

A G E N D A

PLANNING COMMITTEE

Wednesday 22 March 2023 at 6.30 pm
Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS

Members: Councillor Poile (Chair), Councillors Atwood, Bailey, Britcher-Allan, Bland, Fitzsimmons, Johnson, Le Page, Moon, Neville, Patterson, Pope, Wakeman and White

Quorum: 5 Members

- 1 Chair's Introduction** (Page 4)
Announcement on procedural matters.
- 2 Apologies** (Page 5)
Apologies for absence as reported at the meeting.
- 3 Declarations of Interest** (Page 6)
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)** (Page 7)
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** (Page 8)
To note the application sites visited, as recorded at the meeting.
- 6 To approve the minutes of the meeting dated Thursday 2 March 2023** (Pages 9 - 14)
- 7 Reports of Head of Planning Services (attached)** (Page 15)
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 - 22/01576/FULL Showfields Estate Showfields Road Royal Tunbridge Wells Kent. (Pages 16 - 77)

- (B) Application for Consideration - 22/03018/FULL Brokeswood Lodge, The Ridgeway, Southborough, Kent. (Pages 78 - 113)
- (C) Application for Consideration - 23/00420/FULL Tunbridge Wells Borough Council Town Hall, Mount Pleasant Road, Royal Tunbridge Wells, Kent. (Pages 114 - 123)

8 Appeal Decisions for Noting 31 January 2023 to 13 March 2023 (Page 124)

9 Urgent Business (Page 125)

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.

10 Date of Next Meeting (Page 126)

The next Planning Committee was scheduled for Wednesday 12 April 2023.

Democratic Services Team

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Tunbridge Wells Borough Council

Town Hall

Royal Tunbridge Wells

Kent TN1 1RS

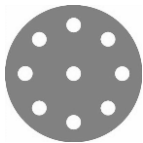
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Speaking at Meetings

Members of the public are encouraged to participate and may speak to the Council directly on any item on the agenda for up to 3 minutes. Members of the public (and any members of the Council who are not members of the committee) will need to register with Democratic Services in advance. Please see the agenda item titled **Notification of Persons Registered to Speak** for more details.

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Chair's Introduction

For Planning Committee on Wednesday 22 March 2023

Procedural Item

To receive any announcements on procedural matters.

Apologies for Absence

For Planning Committee on Wednesday 22 March 2023

Procedural Item

To receive any apologies for absence.

Declarations of Interest

For Planning Committee on Wednesday 22 March 2023

Procedural Item

To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Officer before the meeting.

Declarations of Lobbying

For Planning Committee on Wednesday 22 March 2023

Procedural Item

To receive any declarations of Lobbying in connection with any application on the agenda in accordance with the Protocol for Members taking part in the Planning Process, Constitution Part 5, Section 5.11, Paragraph 6.6. If a Member has been lobbied, 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 Legal Services Officers/Monitoring Officer before the meeting.

Site Inspections

For Planning Committee on Wednesday 22 March 2023

Procedural Item

To note any application site visits.

TUNBRIDGE WELLS BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 6.30 pm on Thursday, 2 March 2023

Present:

Councillors Atwood, Britcher-Allan, Fitzsimmons, Johnson, Le Page, Moon, Neville (Vice-Chair, in the Chair), Patterson and Wakeman

Officers in Attendance: Marie Bolton (Principal Planning Officer), Richard Hazelgrove (Interim Development Management Team Leader), Peter Hockney (Development Manager), Jo Smith (Senior Lawyer), Thomas Vint (Senior Planning Officer) and Emer Moran (Democratic Services Officer)

Other Members in Attendance: Councillors Pound and Hayward

CHAIR'S INTRODUCTION

PLA106/22 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

APOLOGIES

PLA107/22 Apologies were received from Councillors Bailey, Bland, Poile, Pope and White.

DECLARATIONS OF INTEREST

PLA108/22 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)

PLA109/22 Councillors Britcher-Allan, Johnson, Le Page, Neville, Patterson and Wakeman advised that they had received an email from Councillor Hayward containing two images related to application PLA113/22 Pastheap Farm, Hastings Road, Pembury, Tunbridge Wells, Kent. However it was not confirmed whether the email was in support or in objection to the application.

SITE INSPECTIONS

PLA110/22 Members had not undertaken any site visits.

TO APPROVE THE MINUTES OF THE MEETING DATED 8 FEBRUARY 2023

PLA111/22 **RESOLVED** – That the minutes of the meeting dated 8 February 2023 be recorded as a correct record.

REPORTS OF HEAD OF PLANNING SERVICES (ATTACHED)

PLA112/22

APPLICATION FOR CONSIDERATION - 22/01411/FULL PASTHEAP FARM, HASTINGS

ROAD, PEMBURY, TUNBRIDGE WELLS, KENT.

PLA113/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA113/22 Pastheap Farm, Hastings Road, Pembury, Tunbridge Wells, Kent and this was summarised at the meeting by Thomas Vint Senior Planning Officer and illustrated by means of a visual presentation.

Updates and additional representation – None.

Registered Speakers – There were 2 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

Parish Council Representative:

- Councillor David Hayward spoke on behalf of Pembury Parish Council in objection to the application.

Borough Councillor not on the Committee:

- Councillor David Hayward, Pembury spoke in objection to the application.

Matters of clarification by Officers and Committee Members' questions to Officers included:

- i. In terms of enforcement it was clarified that there were 2 sites often referred to as Pastheap Farm with one to the west of the site also known as The Meadows. It was reiterated that they were two separate sites with different ownerships.
- ii. The current application was for a dog day care facility for up to 10 dogs however, that figure depended on the outcome of the inspection by Mid Kent Environmental Health.
- iii. Condition 7 addressed the disposal of dog waste and required all details from the proposed development be submitted and approved in writing by the council prior to the first operation of the dog day care which was standard practice on such applications.
- iv. The Council's Conservation Officer was consulted and did not consider the application posed a significant impact on the heritage assets adjacent to the site.
- v. Paragraph 10.003 and 10.004 addressed the development in the Green Belt.
- vi. Members were reminded that whether the application was retrospective or not the application was to be judged on its own merits.
- vii. The impacts on the Area of Outstanding Natural Beauty were set out within paragraphs 10.09 to 10.17 of the committee reports.
- viii. It was advised that the site had parking capacity for at least 3 vehicles on the site and up to 4 vehicles outside the site. National Highways were consulted on the application and had no objections.
- ix. The applicant was required to ensure that the necessary dog day care licence was granted from the Council's Environmental Health department prior to the operation of the site.

Committee Member debate and Officer clarification included:

- i. It was noted that there was a possibility of all customers turning up on site at the same time to drop their dogs off which highlighted an

- issue with parking, however it was not considered a sufficient reason to refuse the application.
- ii. It was questioned whether the application improved the landscape in any way.

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

RESOLVED – That application PLA113/22 be granted subject to the plans, conditions and informatives as set out in the agenda report.

APPLICATION FOR CONSIDERATION - 22/01882/FULL LAND AT DOWN FARM, LAMBERHURST, TUNBRIDGE WELLS, KENT.

PLA114/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA114/22 Land At Down Farm, Lamberhurst, Tunbridge Wells, Kent and this was summarised at the meeting by Marie Bolton Principal Planning Officer and illustrated by means of a visual presentation.

Updates and additional representation – None.

Registered Speakers – There were 3 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

Supporters:

- Mr Reece Lemon, Senior Planner, Lee Evans Partnership LLP

Parish Council Representative:

- Mr Graham White, Chair of Lamberhurst Parish Council spoke in support of the application.

Borough Councillor not on the Planning Committee:

- Councillor David Knight, Goudhurst and Lamberhurst spoke in support of the application.

Matters of clarification by Officers and Committee Members' questions to Officers included:

- i. The link through the site was discussed and it was advised that there was a contribution which the applicant had agreed to that had been requested by Kent County Council (KCC) Public Rights of Way team to make improvements to the footpaths. It was also highlighted that through off-site works and through the Road Safety Audit, improvements were scheduled to be made to the existing footways to the south where issues had arisen that increased linkages to surrounding footpaths.
- ii. The contribution to the GP practice came from the Clinical Commissioning Group (CCG), and was on a calculated basis, so Officers considered it was appropriate in terms of scale.
- iii. Condition 26 sought the details and the timetable for the installation of the footway linking the housing scheme to the public right of way, along with improvements to the public right of way

- that will occur within the site.
- iv. Disability access had not been specifically requested through the housing consultation however the applicant had agreed to M4(2) where possible and on a cascade basis where affordable.

Committee Member debate and Officer clarification included:

- i. The dark skies policy for the area and the PR lighting for security requested by Kent Police were highlighted as a concern.
- ii. It was thought that this was a really good example of an application which the Inspector clearly has endorsed, it had responded to the needs of the local community and was building on the local neighbourhood plan.
- iii. The applicant was applauded for their affordable and social rented housing contribution.
- iv. Thanks were given to the Officer for a comprehensive report.
- v. Historic England's concerns were noted.
- vi. It was considered essential to have at least 6 affordable housing properties in rural areas which included shared ownership.
- vii. An informative to draw attention to the comments from Kent Fire Brigade was included.

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

RESOLVED – That application PLA114/22 be granted subject to the completion of a Section 106 legal agreement, plans, conditions and informatives as set out in the agenda report and the additional informative below.

- 1. The applicant's attention is drawn to the need for early consideration of the comments of Kent Fire & Rescue when designing proposals to comply with the Building Regulations.

APPLICATION FOR CONSIDERATION - 22/03276/FULL LAND NORTH OF JUNIPER CLOSE, BARNETTS WOOD, SOUTHBOROUGH.

PLA115/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA115/22 Land North of Juniper Close, Barnetts Wood, Southborough and this was summarised at the meeting by Thomas Vint Senior Planning Officer and illustrated by means of a visual presentation.

Updates and additional representation – None.

Registered Speakers – There were no speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

Matters of clarification by Officers and Committee Members' questions to Officers included:

- i. It was clarified that condition 3 ensured that if the pond changed hands in the future that fishing did not occur for two reasons; to keep the wildlife there and secondly, because the application had not been assessed or judged with any car parking requirements or

access arrangements. Whether a bylaw came forward was a matter for outside the planning process.

- ii. It was advised that with regard to paragraph 7.05 of the report, detailed discussions were had between the Council's Landscape and Biodiversity Officer and the Environmental Protection Team which resulted in amendments being made and an informative added. Following which the Environmental Protection Team were happy with the proviso.

Committee Member debate and Officer clarification included:

- i. Members stated it was good to see more biodiversity taking place.

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

RESOLVED – That application PLA115/22 be granted subject to the plans, conditions and informatives as set out in the agenda report.

APPLICATION FOR CONSIDERATION - 22/03707/FULL SPECTRUM HOUSE AND MILLENNIUM HOUSE, CHAPMAN WAY, ROYAL TUNBRIDGE WELLS KENT.

PLA116/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA116/22 Spectrum House and Millennium House, Chapman Way, Royal Tunbridge Wells Kent and this was summarised at the meeting by Richard Hazelgrove, Acting Development Manager Team Leader and illustrated by means of a visual presentation.

Updates and additional representation – None.

Registered Speakers – There were no speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

Matters of clarification by Officers and Committee Members' questions to Officers included:

- i. Condition 25 addressed concerns related to the precautionary bat emergence survey and stated that it shall be undertaken prior to demolition of the existing buildings in accordance with best practice.
- ii. Condition 6 addressed EV Charging bays, it was confirmed that Kent County Council required up to 7 kilowatts for EV charging points.

Committee Member debate and Officer clarification included:

- i. No matters of significance were discussed.

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

RESOLVED – That application PLA116/22 be granted subject to the plans,

conditions and informatives as set out in the agenda report.

APPLICATION FOR CONSIDERATION - 23/00251/LAWPRO 5 NEWLANDS ROAD ROYAL TUNBRIDGE WELLS KENT.

PLA117/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA117/22 5 Newlands Road Royal Tunbridge Wells Kent and this was summarised at the meeting by Peter Hockney, Development Manager and illustrated by means of a visual presentation.

Updates and additional representation – None.

Registered Speakers – There were no speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

Matters of clarification by Officers and Committee Members' questions to Officers included:

- i. The report was taken as read.

Committee Member debate and Officer clarification included:

- i. Clarification was provided as to why the application was brought before Committee.

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

RESOLVED – That application PLA117/22 be granted subject to the plans, conditions and informatives as set out in the agenda report.

APPEAL DECISIONS FOR NOTING

PLA118/22 There were no appeal decisions for noting.

URGENT BUSINESS

PLA119/22 There was no urgent business for consideration however Members sent their best wishes to the Chair in his absence.

DATE OF NEXT MEETING

PLA120/22 The next Planning Committee meeting was scheduled for Wednesday 22 March 2023.

NOTE: The meeting concluded at 8.39 pm.

Reports of Head of Planning Services

For Planning Committee on Wednesday 22 March 2023

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.

REPORT SUMMARY

REFERENCE NO - 22/01576/FULL
APPLICATION PROPOSAL Demolition of 110 existing residential units and existing garages and construction of 146 new residential units (Use Class C3) with associated vehicular and pedestrian access, car parking, cycle parking, refuse storage and other associated works including servicing and landscaping, works to public highways, public realm improvements and a new sub-station
ADDRESS Showfields Estate Showfields Road Royal Tunbridge Wells Kent
RECOMMENDATION to GRANT planning permission subject to; <ul style="list-style-type: none"> the completion of a Section 106 legal agreement; and an ancillary memorandum (if required), in respect of relevant land in the ownership of Tunbridge Wells Borough Council; and subject to conditions (please refer to section 11.0 of the report for full recommendation)
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> 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 (and all other material considerations are satisfied); The site is not within an area of particular importance which provides a clear reason for refusing the proposed development; 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 would remove a series of 1970s social housing apartment blocks (which are at the end of their useful life and cannot be satisfactorily modernised) and part of a flawed estate layout which causes issues with parking, anti-social behaviour etc; The proposal will deliver 101 new affordable housing units which includes 60 new socially rented units. The scheme provides no net loss of affordable housing in line with emerging Local Plan policy for estate regeneration; There would not be any significant ecological impact as a result of the proposed development and a scheme of ecological enhancement can be secured; The traffic movements generated by the development can be accommodated without detriment to safety on the public highway; The scheme includes the creation of a new cycle route which would link the east and west sides of the estate, and includes a ‘safeguarded’ area of land for potential future extension of the cycle route across the A26 Eridge Road; The scheme includes the provision of two play areas and enhanced open space within the estate; The development would not be significantly harmful to the residential amenities of

<p>neighbouring dwellings;</p> <ul style="list-style-type: none"> • The development can be accommodated around the existing trees; • The number of residential units and the mix of unit sizes are considered to be appropriate to this site; • The proposal would deliver a betterment in terms of surface water run-off rates from the site through a SuDS scheme; • The proposal would secure financial contributions towards TWBC, KCC and NHS projects (detailed below); • The proposal is within the LBD of Tunbridge Wells, a tier 1 settlement as defined within the 2010 Core Strategy which hosts a wide range of shops, schools and other amenities; • The site is in a sustainable location close to a major bus route, within walking distance of shops, a nursery, a recreation ground, primary schools and other facilities/amenities; • The design of the scheme is considered acceptable; • 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. 																	
<p>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</p> <p>The following are considered to be material to the application:</p> <p>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</p> <table> <tr> <td>NHS West Kent Clinical Commissioning Group (Towards refurbishment, reconfiguration and/or extension of Lonsdale Medical Centre, The Wells Medical Practice and Rusthall Medical Practice and/or towards new general practice premises development in the area</td><td>£13,679.89</td></tr> <tr> <td>KCC Secondary Education (Towards expansion of Bennett Memorial Diocesan School)</td><td>£71,350.27</td></tr> <tr> <td>KCC Community Learning/Social Care/ Libraries (Towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care)</td><td>£7,383.93</td></tr> <tr> <td>KCC Youth Service (Towards resources for the Kent Youth Service at youth centres and via outreach youth support services in the vicinity and environs of the development)</td><td>£1,106.21</td></tr> <tr> <td>KCC Waste (Towards Tunbridge Wells Waste Transfer Station and Household Waste Recycling Centre expansion)</td><td>£3,101.96</td></tr> <tr> <td>Commons Conservators: Towards increased resourcing of the day-to-day maintenance costs of the Commons in accordance with the Conservators' Management Plan, including but not exclusively, litter bin servicing and waste disposal, bench restoration, footpath management and tree management</td><td>£3,377.75</td></tr> <tr> <td>TWBC: Towards the provision of the car club</td><td>£30,000.00</td></tr> <tr> <td><u>TOTAL</u></td><td><u>£130,000.00</u></td></tr> </table>		NHS West Kent Clinical Commissioning Group (Towards refurbishment, reconfiguration and/or extension of Lonsdale Medical Centre, The Wells Medical Practice and Rusthall Medical Practice and/or towards new general practice premises development in the area	£13,679.89	KCC Secondary Education (Towards expansion of Bennett Memorial Diocesan School)	£71,350.27	KCC Community Learning/Social Care/ Libraries (Towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care)	£7,383.93	KCC Youth Service (Towards resources for the Kent Youth Service at youth centres and via outreach youth support services in the vicinity and environs of the development)	£1,106.21	KCC Waste (Towards Tunbridge Wells Waste Transfer Station and Household Waste Recycling Centre expansion)	£3,101.96	Commons Conservators: Towards increased resourcing of the day-to-day maintenance costs of the Commons in accordance with the Conservators' Management Plan, including but not exclusively, litter bin servicing and waste disposal, bench restoration, footpath management and tree management	£3,377.75	TWBC: Towards the provision of the car club	£30,000.00	<u>TOTAL</u>	<u>£130,000.00</u>
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<p>Net increase in numbers of jobs: N/A</p> <p>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A</p> <p>The following are not considered to be material to the application:</p>																	

Estimated annual council tax benefit for Borough: £6975.00			
Estimated annual council tax benefit total: £73071.36			
Estimated annual business rates benefits for Borough: N/A			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none">Tunbridge Wells Borough Council is the freehold owner of part of the application site;Significant major application of over 20 dwellings and recommended for approval.			
WARD Broadwater	PARISH/TOWN COUNCIL N/A	APPLICANT Mr Tim Minns for Town & Country Housing AGENT Miss Catherine Stephens for Frankham Projects	
DECISION DUE DATE 05/05/23	PUBLICITY EXPIRY DATE 04/10/22	OFFICER SITE VISIT DATE Various	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
13/00080/COUNTY	County Matter - Application to register land at Showfields in Tunbridge Wells as a Town or Village Green	No objection	06/02/13
SW/1/68/263	Community centre	Granted	
SW/1/67/410	26 old peoples flats & wardens house	Granted	
SW/1/67/356	50 Maisonettes, 45 flats & 201 houses	Granted	
SW/1/64/246	New roads & sewers and the erection of houses and shops	Granted	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The Showfields Estate occupies a prominent position on the corner of Showfields Road and Rowan Tree Road and is located within the existing Limits to Built Development of Royal Tunbridge Wells.
- 1.02 The estate was constructed by TWBC in the 1970s on the site of the former Tunbridge Wells Agricultural Showground to provide social housing. It is primarily in residential use and is formed of a mix of two and three storey terraced houses, four storey maisonettes and three storey flats, as well as blocks of garages. Within the estate (but outside the application site) are community buildings comprising a small library, the No.1 Community Centre (including café), a former GP surgery from which NHS services are still operated, a children's nursery plus a play area / open space which is a registered Village Green. There are existing bus stops in the vicinity which serve the current residents.
- 1.03 The estate is centred around a 'spine road', Showfields Road, which is a local distributor road connecting Broadmead at its southern end with Broadwater Lane at its northern end. The minor roads of Willow Tree Road, Rowan Tree Road and Cherry Tree Road are accessed on the west side of Showfields Road while Hunters Way is accessed on the east side. The A26 Eridge Road lies to the east of the estate, which provides a main route into the town. The current estate is part of the first element of concentrated development on the eastern side of Eridge Road and is, to a certain extent, the introduction of the town to its

southern approach. Access is via Broadmead and Broadwater Lane from the south and north respectively. A narrow woodland railway embankment lies immediately to the north of the site, as part of a line used for heritage rail services.

- 1.04 A significant proportion of the dwellings on the estate have been purchased by individual occupiers via the 'Right to Buy' scheme since 1980. Despite this, the applicant Town and Country Housing Group (TCHG) hold a majority ownership of the maisonette and apartment blocks. TWBC own much of the open spaces, footpaths/alleyways, highways surfaces and roadside verges within the Estate and around its perimeter.

2.0 PROPOSAL

- 2.01 The proposal is to demolish various apartment and garage blocks within the estate as part of its regeneration and due to structural and fire safety issues. Many of the 'lock up' garages are no longer used, as they are small compared to modern domestic vehicle sizes.
- 2.02 The proposals do not include the whole estate, but largely focus on land within the control of TCHG, with additional land owned by KCC and TWBC. The application site boundary covers an area of 2.8 hectares.
- 2.03 The proposals will result in the demolition and removal of 110 dwellings, of which 101 are affordable, as set out below.

Address	Unit Type	No of Units	No of Beds	Social Rent Tenure	Affordable Rent Tenure	Long Leasehold /Freehold
Hunters Way, 1-22	Maisonettes	22	22 x 2 beds	21	1	0
Showfields Rd, 36-90	Maisonettes	28	27 x 2 beds 1 x 3 bed	26	1	1
Showfields Rd, 2-18	Flats	9	9 x 2 beds	9	0	0
Willow Tree Rd, 29-37	Flats	9	12 x 1 bed	7	2	0
Rowan Tree Rd, 9-20	Flats	12	9 x 2 beds	10	1	1
Cherry Tree Rd, 18-26	Flats	9	9 x 2 beds	7	1	1
Cherry Tree Rd, 27-35	Flats	9	9 x 2 beds	6	1	2
Rowan Tree Rd, 5A-5G	Flats	9	9 x 1 beds	7	0	2
Rowan Tree Rd, 6-8	Houses	3	3 x 3 beds	1	0	2
Total	-	110	-	94	7	9

Table 1: properties to be demolished

- 2.04 Of the 20 separate buildings being removed in total, 11 are single storey blocks of 3m high pre-fabricated garages. Of the nine residential buildings being removed above, the approximate heights are as below;

Hunters Way, 1-22	4 storeys	12m
Showfields Road, 36-90	4 storeys	12m
Showfields Road, 2-18	3 storeys	9m
Willow Tree Road, 29-37	3 storeys	9m
Rowan Tree Road, 9-20	3 storeys	9m
Cherry Tree Road, 18-26	3 storeys	9m
Cherry Tree Road, 27-35	3 storeys	9m
Rowan Tree Road, 5A-5G	3 storeys	9m
Rowan Tree Road, 6-8	2 storeys	6m

Table 1A: Heights of buildings to be demolished

- 2.05 170 houses on the estate will be retained, along with four apartments. In the context of the entire estate, the demolitions number as follows;

Road	Existing Estate		Units Removed		Units Retained	
	Number of Houses	Number of Flats	Houses Removed	Flats Removed	Houses Retained	Flats Retained
Cherry Tree Road	21	18	0	18	21	0
Lavender Mews	9	0	0	0	9	0
Showfields Road	41	37	0	37	41	0
Rowan Tree Road	27	25	3	21	24	4
Willow Tree Road	49	9	0	9	49	0
Hunters Way	26	22	0	22	26	0
Total	173	111	3	107	170	4
	284		110		174	

Table 2: properties to be demolished as a proportion of the entire estate

- 2.06 The proposals will provide 146 new residential units comprising:

- 22 x 1 bed apartments (15%);
- 87 x 2 bed apartments and 9 x 2 bed houses (65%); and
- 1 x 3 bed apartments and 27 x 3 bed houses (20%).

- 2.07 In respect of affordable housing, the proposal is submitted on an overall 'no net loss' of affordable housing basis. The proposals will reduce the number of Social Rent and Affordable Rent tenures, and introduce shared ownership units to the estate. As existing there are 95 Social Rent units and 6 Affordable Rent units¹. The proposals will result in 60 new Social Rented units and 41 new shared ownership units. Overall, there will be a net loss of 35 Social Rented units and 6 Affordable Rented units. The new provision will be as follows;

¹ Social Rents are set at levels at around 50-60% of local market rents; Affordable Rents can be set at up to 80% of the local market rents

Dwelling Type	Social Rent Tenure	Shared Ownership Tenure	Market Sale	Total No of Units
2 bed house	7	0	2	9
3 bed house	3	7	17	27
1 bed flat	8	7	7	22
2 bed flat	41	27	19	87
3 bed flat	1	-	-	1
Total:	60 (41%)	41(28%)	45 (31%)	146

Table 3: new dwellings proposed by this application

2.08 The scheme includes five accessible/adaptable apartments as follows:

- 1 x 2 bedroom social rent (Block A1);
- 2 x 2 bedroom social rent (Block C);
- 1 x 2 bedroom shared ownership (Block F); and
- 1 x 3 bedroom social rent (Block A1).

2.09 All these units are located on the ground floors of the apartment blocks and have private patios.

2.10 The proposed development comprises the following buildings;

- A1 - 4 storey social rent apartment block (16.5 ridge height)
- A2 – 2 storey houses with a mix of social rent, shared ownership and private tenures (8m ridge height)
- B – 2 storey houses with a mix of shared ownership and private tenures (8m ridge height)
- C – 5 storey social rent apartment block (20m ridge height)
- D – 2 storey houses for social rent (8m ridge height)
- E – 2 storey houses for social rent (8m ridge height)
- F – 4 storey apartment block with shared ownership and private tenures (16m ridge height)
- G1 – 4 storey apartment block with shared ownership and private tenures (15.6m ridge height)
- G2 – 2 storey houses with shared ownership and private tenures (8m ridge height)

2.11 All of the units will have private amenity space in the form of a private garden for the houses and a private balcony or patio/terrace for the apartments.

2.12 Along the north boundary of the estate it is proposed to widen the existing footpath to 4 metres to allow for the provision of a dedicated pedestrian and cycle route. This will extend around Block C and across Showfields Road, providing east to west link across the site and would link to the Sainsbury's car park to the east. A potential location for a future new crossing point over the A26 is also provided for, as is a 'safeguarded' area for a new future cycle route on the western side of the estate.

2.13 It is also proposed to significantly enhance two existing areas of open space. Firstly an area of open space to the rear of Block E, which will be re-seeded with the inclusion of seasonal bulbs. A new asphalt path through this space is proposed edged with a concrete edging, along with play equipment suitable for children between the ages of 0-7 years, plus benches and picnic tables to create a community area. Secondly a new community space will be created to the north of Block D with play equipment and seating.

- 2.14 It is also proposed that an area to the edge of the Village Green within the Applicant's ownership will be planted with a grove of trees and wildflower meadow creating a biodiverse rich zone. This has been designed to tie in with the proposals being progressed by TWBC and N1CT (not part of this application) to improve the wider Village Green with an allotment area, fruit trees and an improved and enlarged play area for young children.
- 2.15 In total, 82 lock up garages will be lost. TCHG advise that only 12 of these are currently leased.
- 2.16 As set out earlier, the proposal will result in a net total of 320 dwellings on the estate (174 existing retained dwellings; plus the construction of 146 new dwellings).

	Off-street	On-street	Total
Existing spaces for whole estate	170	100	270
Proposed spaces for whole estate	323	79	402

Table 4: Parking figures for whole estate

- 2.17 For the 174 existing retained dwellings;

	Off-street	On-street	Total
Existing spaces for retained dwellings	151	71	222

Table 5: Parking figures for retained dwellings

- 2.18 For the new development of 146 units

	Off-street	On-street	Total
Spaces for new dwellings	172	8 (six visitor spaces and two car club spaces)	180

Table 6: Parking figures for new dwellings

- 2.19 The proposed site layout indicates 25 car parking spaces provided within formalised laybys on the eastern side of Showfields Road, plus seven on the western side. Further new and retained street parking is shown to be formalised on Willow Tree Road, Rowan Tree Road, Cherry Tree Road and Hunters Way. This parking is required to meet the parking demand of the existing and retained units on the estate.
- 2.20 As set out in the tables above, it is proposed to provide two car club spaces on Showfields Road as part of the redevelopment proposals, for a period of three years to establish the car club vehicles and build a customer base.
- 2.21 Within the above figures, six existing disabled parking spaces have been identified across the estate. The proposals will retain all of these, as well as providing two additional disabled spaces next to Block A1, three additional spaces next to Block C and one additional space next to Block F. This will all be within the overall provision shown in the above tables.
- 2.22 With regard to electric vehicle charging spaces, all new houses will be provided with one 7kW space (a total of 30 electric vehicle charging spaces). All of the units which do not have on-plot parking will be provided with 20% active provision and 80% passive provision at 7kW each. This will result in 26 active spaces and 88 passive spaces for those new units with off-plot parking.

- 2.23 Cycling: For houses, cycle parking is provided in rear gardens within cycle storage sheds which ensure that bicycles can be stored securely and undercover. For apartments, cycle parking is provided within cycle storage rooms on the ground floor of each apartment block. These storage rooms will provide at least one space per apartment with these provided using a combination of Sheffield stands and double-stacked racks. The storage rooms will be locked and accessible only to residents. Residents will also be able to lock their bicycles to the stands.
- 2.24 The proposed changes require that some areas which currently form part of the public highway are stopped up. For example, there are a number of footways which require diversion to accommodate changed building footprints or changed highway arrangements.
- 2.25 The proposal will include a range of energy saving measures including:
- High performance building fabric, triple glazing and energy efficient lighting;
 - Controls to reduce energy demand for space heating, cooling, ventilation and lighting;
 - Passive design measures to reduce energy demand;
 - Future proofing the buildings to ensure potential connection to any future district energy network;
 - Use of high efficiency air source heat pumps to provide heating and hot water; and
 - Use of mechanical supply and extract ventilation systems with heat recovery (MVHR).
- 2.26 The development is proposed to be delivered in two phases. Phase 2 only relates to blocks F, G1 and G2 plus their associated landscaping, parking areas and highway improvements. The rest of the scheme is within phase 1.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	2.8ha	2.8ha	No change
Land use(s)	Residential and associated open space and highway	Residential and associated open space and highway	No change
Car parking spaces**	270**	402**	+32*
Disabled car spaces	6	12	+6
No. of storeys	Range from 1 storey (lock up garages) to four storey (building comprising 36-90 Showfields Road)	Range from two storey (dwellings) to five storeys (Block C)	+1 minimum storey overall
Max height	See Table 1A above	See para 2.10 above	
No. of residential units (within application site)*	110*	146*	+36*
No. of bed spaces	313	444	+131
No. of affordable units*	101	101	No change

*For greater detail see tables 1, 2 and 3 above

**For greater detail see tables 4, 5 and 6 above

4.0 PLANNING CONSTRAINTS

- Air Quality Management Area (buffer only - land adjacent northern boundary)
- Ashdown Forest – outside 7km zone
- Limits to built development - inside
- Potentially Contaminated Land (land adjacent railway line to northern boundary)
- Part of site falls within a defined Neighbourhood Centre within the current Development Plan
- Land to the east of Eridge Road, south of Rowan Tree Road and east of Willow Tree Road is defined as an Area of Important Open Space within the current Development Plan
- Tree Preservation Order 5037/2015/TPO covers five trees within the Village Green
- The open green space and play area within Showfields is a designated Village Green

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021
National Planning Practice Guidance (NPPG)

Site Allocations DPD (July 2016)

Policy AL/STR 1: Limits to Built Development

Policy AL/STR 2: Environmental and Recreation Designations

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 6: Housing Provision

Core Policy 8: Retail, Leisure and Community provision

Core Policy 9: Tunbridge Wells

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Development Control Criteria

Policy EN8: Lighting

Policy EN13: Tree and Woodland Protection

Policy EN21: Areas of Important Open Space

Policy H2: Small and intermediate sized dwellings

Policy H5: Residential development within Limits to Built Development

Policy TP3: Multi-modal access for large-scale residential developments

Policy TP4: Access to the Road Network

Policy TP5: Parking Provision with New Development

Policy TP9: Cycle Parking

Policy TP18: Cycle route network in Royal Tunbridge Wells

Policy CS4: Development contributions to school provision for developments over 15 bedspaces

Supplementary Planning Documents:

Renewable Energy SPD (2007 and update January 2014) and 2019 Energy Policy Position Statement

Recreation and Open Space SPD

Affordable Housing SPD

Noise & Vibration SPD

Other documents:

Kent Design Guide Review: Interim Guidance Note 3 (Residential parking);
KCC Supplementary Planning Guidance SPG 4 - Kent Vehicle Parking Standards
July 2006

Tunbridge Wells Borough Submission Local Plan 2020-2038

Policy STR1: The Development Strategy
Policy STR2: Place Shaping and Design
Policy STR3: Brownfield Land
Policy STR4: Ensuring Comprehensive Development
Policy STR5: Infrastructure and Connectivity
Policy STR6: Transport and Parking
Policy STR7: Climate Change
Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment
Policy STR/RTW1: The Strategy for Royal Tunbridge Wells
Policy AL/RTW15: Land at Showfields Road and Rowan Tree Road
Policy EN1: Sustainable Design
Policy EN2: Sustainable Design Standards
Policy EN3: Climate Change Mitigation and Adaptation
Policy EN4: Historic Environment
Policy EN8: Outdoor Lighting and Dark Skies
Policy EN9: Biodiversity Net Gain
Policy EN12: Trees, Woodland, Hedges, and Development
Policy EN14: Green, Grey, and Blue Infrastructure
Policy EN16: Landscape within the Built Environment
Policy EN21: Air Quality
Policy EN22 Air Quality Management Areas
Policy EN24: Water Supply, Quality, and Conservation
Policy EN25: Flood Risk
Policy EN26: Sustainable Drainage
Policy EN27: Noise
Policy EN28: Land Contamination
Policy H1: Housing Mix
Policy H2: Housing Density
Policy H3: Affordable Housing
Policy H4: Estate Regeneration
Policy H6: Housing for Older People and People with Disabilities
Policy ED3: Digital Communications and Fibre to the Premise
Policy ED8: Town, Rural Service and Neighbourhood Centres, and Village Settlements Hierarchy
Policy TP1: Transport Assessments, Travel Plans, and Mitigation
Policy TP2: Transport Design and Accessibility
Policy TP3: Parking Standards
Policy OSSR2: The Provision of Publicly Accessible Open Space and Recreation

6.0 LOCAL REPRESENTATIONS

- 6.01 The application was publicised by way of 15 site notices placed around the estate (within the application site) in June 2022. It was also advertised in a local newspaper.
- 6.02 4 representations have been received. Two of these raised the following issues, which are not matters that can be taken into consideration in the determination of this application;

- Issues raised with TCHG relating to offers made on properties as part of the 'buy back' mechanism, and with TCHG's consultation exercise prior to the application being submitted.
- 6.03 Two further representations received (including from the RTW Civic Society) stating that the project is necessary, plus it would bring attention, investment and development along with more and better homes to the area; also that the proposals for revitalisation of the estate with replacement of substandard dwellings and improved landscaping and access are welcomed.
- 6.04 The application is accompanied by a Statement of Community Involvement (SCI). This advises that TCHG have put together a dedicated engagement team to engage with Showfields residents and wider stakeholders to consult, organise events and gather feedback. The team have also provided additional resources to offer support to residents that would be required to move home as part of the redevelopment.
- 6.05 The SCI outlines programme of consultation activities which has taken place. This commenced in July 2021 and has included:
- Individual letters to tenants and homeowners within the proposed development;
 - Door-knocking of all Phase 1 homes;
 - Monthly newsletters to all Showfields homes;
 - Weekly drop-ins at No 1 Community Centre;
 - Engagement with local councillors and local primary schools;
 - Dedicated project website;
 - Project freephone line and email address; and
 - New Estate Notice Board.
- 6.06 It also states that from early July 2021, weekly drop-in surgeries have been held in the Community Café at the Number One Community Centre. Residents from all parts of Showfields and the wider community have called at the drop-in sessions in addition to Councillors and other community stakeholders. Staff from the Rehousing Team at TCH have also been present on a fortnightly basis.
- 6.07 A residents survey took place in August 2021 in order to gather further feedback from residents on their views about living on Showfields and regeneration options. Various walkabouts were held including one specifically with young people and an initial Design Consultation took place in October.
- 6.08 As well as consulting with residents, TCH have also opened lines of communication with local ward councillors; the Headteachers of Broadwater Down School and St Mark's Primary School; plus the Little Learning Tree Nursery which operates from N1CT.
- 6.09 Three rounds of design consultation were held between July 2021 and March 2022 with residents and the local community. The feedback gathered at each stage is advised to have influenced developing proposals. Regular liaison has also taken place with the Board and Staff of No.1 Community Trust (N1CT); preapplication discussions with TWBC and KCC Highways have taken place over 18 months.

7.0 CONSULTATIONS

Environment Agency

- 7.01 **(24/06/22)** - The proposed development will be acceptable if five planning conditions (*repeated at the recommendation at Part 11 below*) are included requiring the submission of

a remediation strategy, carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

- 7.02 Without these conditions EA would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
- 7.03 This is because the previous use of the proposed development site presents a risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a Secondary aquifer.
- 7.04 The reports submitted in support of this planning application provides the EA with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. EA opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

Southern Water

- 7.05 **(08/07/22)** - The attached plan shows that the proposed development D and C will lie over an existing public foul and surface water sewers, which will not be acceptable to Southern Water. *Also, there are multiple foul and surface water sewers within the development site. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the 1050 mm surface water sewer and 150,225 mm foul sewers, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.*
 - The 1050 surface water sewer requires a clearance of 4 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
 - No development or tree planting should be carried out within 4 metres of the external edge of the public gravity sewer without consent from Southern Water.
 - The 150, 225 mm foul sewers and multiple public foul and surface water sewers in the development site requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
 - No development or tree planting should be carried out within 3 metres of the external edge of the public sewers without consent from Southern Water.
 - No new soakaways should be located within 5 metres of a public sewers.
 - All existing infrastructure should be protected during the course of construction works.
- 7.06 Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.
- 7.07 Standard advice regarding potential undiscovered sewers given, along with details of guidance re: planting near sewers, adoption of sewers and SUDS.

- 7.08 Conditions requested regarding project phasing for sewer upgrading purposes, and sewer protection measures. A 'Growth Build Out' letter is included with the response however this is for the applicant to respond to Southern Water.

Kent Police

- 7.09 **(06/07/22)** - The applicant acknowledges the importance of applying crime prevention principles to this development and has already incorporated certain crime prevention measures required. However, based on the seven attributes of CPTED, some issues still require addressing. Therefore, Kent Police would like to request a crime prevention statement addressing such issues or a meeting with the relevant parties. We recommend the applicant attains an SBD certification, which is free of cost, to show commitment to crime prevention and community safety.
- 7.10 Following issues raised:
1. Site Permeability. The proposed footpaths must be well lit and maintained, devoid of potential hiding places and enable natural surveillance along the path and its borders. Landscaping should be carefully considered in order to avoid obscuring lighting columns and reducing surveillance (please refer to point 13). Boundaries between public and private spaces must be clearly defined to avoid ball games and conflict with adjacent dwellings. Alleyways between dwellings should be avoided and the current proposal is encouraged.
 2. Vehicle mitigation. Bollards or similar may be required on all pedestrian accesses/footpaths to and from the site near open spaces, to prevent mopeds or similar vehicles accessing the area and causing nuisance.
 3. Boundary treatment. Perimeter, boundary, and divisional treatments should be well established. Rear garden boundaries and divisional fencing between rear gardens need to be a minimum height of 1.8m to aid security and privacy. Corner properties require defensible spaces to avoid desire lines across front gardens.
 4. Blank Walls. It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces. This type of elevation tends to attract graffiti, inappropriate loitering and ball games. The provision of a 1m buffer zone using either a 1.2 – 1.4m railing or a 1m mature height hedge with high thorn content should address those issues, including youths kicking footballs against fences.
 5. Access Control. Full audio-visual door entry access control systems will be required for any apartment blocks of 5 units or more. Trades buttons and/or timed-release systems should not be installed. Note A1- Proposed Floor Plans (Drawing number: SFE-P0 First Issue PRP-A1-ZZ-DR-A-2800, REV. P0). Cycle and bin stores also require access control and must be well lit. We advise the inclusion of SBD and Sold Secure Gold standard certified wall or ground anchors for cycle stores.
 6. Alarms. Emergency doors require alarms to prevent unauthorised access or doors being left open in communal areas.
 7. Car Park. Vehicles should be parked on a hard standing within the dwelling boundary, preferably in locked garages. Where parking is designated to be adjacent to or between units as proposed, a gable end window should be considered to allow residents an unrestricted view over their vehicles.

Garage doorsets should meet the following standards:

- LPS 1175 Issue 7.2:2014 SR1+ (or above) or,
- LPS 1175 Issue 8:2018 SR1+/A1+ (or above) or,

- STS 202, Burglary rating 1+ (or above) or,
- LPS 2081 Issue 1 (2015) SR A.

Parking Courts, if unavoidable, must be well lit and designed to minimise the opportunity for crime with maximum natural surveillance from “active” windows (kitchen or lounge) We discourage the rear parking courtyard (Hunters Way) because they introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated. Un-gated courtyards provide areas of concealment which can encourage antisocial behaviour. We recommend gates with access control for the proposed parking courts. Automatic gates should be certificated to one of the following standards:

- LPS1175 Issue 7.2:2014 Security Rating 1 or,
- LPS 1175 Issue 8:2018 Security Rating 1 (A1) or,
- STS 202 Issue 7:2016 Burglary Rating 1 or,
- LPS 2081 Issue 1.1:2016 Security Rating A.

Advise visitor spaces to be clearly marked as such. EVC points should also benefit from natural surveillance or the possibility of private CCTV coverage. SBD or Sold Secure Gold standard ground anchors to help address vehicle crime are recommended for Motorbikes, Mopeds, Electric bikes and similar.

8. Lighting. Any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP). Lighting of all roads including main, side roads and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards. Bollard lighting should be avoided.

9. Doorsets. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please note PAS 24 is a minimum security standard, and communal doors require a higher standard, such as STS or LPS.

10. Windows. Ground floor windows and balconies are potentially vulnerable and must meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated as toughened glass alone is not suitable for security purposes. Any ground floor bedroom windows will require defensive treatment for privacy purposes.

11. Mail. Note the internal post boxes are within what seems to be a secure access-controlled lobby area (drawing number SFE-P0 First Issue PRP-F-ZZ-DR-A-2860 Rev. P0, for example). This is highly recommended to prevent unlawful access to other parts of the building. It is important that doorsets proposed for lobbies must have access control to protect stair and lift cores. Letterboxes should be certified to TS009 security standards and for houses, letter plate apertures in doors should be certified to TS008 security standards.

12. Security compartmentation. Please note that security compartmentation is required for developments over 25 flats. Lifts and stairwells require access control, and each resident should have access to their floor only. These measures will prevent unlawful free movement within the building and increase the safety of future occupiers.

13. CCTV. We recommend CCTV for main communal entrances and parking courts.

14. Landscaping. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. In addition, new shrubs should be maintained at a height of no more than 1m unless planted to create a densely planted defensive perimeter treatment. There are many prickly non-toxic, native species that if densely planted with long term management can aid security. Great care must be taken to ensure that the natural surveillance of all car parking areas is not affected, and therefore, shrubs/trees must be properly maintained.

15. Open spaces and Willow Tree Community Garden. Open space areas must be well lit (please refer to lighting), and boundaries must be clearly defined to avoid ball games causing nuisance or conflict with adjacent dwellings. For any LAP or LEAP, we recommend fencing at a minimum height of 1.2m and vandal resistant play equipment (if made of wood, fire resistant). Consideration should be given to a single dedicated entry and exit point to enable adult control/supervision. Play areas should allow natural surveillance and be designed to be secured at night.

KCC Economic Development

7.11 (07/07/22) – following contributions requested;

	Per applicable* House (x 33)	Per applicable* Flat (x2)	Total	Project
Secondary Education	£4,540.00	£1,135.00	£152,090.00	Towards expansion of Bennett Memorial Diocesan School
	Currently no Primary requirement			

*‘Applicable’ excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. Please confirm the proposed 1 x 1 bed flat is below this threshold.

	Per Dwelling (x 36)	Total	Project
Community Learning/Social Care/ Libraries	£437.21	£15,739.56	Towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
Youth Service	£65.50	£2,358.00	Towards resources for the Kent Youth Service at youth centres and via outreach youth support services local to the development
Social Care	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£6,612.12	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion
Broadband:	<p>Planning Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and gigabit-capable (minimal internal speed of 1000mbps) connections to multi-point destinations and all buildings including residential, commercial and community. The infrastructure shall be installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details. The development should comply with any statutory or non-statutory guidance extant at the time a decision on the application for planning permission is made.</p> <p>Reason: To provide future-proof digital infrastructure in new developments as required by National Planning Policy Framework (NPPF) paragraph 114.</p>		

KCC Flood and Water Management

- 7.12 **(11/07/22)** – Having reviewed the information submitted, are generally accepting of the principles proposed for dealing with surface water, namely a system of attenuation with a restricted discharge to a water sewer and as such have no objection to the proposals subject to conditions.

- 7.13 Advisory note regarding water run-off discharge rates.

KCC Highways

- 7.14 **(02/03/23)** - 1. Have now received confirmation that the parking arrangements at Blocks B and A2 have not been unduly affected by the retention of the existing kerb line in Showfields Road .

- 7.15 2. With regards to the Travel Plan KCC have received the following observation from KCC's Travel Plan officer and it would therefore seem appropriate to condition submission of a revised travel plan. However the highway authority would not generally look to monitor travel plan for a residential expansion of this scale. However if the LPA wishes the highway authority to monitor the plan then a monitoring fee should be secured under the S.106.

With regards to the Travel Plan Itself, KCC have the following comments :

- 4.7 - Please give information as to the Bus Provider for the area along with a link to their website for but time information and ticket options.
 - 4.11 - Please attach link to Train provider for up to date train time information and ticket options.
 - 5.9 - Please provide more information as to the car parking spaces and how these are allocated and managed. Also, will there be any Electrical Charging Points available?
 - 7.12 – Please ensure the take up of the car club offer is also reported and usage monitored.
 - 7.16 – Please ensure a copy of the Welcome Pack is attached to the Travel Plan once produced as well as being sent to us for approval and comments.
 - 7.20 & 7.21- Once active please include a link to the TP Website. Also please state if there will be any cycle storage provided .
- 7.16 Also note that new plans have been issued and the comments and conditions will now refer to the following updated plans :

	Former reference	Revised plan
Parking plan	122I	122J
Cycle link plans	007B and 20F	007B and 20F
Grampian	124F	124G
Ped links	10E	10F

- 7.17 **(23/02/23)** - These comments follow earlier formal comments from the highway authority dated 1/8/22 and 31/10/22.

Notes re plans

- 7.18 Unfortunately a superseded base plan which still shows the buildout to the south of Hunters Way has been used for a number of the revised highway plans. Have brought this to the attention of the highway consultant who is awaiting TWBC advice as to whether new plans should be issued.
- 7.19 It is noted that whilst the amended plans revert back to the existing kerb line on Showfield Rd, the house plans for blocks B and A2 do not appear to have been amended to reflect this.

Have queried this with the highway consultant and sought confirmation that the proposed parking arrangements here can still be delivered in terms previously shown numbers and dimensions of spaces and that the resultant gradients on the driveways meet KCC requirement (1 in 10 for 1.5m and 1 in 8 thereafter) . Further information is outstanding.

Introduction

- 7.20 This proposal for regeneration of the estate includes demolition of 110 units, construction of 146 units, and with retention of 174 units within the area considered by the application, giving a net increase of 36 units. The proposals have been the subject of detailed negotiation with the highway authority regarding overall parking levels, provision of cycle route and car club spaces, alterations to the public highway including stopping up and also amended on street parking arrangements. The proposals have been supported by a TA dated April 2022 and three subsequent Technical Notes as well as an initial RSA 1 dated March 2022.

- 7.21 As discussed below, on balance the highway authority would not seek to raise objections to the proposals subject to conditions and a legal agreement.

Traffic generation

- 7.22 The highway authority is satisfied that the traffic generation associated with the proposed development will not have a severe impact on the local network.

Cycle Route

- 7.23 The plans now include a shared pedestrian/ cycle route along the northern site boundary and part of the western site boundary with additional land to be dedicated to highway to allow the route to be extended along the western site boundary on the eastern side of Eridge Road so that it can link up with a potential route along the western side of Eridge Road towards Summervale Road and onwards towards the Spratsbrook development site.

The cycle route arrangements and land to be dedicated which will facilitate its extension, is most welcomed and makes a significant contribution to the future improvement of active travel in the area, in keeping with local policies and the aspirations of the TW Cycle Strategy and LCWIP.

- 7.24 A legal agreement will be required to secure the safeguarded land so that it can be dedicated as public highway in due course, and details of the cycle link should be covered by condition to include, surfacing, lighting and drainage as well as signing and lining etc.

Parking

- 7.25 The overall parking strategy can be found on plan 122 I. Whilst as previously noted, agreement was not reached regarding the proposed methodology for assessment of parking provision, through the discussions with the developer and LPA, off street parking ratios have been significantly improved. The proposals also now include provision by the developer of two car club spaces which are welcomed. The location of these spaces can be considered as part of the detailed design and should be secured through the legal agreement.

- 7.26 The proposals includes demolition of 82 garages, only 12 of which are currently let on a commercial basis, including to any residents, and as a result there is an overall increase in the number of surface off-street spaces within the parking study area.

- 7.27 The Technical note now advises that overall the 146 new units have 172 off street spaces giving a ratio of 1.18 spaces per unit. However the majority of the houses have two spaces each and as a result, other units will have less than 1 space per unit. The blocks which include market housing and shared ownership (F and G1) are shown indicatively to have one space per unit , including a number of allocated spaces for some units and with other off street spaces in the vicinity. Other blocks consisting of social housing (A1, C) are shown to have about 0.7-0.95 spaces per unit . However as the majority of spaces will also be

available to remaining/existing units, it is anticipated that parking pressures will remain high in pockets of the estate. Where possible the developer has made further additional off street provision in nearby former garage courts, for example to the south of the application area, but these are less convenient for some existing residents. In other areas, for example to the west the removal of the garages and replacement with surface spaces will benefit existing residents.

- 7.28 In this setting, taking account of the sustainable location, and also the provision of car club spaces, on balance the highway authority would not seek to raise objection to the proposed level of off-street parking provision.

The layout and proposed works to the highway

- 7.29 The revisions which are welcomed, have retained the existing carriageway width on Showfields Road which is important for public transport services. Increased on- street parking controls are also proposed which will improve safety at the junctions and assist the larger vehicles including the buses and refuse vehicle. The proposed parking restrictions are subject to a TRO which includes a separate consultation process, to be instigated by the developer via the 3rd party TRO process (I can forward a copy). Bus boarding kerbs are also to be provided at the bus stops.
- 7.30 The proposals for works to the highway also include a number of features for which detailed design supported by an RSA 1 has not yet been undertaken. This includes the proposed raised crossing point (which also requires the view of the bus operators) the echelon parking outside the community centre, which maximises provision (but should be aligned so that vehicles reverse in) and further pedestrian crossing points (dropped kerbs) throughout the area . It is recommended that these outstanding matters be covered by condition and the works will be subject to a S.278 Agreement.
- 7.31 The proposals also involve stopping up of existing highway and creation of new highway links and turning areas. The developer has worked with the highway authority to maintain as far as possible links providing pedestrian permeability through the estate. However due to very confined arrangements proposed and as advised during the course of discussion, it is unlikely that the highway authority will adopt the access road to serve the rear of block B and this will require further review of the proposed highway boundary in this area. This can be considered during the detailed design process.

Travel Plan

- 7.32 Have consulted with KCC's Travel Plan Officer and will update shortly on this matter.

Legal Agreement, conditions and informatives

- The S106 should include provision for the safeguarding of land coloured yellow on plan 200.0001.007 for future dedication as public highway to accommodate the future extension of the shared pedestrian/cycle route. And should secure the provision of the two car club spaces, position to be agreed with the highway authority.
- Notwithstanding details shown on approved plans, details of the cycle link shown green on plans 007B and 20 F along the northern and western boundary of the site and extending into Broadwater Lane to the East, to be submitted for approval. The detailed design shall also include details of surfacing, lighting and drainage arrangements as well as proposed signage and lining. The approved scheme shall be implemented prior to first occupation of the development hereby permitted.
- Notwithstanding details on plans hereby approved further details of the off site highway works to be submitted for approval (supported by an RSA1 and views of the bus operators). The works shown on the approved plans (including 124F) for indicative purposes only shall include provision of echelon parking on Showfields Road close to the community centre and a raised pedestrian crossing on Showfields Road together with

additional pedestrian dropped crossing points throughout the site and also the proposed location of two car club parking spaces. The approved works shall be implemented in accordance with the approved plans and prior to first occupation.

- Details of other off site works to include extension to parking controls, and repositioning of the northern (Willow Tree Road) north bound bus stop and provision of bus boarding kerbs at both sets of bus stops as shown for indicative purposes on plans hereby approved shall be submitted for approval and shall be provided in accordance with approved plans prior to first occupation.
- The new pedestrian footpath which replaces that to be stopped up and provides a link between the Green area and the link to A26 close to Block E as shown on plan 10 E shall be provided prior to first occupation and shall thereafter be maintained open and unobstructed.
- Provision of parking and turning as shown
- Details of EV charging arrangements to be submitted. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection)
- Details of cycle parking to be submitted
- CEMP to be submitted

7.33 (31/10/22) – Issues raised regarding;

- Details, width and location of cycle route extension adjacent to the A26;
- Reduction in width of carriageway along Showfields Road and implications for bus/HGV use;
- Revision of proposed junction arrangements with Broadwater Lane;
- Need for passing places along Showfields Road and revised RSA1 to support these;
- Issue of stopping up part of pathway between A26 and the Community Centre;
- Swept path arrangements around Hunters Way / Cherry Tree Road and the turning head for Block B;
- Clarification of parking bay widths, off-street spaces for blocks F and G and further detail of parking arrangements for proposed houses on Hunters Way.

7.34 (13/09/22) - A strategic cycle route is required between the application site, the Turner Pie Factory site on Broadwater Lane, the Ramslye Road/Summerfield Road estate, including a toucan crossing on Eridge Road and which can in the future link up to the Spratsbrook site. The route is to be compliant with LTN1/20. This is supported by national, regional and local policy guidance including:

- NPPF
- LTN1/20
- Gear change
- Active Travel
- Net Zero
- TMBC current local Plan
- TMBC submitted new Local Plan
- TMBC LCWiP

7.35 Understand that the delivery of the whole of the route by the Showfields developer would not be viable as the development proposes an increase in housing units of just 36 and bearing in mind other S106 requirement, including affordable homes.

7.36 However, some of the route could be delivered by the applicant, linking their site with Broadwater Lane and land made available for the future extension of the route. It seems from the land ownership plans that a route would be possible using land within the applicant's ownership, TWBC land and highway land.

- 7.37 As discussed, it would be extremely helpful if the applicant provides drawings showing the route along the northern site boundary to be delivered via S38/S278 and how that will link to the application site and the highway with a feasibility design of a future link to connect that route to the Ramslye/Summerfield Road estate. Once an outline design is provided by the Showfields developer, showing land ownerships, there may be opportunities for funding bids, including Active Travel funding from Tranche 4. Have already spoken to TWBC Economic Development who would support this approach.
- 7.38 Subject to such a link being possible the S106 could seek funding of £500 per dwelling towards the LCWiP which would provide £18k towards active travel design and/or infrastructure. The S106 would also include the transfer of land needed for the route to TWBC/KCC (*Officer Note: KCC later verbally advised that the S.106 sum of £500 per dwelling is not necessary due to the creation of a 'safeguarded route' for an extended cycle link within the development*).
- 7.39 Should such a link not be possible, or the applicant finds the proposal unacceptable, KCC H&T will require a cycle route that is LTN1/20 compliant, along Showfields Road, allowing for a 6m carriageway. KCC H&T have justification for such a scheme as this.
- 7.40 **(01/08/22)** - The proposals result in a net increase of 36 units. The site is included in the draft Local plan (AL/RTW15) which includes enhanced community facilities and a medical centre. The policy also requires sustainable modes to be properly accommodated within the development and expects both the retention of existing and provision of new routes, including pedestrian and cycle linkages with the surrounding area. [This ties in with both the Borough Cycle Strategy and the LCWiP which have implications for the site and the need for the site to tie in with the wider area.
- 7.41 Issues raised regarding;
- Lack of information to support proposed parking numbers, ability to cater for parking for the community centre and the proposed use of part of the highway for parking purposes;
 - Details of cycle link to connect development to other allocated sites nearby;
 - Works to the adopted highway and existing pedestrian linkages across the estate;
 - Swept path analysis for new/altered roads;
 - Reduced carriageway width to 5.5m in some parts of Showfields Road;
 - Additional carriageway width being required at the junction with Broadwater Lane and the proposed increase in footway width here;
 - Design/layout/amendments to the layby adjacent to the Community centre;
 - Parking arrangements on Rowan Tree Road together with details of an alternative adopted footway;
 - Visibility splays at Lavender Mews are required
 - Dimensions of all off -street parking bays are requested
- NHS Kent and Medway Group (CCG)**
- 7.42 **(03/08/22)** – This proposal will generate approximately 81 new patient registrations. The proposed development falls within the current practice boundaries of Lonsdale Medical Centre, The Wells Medical Practice and Rusthall Medical Practice.
- 7.43 There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises.
- 7.44 Whilst it is not possible at this time to set out a specific premises project for this contribution, CCG can confirm that based on the current practice boundaries they would expect the

contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

7.45 Sum of £29,160 requested.

Mid Kent Environmental Protection

7.46 **(07/07/22)** - Noise: The estate is by its very nature a primarily residential areas and sufficiently removed from the main road that general environmental noise is unlikely to be a factor. However there are commercial uses which may require plant in addition to the energy centre, the substation and the inclusion of heat pumps. All of these will require assessment and if necessary mitigation. There is also the noise generated during the construction and demolition phases.

7.47 Land contamination: The application includes a preliminary risk assessment which identifies the need for further investigation.

7.48 The application includes an air quality assessment which is generally satisfactory and concludes that the site will have a negligible impact.

7.49 RECOMMENDATIONS: No objection subject to conditions (land contamination, noise levels, noise levels from electricity substation, pollutant emission costs, EV points, Sustainable Travel Statement/Plan, sustainable transport welcome pack, Code of Construction Practice.

TWBC Conservation & Urban Design Officer

7.50 **(06/07/22)** - writing in response to the consultation request for the above application for partial redevelopment of the Showfields Estate. The last advice given on this project in summary of the pre-application discussion in February was as follows, to provide context:

- Note that a separate meeting was held with David Scully [Landscape and Biodiversity Officer] and so it would be helpful to know exactly what was discussed, though understand our concerns about the management of trees on Showfields Road itself have been resolved with him, as well as the quality of landscaping. Trees can be planted within the TCHA ownership and they will be site-specific species;
- Support the moving back of apartment blocks A and F from Eridge Road to allow for more tree retention and less prominence in the streetscene;
- The reduction in massing of the blocks is welcome;
- Still have some concerns about the footpath between the two and ensuring this will be a welcoming route – perhaps larger windows on these end elevations or other features? As well as appropriate landscaping. *These elevations have been improved;*
- Welcome the pedestrian/cycle route east west on the north end which comes down to Eridge Road, as discussed at the last meeting;
- Reiterated the need for the green spaces within the red line to be interactive and safe. *The Design & Access Statement (DAS) sets out how surveillance will be built into the locations, and how the spaces will be filled with interactive elements;*
- To scale down the apartment blocks to more human scale on the green side, discussed the creation of defensible space around them, which is welcome. I believe this was discussed with the Landscape and Biodiversity Officer as well. *These have been included;*
- It was agreed that section drawings would be provided to understand levels and private/public gradients of spaces;
- Wayfinding will be set out in the DAS. *This is well-articulated in the DAS.*

7.51 Much of this has been addressed in the submission and supportive of the application in design terms, as being in accordance with paragraph 130 of the NPPF. This is subject to the views of the Landscape and Biodiversity Officer, and the Tree Officer, in terms of whether

the landscaping plans are achievable, as these are essential to the success of the scheme. The design and access statement unfortunately does not refer to any design guidance, but it recognises good practice in place making and agree that the proposals will improve the current situation of inactive frontages and under-used green spaces, at least in part. The scale of the development as a whole, and of individual buildings, is appropriate to the context and note in particular the reduction in height and massing of the blocks facing (but set back from) Eridge Road. Can also refer to some of the ten characteristics of good design in the National Design Guide as part of our own analysis;

CONTEXT

- 7.52 The DAS demonstrates the analysis of the site that has been carried out, with a clear process for working around constraints, and maximising opportunities. This includes the edges of the site, with an opportunity for a connection to a new crossing point in Eridge Road, planting on Eridge Road, and generally enhancing the public realm.

IDENTITY

- 7.53 The opportunity to design new buildings and areas will create a new identity for the area, whilst referring to context with the use of gable-ended buildings and buff bricks. The connection of pocket parks and green routes, as well as the **central green, will add to this and have been designed (subject to details) to function as places of activity as well as transition.**

BUILT FORM

- 7.54 This is one of the strongest offerings from the proposed redevelopment in my view, with new and improved building lines filling in leaked spaces and creating active frontages throughout, including defensible spaces, and a landmark taller building at the entrance. I welcome the framing of the central green with the larger buildings as proposed.

MOVEMENT

- 7.55 The cycle path on the north side and the east/west connection leading down to the south of the site, as a woodland trail, is very welcome. As with the rest of the landscaping, we will need **information on how this will be managed.** The pedestrian routes shown are well-connected. Car movement could be better connected, but there is still an improvement from the existing situation. Improved permeability includes a new access from Willow Tree Road to Rowan Tree Mews, for instance, connecting two cul de sacs.

NATURE

- 7.56 The pocket parks with wildflower and tree planting are welcome in principle and I defer to the views of the LBDO about suitability of species as well as long term management. The Willow Tree Community Garden is welcome and reminiscent of city centre squares, including the provision of play area and picnic tables. We do need further information on the **boundary treatments for houses backing on to these green spaces, this one in particular, which could form a condition.**

PUBLIC SPACES

- 7.57 As above, the enhancement of the central green as proposed, and the inclusion of the pocket parks and gardens, is welcome and it has been demonstrated that they will be appropriate enclosed and overlooked.

MATERIALS

- 7.58 The appearance of the buildings as proposed is both contemporary and contextual, and facades are enriched by brick detailing. The use of metal windows, doors and rainwater goods is welcome. **Would suggest a condition of exact external materials.**

TWBC Client Services

- 7.60 **(07/07/22)** - Bin to be purchased for flats and house from TWBC by the developer or their client prior to being sold or occupied. Departments of the same trust / part ownership or rented, who does what with bin supplies and who pays capacities for flats refuse/ recycling. Houses will have their own individual bins/ boxes. The communal stores do look large enough if at a later date additional bins when food flats collection is introduced.

Commons Conservators

- 7.61 **(11/07/22)** The Commons Conservators are responsible for the strategic and administrative management of Tunbridge Wells and Rusthall Commons, as set out in the 1981 County of Kent Act. The Commons are a Local Wildlife Site (TW24) and registered as a Village Green (VG22).
- 7.62 Having reviewed the application, the Commons Conservators wish to make the following comments:
- The proposed development lies adjacent to Tunbridge Wells Common, a local wildlife site with significant importance for biodiversity. The Common consists of a mosaic of relict acid grassland with sandstone outcrops and small areas of both dry and wet heathy vegetation, along with extensive areas of secondary woodland and scrub. Some of the woodland areas are being cleared to promote heathland regeneration.
- 7.63 Paragraph 174a of the National Planning Policy Framework (NPPF) states that "Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)".
- 7.64 Policy EN1 of Tunbridge Wells' adopted local plan states that *"All proposals for development within the Plan area will be required to satisfy all of the following criteria: There would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements."*
- 7.65 The Conservators have assessed the proposal and are concerned that it does not currently meet the requirements of paragraph 174a of the NPPF nor Policy EN1 of the adopted Local Plan. Whilst additional green space within the development boundary might facilitate recreation in the form of small-scale informal recreation the reality is that a walk or daily dog walk cannot be accommodated in a site of this size and residents are likely to seek out larger green spaces within walking distance.
- 7.66 Given the proximity to the Common, less than 200 metres, and the 256 acres of available land for exercise and recreation, residents of the proposed development will use the Commons, increasing recreational pressure on and disturbance of designated wildlife features.
- 7.67 The Commons Conservators are therefore proposing a suitable mitigation strategy for dealing with the impacts of increased recreational pressure. Having researched the SAMM strategy which applies to Local Planning Authorities impacting on Ashdown Forest and our own historical S106 planning contributions the Conservators seek a figure of £200 per dwelling to enable implementation of mitigation measures, 36 new properties (net increase) so £7,200 in total for the whole development.
- 7.68 A suitable mitigation strategy would require increased resourcing of the day-to-day maintenance costs of the Commons in accordance with our Management Plan, including but not exclusively, litter bin servicing and waste disposal, bench restoration, footpath management and tree management.

- 7.69 Urge that consideration is given to a safe pedestrian crossing across Eridge Road to the Common. Given the number of dwellings that have had or await planning permission along or in close proximity to Eridge Road in the last 12 months a safe crossing is essential. Eridge Road is a busy road and many people would benefit from a safe crossing. Would then use S106 funding to connect the crossing point to new paths and tracks, education information panels and appropriate signage to ensure that residents enjoyed their experience on the Common fully.

- 7.70 CC would be keen to provide copies of the Commons' trail maps to be included in welcome packs, to encourage new residents to explore and enjoy the beautiful green space on their doorsteps.

TWBC Parking Services

- 7.71 **(29/07/22)** – The applicant proposes to provide a significant proportion of parking off-site, on the highway. This is unacceptable. Given that the site is within Zone B of the New Local Plan, this is contrary to Policy TP3:

'Within Zones B and C, as defined in the table above, developers will be required to provide minimum parking standards per residential unit. It is expected that all provision of parking space should be delivered on-site.'

- 7.72 Notwithstanding whether the New Local Plan is currently seen as a material consideration, the promotion of extensive on-street parking is not compatible with effective parking management or good planning practice (**Officers' note: the decision as to whether something amounts to a material planning consideration and/or what amounts to good planning practice is a matter for the Local Planning Authority and not consultees**).
- 7.73 The responsibility, as Parking Services, is the management of on-street parking, arising from insufficient off-street parking. This often occurs in old residential streets which were designed before cars were in widespread ownership. In these streets, there is not enough parking to go around, and management schemes are often required. These measures can only be mitigatory however, and they are not the ideal solution. Permit schemes, for example, incur costs to residents, while other road users are forced to find parking in less desirable and potentially expensive locations.
- 7.74 In the planning process, parking standards exist to prevent the need for unnecessary management. (**Officers' Note: parking standards exist in order to ensure that there is an appropriate balance of parking to new buildings within developments, in the interests of highway safety and to prevent unnecessary and uncontrolled overspill on to the public highway**). Where development significantly departs from the standards, issues occur. The developments at the northern end of Goods Station Road are an example of this. Due to the lack of sufficient off-street provision, the on-street situation is chaotic: this not only has the potential to create conflict between residents, in some cases emergency vehicle access is compromised (**Officers' note: these comments are generalised and anecdotal; they also relate to a site in a different part of the town, just outside the town centre**). Even in other developments where most parking is provided off-street, the displacement onto the highway has exacerbated issues on-street.
- 7.75 When PS are consulted on planning applications, role is primarily to assess the potential for proposed developments to adversely impact on-street parking. To do this, PS evaluate the potential parking demand of the development with regard to parking standards, and compare this to the number of spaces provided on-site. If these numbers differ significantly such that it could impact on-street parking stress, PS consider whether a parking management scheme

could potentially mitigate this. If no scheme would be feasible, and the development would result in an unacceptable impact to on-street parking, then PS would consider refusal. In essence, the crux of PS's assessment is whether there is the potential for displacement onto the highway.

- 7.76 This application represents a rare case. Ordinarily, applicants will try to argue that the parking demand of a development is such that the displacement onto the highway will be immaterial, in an attempt to demonstrate that there are no highway grounds for refusal. Here, the applicant not only views on-street displacement to be possible, but that it should be encouraged. The applicant attempts to use Manual for Streets to support this view:

'In planning for expected levels of car ownership it is not always necessary to provide parking on site (i.e. within curtilage or in off street parking areas). In some cases it may be appropriate to cater for all of the anticipated demand on-street. This could be the case, for example, with a small infill development where adjacent streets are able to easily accommodate the increase in parking, or where a low car-ownership development is proposed. Crown Street, Glasgow, is an example of a large scheme that has accommodated all parking on-street.'

- 7.77 Given that the development is large, the applicant would have to demonstrate that there would be low levels of car-ownership to justify the need for on-street parking. However, this is doubtful. The proposals seek to replace a large proportion of affordable units with private and shared ownership residences, which are expected to have much higher levels of car ownership. Low-car ownership developments are generally only suitable in densely populated areas with excellent access to sustainable modes of transport (**Officers' Note: KCC Highways have accepted the applicants' approach to parking provision in relation to highway safety grounds**). For example, the case study provided of the Crown Street development is in an urban setting within a city. This is not comparable to Showfields Estate which is towards the edge of a town.

- 7.78 The applicant cannot argue that it is inappropriate to provide off-street parking (**Officers' Note: the applicants do not attempt to argue that it is 'inappropriate' to provide off-street parking, rather that there is no realistic alternative given the constraints of the site and development**). When the estate was first constructed, there were adequate levels of off-street parking, which have gradually diminished over the years. There are options open to the applicant to reduce on-street demand without compromising the number and scale of the proposed residential units, such as undercroft parking.

- 7.79 Of the estates in Tunbridge Wells and the surrounding areas, the current parking situation at Showfields is amongst the worst. This is not, as the applicant would claim, simply due to inconsiderate parking, rather the sheer number of residents who park on street. We often receive parking complaints from the area, and we have, on occasion, considered whether a management scheme was needed. If the application is approved as proposed, there is a significant risk that further parking issues will arise in the future.

- 7.80 The current proposals, regardless of intended improvements to the highway, would not simply make up the shortfall of parking on-street, they rely on it. Above all, the purpose of a highway is movement and access: there is no right to use it for parking. Parking on the highway should only be tolerated where there is no suitable alternative (**Officers' Note: Officers consider that in instance, taking in to account the submission of the applicants and the views of KCC Highways, that there is no suitable alternative**).

8.0 APPLICANT'S SUPPORTING COMMENTS (taken from conclusion of Planning Statement)

- 8.01 Overall it is considered that the proposed development of previously developed land at the Showfields Estate represents sustainable development as set out in the NPPF providing economic, social and environmental benefits.
- 8.02 The scheme has been carefully considered to represent the most efficient use of land, whilst taking into account a number of significant constraints, particularly with regards to an acceptable provision of car parking for existing and new residents, as well as user of the community buildings. These constraints have determined how many new units can be provided. Whilst it is noted that the number of new residential units proposed is lower than the draft local plan allocation, the provision of 36 net additional dwellings will make a valuable contribution to the Borough's housing stock, which will have social and economic benefits.
- 8.03 Furthermore, the scheme will deliver a 'no net loss of affordable' scheme, as well as providing starter family homes. All of the new homes will provide a high quality living environment for future residents with private amenity space and will not result in any adverse impacts on amenity.
- 8.04 A range of other planning benefits will also be delivered including wider public realm, highways and landscaping improvements, which will provide a step-change for the social, environmental and economic conditions on the Showfields Estate for existing and future residents. The proposals incorporate high quality landscaping designed to increase biodiversity and enhance the appearance of the estate including new trees, improved public open spaces and a new cycle/pedestrian path running east to west to the north of the site.
- 8.05 The proposals respond to the climate change emergency and provide significant energy saving measures, seeking to achieve a 25% reduction in emissions and an intention that all units are off the gas grid. Other sustainable measures are incorporated including the provision of 2 car club spaces and a significant number of electric vehicle charging spaces.
- 8.06 TCH have extensively consulted residents local to the estate and the results of this consultation have been broadly positive. Community feedback on detailed designs was positive with 80% of survey respondents stating that they 'liked the final design proposals'.
- 8.07 TCH have worked hard to engage with TWBC, KCC, N1CT, residents and other stakeholders and are committed to bringing forward this scheme, despite it being unviable and will continue to support and work with TWBC Estates Team and the N1CT to support any future plans for the community buildings.
- 8.08 In summary we believe that the proposal comprises sustainable development and accords with the policies set out in the Council's adopted Development Plan and the NPPF. The proposals will deliver a range of new homes meeting the needs of present and future generations within exemplary designed buildings achieving excellent standards of sustainable design and energy saving measures. The proposed improvements to hard and soft landscaping and public realm will benefit existing and proposed residents, and will reinforce the strong sense of community at the Showfields estate. 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.

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Application form
Covering letter dated 16th May 2022
Air Quality Assessment March 2022
Arboricultural Impact Assessment 30th March 2022

Daylight and Sunlight Report April 2022
Energy & Sustainability Strategy Report Issue 02 11th May 2022
Flood Risk Assessment May 2022
Heritage Statement April 2022
Phase 1 Preliminary Risk Assessment May 2022
Planning Statement May 2022
Preliminary Ecological Appraisal January 2022
Statement of Community Involvement April 2022
Surface / Foul Water Drainage Strategy Report May 2022
Travel Plan April 2022
Viability Study April 2022
Design and Access Statement May 2022
Further Bat Survey Report June 2022
Road Safety Audit Stage 1 16th March 2022
Transport Assessment April 2022
E-mail from agent 16 September 2022 11:52
Consultation Response Technical Note 200.0001/CRTN/5 September 2022
Second Consultation Response Technical Note 200.0001/SCRTN/2 September 2022
Third Consultation Response Technical Note January 2023 Appendix D
Third Consultation Response Technical Note January 2023
200.0001.120 rev D Existing Car Parking Arrangement Whole site
200.0001.200 rev F Vehicle Tracking KCC Design Refuse Vehicle
200.0001.201 rev D Vehicle Tracking Fire Tender
200.0001.206 rev B, 200.0001.207 rev B, 200.0001.208 rev C, 200.0001.209 rev C (tracking drawings)
SFE-PRP-ZZ-XX-DR-A-2003 Existing buildings
SFE-PRP-ZZ-ZZ-L-DR-01000 rev P3 Landscape Masterplan
SFE-PRP-ZZ-ZZ-DR-A-2001 rev P4 Existing Site Plan
Landscape and ownership plan
Letter from applicants 02/02/23

10.0 APPRAISAL

- 10.01 The site is within the LBD where there is a presumption in favour of new development. The main issues are therefore considered to be the principle of the development (including compliance with emerging LP policy AL/RTW 15); density and housing mix, design and the impact on trees, air quality/land contamination, flooding/drainage matters, affordable housing/S.106 contributions, residential amenity, highways/parking, ecology, and other relevant matters.

Principle of development

- 10.02 Para 74 of the NPPF 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 particular circumstances of the LPA.
- 10.03 The Council currently cannot demonstrate a five year housing supply and the current supply figure is 4.49 years (as of April 2022). Paragraph 11 (d) of the NPPF 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.”*

- 10.04 Footnote 8 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 74). None of the constraints referred to in Footnote 7 are present on the site itself.
- 10.05 When considered as a whole, the Council does not consider the ‘basket’ of Development Plan policies against which this application would be determined (Local Plan: EN1, TP4, TP5, H5; Core Strategy CP1, CP4, CP5, CP6, CP9) to be out of date. Except for the sections specifically relating to housing supply targets/numbers, the policies are not considered to be irrelevant. NPPF Para 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Therefore, the development would fall to be determined against the current Development Plan.
- 10.06 The issue of sustainability is multi-faceted, incorporating economic, social and environmental considerations. The site is located within the LBD of Tunbridge Wells where adopted (but now out of date) Policy H5 of the Local Plan indicates that development such as this can be acceptable in principle. The provision of a net additional 36 dwellings plus renewed affordable housing would very significantly contribute to the Borough’s housing need, creating social and economic benefits.
- 10.07 The site comprises Previously Developed Land (as defined within the NPPF Annex) and is in a sustainable location within walking distance of shops, two primary schools, a nursery, bus routes and children’s play areas. For its consideration as a suitable site for additional residential development the scheme would need to be satisfactory in all other respects, as discussed below.

Compliance with Policy AL/RTW 15

- 10.08 The Showfields Estate is allocated within the emerging Local Plan for the following, within policy AL/RTW 15;

This site, as defined on the Royal Tunbridge Wells and Southborough Policies Map (Inset Maps 1a-1d and 2), is allocated for residential development providing between 35-40 additional dwellings and community uses.

Development on the site shall accord with the following requirements:

- 1. Any proposals for the redevelopment of the site or part of the site shall seek to provide the re-provision and enhancement of the existing residential dwellings alongside enhanced and improved community facilities, which may include a new medical centre. The enhancement or re-provision of the existing community facilities will be considered and carried out in co-operation with the relevant stakeholders/providers*
- 2. The design and layout to take the form of a Low Traffic Neighbourhood, ensuring pedestrian and cycle permeability through the site, both to retain existing routes and to provide new routes, including pedestrian and cycle linkages with the surrounding area;*

3. Any proposals should take account of the designated Village Green status of the open space within the site;

4. Provision of on-site amenity/natural green space and children's and youth play space;

5. Contributions are to be provided to mitigate the impact of the development in accordance with Policy STR/RTW 1.

**This is the amended version of the policy which was proposed in the pre-examination Hearing Statement on Matter 11 (Retail, Town Centres and Community Facilities (Policies STR/RTW1, ED8, ED9, ED10 and EN6) Issue 4: Commercial and Mixed Use Site Allocations) at page 22.*

- 10.09 This wording reflects the modified wording of the policy following the examination of the emerging Local Plan in summer 2022. Through these modifications, the requirement for a comprehensive redevelopment of the estate was removed, with the number of proposed dwellings reduced from 155 to 35-40. This was largely due to concerns about the site capacity, the difficulty for TCHG to pursue a comprehensive redevelopment of the entire estate (given much of it is now in private ownership and the Number One Community Trust's (N1CT) unwillingness for their site - the community centre - to be included in the current application – see below) and the inability to provide sufficient car parking for a higher number of dwellings in a manner which KCC find acceptable.
- 10.10 This application does not include new community facilities. At the centre of the estate lies a community hub including a library, café, medical centre and the Showfields Community Hall, which is designated as an Asset of Community Value. These buildings are owned by the (N1CT) and TWBC. The applicant outlines in their Planning Statement that in 2021 they contributed over £30,000 of funding towards specific projects on the estate. This included projects for youth activities and events, mentoring support for the manager of N1CT, English conversation classes, replacement glass for the community centre doors and café windows, a Halloween party, funding towards a therapist to support children's mental health and upgrades to the fixtures in the café. TCHG advise they intend to continue a programme of community investment at Showfields.
- 10.11 Appendix E of the Statement of Community Involvement (SCI) summarises consultations and discussion between the applicant and the N1CT. At a meeting of 15/10/21, N1CT stated that sourcing funding for a new community centre will be challenging and their Trustees would need a minimum of 6 to 12 months to adopt a strategic position on potential options. They accordingly recommended that TCHG progress its own separate planning application for the rest of the estate. At a subsequent Trustee meeting of N1CT it was agreed that it was too early for the Trust to be party to a formal planning application.
- 10.12 The SCI outlines that N1CT as a landowner has consistently communicated to TCHG that there are strong reservations on the board of Trustees regarding the Trust's Land being included within development proposals, particularly intensification of residential uses above their buildings which could lead to restrictions on use. Separate representations have been made to this effect by the N1CT in response to the emerging Local Plan.
- 10.13 The SCI also sets out that the N1CT does not have funds to invest in a major redevelopment of their facilities, and whilst they would welcome investment in the current offer, they have concerns regarding large scale redevelopment of land in their ownership (due to disruption it can cause to the social fabric of a charity like theirs). They requested that all reference to redevelopment of the community buildings be removed from any application documents submitted by TCHG.

- 10.14 In light of the N1CT position, TCHG decided to progress a separate detailed planning application for development on land which it owns and has control over for the redevelopment of residential uses only. This includes areas of land around the estate, such as the grassed area adjacent to the A26, which are owned by TWBC. The N1CT are stated to be supportive of this approach and no representations from them to this application have been received to the contrary.
- 10.15 Officers have also considered whether to seek financial contributions from TCHG towards the new community facilities at Showfields. The scheme is however running at a significant financial deficit and this is not an ordinary developer-led scheme, a point which is addressed in more detail later in the report. Due to the rising costs of the scheme the applicant is unable to fund the full suite of S.106 requests from KCC and the NHS so it is unlikely to be able to fund contributions towards a new community centre as well. Furthermore, NPPF para 57 states that S.106 requests, like any other planning obligation must only be sought where they meet all of the following tests (which reflect the tests within the CIL legislation):
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*
- 10.16 Given that there is no scheme yet in place to provide replacement community centre buildings, a demand for S.106 contributions (or a demand that the applicant provide a community centre) would fail the above CIL tests.
- 10.17 Furthermore the proposal does not prejudice the ability to provide a community centre in the future. The central area of the estate and any N1CT land on which a new centre could be located is entirely separate from the application site; the proposed development site only relates to TCHG-owned land in this part of the estate (aside from certain parts of the highway or small slivers of land which are in TWBC ownership).
- 10.18 Given the above it is not considered that the exclusion of new community facilities from this scheme materially counted against the proposal; this is an element which can be separately pursued when the N1CT's is in a position to do so.

Density and housing mix

- 10.19 Core Policy 6(3) of the Core Strategy relates to density of development and states that it should be appropriate for the character of the locality, should meet the regional target of 40 dwellings per hectare and not generate below 30 dwellings per hectare. The existing density of the main areas to be developed (excluding public highways and open space) is approximately 65 units per hectare. The development will increase the density to 86 units per hectare. It is recognised however that the current lack of a five-year housing supply renders Policy H2 and Core Policy 6 out of date.
- 10.20 Policy H2 of the Local Plan, re-iterated at Core Policy 6(7) of the Core Strategy, refers to a suitable housing mix to meet current and projected housing needs. Both refer to an identified need for smaller residences. The proposal comprises smaller units (largely one and two bedroomed flats, and two bedroomed houses).
- 10.21 Emerging policy in the Submission Local Plan at H2 only requires that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.
- 10.22 As set out above, using a pure calculation of density on its own is often misleading. Appraising planning applications requires a rounded assessment of the impact of the density

of development in terms of its scale and form on the character and appearance of an area, along with the provision of a balanced mix of social housing - this assessment is undertaken later in this report.

Design and impact on trees

- 10.23 Design and layout are integral to the success of the scheme. NPPF Para 130 states that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 10.24 Para 134 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*
- 10.25 LP Policy EN1 states at criteria (3), (4) (6) and (7);
- 3 The design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site and take account of the efficient use of energy;*
 - 4 The proposal would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built up area or landscape;*
 - 6 The design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime; and*
 - 7 The design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.*
- 10.26 Core Policy 4: Environment; seeks amongst other things to conserve and enhance the locally distinctive sense of place and character. Core Policy 5: Sustainable Design and Construction identifies that the Council will apply and encourage sustainable design and construction principles and best practice. Developments will also be required to create safe, accessible, legible and adaptable environments plus conserve and enhance the public realm.

Existing buildings

- 10.27 The layout of the estate reflects the 'Radburn layout' principles, typical of the 1970s. The design is typified by the back yards or gardens of homes facing the street and the fronts of homes facing one another, over common yards. This results in vehicles being segregated from pedestrians with houses grouped in cul-de-sac clusters with rear gardens facing the street and service areas, while the fronts of houses face common areas and pedestrian walkways.
- 10.28 It is an offshoot of American designs from the English 'garden city' movement. It is often referred to as an urban design experiment that is typified by failure because of its laneways being used as common entries and exits to the houses, helping to isolate communities and to encourage crime. Such double frontage plots create exposed rear gardens which encourage crime and anti-social behaviour. The Radburn layout also results in limited natural surveillance and legibility, particularly within the unobserved rear parking areas.
- 10.29 The estate was built using the 'Llewellyn system' of timber frame construction. The flats have significant fire performance issues, both in terms of structure and layout. The common parts within the apartment blocks are dated and uninviting and there is a single means of escape. The flat roofs all are advised to be life expired and need full renewal and redesign to incorporate insulation to current Building Regulations. The walls are uninsulated and the main elevations cannot be insulated due to the timber frame. Whilst temporary works have been carried out to ensure compliance with fire safety regulations in the short term, the applicant contends the only way to rectify the existing problems and to meet current requirements is via redevelopment. In addition, many of the existing apartment blocks and maisonettes provide undersized accommodation compared to current standards and have a limited useable life. The existing buildings lack a definition of private and public spaces resulting in derelict and not overlooked areas cluttered with rubbish.
- 10.30 The applicant TCHG has already started a process of decanting the existing residents from the buildings, largely due to the above issues. This process will eventually result in the buildings being emptied.
- 10.31 As a result of the use of Radburn layout and a number of garages being no longer in use, the streets in the estate are dominated by car parking. This occurs predominantly in proximity to the existing properties which is more convenient to the residents than the existing parking courts that do not have any overlooking. There are no parking restrictions within the estate. The vacant garages attract crime and anti social behaviour.
- 10.32 The outcome of the above mentioned issues is that the residents park in places that are considered dangerous, such as within the vision splays or turning heads. A number of cars are also being parked in or on dropped kerbs or pavements limiting the use of pavements in particular by less mobile people. Showfields Road in particular is being used extensively to park cars on both of its sides, rendering it a single lane road which makes it difficult to navigate by the buses that use this route.
- 10.33 The responses from the public consultations have identified a number of issues within the current estate. These are;
 - Lack of passive surveillance of streets and public spaces
 - Rubbish & flytipping
 - Antisocial Behaviour
 - Poor wayfinding - The estate is difficult to navigate around
 - Lack of dropped kerbs and ramps
 - Limited access to existing green spaces
 - Poor quality of green areas

- Bus Stop zone occupied by on street parking
- Car parking outside of assigned area creating a significant reduction of carriageway
- Poor quality of hard surfaces

Proposed development

- 10.34 The proposal is to demolish the buildings within the red-lined area which currently total 110 dwellings (see table at para 2.3 above). The development would provide 146 new dwellings, again as described in para 2.5 onwards above.
- 10.35 As can be seen above, the starting point / baseline in considering design issues is somewhat low. The existing structures are dated, cannot be satisfactorily modernised and are at the end of their useful life, do not comply with current Building Regulations and the estate's layout is fundamentally flawed (by modern standards).
- 10.36 The Council's Conservation & Urban Design Officer has been closely consulted on the scheme through the pre-application stage.
- 10.37 The underlying concepts behind the proposal are to;
- Provide active frontages and natural surveillance to the perimeters of the development areas to tie into and improve the existing urban grain. This seeks to improve the safety of the streets and footpaths across the estate. This is through a series of interventions mainly along Showfields Road, the parking courts behind the existing blocks of maisonettes, at the northern entrance to Showfields Estate lacking passive surveillance, narrow footpath at the foot of the railway embankment, around the areas of the existing block of flats and the areas dominated by garages next to the green space on Willow Tree Road.
 - The overall landscape spaces created are intended to be a social place for new and existing residents, where people can meet alongside new east-west pedestrian and cycle connection to the northern boundary. Within the central community garden along Willow Tree Rd there will be a minor loss of open space due to the introduction of the new houses. It is agreed that this loss is counteracted with the quality of spaces being provided as part of an overall improved quality and place-making to the whole estate.
 - Heights are proposed to be in line with the existing estate. All houses are 2 storey houses with pitched roofs. The proposed massing then raises up to 4 storeys in the centre of the estate where it is supported by the openness of the Village Green. The tallest mass is proposed at the entrance to the estate from Broadwater Lane to mark the entrance to Showfields Estate with a 5 storey block of flats. This reflects a clear hierarchy in terms of massing, with the height being concentrated around the Village Green and at the northern access to the estate and Showfields Road.
 - Landscaping and tree planting, particularly along Showfields Road.
- 10.38 Aside from the general design concepts referred to above, the specific 'interventions' to address existing problems with the layout are;
- Remodelling the street levels within Willow Tree Road to connect the two existing cul-de-sacs. This intends to provide better accessibility to the whole space while retaining the existing footpath along the existing fences and the pedestrian connection to the west.
 - Willow Tree Road Community Garden – currently this is an open green area. The existing footpath will be remodelled to suit the building proposal, to make it wider and to include seating areas along the way. Play equipment for age group 0-7 years would be provided within the space. Benches and picnic tables would also be added to the space to create a community zone. The area will also be re-seeded to include seasonal bulbs; new tree planting, shrubs and hedgerow planting.
 - Additional landscaping to the edge of the Village Green including new trees and wildflower meadow to give an adequate green buffer.

- The proposal for the northern boundary along the railway aims to make this space safer and more usable. The landscape improvements include the widening of the footpath to 4m width in order to accommodate both pedestrian and cycle routes, making this an important east-west connection for both the estate and the wider area. This element also includes the provision of a 'safeguarded' cycle route along the western boundary for future connection to a wider cycle network.
- The removal of existing garages in favour of introduction of open spaces will remove the potential for anti-social behaviour within these enclosed areas. In the eastern section, within the proximity of the proposed houses, a 'pocket green' has been introduced.
- The proposals for the south-west area of the site include the introduction of a new parking court to formalise the existing parking demand as well as providing parking for new residents. These are overlooked with active frontages and passive surveillance. This also represents an opportunity to open-up the space to the south west corner towards Eridge Road and the existing bus stop.
- Showfields Road - on-street parking is organised through the creation of laybys, ensuring a consistent carriage width of 5.5m and seeking to eliminate ad-hoc parking in dangerous locations.

10.39 All the new homes are designed to meet the current National Space requirements and provide new high quality homes that are built to current building control standards. All proposed homes will have their own private amenity space, cycle parking as well as enclosed bin stores. The proposal steers away from the Radburn layout and provides a traditional street pattern with back to back gardens.

10.40 The applicants advise that a fire consultant has been engaged from the outset of the design process to ensure that the proposed buildings will be safe for the new residents. All new blocks of flats will also be fitted with sprinkler systems. This is a matter to be controlled through Building Regulations legislation.

10.41 For the houses, the designs incorporate;

- Wide fronted typology with a shallower back garden.
- The primary aspect for this typology is facing the road.
- The upper floor windows facing the back garden are designed to be able to have obscured privacy glazing to avoid overlooking issues
- The main living space overlooks the garden with a large glazed area, visually connecting the outside with the inside.
- The cycle storage and bin store is provided in front of the properties. The exception is block D where a separate access to the garden is possible and the cycle storage is provided within the garden.
- The house is proposed to be heated with an external air source heat pump
- A separate utility cupboard is provided within the ground floor layout (to avoid the need for meter boxes on the front elevations)
- The three bedroomed properties include 3 variations of this typology
 - with an en-suite
 - with an en-suite and a bay window to avoid direct overlooking (The upper floor windows facing the back garden together with one side of the triangular bay window are designed to have obscured privacy glazing)
 - without an en-suite

10.42 The flats include communal refuse/cycle storage areas. The proposed materials have been chosen to reflect the existing buff brick present on the estate, whilst incorporating additional tones of brick to add interest and to reflect the character of the surrounding areas where darker brick tones are dominant. Projected brick details and localised soldier course detailing are also used. The houses within the current estate uses exhibit the use of two main façade

materials on each floor, plus an extension of the material used on the lower floors to the gables; plus strong gable ends. These are reflected in the design. The metal balconies, the rainwater goods, copings, windows and doors will be finished in black, using aluminium where possible.

- 10.43 In terms of height and massing, the tallest block (5 storeys) is located at the northern entrance to the estate from Broadwater Lane and provides a focal point for the entrance in and out of the estate. The second area where the massing is concentrated, through four storey blocks of flats, is the centre of the estate around the Village Green – the block of flats on Hunters Way and the two new blocks of flats along A26. These introduce mass where there are already substantial buildings. As set out earlier, the two storey houses, reflecting those on the existing estate. All the proposed buildings will have red-tiled, pitched roofs – these will be similar in colour and texture to the plain red brick used on the proposed buildings
- 10.44 The design and layout of the development is considered to be a significant improvement compared to the existing buildings and related spaces on site. This has been demonstrated to be a design response to specific issues within the estate that necessitate new buildings and a revision of how the buildings on the estate and the related spaces around them are formed. The purpose of design related planning policy is not to discourage innovation, nor to require conformity to a homogenous design code or set of design principles. The tests within the Development Plan are that the urban landscape is preserved, that the development respects the context of the site and that related spaces importance to the character of the area are preserved. This is a residential development within an established residential area where the largest buildings are concentrated in areas where there are already substantial apartment blocks. Despite the clear increase in size, massing and scale of the apartment blocks, these elements are not considered to be significantly harmful to the character and appearance of the area (using the language of Local Plan policy EN1).
- 10.45 The development is to be delivered in a two-phase manner, which largely relates to the financial viability of the scheme and the process of decanting existing tenants. This can be secured by condition.

Trees

- 10.46 The development will result in the removal of:

- Category A: 0 trees
- Category B: 10 trees
- Category C: 11 trees
- Category U: 0 trees

Quality Category	Trees to be removed		
A			
B	Ash T1 Ash T2 Ash T3 Silver birch T29	Whitebeam T39 Sycamore T43 Sycamore T80	Hornbeam T81 Rosebud cherry T82 Norway maple T83
C	Silver birch T8 Silver birch T9 Downy birch T10 Ash T21	Grand fir T28 Ash T40 Ash T41 Ash T42	Wild cherry T47 Japanese cherry T63 Japanese cherry T64
U			

- 10.47 The loss of Trees T39, T40, T41, and T42 is necessitated due to excavations likely to be required for construction of the blocks, which will likely extend at least 2m or more beyond the building footprints. The rest conflict with the footprints of the new development.
- 10.48 Pruning is anticipated for 2 trees (oaks T11 and T13) and one cypress hedge. Proposed pruning of oak T11 (off-site beyond the northern boundary on a railway embankment) will likely result in pruning cuts of around 150 to 200mm diameter. The tree's crown extends 9m south over the site. In order to accommodate the proposal it is necessary to prune the crown back by around 4.5m. Whilst the pruning will have some adverse impact on the tree's appearance, as new shoot growth develops the visual effect will diminish over time. Moving the nearby proposed building south would adversely impact on T7 (oak). The works to T13 are minor. The hedge has previously been topped and lopped and proposed works will not significantly alter its appearance.
- 10.49 The submitted planting strategy indicates 130 replacement trees of varying mature size. Full details of this can be secured by condition. Given the scope for additional landscaping no objection is raised to the loss of the trees.
- 10.50 There will be no impact on the five TPO-protected trees within the Estate, as these all lie within the Village Green area and adjacent to the community centre, which are unaffected by this proposal.
- 10.51 A Draft Scheme of Tree Protection is provided in the next section of the tree report. The Scheme of Tree Protection can realistically only be in draft form. This is because at this stage certain details with potential to impact on trees are not known, e.g. finished levels, hard landscape build-ups, foundation details, and utility and drainage layouts. One particular area that will require careful design is the footpath adjacent the railway embankment along the northern boundary. This will almost certainly require 'reduced-dig' construction methods to minimise the required depth and extent of excavations. Typically 'reduced-dig' utilises a geocell (or cellular confinement system) to minimise the required depth of sub-base. The details of the design and construction of this footpath and other areas of 'reduced-dig' can be dealt with by pre-commencement condition.

Residential amenity

- 10.52 Criterion 2 of saved Policy EN1 requires that proposals do not cause significant harm to the residential amenities of adjoining occupiers and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight, and privacy. Residential amenity matters within the NPPF are caught by the general design section. For an 'outlook' to be substantially harmed the impact must be far greater than a simple change of view. The preservation of a private view or the corresponding impact on adjoining property values through the loss of that view are not material planning considerations. Similarly, it is considered important at this juncture to distinguish between overlooking (and a consequential loss of privacy) and merely being able to 'see' towards another property. The former can be grounds for refusal under saved Policy EN1 (depending on the severity of the impact), the latter is not. This is a densely developed urban estate in which overlooking from various vantage points, both from the dwellings and the taller flat blocks is possible.
- 10.53 The dwellings which are most potentially impacted are those within the existing estate. In most cases the impacts on surrounding dwellings are neutral or limited given the buildings replace existing structures of a comparable height/location, and/or there are highways/parking areas dividing the two. For example, the replacement of the two four storey blocks of maisonettes at Hunters Way with blocks A1 (4 storey apartment block) and A2 (2 storey houses) falls in to this category as Block A1 is in a similar position to an existing four storey block; and the houses forming block A2 are 16m from the rear garden boundary

of Nos. 23-26 Hunters Way, with the new houses' front gardens and a parking area dividing the two.

- 10.54 Block B is at an angle to Nos.35-38 Rowan Tree Road and is not considered to cause substantial harm via overlooking. The oriel windows shown at the rear are part obscure glazed to prevent overlooking and this can be required by condition.
- 10.55 Block C is a five storey apartment block with balconies on two sides. Those on the western elevation are, by virtue of their position on the building and the distance (18m at the nearest point) from Nos. 20-26 Showfields Road, not considered to cause significant harm by way of overlooking, loss of outlook or light towards the front elevation windows of those dwellings. The dining rooms on the upper floors face towards No. 20/22 with a gap of 19m and 22m respectively. A scheme of obscuring or other measures can be sought by condition. Block D would have no greater impact on the surrounding dwellings than the existing three storey block of flats.
- 10.56 The blocks at E, F and G1 are set well away from most of the surrounding dwellings. The north elevation windows on the first – third floors of block F are sited only 12m from the boundary of Nos. 21-23 Rowan Tree Road – again, a scheme of obscuring or other measures can be sought by condition. The existing three storey building is 25m from that boundary currently.
- 10.57 Block G1 is sited approximately 15m from the rear boundary of the gardens of Nos. 2-4 Lavender Mews however the distance wall-to-wall is 30m. The rear elevation of the southernmost dwelling in Block G2 (two storey dwellings) will also allow views towards the rear garden of No.17 Cherry Tree Road. One window is a bathroom window, the other is a bedroom window with which a scheme of obscuring or other measures can be sought by condition.
- 10.58 In summary, subject to the above mentioned conditions, there are not considered to be significantly harmful impacts arising from this development towards the amenity of current occupiers of the estate or future occupiers of the development.

Flooding and drainage

- 10.59 NPPF Para 166 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Para 168 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The site lies outside of the Flood Zone 2/3 and is not considered to be at risk of flooding. The site is not within a groundwater source protection zone. The site is at a low risk of fluvial flooding, and a low risk of surface and reservoir water flooding.
- 10.60 To mitigate against the effects of increased runoff SuDS attenuation drainage will be provided limiting flows in compliance with Kent County Council's betterment policy and in compliance with the Non Statutory Technical Standards for SuDS drainage. Foul drainage from the site is via the existing foul connection. The foul flows from the development are less than the foul flows from the current use with a 20% reduction in flow to the foul sewer.
- 10.61 The EA consider the proposal to be 'low risk' and have provided no further comment. KCC as Lead Local Flood Authority raise no objections subject to conditions.

Air quality/land contamination

- 10.62 The site is not within an Air Quality Management Area. The Mid Kent Environmental Protection team do not object on these grounds. Officers consider the level of details within

the submitted air quality report is sufficient and this matter can be addressed by compliance condition.

- 10.63 Both Mid Kent EP and the EA recommend contaminated land conditions. In the latter's view the previous use of the proposed development site presents a risk of residual contamination that could be mobilised during construction to pollute controlled waters. They advise controlled waters are sensitive in this location because the proposed development site is located upon a Secondary aquifer.

Sustainability

- 10.64 In terms of energy efficiency, the application proposes the use of passive design measures. The proposed development adopts a 'Fabric First' approach. The energy efficient 'Be Lean' case upgrades the thermal envelope of the building and includes improved efficiency for the building services. A minimum 10% carbon reduction over the existing baseline scheme (Building Regulations Part L 2013 TER) is targeted from building efficiencies, as a result of passive design measures, reduced u-values, thermal bridging and air tightness and efficient services controls. As a result the carbon emissions from the 'Baseline' scheme are reduced by 24.14 tonnes per annum (14.9% reduction).
- 10.65 A further 15% minimum carbon reduction is then targeted for operational carbon emissions in the 'Be Green' case using low or zero carbon technologies. It is proposed to use air source heat pumps to generate heat and hot water for the dwellings, resulting in a further carbon emission reduction of 69.34 tonnes per annum (50.2% reduction).
- 10.66 A cumulative site wide carbon emission reduction of 93.48 tonnes per annum (57.7% reduction) is shown to be achieved by the development. Full details of the measures can be sought by condition.

S.106 contributions and affordable housing

- 10.67 Legislation requires that planning obligations (including Legal Agreements) should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development and;
 - Fairly and reasonably relate in scale and kind to the development.

Affordable housing

- 10.68 The NPPF sets out in paragraph 63 that where there is an identified need for affordable housing, this should be met on site. As the size of the scheme exceeds 10 units, it would trigger a requirement for affordable housing in line with the requirements of Core Policy 6 (4). Based on current Development Plan requirements, 35% affordable housing would be required. The Council's Affordable Housing SPD requires that 75% be rented and 25% ownership (para 2.19) although this is guidance, not adopted policy.
- 10.69 As a brownfield site, the emerging Local Plan (Policy H3) seeks 30% affordable housing on brownfield land and 40% on greenfield sites. However emerging Policy H4 (Estate Regeneration) seeks a higher provision;
- 'Proposals for estate regeneration will be supported, subject to any net loss in affordable housing being justified only in exceptional circumstances by the delivery of significant improvements to the quality, design, mix, and form of dwellings, and other public benefits'*
- 10.70 As set out earlier in this report in section 2.0, the proposal is for no net loss of affordable housing. As existing there are 95 social rent units and 6 affordable rent units (101 total). The proposals will result in 60 new social rented units and 41 new shared ownership units.

Overall, there will be a loss of 35 social rented and six affordable rented units; and a gain of 41 new shared ownership dwellings.

- 10.71 Social rented, affordable and shared ownership units all fall within the definition of affordable housing within the Annex to the NPPF. Therefore the requirements of the emerging Estate Regeneration policy are met as there would be no net loss of affordable housing.
- 10.72 The emerging Local Plan policies do not carry full weight at present, as the Plan has yet to be adopted by the Council and there are still outstanding matters to be addressed (principally relating to Green Belt allocations elsewhere in the Borough). Therefore;
- The adopted Local Plan, with its' 35% provision requirement, carries full weight at the present time;
 - In the context of this, the scheme however provides nearly double current Local Plan requirements (35% being 51 affordable units);
 - The tenure mix is also weighted heavily in favour of socially rented properties (60% social rented vs 40% shared ownership) and exactly reflects the required mix in Policy H3 of the emerging Local Plan;
 - This is the approach one would expect with a scheme which is seeking to meet emerging policy H4. Whilst this tenure falls short of the suggested 75%25% tenure mix in the affordable housing SPD, the SPD is not guidance, not policy and was produced over 15 years ago.
- 10.73 Whilst there will clearly be a loss of socially rented properties, which are the lowest cost rented properties within the definition of affordable housing, the overall scheme complies with adopted and emerging Local Plan policy on affordable housing provision.

S.106 contributions

- 10.74 The requirement for developments to provide or contribute towards the services for which they create a need is set out in Core Policy 1 of the CS and requirements relating to various types of contributions, for instance education, recreation, transport etc. are referred to in various CS and LP Policies (such as Core Policy 9 of the Tunbridge Wells Core Strategy 2010, Policies CS4, R2 of the Tunbridge Wells Borough Local Plan 2006, the Site Allocations Local Plan 2016 Policy AL/CRS 6), plus the Recreation and Open Space Supplementary Planning Document and in relevant sections of this Report.
- 10.75 KCC has assessed the proposal for contributions towards meeting the additional needs for infrastructure and services generated by the proposed development, as summarised in their consultee response at para 7.11 of this report. These are considered to meet the relevant tests as listed above.
- 10.76 Developer contributions have also been requested by the NHS West Kent Clinical Commissioning Group towards mitigating the impact of new patients locally. The CCG advise that there is very limited patient growth capacity at the existing nearby GP surgeries.
- 10.77 Finally, the Submission Local Plan supporting documents includes the Local Cycling and Walking Infrastructure Plan which seeks to improve local cycling and walking infrastructure to achieve more active travel and sustainable modes along the A26, amongst other locations in the Borough. Financial contributions are not sought towards this, as the scheme includes the provision of a 'safeguarded' cycle route along the western side of the development.
- 10.78 The proposal provides no net loss of affordable housing. It is accompanied by a viability assessment (Turner Morum, April 2022), which does not budget for S.106 financial contributions. Actual requests amount to £243,159.68. Broken down, this comprises;

NHS	£29,160.00
KCC Education	£152,090.00
KCC - libraries/community learning	£15,739.56
Funding for car club spaces	£30,000.00
Youth	£2,358.00
Waste	£6,612.12
Commons Conservators	£7,200.00

Total £243,159.68

- 10.79 A viable development can be regarded as the ability of a development project to meet its costs (including the cost of financial contributions), while ensuring an appropriate site value (i.e., Existing Use Value) for the landowner and a market risk adjusted return to the developer in delivering that project. The Government's Planning Practice Guidance on Viability sets out the main principles for carrying out a viability assessment (Paragraph 010 of Viability section within the PPG). It states that viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. This helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.
- 10.80 This application falls outside the traditional model of a landowner and/or a developer seeking to promote a scheme including standard LPA required affordable housing levels and develop land with a view to making a profit. Instead, this scheme is driven by a need to replace 101 defective and outdated affordable dwellings with no net loss of affordable housing, with the 45 market dwellings subsidising the development.
- 10.81 The Council undertook its own review of the applicants' submitted FVA, via its own specialist consultants. This was to seek opinion as to whether the viability figures and position put forward by the applicant are reasonable. This is to inform the Council's discussions with the applicant and its decision making, particularly in regard to the amount of S.106 financial contributions that can be secured.
- 10.82 The viability process involves consideration of three values: the Existing Use Value (EUV), the Benchmark Land Value (BLV) and the Residual Land Value (RLV).
- 10.83 In all appraisals of this type, the EUV (value of the site in its existing use) is used. This must be sufficient to secure sale by the landowner but is not assumed at such a low level that restricts the financial capacity of the scheme to deliver suitable profits (for risk reward), cover all development costs (including any abnormals) and provide for S.106 financial contributions. It is not the price paid and should disregard hope value. This can be a difficult balance to reach, both in terms of developers' dealings with landowners, and Councils' assessments of what a scheme has the capacity to bear.
- 10.84 The BLV comprises the EUV, plus a premium for the landowner. The PPG and RICS guidance states BLV should;
- be based upon EUV to allow for a premium to landowners;
 - reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees; and
 - be informed by market evidence including current uses, costs and values wherever possible.

- It should not be expected to equate to actual market value. The BLV is not a price to be paid in the marketplace; it is a mechanism by which the viability of the site to provide developers' contributions can be assessed.
 - BLV should be set at a level that provides the minimum return at which a reasonable landowner would be willing to sell.
- 10.85 Consistent with this not being a 'commercial developer led scheme' the 'landowner premium' is excluded from the BLV for this site. In addition, for properties such as these that are at the end of their useable life, it is appropriate not to apply a landowner's incentive, the existing use value being sufficient incentive for the landowner to release the premises for development. Whilst the Council's consultants do not consider that a value of £20,000 per unit for the current 101 social rented units to be unreasonable, very limited information has been provided in respect of the remaining 9 units (the long-leased/buyback dwellings). The size and condition of the properties is unknown and, on this basis, this element of the BLV could be potentially even lower than submitted.
- 10.86 In addition, the applicants' FVA excludes any allowance for the additional statutory costs which will be incurred by the applicant in relocating additional tenants (set at £7,100 Homeloss per household, plus moving expenses – a total of around £757,000) and acquiring pathways and footways within TWBC owned land in order to deliver the scheme.
- 10.87 The applicants FVA states that the 69% affordable housing scheme produces a negative residual land value of -£2,599,103 and when compared to the submitted BLV of £4,204,794 produces a deficit of -£6,803,898.
- 10.88 The Council's consultants summarise that although a number of the applicant's assumptions within their FVA appear fair at this stage, there are aspects that have been queried or where a difference of opinion exists. Consequently slight changes were made by the TWBC consultants in relation to the build costs and the 'profit' level. When factoring in those suggested adjustments to the distribution of the build costs and to the profit level on the market homes, the scheme produces a negative residual land value of -£986,722. It is highly unlikely in their view that the scheme would ever produce a positive RLV.
- 10.89 In conclusion, whilst the consultants consider that as presented, the scheme viability appears to have been understated to a small degree (the scheme RLV is less negative), the scheme does not appear to be able to support a higher level of affordable housing. The primary reason for this outcome is the relatively low value to the social rented properties comparative to the build costs.
- 10.90 As set out earlier, the application seeks to deliver a no net loss of affordable housing. However, the applicants' letter dated 2nd February 2023 sets out that in view of the costs of the scheme, they cannot fund the full £243,159.68 of financial contributions that have been sought by various consultees. TCHG is offering £130,000, made up of a £100,000 financial contribution (to be distributed as the Council see fit), plus £30,000 car club contribution towards two spaces. This is for the following reasons;
- TCH has purposefully chosen to adopt an estate-wide approach to regenerate the whole area in line with the Council's aspirations for the estate and emerging local plan Policy AL/RTW 15 (Land at Showfields Road and Rowan Tree Road). This is more costly and goes far beyond what would be required if TCH just developed individual land plots on a piecemeal basis. This is largely down to extensive highway improvements including formalised parking and turning areas, improved bus stops and bus passing areas, improved access for emergency vehicles, safer pedestrian crossing points and a dedicated cycleway across the site, connecting Eridge Road with Showfields Road (plus safeguarding an area of land which can be used to extend this cycle path and link to

other development sites in the future). The pro-rata number of car parking spaces will also be significantly increased, with on-plot parking wherever possible.

- The extent of the landscaping improvements;
- The high affordable housing provision - Social Rent tenure is not cost effective to build, without grant. This places enormous pressure on the financial viability of the scheme, even with the provision of an element of market housing;
- Relocation Costs – This scheme involves the demolition of 110 existing properties and relocation of households to new homes. Costs relating to this are significant, with each household entitled to statutory Home Loss compensation of £7,800, together with removal and associated costs. In addition, the scheme requires TCH to 'buy-back' nine properties at current market value, from occupiers who purchased their homes under Right to Buy legislation. These 'decant' and 'buy-back' relocation costs are considerable and have a direct impact on the viability of the scheme.
- Homes England are not able to provide grant funding for the regeneration of this land and the high proportion of Social Rent tenure proposed is not financially viable to develop on its own without such funding. Profit derived from developing the small number of open market housing units is not sufficient to offset the losses generated by the development of social rent tenure.
- Inflation of Build Costs – Tender prices are under pressure from sharply rising materials prices and longer supply times. The BCIS (Building Costs Information Service) estimate of tender price inflation for Q4 2022 shows an increase of 7.6% in the year from Q4 2021. Shortage of labour is expected to be the main issue going forward, driving construction inflation.
- Market Uncertainty – Current economic forecasts suggest inflation and interest rates will remain high whilst house price inflation will be negative in 2023. This will affect the sales of the marker/shared ownership units, and in addition, the higher interest rates will increase TCHG's development finance (borrowing) costs.

10.91 Therefore on the information provided there is considered to be sufficient justification to depart from Core Policy 6 with regards to the provision of the full set of financial obligations. This issue will therefore not form a recommended reason for refusal.

10.92 The developer has offered £100,000 towards the non-car club schemes, The car club spaces are important to the scheme as they help mitigate the shortfalls in on-plot parking within the development. Their inclusion is also supported by KCC Highways.

10.93 £100,000 (which amounts to a £113,159.68 shortfall against what has been sought by consultees) represents 46.91% of the total. The fairest and most equitable way of distributing this 'pot' is to proportionately reduce the sums sought by the consultees to 46.91% as well. Therefore the sums which will be sought are as follows;

Requestor	Sum requested	Sum sought (46.91% - rounded - of original request)
NHS	£29,160.00	£13,679.89
KCC Education	£152,090.00	£71,350.27
KCC - libraries/community learning	£15,739.56	£7,383.93
Youth	£2,358.00	£1,106.21
Waste	£6,612.12	£3,101.96
Commons Conservators	£7,200.00	£3,377.75
TOTAL	£213,159.68	£100,000.00

- 10.94 This is considered to be the fairest and most equitable way of seeking the reduced sums, rather than collecting some sums in whole (or in part) and not others. It reflects the fact that the LPA considers all of the requests to be CIL compliant and avoids putting the LPA in a position where it can be said to deem some requests more 'worthy' than others. The lower sums are reflected in the figures within the table on page 1 and within the Recommendation at Part 11 below. This approach has been communicated to the organisations who have requested the contributions.

Ecology/biodiversity

- 10.95 The application includes a Preliminary Ecological Appraisal. This concludes the site is very low in ecological value with common and widespread habitats present in an urban context with low-negligible potential to support protected, priority or rare species. Further presence/absence roosting bat surveys were undertaken for the apartment blocks and no roosts were discovered.
- 10.96 No other further ecology surveys or mitigation were considered necessary. However, recommendations to minimise the risk of impact to birds, foraging bats and hedgehogs are provided. Additionally, by following the biodiversity enhancements, the proposed development would be enhanced further for the benefit of local wildlife to create a net-gain in accordance with national planning policy. The buildings each contain one bird and one bat box, and the recommendations regarding landscaping and lighting can be addressed by condition.
- 10.97 Full details to secure net gain can be sought by condition.

Highways and parking

- 10.98 NPPF Paragraph 105 states that the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- NPPF 110 a) requires that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - 110 b) states that safe and suitable access to the site can be achieved for all users;
 - 110 c) requires that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
 - 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 - Para 112 (c) requires that development minimise the scope for conflicts between pedestrians, cyclists and vehicles.
 - Paragraph 113 requires that *“developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*
- 10.99 LP Policy TP4 concerns access to the road network. It states that proposals will be permitted provided all five of its criteria are satisfied. The subtext at Para 11.27 states that sites should be well-linked by all modes of transport to key destinations and this may require provision of, for example, a new footway, cycleway or road crossing facility. It is considered TP4 is on balance up-to-date and consistent with the NPPF.

- 10.100 Policy TP3: large scale residential development requiring Transport Assessment and Travel Plan is engaged here, as LP Policy TP5. TP3 is considered up to date with the NPPF, as is TP5 which specifies minimum parking standards outside town centres, an approach endorsed by NPPF Para 108 which states that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. On this basis TP5 is considered up to date with the NPPF. It is also considered that it should carry full weight. Policy TP9 states that cycle parking will be required to serve new-build residential development without private curtilage at a standard of one space per dwelling unit.
- 10.101 Core Policy 3 relates specifically to Transport Infrastructure with its aim being to outline key transport issues and the provision of necessary infrastructure. The Policy states that, *"Sustainable modes of transport, including cycling and walking and the use of public transport will be encouraged to reduce dependence on private car use."*
- 10.102 KCC Highways have commented on this application several times and have been closely involved with its development at the pre-application stage. They have raised a number of issues regarding parking numbers, plus location and distribution of spaces; parking provision within the public highway; the need to maintain the width of the carriageway along Showfields Road; alterations to the geometry of the junctions; plus the provision of cycle and pedestrian infrastructure.
- 10.103 KCC's final set of substantive comments dated 23rd February 2023 advise that apart from three minor issues (an error on the plans relating to kerb build-out on Hunters Way; details of driveway gradients and agreement on the submitted travel plan) they have no objections to the scheme subject to various conditions and the cycle lane being secured by S.106 agreement. These have all been addressed and the conditions are set out at the Recommendation at part 11.0 of this report. Given KCC's comments dated 2nd March on the Travel Plan it is not considered that a request for S.106 monies to secure monitoring of the agreement would not be CIL compliant. However a revised version taking in to account their comments on it will be sought by condition.
- 10.104 No objection has been raised by KCC regarding the traffic generation associated with the proposed development. They are now satisfied with the physical alterations to the highway, again subject to condition (these works will also be subject to a separate agreement between the developer and KCC under S.278 of the Highways Act 1980).

Parking

- 10.105 This site broadly falls within the 'Suburban' category that KCC use for parking standards. This is characterised by no, or very limited, on-street controls. In such areas parking is directed to on-plot provision and visitor parking of 0.2spaces per dwelling to the street. The site does possess some characteristics of 'Edge of Centre' locations in that there is parking saturation in some parts of the estate. No objection is raised to the loss of the 82 lock up garages which are underused, dated and generally inconsistent with modern vehicle sizes.
- 10.106 The site falls within Parking Zone B as defined within the Submission Local Plan.
- 10.107 The existing car parking on the estate is unallocated with many of the spaces not marked as formalised parking bays. As a consequence, there are currently issues with indiscriminate parking, which can cause issues regarding visibility and problems for delivery and refuse collection vehicles. The proposed layout seeks to improve safety by increasing the number of parking spaces provided on average per unit, reducing the reliance on on-street parking and formalising parking bays where on-street parking is retained.

- 10.108 Whilst it is considered that the site is located in a grey area between 'edge of centre' and 'suburban', an appropriate level of car parking has been determined for the site and the proposed development taking into account relevant guidance and policy requirements. It has been agreed between the applicant, TWBC and KCC Officers that the site does not sit comfortably within either the Suburban or Edge of Centre standards and therefore a hybrid approach would be suitable whereby a relaxation from the more stringent Suburban standards would be acceptable.
- 10.109 There are currently 284 existing units with 270 spaces. 170 of these are off street = 0.60 spaces per unit. 100 are on street. The on-street parking would be formalised and reduced to 89 spaces, primarily to improve road safety by preventing parking in dangerous locations such as the end of turning heads. In total the scheme would deliver 402 spaces for 320 units = 1.26 spaces per unit (33% increase per unit).
- 10.110 The applicants have undertaken various parking studies which have led to the proposed provision and have also taken in to account census data on car ownership levels in the area.
- 10.111 The planning application for 146 new units is 6 spaces (3.2%) short of the KCC 'Suburban' standards which is the agent considers is mitigated by:
- Offer by TCHG (which is secured by the S.106 agreement) to fund two car club spaces – these are expected to replace 18 privately owned cars based on research by CoMoUK which means that parking provision would be 10 spaces above the KCC Suburban standards.
 - The 6-space shortfall is associated with visitor parking, not residents parking.
 - Policy compliant levels of secure and undercover cycle storage for all new units.
 - High level of affordable housing (69% of new units) which correlates with lower car ownership.
 - Data within the Transport Assessment demonstrates that overall car ownership among households at the Showfields Estate is comparable to that of households in the centre of Tunbridge Wells; however with regard to flats, car ownership rates at the Showfields Estate are approximately 25% lower than in the centre of Tunbridge Wells. This is in spite of the more restrictive parking requirements in the town centre.
 - Proximity to bus stops, railway station and Tunbridge Wells town centre justifies reduced parking provision as the site is more sustainably located than most 'suburban' sites in Kent.
 - Scheme introduces 36 additional units with 132 additional spaces (ratio of 3.67 additional spaces per each additional unit) to significantly improve parking for existing residents at the Showfields estate.
- 10.112 It has become clear throughout the development of this scheme that there is no further scope to increase parking ratios without decreasing the number of dwellings. TWBC's aspirations for more dwellings therefore had to be balanced against KCC's aspirations for more parking. The number of units within the scheme has already been reduced from the pre-application stage due to concerns regarding parking.
- 10.113 The existing site currently experiences indiscriminate parking, some of which causes issues regarding visibility and the manoeuvrability of refuse and other vehicles. This proposed layout seeks to prevent and/ or discourage such parking by:
- Increasing the number of parking spaces provided on average per unit;
 - Reducing the reliance on on-street parking across the estate; and
 - Formalising parking bays where on-street parking is retained.

- 10.114 The proposed redevelopment includes a number of infrastructure changes which seek to improve parking provision across the site. These improvements relate not only to the number of parking spaces but also the quality of the provision. These improvements seek to address the existing issues of indiscriminate parking which the site currently experiences.
- 10.115 The applicant also propose to introduce double-yellow parking restrictions in a number of locations. These restrictions are proposed in areas where indiscriminate parking might occur, to prevent this parking causing issues for turning movements, visibility, and pedestrian accessibility. These proposed parking restrictions would complement the proposed parking formalisation. These proposed parking restrictions are subject to permission through a Traffic Regulation Order, which is a separate process that sits outside planning legislation.
- 10.116 KCC have, following extensive consultation not only during the lifetime of this application but at pre-app stage now raise no objection to the applicant's approach to parking provision and numbers within the development. This is in light of the unorthodox approach to parking provision which is presented in this application. Normally, on-street parking is only considered acceptable as a 'safety valve' and is not intended to accommodate parking requirements of a new development.
- 10.117 There is a difference between the inconvenience of parking pressure to local residents and parking-related highway safety. Inspectors have, at appeal, traditionally only given weight to highway safety issues arising from parking. It would be difficult to directly attribute a significant parking-related safety issue directly to this development, given the measures that are being put in to place to end indiscriminate and dangerous parking and KCC Highways' acceptance of the proposals. Therefore, in this instance, it is not considered that the proposal would cause harm to highway safety.
- 10.118 The comments of the TWBC Parking Services are noted. However, their remit (as acknowledged in their comments) is the management of on-street parking and not ensuring highway safety (the latter is the remit of KCC Highways). PS states that *'In essence, the crux of PS's assessment is whether there is the potential for displacement onto the highway'*. However this in itself is not grounds to refuse a planning application. Rather, the issue is whether the proposal clearly amounts to overdevelopment at the expense of off-street parking; and whether that on-street parking causes a danger to highway safety.
- 10.119 It is accepted that the proposals seek to replace a large proportion of socially rented units with shared ownership residences, plus add 36 private dwellings which are expected to have much higher levels of car ownership. The applicants have never sought to argue that providing off-street parking is 'inappropriate', rather that it is a pragmatic solution to a parking provision problem that, if unresolved, could jeopardise the delivery of much needed affordable housing.
- 10.120 The comments of Parking Services fail to take in to consideration the detailed design and nuances of the scheme, including the reasoning behind the numbers and method of delivery of parking. The objections mainly appear to stem from an 'in principle' objection to use of on-street parking as part of the scheme. Undercroft parking is suggested, but this fails to recognise the fact the scheme is already financially unviable and the expense of delivering parking in this manner. Comparisons are drawn with another development just off the town centre in Goods Station Road, but this is a different location subject to a different pattern and character of parking. The allegations about emergency services access appear to be anecdotal and stray in to issue of highway safety, which is the remit of the County Highway Authority.
- 10.121 As above, Inspectors have traditionally only given weight to concerns regarding highway safety and any impact on convenience of residents is not considered to be a matter that

would warrant refusal of this application. In general terms (and unless there is a concern regarding highway safety), the provision of residents' parking schemes fall outside of the planning system, but it is noted that Parking Services have not established an overriding desire by residents for a permit scheme in their comments.

10.122 Ultimately, KCC Highways accept the applicants' approach to parking and overall raise no objections on highway safety grounds, subject to conditions / planning obligations.

10.123 AL/RTW15 of the Submission Local Plan requires;

2. The design and layout to take the form of a Low Traffic Neighbourhood, ensuring pedestrian and cycle permeability through the site, both to retain existing routes and to provide new routes, including pedestrian and cycle linkages with the surrounding area;

10.124 The hourly traffic flows on Showfields Road, as measured by the applicant, do not typically exceed 200 vehicles. While these flows would not normally be considered to represent heavy traffic, this traffic nonetheless has a negative impact on the attractiveness of walking and cycling along/ across Showfields Road. A significant proportion of this traffic is likely to be through-traffic, rather than traffic generated by the Showfields Estate itself.

10.125 The through-traffic on Showfields Road could be removed with the introduction of a 'modal filter'. For example, a bollard or planters could be placed in the carriageway of Showfields Road to physically prevent through-traffic. However, the physical blocking of vehicular traffic is not possible in this location for two reasons:

1. There are a number of commercial/ industrial uses accessed from Broadwater Lane which require HGV access. The railway underbridge on Broadwater Lane has a 4.3m height restriction which prevents access by some HGVs. Consequently, the only route for HGVs in excess of this height is via Showfields Road. A modal filter on Showfields Road would therefore prevent access to the commercial/ industrial uses on Broadwater Lane by some HGVs; and

2. Bus services use Showfields Road as part of their routes. The 289 service uses Showfield Road in a northbound direction while the 228 service uses Showfields Road in both directions. A modal filter in the form of physical bollards/ planters would not be compatible with these bus services. A bus-gate would be compatible with these services however this would not permit HGV movements.

10.126 As such, while the scope to prevent vehicular through-movements has been assessed, it is agreed that Showfields Road is not a suitable candidate for a modal filter. Were this situation to change in the future, for example if HGV or bus routing were no longer required along Showfields Road, then the proposed re-development would not the potential introduction of a modal filter on Showfields Road. The applicants stress that the introduction of a modal filter is not a costly intervention in and of itself and is not being resisted on the grounds of cost but due to practical considerations as outlined.

10.127 On roads which do accommodate through-traffic, interventions such as segregated cycle routes can be considered. The aspiration for Showfields Road was initially that it would provide a segregated cycle route along its eastern side. However, the available width of Showfields Road is constrained by third party property boundaries on both sides. The available width of Showfields Road allows either the delivery of a segregated cycle route, or the retention of parallel parking. There is not adequate width to provide both.

- 10.128 The proposed site layout indicates 30 car parking spaces provided within formalised laybys on the eastern side of Showfields Road, which is a slight reduction from the existing provision, caused by the formalisation of this parking as well as the increase in the size of spaces. This parking is required to meet the parking demand of the existing and retained units on Showfields Road.
- 10.129 Were a segregated cycle route to be introduced on the eastern side of Showfields Road, this would effectively result in the loss of 30 car parking spaces which are associated with existing and retained units. These car parking spaces would either need to be re-provided elsewhere, or a greater reduction from standards would need to be agreed with TWBC and KCC. Neither of these approaches appear possible.
- 10.130 Firstly, were these parking spaces to be provided elsewhere, it would be on TCH land. Effectively, the parking demand of retained units, which is currently met on-street and within the highway boundary, would need to be replaced with off-street parking courts on TCH land. There is no further scope to significantly increase the number of parking spaces, without further reducing the number of units. The land take of 30 parking spaces is significant and would effectively require the replacement of several proposed units with a car park.
- 10.131 Alternatively, a greater reduction from standards could be agreed with TWBC and KCC such that the parking requirement across the estate were approximately 30 spaces fewer. This would allow the parking on Showfields Road to be displaced to adjacent streets and allow the delivery of the cycle route. However, such a relaxation is unlikely to be acceptable to KCC Highways nor to TWBC as the LPA.
- 10.132 In effect, the requirement that the proposed layout provides parking broadly in line with the Suburban standards precludes the delivery of a segregated cycle route on Showfields Road. Furthermore, an alternative cycle route is provided within the development and further land is safeguarded by way of the S.106 agreement for a future extension of this route.
- 10.133 Furthermore, AL/RTW15 is an emerging policy that does not carry full weight. Reductions in housing numbers to accommodate additional parking (and taking it off Showfields Road) would impact delivery of new affordable housing units; not providing that parking would risk highway safety issues caused by under provision of parking. Therefore, whilst it is unfortunately that the low-traffic neighbourhood required by AL/RTW15 cannot be provided, there are practical reasons why it cannot be.

Summary

S.38 (6) balancing exercise

- 10.134 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed in NPPF Para 47. S38 (6) affords the development plan primacy in determining the application. The Development Plan policies as a whole are not out of date and still carry significant weight. This is consistent with the Government's clear statement that the planning system should be genuinely 'plan-led.' (NPPF Para 15).
- 10.135 However, the clear advice of the NPPF in para 11d indicates that the Local Planning Authority should be granting planning permission where the "most important" policies for determining the application are out of date (in this case the housing policies due to the lack of a 5 year supply) unless:-
- i. the application of policies in this Framework 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.

10.135 In terms of the policies in the NPPF it has been considered above that there are no policies that protect areas or assets of particular importance that would provide a clear reason for refusing the development. Which leaves consideration against 11d(ii).

10.136 In terms of negative aspects;

- The proposal only delivers 46.91% of the S.106 financial contributions sought by consultees (KCC, the NHS and the Commons Conservators); however the viability of the scheme has been tested and appraised by the Council's own consultants - exceptions to such requirements are made in local and national policy where it would be unviable to provide;
- The proposal would result in delivery of some of the visitor parking on the highway as on-street parking, and there is a shortfall of 6 parking spaces against the maximum provision for a scheme here (e.g. the 'Suburban' standards). However KCC Highways raise no objection to the proposal on highway safety grounds and have accepted the applicants' approach to parking provision and numbers in light of various other mitigating factors.

10.137 In terms of the positive aspects:

- The proposal would remove a series of 1970s social housing apartment blocks (which are at the end of their useful life and cannot be satisfactorily modernised) and a flawed estate layout which causes issues with parking, anti social behaviour etc; this attracts significant weight;
- The provision of 36 net additional dwellings towards the 5 year supply at the prescribed mix is a positive, to which significant weight can be attached;
- The proposal will deliver 101 new affordable housing units which would include 60 new socially rented units, well in excess of the current Local Plan affordable housing requirement and in accordance with the emerging estate regeneration Local Plan policy which seeks to prevent a net loss of affordable housing in such areas;
- The proposal will be a positive in terms of improving the economic and social vitality of the area (during construction and through the introduction of new residents);
- The site is within a sustainable location within the LBD, which attracts significant weight;
- The site is Previously Developed Land (brownfield land), which also attracts significant weight;
- Some benefits would arise from some of the S106 financial obligations (for example: non Showfields residents would benefit from monies towards school enhancements etc – this attracts limited to moderate weight;
- The proposal is capable of delivering a net ecological gain;

10.138 In terms of the above the adverse impacts of granting permission would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the NPPF taken as a whole. 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. There are overall significant 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.

11.0 **RECOMMENDATION**

- A) Grant subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) and an ancillary memorandum (if required), in respect of relevant land in the ownership of Tunbridge Wells Borough**

Council, in a form to be agreed by the Head of Legal Partnership Mid Kent Legal Services by 30th June 2023 (unless a later date be agreed by the Head of Planning Services) to include the following;

- The provision of a minimum of 101 units of affordable housing;
- A contribution of £13,679.89 towards refurbishment, reconfiguration and/or extension of Lonsdale Medical Centre, The Wells Medical Practice and Rusthall Medical Practice and/or towards new general practice premises development in the area;
- A contribution of £71,350.27 towards the expansion of Bennett Memorial Diocesan School;
- A contribution of £7,383.93 towards provision of additional Libraries, Adult Learning and Social Care services at Tunbridge Wells Cultural Hub (The Amelia Scott);
- A contribution of £3,101.96 towards Tunbridge Wells Waste Transfer Station and Household Waste Recycling Centre expansion;
- A contribution of £1,106.91 towards provision of additional resources for the Kent Youth Service at youth centres and via outreach youth support services in the vicinity and environs of the Development;
- A contribution of £3,377.75 towards increased resourcing of the day-to-day maintenance costs of the Commons in accordance with the Common Conservators' Management Plan, including but not exclusively, litter bin servicing and waste disposal, bench restoration, footpath management and tree management;
- A contribution of £30,000 towards the car club provision;
- Land for use as a shared pedestrian/cycle route;
- A phasing plan for the development.

and subject to the following conditions:

Implementation

- (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.

Approved plans

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans;

SFE-PRP-A1-ZZ-DR-A-2800 rev P0	A1 - Proposed Floor Plans
SFE-PRP-A1-ZZ-DR-A-2801 rev P0	A1 - Proposed Elevations
SFE-PRP-A2-ZZ-DR-A-2810 rev P0	A2 - Proposed Floor Plans
SFE-PRP-A2-ZZ-DR-A-2811 rev P0	A2 - Proposed Elevations
SFE-PRP-B-ZZ-DR-A-2820 rev P0	B - Proposed Floor Plans
SFE-PRP-B-ZZ-DR-A-2821 rev P0	B - Proposed Elevations (Sheet 1)
SFE-PRP-B-ZZ-DR-A-2822 rev P0	B - Proposed Elevations (Sheet 2)
SFE-PRP-C-ZZ-DR-A-2830 rev P0	C - Proposed Floor Plans
SFE-PRP-C-ZZ-DR-A-2831 rev P0	C - Proposed Elevations
SFE-PRP-D-ZZ-DR-A-2840 rev P0	D - Proposed Floor Plans
SFE-PRP-D-ZZ-DR-A-2841 rev P0	D - Proposed Elevations (Sheet 1)
SFE-PRP-D-ZZ-DR-A-2842 rev P0	D - Proposed Elevations (Sheet 2)

SFE-PRP-E-ZZ-DR-A-2850 rev P0	E - Proposed Floor Plans
SFE-PRP-E-ZZ-DR-A-2851 rev P0	E - Proposed Elevations
SFE-PRP-F-ZZ-DR-A-2860 rev P0	F - Proposed Floor Plans
SFE-PRP-F-ZZ-DR-A-2861 rev P0	F - Proposed Elevations
SFE-PRP-G1-ZZ-DR-A-2870 rev P0	G1 - Proposed Floor Plans
SFE-PRP-G1-ZZ-DR-A-2871 rev P0	G1 - Proposed Elevations
SFE-PRP-G2-ZZ-DR-A-2880 rev P0	G2 - Proposed Floor Plans
SFE-PRP-G2-ZZ-DR-A-2881 rev P0	G2 - Proposed Elevations
SFE-PRP-XX-XX-DR-A-2000 rev P4	Site Location Plan
SFE-PRP-ZZ-ZZ-DR-A-2002 rev P5	Proposed Site Plan
200.0001.007 rev B	Proposed Shared Ped/Cycle Route
200.0001.010 rev F	Highway Adoption/Stopping Up Plan
200.0001.020 rev F	Proposed Highway Improvements Showfields Road
200.0001.021 rev F	Proposed Highway Improvements Showfields Road
200.0001.022 rev E	Proposed Highway Improvements Cherry Tree Road
200.0001.023 rev F	Proposed Highway Improvements Willow Tree Road
200.0001.024 rev E	Proposed Highway Improvements Rowan Tree Road
200.0001.122 rev J	Proposed Car Parking Arrangement
200.0001.123 rev G	Proposed Car Parking Arrangement Willow Tree Road
200.0001.124 rev G	Proposed Car Parking Arrangement Rowan Tree Road
200.0001.125 rev G	Proposed Car Parking Arrangement Cherry Tree Road
200.0001.126 rev G	Proposed Car Parking Arrangement Hunters Way
200.0001.127 rev G	Proposed Car Parking Arrangement Showfields Road
SFE-PRP-XX-00-DR-L-SK0001 Rev P0	Driveway Gradients Blocks A & B
SFE-PRP-ZZZ-ZZ-L-DR-01000 Rev P3	Landscape Masterplan_
SFE-PRP-ZZ-XX-DR-A-2004 Rev P0	(Proposed Phasing Plan)

Section 5.2 (Impact Avoidance Precautionary Measures & Habitat Compensation) within the approved Preliminary Ecological Appraisal (Arboterra Ltd, January 2022)

Section 5.1 (Precautionary Measures) within the approved Further Bat Survey Report (Arboterra Ltd June 2022).

Reason: To clarify which plans have been approved

Design details

- (3) Notwithstanding the submitted plans and details, prior to the commencement of construction work on the buildings hereby approved above slab level, detailed plans and information regarding the following aspects of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;
- a) The materials to be used for final surfacing through the development (including details showing how dedicated and continuous footway routes will be demarked);
 - b) Details relating to materials and windows (including recess depths dimensions);
 - c) The alignment, height and materials to be used in the construction of fences or other means of enclosure;
 - d) Written details including source/manufacturer, of all external materials;
 - e) Details of the existing and proposed ground levels detailing any changes to levels and including finished ground floor slab levels and any retaining structures and areas of cut and fill. Such matters to be demonstrated through long-sections showing how the site relates to surrounding development;

Reason: To ensure the build quality of the development and visual amenity. In the interests of highway and pedestrian safety and the creation of development where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Landscaping

- (4) Notwithstanding the submitted plans and details, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied.

The submitted scheme shall include the measures recommended at Para 5.3.4 and 5.3.5 of the Preliminary Ecological Appraisal (Arboterra Ltd, January 2022) regarding wildflower, hedgerow and tree planting.

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 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 order to protect and enhance the amenity of the area

- (5) A landscape management plan, including long term design objectives, management responsibilities, maintenance schedules and a timetable for implementation for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area

Method statement for root protection and Tree Protection Plan

- (6) Notwithstanding the submitted plans and details, prior to the commencement of any development hereby approved the following shall be submitted to and approved in writing by the local planning authority;
- a Tree Protection Plan (showing protective measures to the boundary hedging as well as the frontage trees) and
 - a Method statement detailing the provision of hard surfaces within the root protection areas of trees in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development. This is a pre-commencement condition as the measures will be required to be in place from the commencement of the development phase

Tree protection

- (7) 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 approved Tree Protection Plans and 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. To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

Tree, hedge and hedgerow retention

- (8) All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any trees, or 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.

Surface water drainage

- (9) Development (excluding demolition of the existing buildings) shall not commence 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 upon the report by Abstract Consulting dated May 2022 – ref: AC20290-ABS-XX-XX-RP-C-5801 and shall 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 within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each

drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

- (10) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- (11) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Sustainability measures

- (12) Notwithstanding the submitted details, prior to the commencement of construction work on the buildings hereby approved above slab level, written and illustrative details for renewable energy technologies and energy saving measures within the development shall be submitted to, and approved in writing by the Local Planning Authority.

The scheme shall show all new dwellinghouses to be provided with one EV charging space; and all of the units which do not have on-plot parking shall be provided with at least 20% active provision and passive provision to the remaining spaces. All Electric Vehicle chargers provided within the development shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

The development shall be carried out in accordance with the approved details, and the approved measures shall thereafter be retained.

Reason: In order to ensure that the energy efficiency through sustainable design and construction is achieved

Vehicle parking space/turning

- (13) The area shown on the approved drawings as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before first occupation of the relevant phase of the development' hereby approved, and shall be retained for the use of the occupiers of, and visitors to, the development, and 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 that area of land so shown or in such a position as to preclude vehicular access to this reserved parking and turning space.

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

External lighting

- (14) Notwithstanding the submitted plans and details, prior to the first occupation of the relevant phase of the development 'hereby approved details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

These shall include a lighting layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).

The external lighting scheme shall demonstrably reflect the lighting recommendations within Section 5.2 (Impact Avoidance Precautionary Measures & Habitat Compensation) within the approved Preliminary Ecological Appraisal (Arboterra Ltd, January 2022)

. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written permission to the variation.

Reason: In the interests of amenity of adjoining residents and to limit light pollution

Construction and Environmental Management Plan

- (15) Notwithstanding the submitted details, prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority. The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Hours of working;
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water

- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: To protect the amenity of local residents and in the interests of highway safety. This is a pre-commencement condition as it addresses matters which arise from the commencement of demolition works.

Land contamination

- (16) Prior to the commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:
- 1) A site investigation, based on the submitted Preliminary Land Quality Risk Assessment (CGL, May 2022) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken, and shall include a programme for remediation. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - 3) A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express permission of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

High Speed Fibre Optic broadband

- (17) Before development commences (excluding demolition of existing buildings) details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 1000mb OR nearest maximum available broadband strength in the area) connections to multi point destinations and all new buildings within the development hereby approved. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments. This is a pre-commencement condition as service routes will need to be addressed from the beginning of the construction phase.

Cycle and refuse storage

- (18) The approved bicycle and refuse storage facilities shown on the approved plans shall be completed and made available for use prior to first occupation of the relevant phase of the development' hereby approved and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety. In the interests of visual amenity and to facilitate waste collection.

Biodiversity mitigation and enhancement

- (19) The development shall be carried out in strict accordance with section 5.2 (Impact Avoidance Precautionary Measures & Habitat Compensation) within the approved Preliminary Ecological Appraisal (Arboterra Ltd, January 2022) and section 5.1 (Precautionary Measures) within the approved Further Bat Survey Report (Arboterra Ltd June 2022).

Prior to first occupation of any part of development, details of the ecological net gain to be delivered by the development shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate 10% net gain overall, or as near as reasonably practicable.

The development shall be carried out in accordance with the measures for biodiversity enhancement shown on the approved plans and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve their habitat on the site.

Noise

- (20) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound: shall be low as reasonably possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5dB the applicants consultant should contact the Environmental Protection Team to agree a site specific target level. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written permission of the Local Planning Authority.

Reason: In the interests of residential amenity

- (21) Prior to the first use of the electricity substation an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no loss of amenity to residential or commercial properties. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Procedure for the assessment of low frequency noise complaints 2011 (NANR45). The assessment can be a measurement or a calculation to demonstrate internal levels. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written permission of the local planning authority.

Reason: In the interests of residential amenity

Air quality and emissions

- (22) The development shall be carried out in strict accordance with the approved measures within the Air Quality Assessment (Syntegra, March 2022) to reduce and mitigate transport related air pollution during construction and when in occupation.

Reason: In the interests of air quality

Sewer protection

- (23) Prior to the commencement of the development hereby approved, a scheme of measures to demonstrate how public sewers will be protected during the construction of the development shall be submitted to and be approved in writing by the Local Planning Authority. Once approved the development shall be carried out in accordance with the approved details unless agreed otherwise in writing by the Local Planning Authority.

Reason: The scheme of details is required prior to commencement of development on site in order to ensure that drainage apparatus on the site are adequately protected before development begins.

Secured by Design

- (24) Prior to the commencement of development hereby approved (excluding demolition work and construction of footings/foundations), a scheme which references the comments of Kent Police pursuant to the Secured by Design initiative (dated 6th July 2022) and which demonstrates, as far as practicable, how those measures will be incorporated into the new development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of good design and the creation of development where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Cycle link details

- (25) Prior to the commencement of development (excluding demolition of existing buildings and construction of footings/foundations) and notwithstanding the details shown on the approved plans and submitted documents, full details of the cycle and pedestrian link shown green on submitted drawings 200.0001.007 rev B and 200.0001.020 rev F along the northern and western boundary of the site and extending into Broadwater Lane to the East, shall be submitted to and approved in writing by the Local Planning Authority.

The detailed design shall include details of surfacing, lighting and drainage arrangements as well as proposed signage and lining. The approved scheme shall be completed prior to first occupation of Phase 1 (as defined within drawing SFE-PRP-ZZ-XX-DR-A-2004 P0) of the development hereby permitted and shall thereafter be retained.

Reason: In the interests of providing means of sustainable transport and to reduce reliance on the use of private motor vehicles

Off site highway works

- (26) Notwithstanding the submitted details and plans hereby approved (excluding demolition of existing buildings) further details of the off-site highway works to be submitted to and approved in writing by the Local Planning Authority. The submission shall be supported by an RSA1 and views of the bus operators who operate services along Showfields Road (or details of all reasonable attempts to contact them if no response has been received).

The works shown on the approved plans (including drawing 200.0001.124 rev G for indicative purposes only) shall include;

- provision of echelon parking on Showfields Road close to the community centre;
- a raised pedestrian crossing on Showfields Road together with additional pedestrian dropped crossing points throughout the site;
- the proposed location of two car club parking spaces;
- extension to parking controls;
- repositioning of the northern (Willow Tree Road) north bound bus stop;
- provision of bus boarding kerbs at both sets of bus stops.

The submission shall include a timetable for implementation.

The development shall be implemented in accordance with the approved plans and timetable for implementation.

Reason: In the interests of highway and pedestrian safety

Pedestrian link

- (27) Prior to the first occupation of any phase/part of the development hereby approved, the new pedestrian footpath which replaces that to be stopped up and provides a link between the Green area and the link to A26 close to Block E as shown on drawing number 10F shall be provided and shall thereafter be maintained open and unobstructed.

Reason: To provide a continuous pedestrian route through the site and in the interests of good design by creating a legible and permeable development

Play areas

- (28) Notwithstanding the submitted details and approved plans, prior to the first occupation of the relevant phase of the development hereby approved, detailed plans and information regarding the following aspects of the proposed development phase. The development shall be carried out in accordance with the approvals, unless otherwise agreed in writing by the Local Planning Authority:
- Details of on-site play areas, as shown on the approved block plan SFE-PRP-ZZ-ZZ-DR-A-2002 REV P5 adjacent to blocks D & E including details and finished levels or contours, means of enclosure (if applicable), surfacing materials, and play equipment;
 - Details of seating, litter bins, signs/artwork (where applicable) and lighting;
 - Timetable for implementation of all the above

Reason: To ensure play areas/open spaces are designed and provided to an acceptable standard.

Travel Plan

- (29) Notwithstanding the submitted Travel Plan (Paul Basham, March 2022) no residential dwelling hereby approved shall be occupied until a version of that submitted Travel Plan, which has been updated in accordance with the comments of KCC Highways on this application dated 2nd March 2023, has been submitted to and approved in writing by the Local Planning Authority, in consultation with the local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented for the relevant phase of the development and thereafter maintained within three months of the first occupation of the buildings hereby permitted.

Together with a timetable for the implementation of each element.

Reason: In order to realise a sustainable pattern of development in the area

Privacy measures

- (30) Before the first occupation of Block B hereby permitted the windows within its rear elevation shown to be obscure glazed shall be fitted with obscure glazing, Pilkington level 3 or higher (or equivalent) and fixed shut except for any top hung light. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be permanently retained as such.

Reason: In the interests of the residential amenities of adjacent dwellings

- (31) Prior to the commencement of above ground construction on the individual buildings identified below, a scheme to reduce overlooking to neighbouring dwellings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;
- Block C: Living and dining room windows on the western elevation of the building on the south west corner for the first, second, third and fourth floors (facing Nos 20 and 22 Showfields Road);
 - Block F: North elevation windows on the first, second and third floors facing Nos 21-22 Rowan Tree Road;
 - Block G2: First floor rear elevation of the southernmost dwelling facing the rear garden of No.17 Cherry Tree Road.

The submitted scheme can include measures such as the removal, movement within or onto another elevation, or alteration of window locations or shapes, or opening mechanisms; or the introduction of angled or oriel windows.

Any windows shown to be fixed shut or obscure glazed within the approved scheme shall be fitted with obscure glazing, Pilkington level 3 or higher (or equivalent) and/or fixed shut (as applicable). Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be permanently retained as such.

Reason: In the interests of the residential amenities of adjacent dwellings

Phasing

- (32) The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: to ensure the proposal delivers sustainable development

INFORMATIVES

- 1) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

- 2) As the development involves demolition and / or construction, compliance with the Mid Kent Environmental Code of Development Practice is expected.
- 3) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read Southern Water's New Connections Services Charging Arrangements documents which is available to read on their website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>
- 4) Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance> . Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

- 5) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
- B If the applicants fail to enter into such agreement by 30th June 2023 The Head of Planning Services shall be authorised to REFUSE PERMISSION for the following reasons (unless a later date be agreed by the Head of Planning Services):**

- (1) The proposal would not provide affordable housing and would therefore conflict with Core Policy 6 of the Tunbridge Wells Borough Core Strategy 2010, the Affordable Housing Supplementary Planning Document, the Planning Practice Guidance and the National Planning Policy Framework 2021
- (2) The proposal would fail to provide developer contributions towards;
- the Libraries, Adult Learning and Social Care elements of the Tunbridge Wells Cultural Hub project; the North Farm Waste Transfer Station; additional resources for the Kent Youth Service; and the expansion of Bennett Memorial Diocesan School;
 - refurbishment, reconfiguration and/or extension of Lonsdale Medical Centre, The Wells Medical Practice and Rusthall Medical Practice and/or towards new general practice premises development in the area;
 - the provision of two electric car club vehicles and spaces;
 - increased resourcing of the day-to-day maintenance costs of the Commons in accordance with the Common Conservators' Management Plan, including but not exclusively, litter bin servicing and waste disposal, bench restoration, footpath management and tree management;

and would therefore conflict with Core Policies CP1, CP5, CP8 and CP9 of the Tunbridge Wells Core Strategy 2010, saved Policy CS4 of the Tunbridge Wells Borough Local Plan 2006 and the National Planning Policy Framework 2021.

- (3) The proposal would fail to secure land on the western side of the site for future dedication as public highway to accommodate the future extension of the shared pedestrian/cycle route and would therefore conflict with Core Policies 5 and 9 of the Tunbridge Wells Core Strategy 2010, policies EN1, TP3 and TP18 of the saved Local Plan 2006 and the National Planning Policy Framework 2021.

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 - 22/03018/FULL
APPLICATION PROPOSAL Demolition of existing dwelling and erection of 3no. dwellings together with associated drive and access alterations.
ADDRESS Brokeswood Lodge The Ridgeway Southborough Tunbridge Wells Kent TN4 0AD
RECOMMENDATION To GRANT planning permission subject to conditions (please refer to section 11.0 of this report for full recommendation)
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • 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 (and all other material considerations are satisfied); • 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 traffic movements generated by the development can be accommodated without detriment to safety on the public highway or along the public right of way; • The proposal would deliver surfacing improvements to the existing Public Right of Way WS15 which runs adjacent to and through the site; • The development would not be significantly harmful to the residential amenities of neighbouring dwellings; • The number of residential units are considered to be appropriate to this site; • The design, including the scale, massing and layout of the development is considered acceptable; • The development can be accommodated around the existing trees, with no loss of trees on site; • The proposal can deliver biodiversity gains through the creation of a dedicated biodiversity enhancement area; • The proposal would secure a buffer zone to the Ancient Woodland within Brokes Wood where there is currently none in place; • The proposal would preserve the setting of the High Weald Area of Outstanding Natural Beauty; • The proposal is within the LBD of Southborough, a tier 1 settlement as defined within the 2010 Core Strategy which hosts a wide range of shops, schools and other amenities; • The site is in a highly sustainable location close to a major bus route, within walking distance of shops, a nursery/pre-school, primary and secondary schools, GP surgery and other facilities/amenities; • 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: £387.50

Estimated annual council tax benefit total: £4059.52

Estimated annual business rates benefits for Borough: N/A

REASON FOR REFERRAL TO COMMITTEE

Called in by Cllr Lewis if recommended for approval due to the inappropriateness of the development in its location and the affect on highways.

WARD Southborough &
High Brooms

PARISH/TOWN COUNCIL
Southborough Town Council

APPLICANT Ms A Burns
AGENT Mr Samuel Bowman

DECISION DUE DATE

19/12/22

PUBLICITY EXPIRY DATE

07/03/23

OFFICER SITE VISIT DATE

Various

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

18/00906/FULL	<p>Demolition of existing dwelling and erection of 4no. dwellings together with associated drive and access alterations</p> <p><i>Reasons:</i></p> <p>1) <i>The proposed dwellings, by reason of their scale, bulk, siting, roof form and the extent of excavations necessary to accommodate them, would result in a cramped and overdeveloped appearance, would tower over their surroundings and be harmful to the character of the site as a transition point between the built up area around the Ridgewaye/Hillcrest and Brokes Wood. The proposal would also fail to conserve and enhance the setting of the High Weald Area of Outstanding Natural Beauty. The development would therefore fail to reinforce local distinctiveness and would not integrate appropriately with the existing built environment. The proposal fails to take the opportunities available for improving the character and quality of an area and the way it functions and is therefore not considered to be sustainable development. It is thus contrary to Policy EN1 of the Tunbridge Wells Borough Local Plan 2006, Policy CP4 of the Tunbridge Wells Borough Core Strategy Development Plan Document 2010, the 'Design' section of the Planning Practice Guidance and the National Planning Policy Framework 2012.</i></p> <p>2) <i>The proposal fails to provide adequate visibility at the access which will result in increased hazards on the highway. Therefore the</i></p>	Refused	11/05/18
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	<i>proposals fail to provide safe access to the site. It is thereby in conflict with para 32 of the National Planning Policy Framework 2012, and saved policy TP4 of the Tunbridge Wells Local Plan 2006.</i>		
05/02748/FULMJ	<p>Demolition of existing house and construction of block of ten apartments with detached lodge house</p> <p><i>Reasons:</i></p> <p>1) <i>The proposed development would not have a safely located access because inadequate visibility splays would be available. In addition, no passing place for vehicles is shown within the site. Pedestrian safety would be compromised by the increased use of the existing drive shared with the public footpaths.</i></p> <p>2) <i>The proposed block of flats, by reason of its size, siting and the location of windows, would be unduly harmful to residential amenities of existing properties due to overlooking and overbearing effect out of character with the locality.</i></p> <p>3) <i>The development would not provide a mix of dwellings nor would it provide any small or intermediate dwellings as defined by the Local Plan Review.</i></p> <p>4) <i>The proposed buildings would result in an unacceptably cramped and dominant form of development in relation to the side boundaries, with an unduly prominent and high elevation to the east (rear) of the block of flats, having regard to its location adjacent to the Metropolitan Green Belt, an Area of Outstanding Natural Beauty and Special Landscape Area. The development would not pay adequate regard to the existing pattern and scale of residential development in the locality or the retention of existing landscaping or levels.</i></p>	Refused	19/01/06
96/01956/FUL	Three storey rear extension	Granted	21/01/97
90/01566/FUL	Relocation of existing garage	Granted	12/12/90
86/01307/OUT	<p>Outline - Dwelling and garage on part site. Replacement garage for existing property</p> <p><i>Reasons:</i></p> <p>1) <i>Undesirable form of backland development without proper road frontage and impact on amenities of Brokeswood Lodge;</i></p>	Refused (appeal dismissed 07/05/87)	15/10/86

	<p>2) <i>Proposal would amount to extension of built up development in to the countryside;</i></p> <p>3) <i>Inadequate access – would create unacceptable traffic hazards;</i></p> <p>4) <i>Inadequate sight lines - would create unacceptable traffic hazards.</i></p>		
79/01105/FUL	Garage	Granted	29/01/80

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a large, open site in Southborough which is presently occupied by a single chalet bungalow, a small single storey mono-pitch garage and with a small metal garden shed. Access is via a 60m hard surfaced trackway leading from the junction of The Ridgeway, Hillcrest and Public Right of Way (PROW) WS18. There is also a very large hard surfaced parking area in front of the building. The dwelling is set back significantly from the general building line of the dwellings that front The Ridgeway and Hillcrest.
- 1.02 The site is steeply sloping, with the eastern and part of the northern boundary adjoining Brokes Wood (a TPO protected area of Ancient Woodland and a Local Wildlife Site). The boundary with Brokes Wood also forms the boundary of the Limits to Built Development, the High Weald Area of Outstanding Natural Beauty (AONB) and the Metropolitan Greenbelt (GB). The application site is outside the AONB and GB, and within the LBD.
- 1.03 The rest of the northern boundary is adjacent to another public footpath (WS15) and the ends of the rear gardens of Nos 6-12 (evens) The Ridgeway. The walked route of WS15 runs along the access drive and turns north just before the entrance gate, although it was unlawfully diverted in the 1980s; its true line runs through part of the site.
- 1.04 To the south of the site is public footpath WS18, which runs along the southern boundary and divides the site from the rear garden boundaries of Nos 1-11 Hillcrest and 3 Brian Crescent.

2.0 PROPOSAL

- 2.01 This application is for the demolition of the existing dwelling (and the garage and shed) and replacement with 3no. 4-bedroom detached contemporary dwellings together with associated drive and access alterations.
- 2.02 The three new dwellings would occupy a central position on the site as the current dwelling does. The rear gardens would be sited between the rear (eastern) elevations of the dwellings and the rear boundary of the site with Brokes Wood. The dwellings would be set into the slope of the site and present as 1.5 storey dwellings to the front, and 2.5 to the rear with accommodation in the roofspace. External materials would be a combination of facing brickwork and hanging clay tiles, with clay tiled roofs. Windows/doors would be dark grey aluminium. The front boundaries would be defined by 900mm high brick walls with 1.8m piers.

- 2.03 Each dwelling would use on-plot parking, with two spaces on each plot and two visitor spaces on the northern boundary. These would be linked to the access point by a shared private drive, in a similar position to the existing driveway.
- 2.04 Towards the western side of the site a shared amenity space would occupy land to the south of the access, whilst a new planted and landscaped area for ecological enhancement would be to the north.
- 2.05 The site layout is designed to accommodate the lawful line of WS15, as the proposed shared driveway is open and un-gated and includes a short passageway close to the shared parking area. The proposal includes improvements to the surfacing of the 'walked route' of WS15 too.¹
- 2.06 As part of the proposals, the access junction would be widened to a width of 3m. The access arrangement will also be configured to provide a kerb build out and dropped kerb on the southern kerb which will lead onto the private drive and tie into the existing footway on Hillcrest.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	0.42ha	0.42ha	No change
Land use	Single dwelling and garden	Three dwellings and associated gardens, with area of open space to the north	N/A
Car parking spaces	Not clearly defined – large area of hard surfacing which can accommodate 6-8 cars	10	+2-4 spaces
No. of storeys	1.5 (with cellar built into the slope)	Accommodation across 4 floors (with lowest storey built into the slope and the top 2 floors within the roof slope)	+1-2 storeys
Max height	See design section below; paras 10.22 and 10.28 – 10.30	See design section below; paras 10.22 and 10.28 – 10.30	N/A
No. of residential units	1	3	+2

4.0 PLANNING CONSTRAINTS

- Inside Limits to Built Development (LBD)

¹ Whilst the landowner has sought to regularise the unlawful 1980s diversion of footpath WS15 in the past this is a separate matter subject to a specific application process via Kent County Council.

- Public Right of Way: Public Footpath - WS15 and WS18 run adjacent to and through the site
- Boundary with Brokes Wood is the boundary of the Area of Outstanding Natural Beauty, Metropolitan Greenbelt, Local Wildlife Site TW25, Ancient Woodland, a woodland Tree Preservation Order and the LBD.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021
National Planning Practice Guidance (NPPG)

Site Allocations DPD (July 2016)

Policy AL/STR 1: Limits to Built Development

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 6: Housing Provision

Core Policy 10: Southborough

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Development Control Criteria

Policy EN8: Lighting

Policy EN13: Trees

Policy H2: Small and intermediate sized dwellings

Policy H5: Residential development within Limits to Built Development

Policy TP4: Access to the Road Network

Policy TP5: Parking Provision with New Development

Policy TP9: Cycle Parking

Supplementary Planning Documents:

Renewable Energy SPD (2007 and update January 2014) and 2019 Energy Policy Position Statement

Landscape Character Area Assessment 2017 (Area 5: Wooded Farmland)

Other documents:

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

KCC Supplementary Planning Guidance SPG 4 - Kent Vehicle Parking Standards July 2006

Tunbridge Wells Borough Submission Local Plan 2020-2038

Policy STR1: The Development Strategy

Policy STR2: Place Shaping and Design

Policy STR4: Ensuring Comprehensive Development

Policy STR5: Infrastructure and Connectivity

Policy STR6: Transport and Parking

Policy STR7: Climate Change

Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment

Policy STR/SO1: The Strategy for Southborough

Policy EN1: Sustainable Design

Policy EN2: Sustainable Design Standards

Policy EN3: Climate Change Mitigation and Adaptation

Policy EN8: Outdoor Lighting and Dark Skies

Policy EN9: Biodiversity Net Gain

Policy EN10: Protection of Designated Sites and Habitats
Policy EN12: Trees, Woodland, Hedges, and Development
Policy EN13: Ancient Woodland and Veteran Trees
Policy EN14: Green, Grey, and Blue Infrastructure
Policy EN16: Landscape within the Built Environment
Policy EN19: The High Weald Area of Outstanding Natural Beauty
Policy EN27: Noise
Policy H1: Housing Mix
Policy H2: Housing Density
Policy TP2: Transport Design and Accessibility
Policy TP3: Parking Standards

6.0 LOCAL REPRESENTATIONS

6.01 The application was publicised by way of four site notices, which were displayed in November 2022 in accordance with the Council's published procedures. It was also advertised in a local newspaper.

6.02 35 representations have been received. These are all objections and are summarised below as raising the following issues;

- Design, height and scale of development;
- Overdevelopment;
- Disruption and access to footpaths during construction phase;
- Highway and pedestrian safety issues;
- Query if applicant has the ability to undertake works to the access;
- Congestion at junction of The Ridgeway and Yew Tree Road;
- Conflict with use of playing fields at weekends;
- Speed survey data alleged to be flawed as one survey undertaken in August;
- Houses too large to meet local need;
- Noise pollution during development;
- Impact on Ancient Woodland;
- Light pollution;
- Amendments do not overcome earlier objections.

7.0 CONSULTATIONS

Southborough Town Council

7.01 **(08/11/22)** - REFUSE this application citing access issues, overdevelopment, noise pollution, children's safety and wildlife preservation

Forestry Commission

7.02 **(11/11/22)** – standard advice provided – no case specific comments received

Woodland Trust

7.03 **(17/11/22)** - The development is adjacent to Brokes Wood (grid ref: TQ58654210), an Ancient Semi Natural Woodland designated on Natural England's Ancient Woodland Inventory (AWI).

7.04 Where development takes place in close proximity to ancient woodland it can have adverse effects in the form of indirect impacts such as noise, dust and light pollution, and increased disturbance to wildlife, in both construction and operation of the development. The applicant should ensure that the proposed works will not result in any detrimental impact on the surrounding ancient woodland in line with paragraph

180 of the National Planning Policy Framework (NPPF) and Natural England's standing advice.

- 7.05 Note that the proposals allow for a 15 metre buffer between the new properties and the boundary of the ancient woodland, but the gardens of the properties will be within this buffer and directly adjacent to the woodland edge.
- 7.06 The introduction of a domestic garden adjacent to the ancient woodland can provide a source of non-native and/or invasive plant species and aids their colonisation of the woodland. In addition, where gardens abut ancient woodland this can lead to the dumping of garden waste into the woodland and additional pressure to prune or fell boundary trees because of safety concerns, shade, leaf fall or interference with TV reception.
- 7.07 Natural England's standing advice states that *"You should not approve development proposals, including gardens, within a buffer zone"*. Whilst WT appreciate that there appears to be an existing garden, the introduction of three smaller gardens is likely to increase the pressures on the adjacent woodland. WT would request that consideration is given to providing a 15 metre buffer to the ancient woodland free from development, including gardens.
- 7.08 Additionally WT request that HERAS fencing, fitted with acoustic and dust screening measures, is implemented prior to construction so as to provide as large a buffer as possible and thereby minimise any adverse indirect impacts on the ancient woodland.

Southern Water

- 7.09 **(16/11/22)** – Details of nearby sewers provided. Standard advice regarding SUDS schemes and construction near sewers.

KCC Public Rights of Way Officer

- 7.10 **(02/12/22)** - Public footpath WS15 crosses the site and has been identified in the design and access statement. There is an unofficial diversion around the perimeter of the site.
- 7.11 The alignment of the public right of way is shown on the enclosed plan. The proposed plans show provision for the public right of way however and include improvements to the alternative walked route around the perimeter.
- 7.12 The proposals show gates across the main access into the development and a gate on the line of the PROW at the site perimeter. Gates across a PROW can only be authorised in limited circumstances and a gap for pedestrians will need to be provided along the line of the footpath where the gates are currently shown (*Officers Note: these have subsequently been removed from the block plan*).
- 7.13 If the intention is to formalise the currently walked route, then this will require an application to divert. This was the intention with previous planning application but this has not been made clear on this application.
- 7.14 In any case please make the applicant aware of the following:
 - No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
 - There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.

- No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, KCC would need six weeks notice to process this

KCC Highways

- 7.15 **(23/02/23)** - Thank you for the RSA1. There are no further comments to add to those dated 17/2/23.
- 7.16 **(17/02/23)** - refer to amended plans Velocity 007A and 004H and site plan 003 P2. Have the following comments to make with respect to highway matters:-
- 7.17 The proposal utilises an existing driveway to serve two additional units. Access is taken from Hillcrest which is an unclassified residential access road and due the alignment of the road, recorded speeds are low.
- 7.18 The proposed arrangements will modify the driveway to include a kerb build out and also include a remarking of the edge of carriageway. The proposals also require the cutting back of vegetation overhanging the highway and also adjacent to the driveway. As a result, visibility will be improved at the access including intervisibility with The Ridgeway to the north and the edge of carriageway will be defined. It is noted that the proposals will require removal of the hedge to the north along the driveway and some adjustment to levels along the driveway into the site to allow tie in with the proposed works at back of highway.
- 7.19 As the proposals involve works to the highway the applicant has commissioned an RSA 1 which should be available before the committee date. Given TWBC timescales, subject to these views, KCC would at this stage advise that although the arrangements are somewhat of a laboured solution, taking all matters into account, the highway authority would not generally expect to sustain an objection to small scale development using the existing private driveway.
- 7.20 Given distance from the highway together with the PROW, it has been recommended to the highway consultant that a turning head for fire access and delivery vehicles is included on the site. This is now shown on the later plans. It is also considered important to avoid a formal refuse collection point occupying space on the driveway and an alternative arrangement is now shown, which will be subject to the views of your refuse service, as the carry distance to the highway is further then recommended for operatives. Parking and turning should be conditioned to the Velocity plan 007A.
- 7.21 A condition is also recommended to ensure provision of the visibility splays as shown on the amended plan 21-088-T-004 REV H and in the interest of highway safety it is recommended that the visibility splays and widening of the driveway to the north should be provided prior to the commencement of any other works on site.
- 7.22 The off site works to the highway as shown for indicative purposes only on plan 004H which include remarking of the edge of carriageway and extension to the footway should be completed prior to first occupation.

- 7.23 Conditions are also recommended to secure the car and cycle parking provision and also the turning area and also to ensure EV charging points together with submission of a CEMP. (All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection).
- 7.24 Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list.
- 7.25 Separate consent of the highway authority is required for works which affect the public highway and a S.278 Agreement will therefore be required.
- 7.26 **(12/01/23)** – concerns raised regarding accuracy of highways drawings. Further details regarding kerb build out and dimensions required, plus confirmation regarding delivery of the proposed highways works.
- 7.27 **(06/01/23)** – Issues raised regarding visibility splay measurement, drawing annotations, legibility of plans and details of land ownership.
- 7.28 **(12/12/22)** - As noted with earlier applications the existing visibility at the junction of the private drive and Hillcrest is very restricted and opportunities for improvements within the control of the applicant are very limited.
- 7.29 The proposals involve construction of a kerb build out to realign the driveway and provide an alternative centre line position from which to measure the visibility splays. However the highway authority has a number of concerns with proposed arrangements which seem to have artificially moved the centre line for measuring purposes. Both on the plan and on site it is questionable as to whether the centre line is correctly positioned and therefore as to whether the suggested visibility to the left on egress can be achieved.
- 7.30 Also the arrangements result in a narrowing of the driveway which also accommodates a well used PROW and given that the development will result in increased traffic movements, additional width on the driveway would be more appropriate. The width of the 'buildout' has not been annotated on the plan but would appear inadequate to satisfactorily accommodate pedestrians.
- 7.31 Therefore it appears that the plan has over estimated available visibility to the left on egress and for clarification it would be useful to have the details of the splay that can be achieved from the correct centre line position annotated to the nearside kerb and also 1.0m off set into the carriageway.
- 7.32 In previous applications KCC were given to understand that the whilst the site has a right of way across the access drive, it was not in a position to alter the private drive. Please can it be confirmed as to whether this position has now changed, in which case works could be carried out to the driveway.
- Mid Kent Environmental Protection**
- 7.33 **(25/11/22)** - It is evident that this site does not fall within an Air Quality Management Area (AQMA) nor is it suspected to be on, or near to, contaminated land. That being said, recommend a contaminated land condition in the event that any contamination is encountered.
- 7.34 Believe that this application is an overdevelopment of the area*, and could potentially give rise to complaints of noise, lighting and/or dust so would like to apply relevant

conditions to minimise complaints. Am also concerned of the narrow access to the site which could cause further complaints if vehicles are creating dust emissions and noise. However, compliance with the Mid Kent Environmental Code of Development Practice should reduce complaints significantly.

- 7.35 Would like to request that Electric Vehicle charging points are installed at the three dwellings to encourage and support sustainable travel.

- 7.36 RECOMMENDATIONS: No objections; subject to comments and conditions (land contamination; lighting; dust, odour and vapour emissions and EV charging points).

*Mid Kent EP later withdrew this element of their comments in an e-mail to the agent dated 30th November 2022;

'I am in agreement with what you have written and would like to confirm that my comments, including my concerns of the narrow access to the site, are predominantly in regard to the demolition and construction process of the dwellings.

The condition regarding the control of 'Dust, Odour and Vapour Emissions' is primarily for the purpose of protecting neighbouring residents and minimising complaints that our team must deal with during the development phase. We often receive complaints of large dust emissions arising from construction sites, so it is essential that we review how this will be controlled prior to any development commencing.

In regard to my statement of the site being an 'overdevelopment', I would be happy for this to be retracted as I understand that it does not serve a purpose.

As I stated in my comments and on the telephone to you, compliance with the conditions and the Mid Kent Environmental Code of Development Practice (attached), will hopefully considerably reduce complaints of noise, lighting and/or dust arising from the development of the three dwellings.'

- 7.37 **TWBC Conservation Officer**
(28/10/22) – no comment

- 7.38 **TWBC Parking Services**
(26/10/22) – no comment

- 7.39 **TWBC Client Services**
(16/11/22) - Existing bins can be re used at one of the new properties, additional properties bins to be purchased from TWBC by the developer or their client prior to the properties being sold or occupied . If existing bins missing on development completion then all three sets will be required to be purchased. Containers to be presented at the drive main entrance for collection.

- 7.40 **TWBC Landscape & Biodiversity Officer**
(verbal) – no objections. Given the lack of any buffer at present, the proposed buffer will have a neutral impact and potentially a betterment to the current situation.

8.0 APPLICANT'S SUPPORTING COMMENTS (summary of design & Access Statement)

- The site is sustainably located within the LBD of Southborough where Local Plan Policy H5 and National Planning Policy supports such development.

- The proximity of the site to Brokes Wood and the AONB has been a consideration for the determination of previous planning applications for this site and also in relation to adjoining planning approvals.
- The proposed dwellings have been carefully considered to respond to the key architectural characteristics identified in the surrounding built environment and High Weald Area and interprets this in a contemporary design. A modern design approach is not restricted in any local plan policy, and in relation to the High Weald Design guidance contemporary reinterpreting of the local vernacular is encouraged. Therefore the design proposal will conserve and enhance the setting of the High Weald Area of Outstanding Natural Beauty to which it adjoins.
- The design proposal respects the scale, layout, orientation, site coverage, external appearance, roofscape, materials and landscaping of the surrounding site context as demonstrated in this document and therefore accords with Policy EN1.
- In this regard the proposal reinforces local distinctiveness and integrates appropriately with the existing built environment. The proposal will replace an existing 20th century chalet bungalow of low architectural quality with 3no well-designed contemporary dwellings which will help raise the standard of design in the local area.
- The units have been designed from the outset with sustainability and energy efficiency in mind.
- The large area of existing hard standing to the front part of the site does little to integrate the visual setting of the site with the backdrop of Brokes Wood. The proposal will introduce soft landscaping with native plant species to this area which will enhance biodiversity for wildlife as well as providing improved visual amenity for pedestrians using the PRoW. This will improve the character and quality of the existing site by the way it functions.
- As demonstrated in this document the proposal does not materially conflict with TWBC housing policies and delivers new housing in the LBD where the thrust of the Local Plan directs development towards. The proposal delivers a sustainable and high-quality design which adds significant weight known as the 'tilted balance' under National Planning Policy. In addition TWBC cannot demonstrate a 5-year supply of housing which again adds significant weight to determining this application.

9.0 BACKGROUND PAPERS AND PLANS

Application form
Design & Access Statement
Existing Site Sections
Arboricultural Impact Assessment
Ecological Assessment
Transport Statement
Response to Woodland Trust comments 30/11/22
3D Drawing
Response from highways consultant dated 19/12/22, 06/01/23, 09/01/23,
RSA1 dated 17/02/23
22012 002 P1 Existing Site Sections
22012 001 P1 Site Location Plan & Existing Site Plan

10.0 APPRAISAL

- 10.01 The site is within the LBD where there is a presumption in favour of new housing development. The main issues are therefore considered to be density and housing mix, design and the impact on trees/the AONB, residential amenity, highways/parking (including the impact on the public right of way), ecology and other relevant matters.

Principle of development

- 10.02 Para 74 of the NPPF 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 particular circumstances of the LPA.
- 10.03 The Council currently cannot demonstrate a five year housing supply and the current supply figure is 4.49 years (as of April 2022). Paragraph 11 (d) of the NPPF 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."*
- 10.04 Footnote 8 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 74). None of the constraints referred to in Footnote 7 are present on the site itself, although the site borders the AONB and an area of Ancient Woodland, which is a designated Local Wildlife Site.
- 10.05 When considered as a whole, the Council does not consider the 'basket' of Development Plan policies against which this application would be determined (Local Plan: EN1, TP4, TP5, H5; Core Strategy CP4, CP5, CP6) to be out of date. Except for the sections specifically relating to housing supply targets/numbers, the policies are not considered to be irrelevant. NPPF Para 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Therefore, the development would fall to be determined against the current Development Plan.
- 10.06 The issue of sustainability is multi-faceted, incorporating economic, social and environmental considerations. The site is located within the LBD of Southborough where adopted (but now out of date) Policy H5 of the Local Plan indicates that infill residential development is acceptable in principle. The provision of an additional two dwellings would contribute to the Borough's housing need, creating social and economic benefits.
- 10.07 The site is in a highly sustainable location within walking distance of shops, schools (primary and secondary), nursery/pre-school, bus routes, a GP surgery and other facilities. For its consideration as a suitable site for additional residential development the scheme would need to be satisfactory in all other respects, as discussed below.

Density and housing mix

- 10.08 Core Policy 6(3) of the Core Strategy relates to density of development and states that it should be appropriate for the character of the locality, should meet the regional

target of 40 dwellings per hectare and not generate below 30 dwellings per hectare. The proposal represents a low density of 14 dwellings per hectare. It is recognised however that the current lack of a five-year housing supply renders Policy H2 and Core Policy 6 out of date. The surrounding area is not characterised by high densities however using a pure calculation of density is often misleading (particularly in this case, given the character of the site, which is not typical of the surrounding residential areas).

- 10.09 Policy H2 of the Local Plan, re-iterated at Core Policy 6(7) of the Core Strategy, refers to a suitable housing mix to meet current and projected housing needs. It is noted that a previous higher-density proposal for 11 dwellings on this site was refused in 2006 for several reasons (see planning history above). Objections have been raised that the development does not provide smaller dwellings. However with smaller dwellings, any developer is likely to seek higher numbers of units to make the development viable – which then can potentially cause issues with further intensification of the access, a more intensive development close to Brokes Wood and a development that is out of character for the site.
- 10.10 Appraising development requires a rounded assessment of the impact of the density of development in terms of its scale and form on the character and appearance of an area - this assessment is undertaken later in this report.
- 10.11 Thus, the emerging policy in the Submission Local Plan at H2 is more relevant. Rather than working only on basic figures, it requires that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

Design and impact on trees/AONB setting

Policy background

- 10.12 Design and layout are integral to the success of the scheme. NPPF Para 130 states that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 10.13 Para 134 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to:

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

10.14 LP Policy EN1 states at criteria (3), (4) (6) and (7);

- 3 *The design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site and take account of the efficient use of energy;*
- 4 *The proposal would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built up area or landscape;*
- 6 *The design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime; and*
- 7 *The design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.*

10.15 The agent emphasises (and this point is agreed upon) that Planning Policy EN1 requires design to 'respect' (and not 'replicate') the context of the site.

10.16 Core Policy 4: Environment; seeks amongst other things to conserve and enhance the locally distinctive sense of place and character. Core Policy 5: Sustainable Design and Construction identifies that the Council will apply and encourage sustainable design and construction principles and best practice. Developments will also be required to create safe, accessible, legible and adaptable environments plus conserve and enhance the public realm.

10.17 With regards to the AONB, NPPF Para 176 states that 'Great weight' should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Core Policy 4: Environment; seeks amongst other things to conserve and enhance the rural environment. Brokes Wood falls within Landscape Character Area 5 (Wooded Farmland).

Characteristics of site

10.18 This site has the character of a transition point between the built-up area around the Ridgeway/Hillcrest (which is predominantly urban and residential, on the edge of the allotments and playing fields) and Brokes Wood beyond, a Local Wildlife Site formed from a large expanse of Ancient Semi Natural Woodland within the Green Belt and the AONB. This sense of it being an open and less dense transition point is contributed to by the presence of only a single house which is built in to the slope towards the centre of the site (with a large hard surfaced parking area and a garage to the front).

10.19 Levels within the site rise from the SW to NE. There is an overall drop of 20m from the junction of Hillcrest/Ridgeway to the NE corner at the rear of the site. This is

also reflected in the levels of both public footpaths that run around the perimeter of the site. There are well established trees and hedgerow on the northern and southern boundaries, with the densely wooded Brokes Wood to the rear (east). Standard 1.8m closeboard fencing marks the boundary.

- 10.20 There is a variety of house styles in the surrounding area which are mainly two-storey with pitched roofs although a number of properties have second floor accommodation within the roof. There are also some single storey dwellings and chalet bungalows. However because of the above, the Brokeswood Lodge site is contained; it is seen less in context with those surrounding dwellings on The Ridgeway/Hillcrest, and more with the nearby woodland. This does not preclude new development on the site, but requires it to be appropriate to that context particularly in terms of layout, height and density.
- 10.21 Public views of the site are potentially available from the two adjacent footpaths around the perimeter and through the entrance. Views from private land (from the houses/gardens in Hillcrest/The Ridgeway) carry no weight as the purpose of the Planning Acts is not to preserve private views.
- 10.22 To emphasise the lower levels of this site compared to the dwellings in Hillcrest and The Ridgeway;
- The existing ridge height of Brokeswood Lodge is **116.64m AOD**
 - The ridge heights of the nearest three dwellings in Hillcrest (1, 1A and 3) are **125.8 – 126.01m AOD**
 - The ridge heights of the nearest three dwellings in The Ridgeway (6, 8 and 10) are **127.24m AOD, and then 123.8m AOD** respectively).
- 10.23 The ridge height of Brokeswood Lodge is thus approximately 7-10 metres below that of the surrounding dwellings. It is however open and less densely developed than Hillcrest and The Ridgeway. Nevertheless, the site is already occupied by a dwelling/garden. It lies within the LBD where additional residential development is acceptable in principle, subject to other material considerations. The land is not formally designated to preserve its open appearance; nor is it within a Conservation Area where historically open spaces carry clear heritage value. This is demonstrated by the development of other 'backland' sites in recent years in the locality, the nearest being three dwellings to the north (now 16a, 18a and 20a The Ridgeway) under 15/505131/FULL, which was granted on appeal in June 2016. A stance that the site cannot accommodate any further housing is unlikely to withstand scrutiny at appeal. Therefore the key to an appropriate development here is to retain the open character as far as possible whilst also accommodating new built form.
- 2018 refusal at Brokeswood Lodge (ref: 18/00906/FULL)*
- 10.24 Planning permission was refused in 2018 for the construction of four dwellings here. That layout was different to what is proposed now, with;
- Two dwellings (Plots 3 & 4) in the centre of the site (where the single dwelling is currently located);
 - Two dwellings (Plots 1 & 2) plus a detached garage on the southern boundary and;
 - A further ancillary detached building on the northern boundary.
- 10.25 The main concerns raised by Officers in relation to design and layout with the 2018 application were that the development did not respond appropriately to the levels within the site, owing to its height and roof pitches; and spread development around

the site which would have eroded its character as a transition point. This would have been exacerbated by two of the dwellings being sited adjacent to the footpath with no possibility of screening/landscaping, leading them in particular to tower over the boundary. The layout of Plots 2 & 3 also showed a cramped and clumsy relationship. That in combination with the large amount of excavation and engineering works (the extent of which lacked clarity) to accommodate the development also raised concern. The whole development was considered overtly dominant, and overdeveloped the site with a harmful impact on the setting of the AONB to the east through over intensive development in its setting.

- 10.26 The proposal also included a large area of what appeared to be dead space to the north of the plot nearest the access, which seemed to serve no clear function (and for which no reasonable explanation as to its purposes was provided). The plans also showed a 15m buffer zone to the AW which would have resulted in unrealistically small gardens. In turn that would have created likely pressure on the buffer zone to be incorporated in to the gardens, which in ecological terms would be unacceptable. On this point, the Landscape & Biodiversity Officer and the Tree Officer agreed a shorter buffer zone would be appropriate (see 'Ecology' section of this report).
- 10.27 The refused scheme was not sufficiently responsive to local character nor did it reflect the identity of local surroundings; it was visually unattractive, did not reinforce local distinctiveness and did not integrate appropriately in to the existing built environment (counter to then NPPF paras 58 and 60-61).

Height and footprint comparisons between current dwelling, 2018 scheme and current scheme

- 10.28 There are variances between the height and finished levels between the existing house; the 2018 scheme; and this current scheme. All three show split level dwellings (which further complicates comparisons of height between them). Plots 3 & 4 of the 2018 scheme were sited where the three dwellings are now proposed. The easiest way to compare all three schemes is by reference to the final ridge heights;
- The existing ridge height of Brookeswood Lodge is **116.64m AOD**
 - The ridge heights of Plots 3 & 4 of the refused 2018 scheme were **119m and 118m AOD** respectively;
 - The ridge heights of the three dwellings now proposed are **117.92m AOD**
- 10.29 The Finished Floor Levels (FFL) are (the separate front/back measurements reflect the split-level nature of the dwellings);
- The existing dwelling's FFL is **110.0m AOD** – this however relates to the ground floor levels. Beneath it is a cellar of **approximately 1.7m height**
 - 2018 refused dwellings: **Plot 3: 109.25 front, 106.5 back; Plot 4: 108.25 front, 105.25 back;**
 - All three dwellings proposed now is **109.9m AOD at the front, and 105.4m AOD at the back.**
- 10.30 In terms of footprint;
- Existing dwelling and garage: 110sqm + 30sqm (**140sqm total**)
 - 2018 scheme: all four plots: 470sqm + approx. 65sqm garaging/ancillary pump room building (**535 sqm total**)
 - Current scheme: **386.25sqm total**

Current scheme

Layout, scale and massing

- 10.31 As detailed above, the 2018 scheme involved two dwellings (Plots 1 & 2) sited towards the SW end, directly adjacent to the boundaries which would have been highly visible from the adjacent footpath. The current scheme removes these and focuses the development to the centre of the site, slightly forward of the location of the current dwelling.
- 10.32 This results in development being more tightly contained within the site and enables the creation of two open areas; one as an open amenity area for the residents, the other as a wildlife and biodiversity enhancement area (which can be secured by condition). This is in addition to the open rear gardens. This layout better respects the semi-rural context of the site although clearly it would lose some of its current open appearance, with the increase from one to three dwellings. Some loss of this character is inevitable with any development here - again it is re-iterated that this site is within the LBD where new housing development is by definition acceptable in principle.
- 10.33 The proposed units are 10m wide and have been designed to reflect the widths of adjoining properties. No 1 & 1a Hillcrest have a width of 10m, and the 3 chalets to the rear of No.16-20 The Ridgeway are 10.5m wide. No.6,8,10,12,14 & 16 The Ridgeway all have wider frontages.
- 10.34 The units have a separation of 3m to their frontage and which splays out to 6m at the rear and is in excess of the general separation of properties on the Ridgeway and Hillcrest. Plots 1 & 3 have been set in from the northern and southern boundaries of the site. The 3 units have been set out in a row towards the rear of the site albeit on a slight splay to account for the tapering of the site.
- 10.35 Clearly there will be a significant increase in the volume of built form on site, given the increase from one to three dwellings and the additional 1-2 storeys of each house compared to the current dwelling. However, this is done in a way which preserves the open character of the site (as in the freedom from buildings) to the front and rear and allows for boundary landscaping with the public footpaths around the perimeter. Additionally, the proposed units will be between 5.89m and 9.32m lower than the immediately adjoining properties as described earlier in this report.
- 10.36 The area is characterised by two storey detached houses with pitched roofs, some which have accommodation set within the roof space, making them 2½ storey. The architect states that to avoid development that is architecturally unsound and to address potential issues with access and security, the ground floor of the units is set into the contours of the existing site, so the ground floor level is subservient. The garage and a secondary entrance are set below the main entrance level of the house and will be largely unseen from outside the curtilage of the plots. The main entrance level is located at first floor and is accessed by way of external steps leading to the main front door. This gives the main entrance prominence and security, along with the appearance of a 1½ storey chalet bungalow on approach from the entrance of the site and for those pedestrians using the PRow within the site.
- 10.37 It is agreed that although overall the proposed dwellings contain four stories of accommodation care has been taken in the design of the elevations and roof treatment to ensure that *‘from no vantage point will they appear more than 2½ storey’*. This is largely owing to the accommodation of the top two floors within the roofspace.

- 10.38 The rear roof profile reflects a catslide roof and the side elevations are designed to step with the external ground levels and so visually reduce their appearance. Both end Plots 1 & 3 are articulated so that their rear lower ground floor levels sit within the contours of the site with the external ground levels wrapping around their external corners to form a semi basement. This allows the units to sit within the contours of the site rather than on top.

Materiality and appearance

- 10.39 The dwellings are contemporary in design. The built environment to The Ridgeway, Hillcrest and surrounding area, is predominantly mid-20th century housing of varying architectural styles and so there is no prevailing architectural style in which to be rigidly bound (unlike in specially designated Conservation Areas, for example). There are however broad characteristic features that exist in the surrounding area, these being clay tiled roofs with hipped or half hips and chimneys; and facing brickwork to ground floor with vertical clay tiling to upper floors. It is these general features which have been identified as important to the local distinctiveness and character of the area and which have been used to inform the design aesthetic for the new dwellings.

- 10.40 The proposal picks up on the use of clay tiles to the roof and upper floor of surrounding properties in a contemporary way by creating a seamless roof eaves with hidden gutter detail. This allows the clay tiles on the walls and roof to 'fuse' as one form. The use of fascia and soffits to form an eaves as found on most 20th century housing in the areas is an architectural detail of this period. The lack of eaves detailing on the dwellings is explained as follows;

'Traditionally roof forms would be steeply pitched with deeply projecting eaves to help shed water runoff some distance from the walls. Later with the introduction of fireproof clay tiles and lead and later cast metal gutters and down pipes resulted in eaves profiles being significantly reduce to the point that they had very little projection at all as is evident in many of the older properties in the High Weald Area. Historically eaves detailing was very much a result of function, the need to shed water from a building, and the functionality of building materials at the time. With advances in building materials, water-proof membranes and sealed internal rainwater pipes it is possible to create 21st century eaves detailing as proposed. This is not out of character but reinforces architectural detailing of its time which is a characteristic of any original building in the surrounding area.'

- 10.41 The design provides half hipped roof and chimney detailing, general features of the surrounding area.
- 10.42 The purpose of design related planning policy is not to discourage innovation, nor to require conformity to a homogenous design code or set of design principles. The tests within the Development Plan are that the urban landscape is preserved, that the development respects the context of the site and that related spaces of importance to the character of the area are preserved. This is a residential development within an established residential area where the new dwellings are only 1.3m higher than the existing Brookeswood Lodge. As contemporary buildings they may well appear different to those in Hillcrest/Ridgeway around them due to the contemporary design and use of materials however those elements are not considered to be so harmful to the character and appearance of the area that refusal is warranted.
- 10.43 The fact that the site adjoins the AONB does not prevent or restrict contemporary design. The High Weald Housing Design Guide '*encourages*' designers to '*find innovative ways of reinterpreting the local vernacular*' and '*contemporary interpretations of local design*' and if done well recognises that it is '*an exciting way to*

enhance character without merely copying what already exists’. Conversely the High Weald design guide discourages poor imitation of local vernacular architecture. It is also recognised that the additional planting and soft landscaping to enhance biodiversity carries weight given the semi-rural context of the site.

Trees

10.44 The application contains a Tree Survey, Arboricultural Impact Assessment and Method Statement (which can be conditioned). In summary;

- No trees and hedges will be removed to enable the proposed development;
- There will be no construction or excavations within the fifteen metre buffer zone of the adjacent ASNW (Brokes Wood);
- The following group of trees will be affected by the installation of hard surfaces within the RPA: G1. This is a group of 24 individual Beech trees planted as a hedge on the northern boundary. Where the proposed hard surface is within the RPA, it will be constructed in accordance with ‘no dig’ principles and utilise a cellular confinement system such as Cell Web as a sub base.

Summary of design, trees and AONB impact

10.45 In summary, this is a residential development within a site that lies within the LBD, where there is a presumption in favour of new residential development. The site forms a transition between the built up, urban part of Southborough and the woodland beyond. It therefore needs to appropriately respond to the open characteristics of the site and to a lesser extent the materiality and design of the nearby dwellings.

10.46 The site is set at a considerably lower level than the residential roads surrounding it. The height, scale, bulk and roof form of the dwellings, with the catslide-style roof, reduces their prominence. The development responds appropriately to the levels within the site. Whilst excavation and engineering operations will be necessary to accommodate the development, overt evidence of this will only be in the front garden/parking areas immediately next to the houses.

10.47 The development is contained within the central section of the site, where the existing dwelling is currently located. The dwellings will be 1.3m higher than the existing chalet bungalow, however there are appropriate gaps to the boundary; whilst the upper floors will clearly be visible from some parts the adjacent public footpath, visibility in itself does not equate to harm. The views will be screened and mitigated by existing 1.8m closeboard fencing, and existing/new planting along the southern and northern boundaries. Therefore the concern about the previous refused scheme towering over its surroundings is also considered to have been overcome. The materiality, scale and gaps to the boundaries reflect those of the dwellings nearby in Hillcrest/The Ridgeway.

10.48 The proposal creates new landscaped areas either side of the access road, which are open in nature and involve significant new planting. A clear purpose as an amenity space for the southernmost area is now shown and can be secured by condition, as can the biodiversity enhancements elsewhere. This helps to preserve the character of the site as a transition point would have been significantly eroded by the previous refused application. As a consequence, there would not be a harmful impact on the setting of the AONB.

10.49 Overall the proposal would ‘respect the context of the site’ (LP EN1-3), would not result in the significantly harmful loss of a related space which is important to the

character of this built-up area (LP EN1-4) and would conserve the urban and rural landscape (CP 4-1). The proposal responds to local character, would reflect the identity of local surroundings, and exhibits a degree of innovation and originality in the way it develops the site. It is not considered to be visually unattractive, would reinforce local distinctiveness, is sufficiently responsive to local character and would integrate appropriately into the existing built environment.

Residential amenity

- 10.50 Criterion 2 of saved Policy EN1 requires that proposals do not cause significant harm to the residential amenities of adjoining occupiers and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight, and privacy. Residential amenity matters within the NPPF are caught by the general design section.
- 10.51 The closest dwellings to the site are Nos. 1-9 (odds) Hillcrest on the southern boundary (divided from the site by the public footpath) and Nos. 6-10 (evens) The Ridgeway to the north.
- 10.52 For an 'outlook' to be substantially harmed the impact must be far greater than a simple change of view. The preservation of a private view or the corresponding impact on adjoining property values through the loss of that view are not material planning considerations. Similarly, it is considered important at this juncture to distinguish between overlooking (and a consequential loss of privacy) and merely being able to 'see' towards another property. The former can be grounds for refusal under saved Policy EN1 (depending on the severity of the impact), the latter is not.
- 10.53 As outlined earlier the levels within the site are lower than within the Ridgeway and Hillcrest either side. The submitted sections drawings show that the ridge heights of the three dwellings will be 117.92m AOD, whereas the ridge heights of the nearest dwellings in Hillcrest are 125.8-126.0m AOD. This puts the highest point of the proposed dwellings 8 metres lower than those in Hillcrest.
- 10.54 The only houses in Hillcrest that could realistically be affected by the development by way of overlooking, loss of outlook or light are the gardens Nos. 7 and 9. The rear wall of No.7 is 40m away from the southernmost house (Plot 3) at its nearest point, and there is a greater gap to the rear wall of No.9. With regards to the houses in The Ridgeway, again the flank wall of Plot 1 is some 60-70m away from the rear wall of Nos. 10 and 12. Levels rise up to the NW and there is a thick belt of trees either side of the public footpaths that run around the perimeter of Brokeswood Lodge.
- 10.55 The windows on the southern elevation for Plot 3 and the northern elevation of Plot 1 are obscure glazed as they serve a hallway and a bathroom. Views towards the very end of a 35-40m deep rear garden are generally not considered significantly harmful as the greatest weight for privacy purposes is given to the areas closest to the house. Nevertheless the windows can be required to be obscure glazed by condition.
- 10.56 The Mid Kent EP team have referred to potential impacts from noise and dust during the construction phase, and then advise that compliance with the Mid Kent Environmental Code of Development Practice should reduce complaints significantly.
- 10.57 It is not clear how, once completed and occupied, noise and light issues from three houses sited this far from neighbouring dwellings would cause harm to residential amenity (a concern raised by local objectors). Whilst there would be an additional two dwellings on the site, the additional vehicle movements (once occupied), whilst possibly noticeable, are not considered to cause significant harm to residential

amenity (which is the policy test within LP Policy EN1). The transport statement, whose contents have been accepted by KCC, estimates that the proposal would result in an increase of two two-way vehicle trips in the AM peak hour and two two-way vehicle trips in the PM peak (from one to three two-way vehicle trips). This level of trip generation equates to less than one additional vehicle every 30 minutes and would not cause significant harm to residential amenity.

Highways/parking and public footpath

Highway safety and impact on pedestrian users of PROW

- 10.58 NPPF Paragraph 105 states that the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- NPPF 110 a) requires that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - 110 b) states that safe and suitable access to the site can be achieved for all users;
 - 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 - Para 112 also requires that development minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- 10.59 LP Policy TP4 concerns access to the road network. It states that proposals will be permitted provided all five of its criteria are satisfied. Criteria 3 & 4 do not apply here as the proposal does not directly access a Primary or District distributor, and the site is within the LBD.
- 10.60 Permission for additional residential development has been refused here before on highway safety grounds. The most relevant decision is the 2018 refusal for three additional dwellings; the 2006 refusal was for 10 additional dwellings so is not comparable to the current application. In addition, transport planning policy has changed since the 1987 appeal decision and the 2006 refusal, which both pre-date the current Development Plan and the NPPF. No previous application proposed any substantive improvements to the access point.
- 10.61 The application would increase the number of dwellings the access serves from one to three. As noted with earlier applications the existing visibility at the junction of the private drive and Hillcrest is very restricted; the access arrangements are complicated by the presence of the public footpath. The north to south arm of The Ridgeway is a private road that carries a public footpath; however, the east to west arm of The Ridgeway forms part of the adopted highway network. Hillcrest is also an adopted highway.
- 10.62 It is proposed to retain the existing access arrangement onto The Ridgeway and Hillcrest. As part of the access proposals, the access junction will be widened to a width of 3m in accordance with the KCC Design Guide requirements for a 'shared private drive'. The access will accommodate pedestrians, cyclists and vehicles. The access arrangement will be configured to provide a kerb build out and dropped kerb on the southern kerb which will lead onto the private drive and tie into the existing footway on Hillcrest. Specifically, the works are;

- Build out the kerb on the southern side of the access to narrow it to 3m, which involves removal of vegetation and other obstructions on the corner;
- Extend the footway on the southern side of the access;
- Cutting back of vegetation which overhangs the pavement outside No.1 Hillcrest;
- Cutting back the hedge on the north side of the access which had overhung the boundary (this has already been undertaken);
- Re-instate the historic 'give way' markings in front of the site access and at the junction of the private section of The Ridgeway;
- Associated alterations to the levels so the new works tie in with the existing.

10.63 Prior to submission of the application, the applicant undertook two speed surveys around the junction;

- The first survey (August 2021) was taken from the junction of Hillcrest with The Ridgeway (i.e. outside the application site) and recorded an 85th percentile of average speeds of **8.9mph (westbound) and 10mph (eastbound)**.
- The second survey (6-13 December 2021) was undertaken further to the east which would appropriately capture the speeds of vehicles on approach to the access junction, as vehicles would be slowing down on approach to the bend. This recorded **15.8mph eastbound and 16.4mph westbound**. Following feedback from KCC prior to submission, it was agreed to apply the Design Manual for Roads and Bridges (DMRB) CA 185 wet weather factors to the recorded dry spot speeds. This increased the figures to **18.3mph (westbound) and 18.9mph (eastbound)**.

10.64 The required visibility splays have been calculated based on the final set of figures. The second survey also recorded that between 258 and 378 vehicles a day pass the junction to the site, with fewer at weekends. The speed limit is 20mph and only between 1.31% and 3.17% exceed that on a daily basis.

10.65 As set out earlier in the report, the transport statement (whose contents have been accepted by KCC, following various revisions and clarifications) estimates that the proposal would result in an increase of two two-way vehicle trips in the AM peak hour and two two-way vehicle trips in the PM peak (an increase from one to three two-way vehicle trips at peak time). This level of trip generation equates to less than one additional vehicle every 30 minutes on average, as a worst-case scenario.

10.66 Objectors have commented that the first survey is unreliable because it was undertaken during school holidays (August 2021). However, the second survey was undertaken during term time. Plus, if a traffic survey is undertaken during the holidays that does not benefit the applicant, because the number of traffic movements from the proposed development will form a larger relative increase.

10.67 KCC have commented on this application several times in response to various amendments which have been submitted by the applicant. In their last set of substantive comments on the application dated 17/02/23 they raised no objection to the development subject to conditions. Whilst they comment that the proposed arrangements *'are somewhat of a laboured solution, taking all matters into account, the highway authority would not generally expect to sustain an objection to small scale development using the existing private driveway'*. The works to the public highway will need to be separately agreed with Kent County Council by way of a Section 278 agreement.

- 10.68 KCC Highways also requested a Road Safety Audit be undertaken. This was submitted and no objection raised by KCC Highways to its contents. The sole issue the RSA raises is that the street name plate should be relocated away from the dropped kerb; this is a matter which is dealt with by the S.278 agreement. KCC also queried refuse collection arrangements; the TWBC Client Services team advise that containers should be presented at the main driveway entrance for collection. This reflects the current arrangement.
- 10.69 The comments of objectors and the Town Council are noted. Attention is drawn to wider congestion issues along Yew Tree Road and at its junction with the Ridgeway. In addition to this, the areas become heavily congested with parked traffic, moving vehicles and pedestrians on Saturdays when the Ridgeway playing fields are in use for junior football. This is characterised by parking saturation along The Ridgeway, Hillcrest and surrounding roads. Many children also arrive on foot. The playing field nearest the site has a pedestrian gate access close to the junction of Hillcrest and The Ridgeway, whilst access to the other fields is through the access leading past Bondfield Close. The case officer is aware of these issues, and of the longstanding complaints of local residents regarding congestion and inconsiderate parking on Saturday mornings.
- 10.70 However these are pre-existing issues which refusing this application would not solve. The new occupiers of the dwellings would soon become aware of the difficulties that the use of the nearby playing fields presents on Saturdays. Consequently it is to be expected, on the balance of probability, that they would adjust their driving accordingly. In the context of the small number of daily traffic movements this development would generate, in comparison to the number of daily traffic movements which occur around the junction, it is not clear how this relatively small development of two net additional dwellings would exacerbate these pre-existing issues to such an extent that refusal is warranted.
- 10.71 KCC Highways also raised the issue of whether the applicant has the ability to undertake works to the access, which includes an area of unregistered land. They served Notice of the application in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 by advertising it in a local newspaper. Correspondence on the previous application suggests the unregistered land at the access belongs to the owner of Brokes Wood. The applicant's transport consultant made it clear in an e-mailed response to KCC Highways dated 4th January 2023 that *'We confirm, the Applicant is able to make alterations to the access and demonstrate visibility splays can be provided within land under their control and/or within the adopted highway.'* The Local Planning Authority is not the arbiter of access rights, of who owns land or (if they do not own it) who has the rights to make alterations to it. This matter is not one which KCC consider form grounds for refusal.
- 10.72 Given that KCC as the Highway Authority have not objected (and neither has the KCC Public Rights of Way Officer) it is not considered that the proposal fails the tests within LP Policy TP4 and NPPF paras 110-112, subject to the conditions recommended by KCC.
- 10.73 Ultimately this is a proposed increase of two houses, on a site accessed from an urban area. In addition traffic moves at relatively slow speed around the access point and no objections are raised by the statutory consultees at KCC with regard to the proposed works to the highway, nor the length of the visibility splays. Whilst the PROW already uses a shared access with a dwelling and this will increase from one to three, this is not an unusual situation; it is noted that the private section of The

Ridgeway also carries a PROW and serves a substantially higher number of dwellings. PROWs often follow private roadways, particularly in rural areas.

Parking

- 10.74 The proposed development will provide a total of eight car parking spaces, with two allocated spaces for each property (six spaces) and a further two provided for visitors. This is in accordance with the maximum requirements of KCC standards of three spaces per unit for 4+ bed developments. Furthermore the submitted drawings illustrate that cars and a fire appliance can turn within the site.
- 10.75 Whilst some visitors could park on the highway outside, there is a difference between the inconvenience of parking matters to local residents and parking-related highway safety. Inspectors have, at appeal, traditionally only given weight to highway safety issues arising from parking. It would be difficult to directly attribute a significant parking-related safety issue directly to this development, given the number of other dwellings that already use the surrounding road network, the slow speed that vehicles are likely to travel at in the area around the access point and the fact that there is parking availability in nearby streets. Neither KCC Highways nor TWBC Parking Services raise objections on these grounds.

Ecology and Ancient Woodland

- 10.76 The application includes a Preliminary Ecological Assessment. The key outcomes of the survey are that;
- Brokes Wood, Southborough LWS is situated adjacent to the site and is also designated as Ancient Semi-natural Woodland (ANSW) therefore recommendations have been included to protect both designations.
 - No evidence of badger was recorded. However, the habitats present are optimal for the species and should over 12 months pass from the date of the survey (July 2022), an updated badger survey should be conducted.
 - The main house was assessed as having a 'Confirmed Bat Roost' and was therefore subject to a series of dusk emergence surveys conducted during the period 31st May to 11th July 2022. A peak count of two soprano pipistrelle, one common pipistrelle and one pipistrelle bat were recorded emerging from the house on the second emergence survey [21.06.22]. Additionally, on the third emergence survey [11.07.22] one common pipistrelle and one soprano pipistrelle emerged, indicative of non-breeding day roosts for these species. Therefore no works to B1 should commence until an appropriate European Protected Species (EPS) licence has been submitted to and approved by Natural England.
 - The other two buildings within the site have been assessed as having 'Negligible' potential for roosting bats and no further surveys for bats are required.
 - All external lighting should ensure ecological features of interest such as tree lines are not subject to lighting, in line with the principles set out within the bats and lighting guidance produced by the Institute of Lighting Professionals and BCT (2018).
 - Bird nesting habitat exists in the form of buildings, scattered boundary trees and hedgerows. The application of sensitive timings and methods of best practice for vegetation clearance/ building works in relation to breeding birds will be required.
 - Suitable reptile habitat is present and a precautionary method of works strategy sensitive to reptiles has been provided.
 - The Site provides suitable habitat for notable species such as West European hedgehog. Precautionary measures should be put in place to ensure these species are not harmed by the proposed development.

- The likelihood of other protected species to occur within the Site is considered negligible and no further surveys for other protected species are required.

10.77 A full scheme of ecological mitigation and enhancement can be sought by condition, which is the standard approach in cases such as this and is the same approach recommended by the Landscape & Biodiversity Officer on the 2018 application (which was refused for non-ecology reasons).

10.78 Ecological enhancement can be provided by way of various measures such as;

- The installation of a range of integrated bird and bat boxes;
- The incorporation of a wildlife-friendly planting scheme within the grounds post-development, including native plant species, would be of benefit to invertebrates, and subsequently birds and bats.
- The incorporation of log and brash piles at suitable locations within the site would provide an enhancement for hedgehog and other species. Wood and brash from tree/scrub management within the site should be retained as log/brash piles.
- Hedgehog routes should be provided to maintain connectivity through the development and allow the free movement of hedgehogs and other small mammals through the site.
- Tree planting should be undertaken using native species such as pedunculate oak, small leaved lime, black poplar, wild service tree or similar.

Proximity to Ancient Woodland (Brokes Wood)

10.79 In the report to the 2018 application, this issue was specifically addressed. The 2018 layout showed a full 15m buffer zone which left very small, shallow and shaded gardens for two dwellings in the centre. The three central dwellings are in largely the same position as the central two proposed last time.

10.80 In 2018, the Landscape & Biodiversity Officer and the Tree Officer concurred that given the site is already in residential use and the current garden extends up to the boundary with Brokes Wood (i.e. the whole 15m buffer is garden land), the full 15m buffer would not be necessary. Therefore a reduced sized buffer zone can be acceptable. The Tree Officer suggested 5m and the LBO 2m. This would strike an appropriate balance between the need to provide a buffer and the need to provide a realistically sized garden space. This could have been conditioned (along with the need for a management plan for the strip) had the last application been recommended for approval.

10.81 As stated above this site is already garden which the LBO said last time makes it difficult to refuse the scheme on the buffer issue alone. A number of other nearby properties also have gardens within the 15m buffer zone. It does however represent a more intensive level of residential use, a point also made by the Woodland Trust.

10.82 Natural England advice states that the buffer zone needs to exclude gardens as well. The applicant's response (via their ecologist) is that the Woodland Trust concerns are valid, but this guidance is considered to be in place to prevent the removal of existing semi-natural habitat in close proximity to ancient woodland. In fact, the Natural England standing advice further states that *"The size and type of buffer zone should vary depending on the scale and type of development and its effect on ancient woodland, ancient and veteran trees [and the] character of the surrounding area."*

10.83 Given the above it is not considered reasonable or proportionate to require a 15m buffer between the rear of the proposed gardens and the ancient woodland. A

compromise would be a smaller zone of a minimum of 2m, along with a management plan and a series of enhancements. A sufficiently sized garden and a more realistic buffer is achievable. This is the approach endorsed by the LBO. The recent nearby backland development at 16 - 20 The Ridgeway, to the north of Brokeswood Lodge, also included a shorter (2m) buffer.

- 10.84 The current scheme therefore proposes a 3m buffer, fenced off from the main garden with a single gate providing access to it from each dwelling and providing enhancements for biodiversity. The buffer will be planted with a range of native scrub and trees species, including (but not limited to) the following:
- Hawthorn
 - Holly
 - Blackthorn
 - Geulder rose
 - Spindle
 - Hazel
 - Wild service tree
- 10.85 The thorny species included in the mix will prevent access to the woodland when the scrub buffer is mature. A post and rail fence will be installed in order to provide protection for the scrub buffer whilst allowing maintenance access whilst it matures. Further details of the buffer, including proposed extent, planting and management prescriptions will be detailed within a Landscape and Ecological Management Plan (LEMP), or similar. The management and retention of this area can be secured by condition.
- 10.86 Ultimately, the comments of the Woodland Trust are noted however these are quite generalised and refer more to the broad principle of maintaining a 15m buffer zone, which is not always necessary or appropriate in each case. Therefore greater weight is given to the views of the Landscape & Biodiversity Officer.

Summary

S.38 (6) balancing exercise

- 10.87 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed in NPPF Para 47. S38 (6) affords the development plan primacy in determining the application. The Development Plan policies as a whole are not out of date and still carry significant weight. This is consistent with the Government's clear statement that the planning system should be genuinely 'plan-led.' (NPPF Para 15).
- 10.88 However, the clear advice of the NPPF in para 11d indicates that the Local Planning Authority should be granting planning permission where the "most important" policies for determining the application are out of date (in this case the housing policies due to the lack of a 5 year supply) unless:-
- i. the application of policies in this Framework 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.*

10.89 In terms of the policies in the NPPF it has been considered above that there are no policies that protect areas or assets of particular importance that would provide a clear reason for refusing the development (eg: the AONB or ecological matters relating to the LWS and Ancient Woodland). This leaves consideration against 11d(ii).

10.90 Whilst the proposal would increase development on the site, the manner in which I is proposed is not considered inappropriate. In terms of clear positive aspects:

- The provision of two additional dwellings at a time when the LPA cannot demonstrate a five year housing supply;
- The proposal will be a mild positive in terms of improving the economic and social vitality of the area (during construction and through the introduction of new residents);
- The site is within a sustainable location within the LBD, which attracts significant weight;
- The proposal would deliver enhancements to the surface of public footpath WS15;
- Some wider benefits would arise from the highways works such as the better-defined highway markings, works to the pavement and clearer vehicular access arrangements on the shared private drive/public footpath;
- The proposal is capable of delivering ecological gains;

10.91 Thus the adverse impacts of granting permission would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the NPPF taken as a whole. 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. Overall, there are environmental, 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.

11.0 RECOMMENDATION – GRANT subject to the following conditions.

Three year implementation

- 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.

Approved plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

003 P3	Proposed Site Plan
004 P1	Proposed Site Sections
010 P1	Proposed Floor Plans Plot 1
011 P1	Proposed Floor Plans Plot 2
012 P1	Proposed Floor Plans Plot 3
020 P2	Proposed Elevations Plot 1
021 P2	Proposed Elevations Plot 2
022 P2	Proposed Elevations Plot 3
21-088-T-004-H	Proposed access arrangement

21-088-T-007-A Fire appliance access arrangements
Arboricultural Impact Assessment and Method Statement Revision C (September 2022)

Reason: To clarify which plans are approved.

Levels

- 3) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of development (excluding the demolition of the existing buildings) details of proposed levels within the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed slab level of the dwellings relative to the existing ground levels and a fixed point in the access road. The development shall then be carried out in strict accordance with those details.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of development upon completion.

External materials

- 4) Notwithstanding the submitted details and approved plans, written details including source/ manufacturer, and photographic samples of bricks, tiles and all other materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

External lighting

- 5) No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The scheme shall have been demonstrably developed in accordance with the external lighting recommendations within the submitted Ecological Assessment (Greenspace, October 2022).

The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written permission to the variation.

Reason: To protect the appearance of the area, the environment, wildlife and local residents from light pollution

Sustainability measures

- 6) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of construction of the dwellings above ground level, full details of a scheme for the incorporation of energy efficiency measures and renewable energy (including the location of PV panels where provided and resident/visitor EV charging points) shall be submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall show EV charging points for each dwelling. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection).

The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations.

Parking and turning

- 7) The area shown on the approved drawings as vehicle parking space, access and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before first occupation of the development hereby approved.

It shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking and turning space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

Access works

- 8) Prior to the commencement of any other development hereby approved, the visibility splays and widening of the driveway to the north shown on approved drawing 21-088-T-004 REV H shall be provided in full.

There shall be no obstruction over 0.6m above the access footway level within the approved visibility splays, which shall be subsequently maintained in this condition thereafter.

Reason: In the interests of highway and pedestrian safety

- 9) The off site works to the highway as shown (for indicative purposes only) on plan 21-088-T-004 REV H which include remarking of the edge of carriageway and extension to the footway shall be completed prior to the first occupation if the development hereby approved.

Reason: In the interests of highway and pedestrian safety

Withdrawal of PD rights

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 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, D, E or F of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order) without prior planning permission from the Local Planning Authority.

Reason: In the interests of protecting residential amenity and to prevent overdevelopment within the curtilages of the dwellings

Restriction on fences and gates

- 11) 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 gates, walls, fences or other means of enclosure

shall be erected within the Shared Amenity Area nor the New Landscaped Area to the SW of the site identified on the approved plans (nor within the shared footpath/access roadway) without the prior written planning permission of the Local Planning Authority.

Reason: In the interests of visual amenity

Boundary treatment

- 12) Notwithstanding the submitted drawings and all supporting documentation, prior to the first occupation of the development hereby approved, a scheme of boundary treatment for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

Biodiversity enhancement

- 13) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of construction above ground level, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the enhancement of biodiversity generally. 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: To enhance species and habitat on the site in the future and to preserve the setting of the High Weald Area of Outstanding Natural Beauty

Retention of trees, hedges and hedgerow

- 14) All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, 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 trees, 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 and to preserve the setting of the High Weald Area of Outstanding Natural Beauty

Tree protection measures

- 15) 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 in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. 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

Landscaping

- 16) Notwithstanding the submitted drawings and all supporting documentation, a landscaping scheme (which shall include entirely new planting, and retention of existing planting) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of above-ground construction.

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 (unless required to be maintained for a longer period within the Landscape & Ecological Management Plan sought under condition 17) 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.

The approved scheme of hard landscaping shall be completed prior to first occupation of any part of the development.

Reason: In order to protect and enhance the amenity of the area and to preserve the setting of the High Weald Area of Outstanding Natural Beauty

Landscape and Ecological Management Plan

- 17) A Landscape and Ecological Management Plan, including long term design objectives, management responsibilities, maintenance schedules and a timetable for implementation for all landscape and ecological areas, other than the privately owned domestic curtilages, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

The landscape and ecological management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area and to preserve the setting of the High Weald Area of Outstanding Natural Beauty

Ecological mitigation and enhancement

- 18) Notwithstanding the submitted drawings and all supporting documentation, prior to development commencing (excluding the works to the access and the demolition of the garage building), a full scheme for the ecological / biodiversity mitigation across the whole site, and enhancement of ecology and biodiversity for the dwellings and private garden areas shall have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. 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: To protect and enhance existing species and habitat on the site in the future

Cycle and refuse storage

- 19) The approved bicycle and refuse storage facilities shown on the approved plans shall be completed and made available for use prior to first occupation of the relevant phase of the development' hereby approved and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety. In the interests of visual amenity and to facilitate waste collection.

Construction and Environmental Management Plan

- 20) Notwithstanding the submitted details, prior to the commencement of the development a Construction and Environmental Management Plan shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority. The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Hours of working;
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials

- Measures to remediate any damage to the access works shown on the approved plans;
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: To protect the amenity of local residents and in the interests of highway safety. This is a pre-commencement condition as it addresses matters which arise from the commencement of demolition works.

Obscure glazing

- 21) Prior to the first occupation of Units 1 and 3 hereby permitted the windows shown to be obscure glazed on the approved drawings shall be fitted with obscure glazing, Pilkington level 3 or higher (or equivalent) and shall be non-opening (except for any top-hung light). Both the obscured glazing and the restricted-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be permanently retained as such.

Reason: In the interests of the residential amenities of adjacent dwellings

Enhancement works to public right of way

- 22) Prior to the commencement of above ground construction of the development hereby approved, full details of the enhancement works to Public Right of Way WS15 shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancement works shall then be completed prior to the first occupation of the development hereby approved.

Reason: in the interests of pedestrian safety and of maintaining the existing footpath as a publicly accessible route

Open areas

- 23) The areas labelled 'New Landscaped Area with native planting to encourage biodiversity' and 'Shared Amenity Area for residents of proposed houses' on approved site plan 003 P3 shall be retained for these purposes.

The Shared Amenity Area shall be made available (and the gate shown on the approved plans installed) prior to the first occupation of any part of the development.

The New Landscaped Area shall be provided in accordance with details approved under conditions 17 and 18.

Reason: To control and regulate development on the site, in the interests of visual amenity and the provision of biodiversity enhancement and ecological net gain, to preserve the setting of the High Weald Area of Outstanding Natural Beauty and because the provision of these areas is integral to the design and layout of the development

Land contamination

- 24) If during construction/demolition 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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

INFORMATIVES

- 1) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

- 2) As the development involves demolition and / or construction, compliance with the Mid Kent Environmental Code of Development Practice is expected.
- 3) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read Southern Water's New Connections Services Charging Arrangements documents which is available to read on their website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>
- 4) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 5) Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance> . Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

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 - 23/00420/FULL		
APPLICATION PROPOSAL Change of use from Council Offices to a mixed use of Council Offices and Class E(g) (i) Co-Working Space and Café		
ADDRESS Tunbridge Wells Borough Council Town Hall Mount Pleasant Road Royal Tunbridge Wells Kent TN1 1RS		
RECOMMENDATION GRANT subject to conditions (see section 11.0 of report for full recommendation)		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The proposal would allow the re-use of a building within the town centre for flexible office purposes; The proposal would preserve the significance of the Conservation Area and the listed building; The proposal would not cause significant harm to the nearby residential amenity spaces. The proposal would not have an adverse impact on the character and visual amenities of the street scene. There would be no harm to highway safety arising from the proposal; 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: N/A Estimated annual council tax benefit total: N/A Estimated annual business rates benefits for Borough: N/A as still in use as offices		
REASON FOR REFERRAL TO COMMITTEE Tunbridge Wells Borough Council are the landowners		
WARD Park	PARISH/TOWN COUNCIL N/A	APPLICANT Ms Mandy Weston AGENT N/A
DECISION DUE DATE 14/04/23	PUBLICITY EXPIRY DATE 17/03/23	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

22/02788/LBC	Listed Building Consent: Removal of a stud wall between rooms 119 and 119A of the Town Hall to return to the room to its original design	Granted	20/10/22
22/01156/LDLB	Lawful Development Certificate (Proposed Works to a Listed Building): Repair and decoration works to all sash windows (other than those repaired and decorated during the emergency works of 2020) within the Town Hall and Assembly Hall Theatre	Granted	30/06/22
21/03715/LBC	Listed Building Consent: Installation of helical bars to the external brick wall on roof J	Granted	08/04/22
20/00114/LDLB	Lawful Development Certificate (Proposed Works to a Listed Building) – Repairs or replacement of timber sash windows (see schedule of works)	Granted	17/04/20
12/02781/LBC	Listed Building Consent - Installation of a stand-by generator on new concrete plinth in courtyard of Town Hall; fuel supply line from adjacent road; Installation of cabling and switchgear to connect generator to existing electrical distribution circuits	Granted	04/12/12
11/01946/LBC	Listed Building Consent: Alterations to widen existing door opening	Granted by Secretary of State	16/09/11
06/02275/LBC	Listed Building Consent - Removal of toilet fittings and partitions from Room 5	Granted	07/09/06
04/01639/LBC	Listed Building Consent - Alterations to existing disabled toilet on ground floor	Granted	18/08/04
04/01569/LBC	Listed Building Consent - Conversion of storage room to training room	Granted	30/07/04
03/03119/LBC	Listed Building Consent - Alterations to gents WC on first floor. Alterations to mayors store to provide disabled WC	Granted	19/03/04
03/00323/LBC	Listed Building Consent - Proposed electric warm air heaters in main entrance and planning/housing entrance	Granted	16/04/03
97/01730/LBC	Listed Building Consent - Alteration to housing advice reception area	Called in by Secretary of State	03/02/98
97/00658/LBC	Listed Building Consent - Installation of a platform stairlift for wheelchair access to Council Chamber	Granted	08/08/97
96/00266/LBC	Listed Building Consent - to extend existing glasshouse at first floor level to form additional offices	Granted	24/07/96
96/00265/TWBRG3	Regulation 3 (TWBC) - First floor extension to glasshouse to provide offices	Granted	19/06/96
81/00668/FUL	Extension on roof of Town Hall to provide additional offices	Granted	07/08/81

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The Town Hall is sited in a prominent location on the north-east corner of the central cross-roads formed by Church Road, Crescent Road and Mount Pleasant Road in Royal Tunbridge Wells.
- 1.02 The building was purpose built for local government administration. The complex accommodates Tunbridge Wells Borough Council, including uses for administrative offices, civic and other meetings and ceremonial functions. It comprises two storeys, basement offices/storage areas plus a second floor roof office that was added in the 1980s.
- 1.03 The Town Hall was listed at Grade II in 1995 and the Historic England list description is as follows:

“Town Hall. Built in 1939, one of a series of linked municipal buildings designed by Percy Thomas and Ernest Prestwich after a competition in 1934. Neo-Georgian with “Moderne” details. Brown brick in Flemish bond with Portland stone dressings, band below cornice and band above plinth. Flat roof. Symmetrical building of 2 storeys of splayed shape. Centre has 3 bays. Centre has raised parapet with shield and the motto “Do well Doubt not”, flanked by giant pilasters and giant round-headed window with balcony and stone architrave with double doors. Two flights of stone steps with circular planters by doorcase and rectangular planters by steps. One 20-pane sash on each side. Seven sashes to right side elevation and 12 to left. Interior has marble staircase of white marble with black marble plinth and coping. Giant stylised pilasters and gilded stylised Greek Key decoration to cornice. Original circular and half-cylindrical light fittings. Council Chamber has Greek Key design to ceiling and balcony. Domed vestibule.”

2.0 PROPOSAL

- 2.01 The building’s current use falls outside the defined classes within the Town and Country Planning (Use Classes Order) 1987 and is a ‘sui generes’ use (i.e. a use of its own type, in its own use class).
- 2.02 The proposal involves the change of use of the building to a mixed use, combining local authority administrative offices (and associated civic meetings and functions) with use by a company which lets office ‘co-working space’. The co-working office space would allow individuals, likely operating as sole traders and micro/small-medium enterprises to rent a desk/meeting room for a period of time (typically daily/weekly).
- 2.03 The applicant, Town Square, operates similar venues elsewhere in the country. They anticipate when at 85% capacity there will be approximately 40 micro/SME and over 80 sole traders using the facility. Areas such as the reception and facilities management would be shared between TWBC and Town Square. A café also features within the plans.
- 2.04 TWBC staff would be based in the recently refurbished offices within the northern wing of the building (first floor only) and the newer first floor offices adjacent to the

Assembly Hall on the eastern side of the complex. All occupiers would be able to use the shared facilities eg: toilets. The Council Chamber will remain accessible to TWBC for formal meeting/events and other rooms in the basement for storage etc. The rest of the building would be leased to Town Square.

- 2.05 The specific details of how the two entities would work alongside each other (for example access rights over common areas, how TWBC would book the Council Chamber) are matters for the lease and similar agreements between TWBC and Town Square.
- 2.05 No changes to the interior or exterior of the building for part of this application. Any such changes would require listed building consent and (for the exterior only) planning permission.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Land use	Local Authority offices and civic meetings / ceremonial functions (sui generis)	Mixed use for Local Authority office/civic meetings/ceremonial purposes, commercial office space and as a café	Material change of use to a mixed use for Local Authority office/civic meetings/ceremonial purposes, commercial office space and as a café

4.0 PLANNING CONSTRAINTS

- Limits to built development - inside
- Town Hall is a Grade II Listed Building (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Tunbridge Wells Conservation Area (*-statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021
National Planning Practice Guidance (PPG)

Site Allocations Local Plan July 2016

AL/STR 1 Limits to Built Development
AL/RTW 2A Civic Complex/Crescent Road Area of Change

Tunbridge Wells Borough Core Strategy 2010

CP1 Delivery of Development
CP4 Environment
CP5 Sustainable Design and Construction
CP7 Employment
CP9 Development in Royal Tunbridge Wells

Tunbridge Wells Borough Local Plan 2006

EN1 Development Control Criteria
EN5 Development in Conservation Areas
TP7 Tunbridge Wells Central Parking Zone (Commercial)
TP9 Cycle parking

Supplementary Planning Documents

The Royal Tunbridge Wells and Rusthall CA Appraisal SPD (Nov 2000);
Noise and Vibration SPD (2014);
Civic Development Planning Framework February 2018

Tunbridge Wells Borough Submission Local Plan 2020-2038

Policy STR1: The Development Strategy
Policy STR2: Place Shaping and Design
Policy STR3: Brownfield Land
Policy STR4: Ensuring Comprehensive Development
Policy STR5: Infrastructure and Connectivity
Policy STR6: Transport and Parking
Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment
Policy STR/RTW1: The Strategy for Royal Tunbridge Wells
Policy EN1: Sustainable Design
Policy EN2: Sustainable Design Standards
Policy EN16: Landscape within the Built Environment
Policy EN27: Noise
Policy ED1: Key Employment Areas
Policy ED2: Retention of Existing Employment Sites and Buildings
Policy TP1: Transport Assessments, Travel Plans, and Mitigation
Policy TP3: Parking Standards

6.0 LOCAL REPRESENTATIONS

- 6.01 Three site notice was displayed on the streets surrounding the application site in February 2023. The application was also advertised in the local press.
- 6.02 No responses have been received to the site notice.

7.0 CONSULTATIONS

KCC Highways

- 7.01 (28/02/23) – below threshold for comment

Mid Kent Environmental Protection

- 7.02 (03/03/23) - The Environmental Protection Team have no major issues with the application which is basically like for like with the inclusion of a Café. EPT are not sure if there will be more plant installed such as Air Condition and extraction for the café.
- 7.03 If the café is likely to do meals that require cooking such as burgers, fried foods, baking, fish & chips, curry etc it would be good for the EP team to see these and ensure they comply with the DEFRA Control of Odour and Noise from Kitchen Exhaust Systems. If there is likely to be a significant system and/or an uplift in air conditioning units then an assessment under current version of BS 4142 for rating and assessing industrial and commercial sound.
- 7.04 If it is likely that:
 - a) The kitchen is likely to be intensive cooking, details of odour and noise control condition can be inserted namely;

Kitchen/Restaurant Odour Control

A report based upon the Defra (NETCEN) Control of Odour and Noise from Commercial Kitchen Exhaust Systems shall be submitted to the local authority for approval. The noise element may be linked to the BS4142 noise if this is necessary (can be confirmed by the Environmental Protection Team).

b) Noise from Extraction Equipment and Plant such as Air Conditioners
If there is to be a significant uplift in air conditioning plant etc it may be necessary to submit details relating to location, noise levels and mitigation. The noise may need to be assessed in accordance to the current BS4142 method.

Industrial/commercial noise rating level

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound: shall be low as reasonably possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5dB the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level

TWBC Principal Conservation Officer

- 7.05 (01/03/23) - Further to the request for heritage advice regarding the above application, have reviewed the application drawings and supporting documents for this change of use application. The proposal does not seek any physical changes to the building and the proposed uses are not dissimilar to the existing uses in terms of potential use impact. It is therefore the view that specialist advice from the Built Heritage Team is not, in this case, necessary for the determination of this application.

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 See submitted Change of Use Statement

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Application form
Site location plan
Change of Use Statement
Conservation Statement

10.0 APPRAISAL

- 10.01 The main issues are:
- The principle of the development;
 - Impact upon the Conservation Area and listed building;
 - Residential amenity;
 - Highways and parking;
 - Other matters.

Principle of Development

Core Strategy

- 10.02 The strategic objectives of the Core Strategy (Chapter 3, page 13) include the objectives to stimulate and sustain the economic growth and competitiveness of the town (SO2) and to target regeneration efforts where necessary, particularly in the

borough's town centres to ensure that residents have the opportunity to access the services and facilities they require.

10.03 Core Policy 7 seeks to retain employment use within the Borough through maintaining the overall net amount of employment floor space for a range of employment generating uses. The application site falls within the Tunbridge Wells Town Centre Key Employment Area. Here, the policy seeks to safeguard employment areas and buildings that are well located in terms of main roads and public transport networks and that provide or are physically and viably capable of providing good quality modern accommodation that is attractive to the market. It is considered that the proposed use of the building meets all three criteria given the heritage value of the building, that its design lends itself to this use and the location within the town centre area.

10.04 Core Policy 9 also seeks to promote the sensitive development of the town for a mix of uses, including employment and retail. It also seeks to maintain existing employment floorspace (Criterion 4); development must conserve and enhance the assets of the town and its special character.

Site Allocations Local Plan (SALP)

10.05 Policy AL/RTW 2A of the SALP specifically allocates the wider area that this site forms part of as the Civic Complex/Crescent Road Area of Change (AOC). This policy allocates a wider area and proposals within the area as a whole will be expected to deliver a range of uses, including, high quality B1 office space.

10.06 The policy states there shall be no loss of public or ceremonial civic functions from the AOC unless suitable alternative provision has been secured elsewhere in the town centre. This allocation follows the requirement of NPPF para 86(d) to *"allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres"*.

10.07 This policy was adopted some time ago when it was anticipated that the Borough Council would re-locate to new offices within Calverley Park. That project was abandoned some time ago. The SALP is an adopted policy, but will be superseded by policies within the Submission Local Plan, once that is adopted.

10.08 The retention of the Town Hall for employment purposes meets with AL/RTW2A. The other uses (such as retail and residential) are not relevant to this site; similarly the highways and street lighting improvements are outside the gift of this application to deliver, given its limited scope, exclusion of physical alteration/extension to the Town Hall and limited potential for additional traffic generation.

Civic Development Planning Framework (CDPF)

10.09 This document was prepared to supplement existing planning policies and guidance in relation to specific key (interrelated) sites within the town centre, including the application site. The intention was that the additional guidance would help to shape the form and quality of future development proposals including the Council's own development projects. It was also intended to ensure that a comprehensive approach is taken to redeveloping the sites and to assist in the determination of planning applications.

10.10 Policy AL/RTW 2A is expanded upon in part 4.1 of the CDPF, in respect of the Town Hall, where the objectives are;

- To protect the Grade II Listed buildings and the historic fabric of the surrounding townscape;

- To provide suitable alternative uses for the building which work well in the town centre context; and
- To improve the setting of the civic buildings by ensuring a high quality public realm.

10.11 Like document AL/RTW 2A, this document was predicated on the now-abandoned re-location of TWBC's offices and the theatre to Calverley Grounds and as such is somewhat out of date. The CDPF envisaged alternative uses of the Town Hall such as a hotel, academic use or residential. The mixed office and Local Authority use proposed by this application is much more low-key and is essentially a continuation of the existing use within separate planning units. The CDPF does not exclude physical alterations to the building and the current application meets these objectives.

10.12 Overall, there is policy support for this proposed development within the local plan and NPPF as outlined above. The wording of policy AL/RTW 2A provides support for the redevelopment of this area however both this and the CDPF are out of date and carry limited weight in the planning balance. For the reasons set out above the proposal is considered acceptable in principle. Other material considerations and the more detailed matters are considered below.

NPPF

10.13 Para 81 of the NPPF states that;

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

10.14 NPPF Para 86a emphasises the need to define a network and hierarchy of town centres and promote their long-term vitality and viability. As referred to earlier, NPPF 86 (d) promotes commercial and office development in town centres.

10.15 On this basis, given the above policy support for the proposal and its compliance with the Core Strategy, the development is considered acceptable in principle.

Impact upon the significance of the Conservation Area and the listed building

10.16 LP Policy EN1 requires the design of a proposal to respect the context of its site. CP4 (1) requires the Borough's urban landscapes to be conserved and enhanced.

10.17 The site is located within the CA and the Town Hall is Grade II listed. Para 197 of the NPPF states that;

'In determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.'

10.18 Para 206 states;

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those

elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

- 10.19 Impact on the CA also falls to be considered under LP policy EN5; then more broadly under EN1 and CS Policy 4, which seeks to conserve and enhance the Borough’s urban environments (including CAs) at criteria (1) and (5). EN1 and CP4 address listed buildings.
- 10.20 The proposal makes no external alterations to the building and maintains a very similar use within. This planning land use of the building is appropriate to this locality and its character. It would be likely to maintain (or add to) the vitality and viability of the town centre, and maintain pedestrian activity therein. It is therefore not considered that any harm is caused to the significance of the CA, nor to that of the listed building.

Residential amenity

- 10.21 The only residential uses close to the site is a single flat on the upper floors of No.79 Mount Pleasant (opposite the Town Hall). There are also similar uses on the upper floors of the buildings fronting Mount Pleasant Avenue to the south with residential use permitted on the cinema site opposite the main entrance to the Town Hall. The office use would be very similar to the current municipal office use, with little impact outside the building itself. The café would be a low key use within the centre of the building complex; any noise and disturbance from a use of this nature is highly unlikely particularly given that it is completely enveloped by the surrounding building.
- 10.22 Mid Kent Environmental Protection have been consulted on the application and raise no concerns except where the use of the café may be intensive, or where further plans and extraction systems may need to be installed. However if the café is minor in nature and a lower-intensity use (e.g.: heated products, drinks, cakes etc) this will not present a problem and will not necessitate significant amounts of new plant/extraction/ducting systems.
- 10.23 Furthermore the primary concern is any risk to nearby local residents, rather than impacts on users of the office space. The issue is likely to be self policing; a Local Planning Authority cannot control by planning condition the type of food that is sold from the premises. However the applicants are unlikely to use the café so intensively that it creates excess odour and puts off potential customers to the shared office space. This is essentially a matter for the applicant and the users of the Town Hall building.
- 10.24 Based on the comments of the EHO, the risk of causing a noise/odour nuisance to the nearest dwellings, which is what carries the greatest weight in planning decisions, is low in light of the above. Therefore additional conditions in this regard are not considered necessary.

Highways and parking

- 10.25 This is a town centre site in a highly sustainable location. Vehicle access to the site is not possible and there is no off-street parking. This part of Mount Pleasant is restricted to buses and cycles only between 9am and 6pm daily. The uses for which permission is sought are typical of those found in locations such as this.
- 10.26 KCC Highways raise no objections to the proposal. Parking is available in the adjacent Crescent Road car park and elsewhere in the town centre, as it currently is for TWBC staff.

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:

Change of Use Plans – Basement, Ground Floor, First Floor and Roof Office

Reason: To clarify which plans are approved.

- 3) The café use within the development hereby approved shall be restricted to the areas shown on the approved plans and shall not be used for any alternative purpose apart from Class E Office use.

Reason: In the interests of residential amenity, retaining employment space and to control and regulate development on this site

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.

APPEAL DECISIONS for noting **31/01/2023–13/03/2023**

1. Enforcement Notice appeal

Notice issued 26.07.21 – The breach of planning control is without planning permission the unauthorised construction of a wooden and metal ‘retaining mechanism’ on the land adjacent to the boundary of the neighbouring property to the north east known as The Hollies. (Relevant planning permission 14/505904/FULL)

APPEAL on grounds (b) and (c) FAILS; on grounds (f) and (g) SUCCEEDS to the limited extent as stated. Time for compliance varied to be nine months. (01.03.23)

Land known as Former PF Skeet Yard
Talbot Road
Hawkhurst

(Delegated)

Urgent Business

For Planning Committee on Wednesday 22 March 2023

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.

Date of the Next Meeting

For Planning Committee on Wednesday 22 March 2023

Procedural Item

To note that the next scheduled meeting is Wednesday 12 April 2023.