previously stated, part of the site is in a historic commercial use, along with the private equestrian use.

10.29 The NPPF requires at paragraph 83 that the rural economy should be supported in order to create jobs and prosperity.

10.30 The site is not identified as a “Key Employment Area” within the Development Plan. The buildings are in poor condition. The existing uses are accessed along a narrow track using a substandard access point with the highway. They are also close to residential dwellings.
On that basis it is considered unlikely that the proposal would significantly conflict with the NPPF, plus Core Strategy policy CP7 and CP14, which seek to safeguard buildings in existing employment uses across the Borough where they are capable of meeting a range of employment uses to support the local economy.

**Impact on landscape**

At Development Plan level, protection of the landscape is addressed in Core Policy 4 (1) of the CS which seeks to conserve and enhance it in accordance with national policy (see below). Core Policy 14 (6) stresses that a policy of restraint will operate in order to maintain the landscape character and quality of the countryside.

LP Policy EN25 sets out the criteria that development outside the LBD is required to satisfy; including that the proposal has a minimal impact on the landscape character of the area. The Council’s Landscape Character Assessment details Low Weald Farmland areas (such as this part of Five Oak Green) at page 33 as:

*Flat or gently undulating small-scale lowland clay vale landscape. Mixture of permanent pasture with some larger arable fields studded with small ponds and water ditches set within a framework of mature trees and derelict hedgerows. Around Paddock Wood the agricultural landscape opens with extensive arable fields, local areas of hops and dwarf orchards.*

Landscape Character Area 13 is defined at p.124 as:

*“This area occupies the gentle footslopes of the High Weald and is an important transition between the Fruit Belt and the flat arable and pasture land of the Low Weald and the Medway valley from which it derives much of its character. It is an agricultural landscape with extensive arable fields and local areas of fruit orchards and includes the urban area of Paddock Wood, which has grown up around the rail station.”*

Detractors and opportunities for the Character Area include (p.129):

- **Extensive suburban residential development at Paddock Wood and, to a lesser extent, at Five Oak Green, often with a flat and open urban/rural interface. The settlements are frequently ringed by poorly managed urban fringe countryside. Large buildings on the edge of Paddock Wood are visually conspicuous due to their white or light colour which contrasts with the surrounding green/brown landscape.**
  - New development around the edge of existing settlements should be unobtrusive and tie in with the local landscape character through appropriate planting treatments. It would be beneficial to target landscape enhancements anywhere but most importantly along the transport corridors and settlement margins.

- **A proliferation of urban fringe land uses including machinery storage/haulage, particularly on the flatter land around Paddock Wood.**

- **Pockets of degraded farmland where post and barbed wire fencing has replaced hedgerows and buildings associated with paddocks or hobby farming occur.**
Enhancements should aim to promote sympathetic management of this land to retain its countryside character, particularly in association with development proposals.

10.36 It is not considered that the proposal affects the typical (positive) features identified at p. 33 & 124 of the LCA. The key here is to identify what is important about this particular site (rather than the characteristics of the wider locality) in order to assess the impacts of the development on the landscape.

10.37 This site lies on the edge of an existing post-war housing estate which adjoins the site to the north and is separated from the site to the east by the existing commercial yard. The yard itself is floodlit, has been in place for many years and is occupied by various commercial and private vehicles, portable office buildings, along with plant and equipment. It is surrounded by steel palisade fencing (as is most of the application site) and the access is characterised by close board fencing and the substation. Along with the access, part of the equestrian area are already hard surfaced. The stable buildings and other structures are modern and functional; the site is also artificially sub divided into a separate paddock. It is visually separate from the open arable farmland to the west and south, which is maintained in a much more agrarian manner and of a far higher visual quality. The site’s contribution to the landscape is considered limited.

10.38 It is clear that some localised landscape harm will arise from this scheme. The site area includes hitherto undeveloped land which forms the small paddocks on the western side of the site. Principally this will arise from the introduction in to this area of domestic-scale buildings, a residential presence and the associated domestic paraphernalia such as sheds and bin stores. This is inevitable with residential development in a rural area. The advantage here is that the extent of the harm is strongly mitigated by the use of the land which is already occupied by poor quality commercial and private equestrian buildings: these plus areas of hard standing and outside storage will all be removed. Within the site the proposal does not involve the loss of trees, features or buildings which are important to the setting of the landscape. The dwellings are loose knit and detached, which reflects their closer relationship to the open countryside (notwithstanding the strong residential presence in Sychem Place at this point).

10.39 In summary, the proposal is essentially replacing poor quality buildings (now in commercial use) with dwellings on the edge of a housing estate. It extends the existing residential area in to the countryside, but avoids development of greenfield agricultural land and limits the incursion to equestrian paddock areas. The proposal ultimately seeks to extend the residential presence in a way that has a limited impact on the wider landscape, especially given the potential for enhanced planting and boundary treatment.

**Design**

10.40 The appearance and layout of the dwellings is a reserved matter and does not fall to be considered at this stage of the process. Thus the plans which have been submitted give only an indication of how the dwellings could appear. The indicative designs employ standard rural motifs such as hipped, barn hip and gable roofs; chimneys; simple design detailing and a traditional fenestration pattern; bay windows and pitched dormer windows.

**Green Belt (GB)**

10.41 The NPPF is more recent than the GB development plan policies and is therefore the most relevant policy consideration for development affecting the GB. Para 133 of the
NPPF sets out that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs are their openness and their permanence.

10.42 Para 134 of the NPPF states that one of the main GB objectives is to assist in safeguarding the countryside from encroachment. Para 143 states that ‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’. Para 144 states that substantial weight is given to any harm to the GB.

Limited infilling in villages

10.43 Para 145 (e) allows ‘limited infilling in villages’ as an exception to the above GB principles. This exception does not distinguish between sites inside or outside the settlement boundary (LBD) to determine whether or not a proposal amounts to ‘...infilling in villages’. In terms of whether the scheme is 'limited' (not defined in the NPPF), there are a number of ways in which this can be assessed.

The proposal is to infill an area which is bordered on two sides by residential and commercial development forming part of the village. The application site is not an isolated countryside location. The form and layout of the resulting dwellings would be contiguous with the existing built form of the village and would form a natural continuation of the residential development to the north and east.

10.44 The site area itself extends to 0.52 hectares and the proposal is for five dwellings which (compared to the size of the existing village) is considered to be limited. The proposal concentrates built form and building operations around the existing developed area and the area in use as an equestrian paddock. It is a site that benefits from an existing access. The dwellings are proposed to be two storey, as the surrounding estate largely is. The land is visually, physically and functionally separate from the surrounding arable farmland and is also very contained (largely through historic use and land ownership) and essentially appears to 'square off' a piece of land which is bounded on two sides by the existing settlement. The application site is self-limiting against further urban sprawl in to the countryside. Therefore the proposal is considered to constitute ‘limited infilling in villages’, to fall within the scope of para 145 (e) and as such is not inappropriate development in the GB.

Alternative Green Belt approach - Development of PDL

10.46 Should Members however not consider that the proposal amounts to ‘limited infilling in villages’ the proposal can be considered under para 145 (g) which also states the following is not ‘inappropriate development’;

\[ g) \text{ limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:} \]

- not have a greater impact on the openness of the Green Belt than the existing development;
- or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

10.47 The underlined part is relevant here. The second part of the above section is not applicable here as the proposal does not seek to provide affordable housing. Annex 2 of the NPPF defines PDL as land which is or was occupied by a permanent structure,
including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. As indicated earlier in this report some of the land is considered PDL (namely the commercial yard, the equestrian buildings / hard surfacing and the access road). The proposal is not considered to be a ‘limited infilling’ of PDL as it would redevelop all of the PDL land within the site.

10.48 The development can only be deemed as acceptable in principle under para 145 (g) if there is no greater impact on the openness of the Green Belt than the current uses/buildings on the site. If there is, it would by definition be harmful to the openness of the GB, and require an evaluation of whether there are ‘Very Special Circumstances’ which outweigh that harm. There are a number of ways in which this can be assessed. Further consideration is given to this below.

Openness of the Green Belt

10.49 ‘Openness’ is the absence of development such as buildings, hard surfacing and the residential use of land. It is essentially freedom from operational development and relates primarily to the quantum and extent of development and its physical effect on the application site. It is a different consideration to ‘visual impact’ as the openness of the GB has a spatial aspect as well as a visual aspect. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the GB as a result (for example) of constructing a new or materially larger building there.

10.50 Given the Outline nature of the application, it is not possible to undertake a direct comparison of the differences between the existing and proposed buildings. There would be an increase in floorspace however that is not in itself a definitive figure by which to measure the comparative presence of the buildings, as the existing structures are not divided in to storeys. The new floor space for the five dwellings is likely to be spread over two storeys meaning it is inevitable there will be an increase. There will clearly be an increase in the volume, scale and height of the built form given the nature of the proposed buildings – the latter are single storey and the only taller features are lighting columns.

10.51 The extent to which the new built form occupies hitherto open space is also a consideration. Again, layout is a reserved matter however the indicative plans show that five large dwellings can be accommodated on the site through siting plots 1-3 largely on the site of the commercial yard. No 3’s car port and plots 4 and 5 would be in the open part of the site, along with the access roadway south of No. 5 on the open and undeveloped parts.

10.52 The current use also impacts the openness of the Green Belt, albeit to a lesser extent. The site is also very contained (largely through historic use and land ownership). The proposal essentially appears to ‘square off’ a piece of land which is bounded on two sides by the existing settlement and is self-limiting against further urban sprawl in to the countryside.

10.53 In summary, the dwellings are very likely to be higher than the existing buildings and will occupy parts of the site that are currently free from development. If Members do not consider the proposal to constitute ‘limited infilling in villages’ and instead view it as ‘…the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)’ then on balance it is considered that there would be harm to the openness of the Green Belt, mainly through the introduction of the new dwellings and residential curtilages in to an area which (whilst previously developed) is free from any significant built form. The impact of this is reduced by the fact that the development is partly concentrated on PDL land
- nevertheless the level of impact would be moderately ‘greater’ than the existing situation.

**Very Special Circumstances**

10.54 Merely because a proposed development is by definition inappropriate does not mean that there is a prohibition on it. As set out above, Para 143 sets out that ‘inappropriate development’ should not be approved except in ‘Very Special Circumstances’. Whether a factor constitutes a very special circumstance is a matter for the decision maker in the exercise of their judgment in any particular case. The categories of what constitute very special circumstances are not closed. In order to qualify as “very special”, circumstances do not have to be rarely occurring.

10.55 There are a number of factors which are considered to potentially constitute ‘Very Special Circumstances’ in this case. The first is that the Council cannot demonstrate a five year housing supply and thus has a housing shortfall. The weight to be given to the provision of five dwellings in the context of such a housing shortfall (and whether it constitutes ‘very special circumstances’) is a matter of planning judgment. In this case, the Borough’s housing shortfall is significant.

10.56 Added to this is the proximity to the LBD. The site is on the edge of the existing Green Belt boundary and is adjacent to an area (the LBD) which is designated as the most locationally sustainable within the 2006 Local Plan. The proximity of the site to the Green Belt boundary does not diminish the importance of preserving its openness; the requirement to apply NPPF GB policy is regardless of a site’s distance from Green Belt boundaries. Nevertheless, the proximity to the LBD can be given greater weight with this site than one which is more distant from the settlement boundary.

10.57 In addition is the potential for landscape and visual enhancement. Whilst there will be some degree of landscape and Green Belt harm through the introduction of domestic buildings and the associated use of the land, the scheme can potentially deliver enhancements such as the removal of the palisade fencing and the proliferation of buildings on the equestrian side, part of the commercial yard, plus the restoration of potentially contaminated land. Whilst the scope for the existing site uses to intensify is considered limited (given the restricted access and the proximity of nearby dwellings) the commercial uses are uncontrolled with no limits on how frequently they are used, timings, outside storage or addition of external lighting (except if pole mounted). All of the above and the ability to exercise greater control over the site are considered to constitute ‘Very Special Circumstances’.

10.58 Finally, it is considered appropriate at this juncture to refer back to the five main purposes of Green Belts as set out in NPPF para 134. The three most relevant of these are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment.

10.59 The exception for ‘Very Special Circumstances’ is not one that can be regularly invoked; to do so too frequently would diminish the importance of that provision within NPPF Para 144 and be to the detriment of GB openness. A shortfall in housing supply alone is unlikely to constitute ‘Very Special Circumstances’ to outweigh harm to the openness of the Green Belt.
10.60 Nevertheless, sites that present the circumstances that this application site does are relatively rare. It is not considered that the scheme presented here could be regularly repeated elsewhere; PDL sites of this size and scale are generally found in more isolated locations away from the LBD boundary, without a footway connecting them to the village.

Summary of impact upon Green Belt

10.61 Officers consider that the proposal constitutes ‘limited infilling in villages’ within the Green Belt and therefore accords with the provisions of NPPF paragraph 145.

10.62 Should Members not consider that the scheme is not ‘limited infilling in villages’, then there is an alternative provision within para 145 relating to ‘partial or complete redevelopment of previously developed land’, which would ‘not have a greater impact on the openness of the Green Belt than the existing development’. First, Members should consider the “definitional” harm arising from the inappropriate development, along with any specific harm to the GB that is identified as being caused by the development. Secondly they should consider the benefits created by the development; and then consider whether those benefits clearly outweigh the harm so as to amount to very special circumstances. Officers consider that under this route there would be moderate harm to the openness of the GB. However, in the event that this approach is taken, significant weight is proposed to be given to the factors set out above as ‘Very Special Circumstances. In this instance they are considered to outweigh the specific and the definitional harm to the openness of the Green Belt.

Trees

10.63 The application includes a tree survey, which is based on a previous version of the scheme that proposed a greater amount of development on the site. The report categorises the trees on site. The majority are C-grade - small, young and semi mature trees found growing across the site and young with low amenity value (in the context of the tree cover on the site).

10.64 None of the trees on site are TPO protected. There are however two trees which are A-graded: mature trees found on the site boundaries that are in a good condition and contribute significantly to the amenity of the local area. These are T21 and T23, oak trees on the southern and northern boundaries respectively. The indicative layout shows that a development of five houses can be accommodated here and will be outside the RPAs of those trees. There are also four B-graded trees, two on the southern boundary in the ‘open space’ and two off-site on the northern boundary alongside the access.

10.65 The tree report advises that trees 15 and 17-21 will require removal although to re-iterate this is based on a previous, more intensive layout. It is not considered that the indicative layout for five houses would require this degree of tree removal. The Reserved Matters can be conditioned to require an AIA and AMS which is specific to the proposed layout. This will also address protection of tree roots along the access during the construction phase, which is addressed by the submitted tree report (where a cellular confinement system, such as cell web, as a sub base is proposed). This approach was recommended by the Tree Officer at pre-application stage (which was for a greater number of dwellings sited closer to the perimeter trees).

10.66 At pre-app stage the Tree Officer only raised concerns at the proximity of Plots 8 and 9 on the Tree Survey’s attached plan to trees on the southern perimeter; Plot 3 on the indicative current layout is now sited well away from those trees. Plot 4 is close however this is a matter which can be addressed at the Reserved Matters stage, when layout can be considered.
**Ecology**

10.67 No evidence of badgers, nesting birds, Great Crested Newt, or dormice was established. The stable block and the sub-station buildings were deemed to have bat potential (although no work is proposed to the sub-station). Additional bat surveys are thus recommended. Potential roosting features for bats have been identified in trees T18, T20 and T21. If these will be affected by the development, further surveys and/or a European Protected Species Mitigation Licence may be required prior to the start of works.

10.68 Two further surveys have also been submitted. A Bat Emergence Survey summarises that there is no bat presence in the stable block and the sub-station buildings. Following a reptile survey, a single slow worm was recorded along the eastern boundary of the field. Reptile translocation is considered disproportionate in this instance by the surveyor; instead a phased and directional cutting regime of the suitable vegetation to encourage reptiles to relocate into the adjacent habitat of their own volition.

10.69 The Council's Landscape & Biodiversity Officer considers that all ecological matters can be dealt with by way of a scheme of avoidance and mitigation which can seek to achieve net gain as required by the NPPG and PPG.

**Archaeology**

10.70 KCC Heritage have not objected to the application and have recommended a condition.

**Loss of agricultural land**

10.71 The proposal would result in the loss of the greenfield section of the site, however this is relatively small, is detached from the arable land to the rear and does not appear to have been put to agricultural use for many years.

**Summary of whether the proposal comprises sustainable development**

10.72 The conclusion as to whether the principle of development is acceptable rests on whether it is considered to comprise sustainable development. In terms of negative aspects:

- The proposal is considered to cause some localised harm to the landscape and the character of the countryside through domestic encroachment into hitherto open areas and the scale/bulk of the buildings compared to the current structures on site;
- There would be a limited, policy-compliant loss of employment facilities.
- If the proposal is considered as ‘partial or complete redevelopment of previously developed land’ there would be moderate harm to the openness of the Green Belt, which is considered to be outweighed by ‘Very Special Circumstances’.

10.73 In terms of the positive aspects:

- The proposal would be considered as ‘limited infilling in villages’;
- The provision of a net increase of five houses is a positive, although only moderate weight can be attached to this as it is a relatively low number;
- The proposal will be a moderate positive in terms of improving the economic and social vitality of the area (during the construction period and through the introduction of new residents respectively);
• There is the potential for landscape and ecological enhancement to the site, the extinguishment of the lawful equestrian use and the part-cessation of the commercial yard use;
• The site is adjacent to the LBD and is not an ‘isolated’ rural location;
• The proposal would be well located in relation to other services and schools;
• The harm to ecology is also not considered to be significant as mitigation and enhancement is proposed as part of this development.

10.74 This summary takes in to consideration the requirement of NPPF paragraph 14, which indicates that development should be restricted where NPPF Green Belt policies indicate so. There are overall social and economic benefits to the proposal and with this in mind, it is considered on balance that the proposal comprises sustainable development in NPPF terms.

10.75 It is considered that the social and economic benefits from the proposal outweigh the limited harm to the landscape and (as set out earlier). Other benefits constitute ‘Very Special Circumstances’ to outweigh harm to the openness of the Green Belt (should the proposal be considered to comprise ‘partial or complete redevelopment of previously developed land’ rather than ‘limited infilling in villages’).

10.76 Having regard to the presumption in favour of sustainable development and the requirements of paragraph 11 of the NPPF, planning permission should therefore be granted unless any other material considerations indicate otherwise. The following sections of the report therefore assess whether the proposal accords with other elements of policy in the NPPF (and Development Plan).

Residential amenity
10.77 The proposal is outline only. Given the commercial yard divides Nos. 13-24 Sychem Place from the site there is considered to be limited potential for overlooking to the east. The indicative plans show sufficient distance to the north and Nos. 33 and 34 Sychem Place can be achieved. Should Plot 1 be proposed for the position illustrated on the outline scheme the front elevation would be closer to the boundary with No. 33 than Plots 4/5, however this matter can be addressed in the reserved matters submission.

Highway safety
10.78 KCC Highways objected to the previous proposal on this site (16 dwellings) as due to the limitations of the access it is not considered suitable for further intensification of use. However they consider the current scheme is likely to result in an overall reduction in traffic movements at the access (based on the commercial site being used to full potential). Improvements to access are also proposed.

10.79 Ultimately, the arrangement will remain as a shared private drive and on this basis the highway authority does not raise objections. KCC is satisfied that the necessary visibility splays can be accommodated. Improvements are proposed to the existing access to address the comments made by KCC as part of the pre-application advice. The access width is limited by the electricity sub-station located to the south. The current access is not well defined. There is space for two cars to pass at the site entrance although this is informal and requires vehicles to pass over land associated with the sub-station and owned by UKPN. TWBC has secured a licence to use this land as part of the access. This allows a 5.5m wide access to be provided to a distance of 7.95m from Sychem Lane. This gives sufficient space for a vehicle to turn into the access and wait for any vehicle leaving the site. Radii have been added to the site entrance. A 3m radius is provided on the north side of the access within the
public highway. A 6m radius is provided on the south side of the access. This radius crosses the parking layby which is set back from Sychem Lane. The northern end of the layby cannot be used for parking as it gives access via dropped kerbs to the drive of 24 Sychem Place. The refuse collection point matter can be addressed by condition.

10.80 KCC recommends that swept path analysis is undertaken to confirm that larger vehicles can also enter and leave the remaining industrial site in a forward gear. This request is understood however it is a matter of individual land ownership as to how the site is divided, given that the ownership boundary runs down the centre. Fencing could be erected along the boundary line under permitted development rights, which would lead to the same size commercial yard as would remain if permission were granted for this housing scheme. The provision of housing ultimately has no bearing on the ability to access the commercial yard, which has been in place for many years – the remaining part of it is not subject to this application. Access arrangements to the yard thus cannot be controlled by condition as it lies outside the application site. Given the length of the access road it is considered unlikely that large lorries would regularly reverse out of the yard on to Sychem Lane. Lastly, the application seeks to secure visibility splays at the entrance which will benefit both the residential development and the remaining commercial element.

Flooding and drainage
10.81 The site is not located within Environment Agency Flood Zones 2 or 3 and the application is below the threshold at which the Environment Agency and KCC Flooding and Water Management would comment.

10.82 In terms of water run-off, the site is currently partly occupied by buildings and hardstanding as opposed to being a completely undeveloped field (for example). Conditions have been recommended to require details of a SUDS scheme to ensure the run-off rate is no greater than at present. The scheme presents an opportunity to reduce the speed of water run off compared to existing situation by having a SUDS scheme.

10.83 The application states that foul sewage will be disposed of via mains sewer – there is a sewer main that cuts across the site. Details of foul sewage disposal can be addressed by condition.

Other issues
10.84 The proposal is not considered to affect the Ashdown Forest Special Protection Area.

10.85 Pre-commencement conditions have not been agreed by the agent in accordance with section 100ZA(8) of the Town and Country Planning Act. This is because ‘Pre-commencement condition’ is defined in s100ZA(8) as follows (Officers emphasis):

‘...a condition imposed on a grant of planning permission (other than a grant of outline planning permission within the meaning of section 92) which must be complied with—

(a) before any building or other operation comprised in the development is begun, or

(b) where the development consists of a material change in the use of any buildings or other land, before the change of use is begun.’
11.0 RECOMMENDATION – GRANT Subject to the following conditions

1) Approval of the details of the scale, access, layout, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

Reason: To comply with the provisions of the Town and Country Planning (General Management) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of the Town and Country Planning (General Management) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3) The development shall be carried out in accordance with following approved plans:

Site Location Plan – drawing 09 (insofar as the details shown relate to the access to the development)
865/102A – Access layout (insofar as the details shown relate to the access to the development)

Reason: To clarify which plans have been approved as part of this application.

4) Written details and photographic samples including source/ manufacturer, of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before commencement of any above ground construction works hereby approved are commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A, B, C and E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

Reason: In the interests of protecting the character and amenities of the dwelling on the site and the surrounding area.

6) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging to meet the needs of the development. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent
development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity.

7) Notwithstanding the submitted details, prior to development commencing, a scheme of avoidance and mitigation for reptiles and whish seeks to provide an overall net gain for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site and include details of management of all communal areas and landscape features. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure the protection and necessary mitigation of protected species and to seek biodiversity net gain.

8) The details submitted in pursuance of Condition 1 shall include details of refuse storage and screening. The development shall be carried out in accordance with the approved details, be made ready for use prior to first occupation of the dwelling hereby approved and be retained as such thereafter.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

9) The details submitted in pursuance of Condition 1 shall include details of existing and proposed level details, site survey and cross-sections to include relationship with adjacent properties to the north and east.

Reason: To ensure a satisfactory development on the site.

10) The details submitted in pursuance of Condition 1 shall include a Tree Protection Plan (TPP), an Arboricultural Impact Assessment (AIA) and an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837. The AMS shall cover arboricultural supervision, construction phasing of works and construction within tree RPAs.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

11) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the current edition of BS 5837, and in accordance with the approved Tree Protection Plan and the approved Arboricultural Method Statement, to the satisfaction of the Local
Planning Authority. Such tree protection measures shall remain throughout the period of construction

(b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;

(d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

(e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

(f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality

12) Notwithstanding the approved plans, development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the principles within the Flood Risk Assessment & Drainage Strategy (Report Reference: 181750-01B, November 2018) by Ardent Consulting Engineers. The drainage scheme will also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increasing flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

13) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to
(and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

14) Occupation of the development is to be implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: In order to ensure that sufficient capacity within the waste water system is created to service the development prior to the occupation of dwellings on the site.

15) If during construction works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of:

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In order to ensure that suitable remediation measures of any contaminants discovered on site are secured prior to the completion of the development.

16) All hard and soft landscape works approved pursuant to condition (1) shall be carried out in accordance with the approved details. The works shall be carried out prior to
the occupation of any part of the development or in accordance with the implementation programme approved by the Local Planning Authority. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written permission to any variation.

Reason: In the interests of visual amenity.

17) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written permission or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the visual amenities and character of the site and locality.

18) Prior to the commencement of development (excluding the demolition of existing structures on site down to ground level) the applicant, or their agents or successors in title, will secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

19) Prior to commencement of any works on site, the improvements to the access set out in drawing number 865/102A shall be carried out and retained thereafter.

Reason: In the interests of highway safety. This is a pre-commencement condition as the proposed works will need to be agreed with the highway authority before work starts to ensure they can be delivered as part of the proposal.

INFORMATIVES

1) Your attention is drawn to the Council's Environmental Code of Development Practice for Construction Sites, the terms of which should be met in carrying out the development.

2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where
required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called ‘highway land’. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have ‘highway rights’ over the topsoil.

Information about how to clarify the highway boundary can be found at https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3) The applicant should be advised that any works carried out on or over the highway will require approval from the Highway Authority.

Case Officer: Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.
REPORT SUMMARY

REFERENCE NO - 19/01632/FULL

APPLICATION PROPOSAL
Demolition of existing conservatory and construction of proposed single storey flat roof extension with flat rooflight

ADDRESS 74 Hilbert Road Royal Tunbridge Wells Kent TN2 3SF

RECOMMENDATION GRANT planning permission subject to conditions (see section 11 of report for full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION
- In principle the proposal is acceptable.
- The proposed single storey flat roof extension with flat rooflight would not result in significantly harmful visual impact on the surrounding area.
- There would not be significant adverse impact upon the residential amenities of occupants of neighbouring properties.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL
There are not considered to be any financial benefits which are material or not material to the application

REASON FOR REFERRAL TO COMMITTEE
The applicant is a Borough Councillor

WARD St James
PARISH/TOWN COUNCIL N/A
APPLICANT Mr And Mrs B Chapelard
AGENT Mr RD Marsh

DECISION DUE DATE 07/08/19
PUBLICITY EXPIRY DATE 26/07/19
OFFICER SITE VISIT DATE 05/07/19

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site is within the Limits of Built Development and area of potential archaeological importance. The area is characterised by a mix of detached and semi-detached dwelling-houses. Hilbert Road is to the west of the site, no. 76 Hilbert Road is attached to the north, on slightly lower ground and no. 72 is at an angle set slightly further back to the south, on slightly higher ground. The site is also close to Hilbert and Grosvenor Park to the north of neighbouring no. 76 Hilbert Road.

1.02 The host property is two-storey semi-detached dwelling situated within a residential area. The property is set back approximately 9 metres from the road, at higher ground level, and faces onto an area of grass lawn. The property has an existing single storey rear conservatory extension, and ground levels within the rear garden rise up to the rear, with steps up from the patio area behind the conservatory to the main garden area. Close boarded fencing on top of a wall marks the southern side boundary at the area of the proposed extension, and the flank wall of neighbouring no. 76’s single
storey rear extension marks the southern side boundary of the garden at the area of the proposed extension.

2.0 PROPOSAL

2.01 The proposal is for the demolition of the existing single storey conservatory extension and its replacement with a flat roofed single storey rear extension, which would extend further to the rear than the conservatory.

3.0 SUMMARY INFORMATION

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<th>Existing rear conservatory</th>
<th>Proposed extension</th>
<th>Change (+/-)</th>
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<td>Max depth</td>
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4.0 PLANNING CONSTRAINTS

- Limits to built development (LBD) INSIDE
- Potential Archaeological Importance - Various Sites
- Area of Special Advert Control
- Local Nature Reserve Hilbert Woods, Tunbridge Wells - Ref: KHWP01 + 500M Buffer
- Public Access Land Hilbert Woods, Tunbridge Wells
- Wind Turbine Development Consultation Area Biggin Hill Airport

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): 2019
National Planning Practice Guidance (NPPG): 2014

Development Plan:
Tunbridge Wells Borough Core Strategy 2010:
Core Policy 4: Environment
Core Policy 5: Sustainable Design and Construction
Core Policy 9: Development in Royal Tunbridge Wells

Tunbridge Wells Borough Local Plan 2006:
Policy EN1: Development Control Criteria

Supplementary Planning Documents:
Alterations and Extensions SPD 2006

6.0 LOCAL REPRESENTATIONS

6.01 Two site notice were displayed, one tied to a lamppost to the front of the site and one tied to a tree in front of 102 Ravenswood Avenue, the property to the rear of the site on 5 July 2019, which expired on 26 July 2019.

6.02 No representations have been received.
7.0 CONSULTATIONS

7.01 Principal Conservation Officer (19/7/19) – Specialist advice from the Built Heritage Team is not, in this case, necessary for the determination of this application.

7.02 KCC Archaeological Officer (24/7/19) – It is suggested that no archaeological measures are required in this instance.

8.0 APPLICANT’S SUPPORTING COMMENTS

8.01 No supporting comments made.

9.0 BACKGROUND PAPERS AND PLANS

- Application form
- Drawings:
  o JC / 1
  o JC / 2
  o JC / 3
  o JC / 4 rev. B
  o JC / 5 rev. B

10.0 APPRAISAL

Principle of Development
10.01 The site lies within the limits to built development (LBD) of Royal Tunbridge Wells, where there is no objection to the principle of extensions to residential properties, subject to the proposal meeting all relevant planning policies and material considerations.

Visual Impact
10.02 The property is situated within an established residential area populated with semi-detached houses. Properties generally fill close to the width of their plots and are set back from the highway in this part of the road. The proposed extension would be set within the rear garden of the subject property and is not considered to harm the existing layout and pattern of the street scene, or to harm the residential character of the area.

10.03 The proposal concerns the erection of a single storey rear extension which would be the same width as an existing conservatory which would be removed as part of the works.

10.04 The form of the extension would be a simple block form with flat roof. The proposed extension would be slightly higher than the existing conservatory and would be partially visible from the front of the property, however, since it would be set to the rear of the property, material harm to the street scene is not considered to arise, and existing spacing between dwellings would be retained.

10.05 It is acknowledged that the block form with a flat roof would not be in keeping with the style of the host dwelling, however, since the proposed extension would be on the rear of the host property, and given that a simple block form with flat roof is often used on the rear extensions, it is considered that the proposal is acceptable in terms of design and form.
In terms of scale, the proposed extension is would extend 1 metre further to the rear than the existing conservatory, be approximately 0.3 metres higher and the same width, which is considered to be a modest scale.

In terms of material, render painted white would be used on the walls with felt flat roof and aluminium sliding doors are proposed to the rear elevation. Whilst the materials will differ from the host dwelling, these are common materials used on extensions and the extension would only be partially visible from the front of the property. This is considered to be acceptable.

It is considered that the proposed extension is acceptable in terms of visual amenity.

The proposed extension would replace an existing conservatory extension, and would be single storey. It would be the same width, and no closer to either side boundary, than the existing conservatory. Although no. 76 is at a slightly lower ground level, and a distance of approx. 0.25m would be retained between the flank wall of the extension and the side boundary it is noted no. 76 has a rear single storey extension, approximately 0.4 metres less deep than the proposed extension. The neighbouring extension has no side windows and therefore, given the single storey nature of the extension, material harm in terms of overbearing, overshadowing, overlooking or loss of privacy or outlook is not considered to arise on no.76 Hilbert Road.

The proposed extension would be sited approx. 0.75 metres from the side boundary with the adjacent property, no. 72 Hilbert Road, and given the relationship of this property in relation to the subject property, (positioned at an angle, to the southern side of the site property and on approx. 0.9 metres higher land), and the single storey nature of the proposal material harm in terms of overbearing impact, overshadowing, loss of light, and outlook is not considered to arise.

A high-level flank window is proposed for the south elevation of the proposed extension which would face towards the neighbouring property, no. 72 Hilbert Road, however, existing boundary screening would provide privacy, and mitigate against material harm in terms of overlooking. Given that this window would not be at first floor level, it is not considered necessary to condition this to be obscure glazed.

No other properties are considered to be affected by the proposal and it is noted that no letters of objection have been received.

It is considered that the proposal is acceptable in terms of residential amenity.

There would be no impact on the Area of Special Advert Control, Local Nature Reserve, Public Access Land or Wind Turbine Development Consultation Area for Biggin Hill Airport.

There would be no other planning considerations that would be of relevance to the application.

In view of the above it is not considered that the proposed single storey rear extension would cause harm to the visual amenity of the local area or the amenities of adjacent properties, and the proposal is therefore considered acceptable.
11.0 RECOMMENDATION – GRANT Subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no.: JC / 5 rev. B

Reason: To clarify which plans have been approved.

(3) The development shall be carried out in accordance with the details of external materials specified in the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

INFORMATIVES

N/A

Case Officer: Ellouisa McGuckin

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council’s website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.
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APPEAL DECISIONS for noting
06/07/2019–30/07/2019

1. Enforcement Notice 7.06.18
   Without planning permission the material change of use of a building to use as a self-contained residential dwelling

   **APPEAL:** DISMISSED & ENFORCEMENT NOTICE UPHELD (17/07/2019)

   Land at the rear of 2 Maynards Cottages, Brenchley Road, Matfield

   (Delegated)

2. Enforcement Notice 06.08.18
   Without planning permission the undertaking of an engineering operation in order to create a lake

   **APPEAL:** DISMISSED & ENFORCEMENT NOTICE UPHELD (17/07/2019)

   Land at Tollslye, Bayham Abbey Lamberhurst

   (Delegated)

3. 18/01827/FULL
   The construction of two no. 3-bedroom detached houses, one no. 4-bedroom detached house, two no. 4-bedroom semi-detached houses and three no. 3-bedroom terraced affordable houses with associated parking and landscaping

   **APPEAL:** DISMISSED (24/07/2019)

   Land at Common Road, Sissinghurst

   (Delegated)

4. 18/03384/FULL
   Erection of block of 8 no. Apartments

   **APPEAL:** DISMISSED (25/07/2019)
Land rear of 1-2 Montacute Gardens, Tunbridge Wells

(Delegated)

5. 18/02051/FULL

Conversion of property to create 1 house as existing (4 bed house) and 1 x 3 bed flat in annex to left side. Side extension (retrospective)

**APPEAL:** DISMISSED (25/07/2019)

24 Chieveley Drive, Tunbridge Wells

(Delegated)

6. 18/00589/FULL

Conversion of steel framed agricultural barn into two dwellings with associated change of use of land to gardens and parking, turning areas and landscaping

**APPEAL:** DISMISSED (25/07/2019)

The Barn, Pix Hall Farm, High Street, Hawkhurst

(Delegated)

7. 17/04243/FULL & 18/3431/FULL

Demolition of the existing house and the erection of a terrace of four new dwellings each with basement accommodation

**APPEAL A:** DISMISSED (26/07/2019)

**APPEAL B:** DISMISSED (26/07/2019)

22 Windmill Street, Tunbridge Wells

(Committee 17/04243 & Delegated 18/03431)

8. 17/03888/FULL

Erection of a new country house and associated gate lodge, landscape and ecological improvements and a new vehicular access off Fairman’s Lane

**APPEAL:** DISMISSED (26/07/2019)
Land to the east of Brattles Grange, Off Fairman’s Lane, Brenchley
(Delegated)

9. 18/01835/FULL

4 x 3 bedroom semi-detached properties and associated access, parking, timber bin store and amenity space, amendment to the existing parking layout and retrospective consent for a utility building

APPEAL: ALLOWED (26/07/2019)

Land to the rear of Fairfax Lodge, Pembury Road, Tunbridge Wells
(Delegated)

10. 18/03280/FULL

Variation of Condition 4 of planning permission 74/00427 (Outline for demolition of existing cottage and erection new dwelling): Removal of occupation use.

APPEAL: DISMISSED (30/07/2019)

Wellwood, Park Farm, Frittenden, Cranbrook
(Delegated)
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<tr>
<th>Planning Committee</th>
<th>14 August 2019</th>
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**Date of Next Meeting**

**Procedural Item:**

To note that the date of the next scheduled meeting is Wednesday 11 September 2019 at 5pm.
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Urgent Business

Procedural Item:

To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.
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