

REPORT SUMMARY

REFERENCE NO - 19/01099/OUT

APPLICATION PROPOSAL

Outline (Appearance, Landscaping, Layout and Scale reserved): Development of the site to provide up to 45 dwellings, including affordable housing and new access (Access not reserved) and off-site highway work

ADDRESS OS Plot 2912 Maidstone Road Matfield Tonbridge Kent

RECOMMENDATION to GRANT planning permission subject to conditions and the completion of a Section 106 planning obligation (please refer to Section 11.0 of the report for full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION

- In the absence of a five year supply of housing, the housing supply policies, including those related to the Limits to Built Development (LBD) are "*out-of-date*". Paragraph 11 of the National Planning Policy Framework (NPPF) states that "*decisions should apply a presumption in favour of sustainable 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 the consideration of policies in the NPPF that protect areas or assets of particular importance.
- The proposal is considered to be a 'major' development within the Area of Outstanding Natural Beauty (AONB). The proposal would result in significant harm to the character and appearance of the AONB through the development of this greenfield site; however, the adverse impacts of the proposal would be outweighed by the contribution the proposal would be made to the Borough's housing need; the provision of 40% affordable housing; provision of small and medium sized housing units; off-site highway works to improve pedestrian and highway safety; provision of an area of natural play within the site; ecological enhancement measures; and financial contributions towards community services/facilities would amount to exceptional circumstances and demonstrate that the development is in the public interest..
- The proposal would result in less than substantial harm to the setting of the Conservation Area and nearby listed buildings. However, this harm is considered to be outweighed by the public benefits set out above.
- The proposal would result in a net gain for biodiversity on-site in accordance with Para 170 of the NPPF. Details of biodiversity mitigation and enhancement measures can be secured by condition.
- The traffic movements generated by the development can be accommodated without detriment to highway safety.
- Off site highway works would improve pedestrian and highway safety.
- The development would not be harmful to the residential amenities of neighbouring dwellings.
- 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/benefits (to be secured through Section 106 planning obligation):

- 40% affordable housing.
- Secondary Education - £4,115 per 'applicable' house and £1,029 per 'applicable' flat

<p>towards Phase 2 expansion of Mascalls Academy, Paddock Wood.</p> <ul style="list-style-type: none"> - Libraries - £48.02 per dwelling towards additional book stock for the mobile library. - NHS - £44,244 (based on indicative mix) towards refurbishment, reconfiguration and/or extension at Howell Surgery and/or Waterfield House Surgery or as a contribution towards new practice premises. - Children's play area and community facilities in Parish - £75,000 <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:</p> <p>The following are not considered to be material to the application:</p> <p>Estimated annual council tax benefit for Borough: £8,044</p> <p>Estimated annual council tax benefit total: £81,204</p> <p>Annual New Homes Bonus (for first 4 years): Up to £45,000 (£1,000 per dwelling)</p> <p>Estimated annual business rates benefits for Borough: n/a</p>			
REASON FOR REFERRAL TO COMMITTEE			
Significant major application of over twenty dwellings, which is recommended for approval.			
WARD Brenchley & Horsmonden	PARISH/TOWN COUNCIL Brenchley And Matfield Parish Council	APPLICANT Mr P Dawson AGENT Mr David Bedford	
DECISION DUE DATE 25/07/19	PUBLICITY EXPIRY DATE 06/06/19	OFFICER SITE VISIT DATE 15/05/19	
RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):			
17/01142/FULL	Land between Long Leas & Pear Tree Cottage Erection of 20 No Dwellings, consisting of two x 1 bedroom apartments, seven x 2 bedroom apartments + houses, six x 3 Bedroom houses, five x 4 bedroom houses and associated development	Approved	11/05/18
18/02627/OUT	Thorn Barn, Maidstone Road Outline (Access and layout not reserved) - 3 No. detached houses with associated parking	Approved	03/12/18

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site lies to the east of the settlement of Matfield. It measures approximately 2.88ha and consists of lightly farmed agricultural land. It is located just outside of the Limits to Built Development (LBD) of Matfield. The whole of Matfield is washed over by the Area of Outstanding Natural Beauty (AONB) designation. The site is surrounded on all sides by ribbon residential development. The levels of the land fall from north to south by approximately 7.5 metres.

- 1.02 The site is bounded on three sides by public highway - to the north is Maidstone Road (B2160), to the east is Coppers Lane and to the south is Brenchley Road. Brenchley Road and Coppers Lane are designated rural lanes. The western boundary of the site adjoins land which is in use as allotments and another development site where outline planning consent was granted (18/02627/OUT) for three detached houses in December 2018. The site is located approximately 110m away from the Standings Cross junction.
- 1.03 The site boundaries are characterised by mature hedges, interspersed with some trees. The hedge along the northern boundary is in a variable condition due to the proximity to the B2160. There is a field gate to the south of the site, which provides access onto Brenchley Road. There is a small group of trees in the north-west corner of the site.
- 1.04 There is a footpath along the southern side of Maidstone Road leading to the centre of Matfield. Within the village there is a village hall, which provides a post office a number of mornings a week. There is also a butcher's shop and a public house within walking distance of the site.
- 1.05 Matfield Conservation Area is located approximately 275 metres to the south-west of the site. There are four listed buildings to the south of the site on the opposite side of Brenchley Road, which are Grade II listed (Whitethorn Cottage, Whitethorn Cottages, Holmbush and Homebush Cottage). Thorn Cottages (Grade II) are sited at the junction with Maidstone Road and Coppers Lane. There are three listed buildings surrounding at the Standing Cross junction, which are also Grade II listed - Thorn House, Standing Cross Public House and Acer Cottage.
- 1.06 Construction work has commenced on land to the north of the site (Land between Long Leas and Pear Tree Cottage) for residential development (see planning history above).

2.0 PROPOSAL

- 2.01 This application seeks outline planning permission for up to 45 dwellings. All matters are reserved, except access. A new access is proposed onto Maidstone Road. Appearance, landscaping, layout and scale are reserved for future consideration. The proposal includes 40% affordable housing. Off site highway works are proposed to improve the safety of the nearby crossroad and the existing footway along Maidstone Road is proposed to be widened and extended. The proposal includes open space and a reinstated orchard in the north-eastern corner of the site. A large area of land is proposed to remain open to the south, which would provide an attenuation pond, area of natural play, ecological area and landscaping to help soften the site.

3.0 SUMMARY INFORMATION

	Proposed
Site Area	2.88
Car parking spaces (inc. disabled)	TBC
No. of storeys	TBC
Max height	TBC
No. of residential units	Up to 45
No. of affordable units	40%
Density (dwellings per hectare)	15.6

4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 2
- Area of Outstanding Natural Beauty (AONB) (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- Outside the Limits to Built Development (LBD)
- LDF Sites Various
- LDF Surface Water Management Plan
- Public Access Land Matfield Green
- Public Access Land Matfield Green, Brenchley
- Setting of a Conservation Area & Listed Buildings (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Rural Lanes – Brenchley Road and Coppers Lane

5.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework 2019

National Planning Practice Guidance

Development Plan:

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of development

Core Policy 3: Transport infrastructure

Core Policy 4: Environment

Core Policy 5: Sustainable design and construction

Core Policy 6: Housing provision

Core Policy 8: Retail, leisure and community provision

Core Policy 14: Development in the villages and rural areas

Tunbridge Wells Borough Local Plan 2006

Policy LBD1: Development outside the Limits to Built Development

Policy EN1: Development control criteria

Policy EN5: Development within or affecting the character of a Conservation Area

Policy EN8: Outdoor lighting

Policy EN10: Archaeological sites

Policy EN16: Protection of groundwater and other watercourses

Policy EN18: Flood risk

Policy EN25: Development control criteria for all development proposals affecting the rural landscape

Policy H2: Small and intermediate sized dwellings

Policy R2: Recreation open space in development of more than 15 bedspaces

Policy CS4: Development contributions to school provision in development of more than 15 bedspaces

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

Policy TP4: Access to road network

Policy TP5: Vehicle parking standards

Policy TP9: Cycle Parking

Supplementary Planning Documents (SPD):

Recreation and Open Space SPD 2006

Affordable Housing SPD 2007

Contaminated Land SPD 2006

Renewable Energy SPD 2007
Noise and Vibration SPD 2014
Tunbridge Wells Borough Landscape Character Assessment 2017
Rural Lanes Supplementary Planning Guidance 1998

Other documents:

Kent Design Guide Review: Interim Guidance Note 3 (Residential parking)
High Weald AONB Management Plan

Tunbridge Wells Borough Draft Local Plan

The Draft Local Plan has recently been subject to Regulation 18 consultation, which expired on 15 November 2019. Given the early stage in the process, the Draft Local Plan can only be given limited weight in the decision making process. However, it sets out the Council's intended future direction of travel regarding housing delivery and proposes a number of sites within the Parish of Matfield. The Draft Local Plan policies relevant to this application are:

- Policy STR1: The Development Strategy
- Policy STR2: Presumption in favour of sustainable development
- Policy STR4: Essential infrastructure and connectivity
- Policy STR6: Transport and parking
- Policy STR7: Place shaping and design
- Policy STR8: Conserving and enhancing the natural, built and historic environment
- Policy STR9: Neighbourhood Plans
- Policy STR10: Limits to Built Development Boundaries
- Policy STR/BM1: The Strategy for Brenchley and Matfield Parish
- Policy AL/BM1: Land between Brenchley Road, Coppers Lane and Maidstone Road
- Policy EN1: Design and other Development Control Criteria
- Policy EN2: Sustainable Design and Construction
- Policy EN3: Sustainable Design Standards
- Policy EN4: Energy Reduction in New Buildings
- Policy EN5: Climate Change Adaptation
- Policy EN6: Historic Environment
- Policy EN7: Heritage Assets
- Policy EN10: Outdoor lighting and dark skies
- Policy EN11: Net gains for nature: Biodiversity
- Policy EN14: Trees, woodland, hedges and development
- Policy EN16: Green, grey and blue infrastructure
- Policy EN20: Rural landscape
- Policy EN21: High Weald Area of Outstanding Natural Beauty
- Policy EN22: Agricultural land
- Policy EN23: Air Quality
- Policy EN26: Water quality, supply and treatment
- Policy EN27: Conservation of water resources
- Policy EN28: Flood Risk
- Policy EN29: Sustainable Drainage
- Policy H1: Implementation of planning permission for new residential dwellings
- Policy H3: Housing Mix
- Policy H4: Housing density
- Policy H5: Affordable housing
- 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 Site notices were posted on 15 May 2019 and the application was publicised in the local newspaper on 10 May 2019. Following the submission of amended plans/additional information, further site notices were posted on 3 September 2019.

6.02 146 private representatives received objecting to the development on the following grounds:

- Development too large, too prominent, too high density and out of character with the village. Suburbanise the village. Greenfield site, outside LBD adds to entrance of village. Harm AONB and setting of CA/listed buildings. Loss of valued views.
- No exceptional circumstances - not in the public interest so contrary to NPPF.
- Size of development in combination with adjacent schemes will alter the character of the village and add significant number of new homes to small village.
- Development in Matfield has historically been ribbon development
- Large number of properties for sale in village. No need for development.
- TWBC close to being able to demonstrate 5 year housing land supply. Question the need, given the proposal for 6,500 in Capel and Paddock Wood.
- TWBC 2018 housing needs study identifies aspiration for smaller homes in Parish.
- Unsustainable location with limited facilities/public transport. No schools, playground, playgroup or jobs in village. Residents will rely on cars, causing an increase in traffic. No sustainable travel modes. Buses are sporadic, poorly timetable and impractical for commuters. Additional car journeys will increase carbon emissions, concern re climate change. Insufficient capacity in local schools, doctors, dentists.
- Schools, station, shops, dentists, doctors are not within safe walking or cycling distance. No pavements between Matfield and Brenchley.
- Matfield is one of the least sustainable settlements in Settlement Role & Function Study. Since Study undertaken, the convenience store, hairdresser and Cherry Tree premises (local business) have closed. Site Allocations Local Plan did not allocate any development sites in Matfield.
- Development will lead to overflow car parking raising highway safety concerns and obscuring visibility. Regular accidents at the junction.
- The cumulative impact of proposal and development approved/proposed in Paddock Wood will have a significant impact on the traffic passing through Matfield. Further development will exacerbate the problems and be harmful to highway safety. The traffic to be generated from the approved Paddock Wood housing developments not included in calculations. Proposed vehicular movements unrealistic.
- Concerned about pedestrian safety. Development will impact school bus drop off points. New access in combination with Rydon development will create dangerous crossroads.
- Coppers Lane and Brenchley Road are narrow and suffer heavy traffic, negotiating parked cars.
- Large number of HGVs on Maidstone Road.
- Kippings Cross roundabout is already a bottleneck causing substantial delays with traffic backing up along Maidstone Road.
- Works to make crossing safer for pedestrians are welcome. Audit undertaken around lunchtime when vehicular traffic is lighter and pedestrians probably having lunch. More audits should be undertaken. Consideration should be given to an island in the middle of the junction to make it safer for pedestrians to cross.
- 30mph zone should be moved further away than proposed and speed camera or indicator should be present. Double yellow lines should be applied to both sides of Maidstone Road.

- Cycling to Paddock Wood for commuters is not feasible given incline and for safety reasons.
- Matfield has no street lighting. Proposed lighting will spoil dark skies. Light pollution. Harm to residential amenity, visual amenity, AONB and wildlife.
- Only access is from Maidstone Road, which is already overloaded with 50,000+ traffic movements a week, of which 70% recorded as speeding by KCC in 2015.
- No details of environmental sustainability of the homes.
- Existing footpaths narrow in places.
- Intrusive to people living on Brenchley Road - the site is on higher level land.
- Overlooking to properties opposite.
- Lack of bungalows, which are needed given the demographic of Matfield.
- Harm to wildlife and protected species. Loss of habitat for wildlife. Destruction of hedges harmful to birds/wildlife. Endangered birds on site.
- Cause noise and disturbance.
- No mains gas in the village.
- Loss of Grade 2 agricultural land that was actively farmed until 2 seasons ago. Unsustainable - more food will be required to be imported to make up the shortfall.
- Other less sensitive sites in the village e.g. centre of Matfield is on a plateau.
- Proposed vista excludes 1 ¼ of the listed buildings. The proposed tree cover will reduce this vista further over time.
- Contrary to Local Plan which states that development should not involve provision of additional access onto Primary or Secondary Road.
- Different from Rydon scheme – higher density on slope (not plateau), views over AONB. Actively farmed until 2018.
- Visual impacts of photovoltaic panels.
- Area vulnerable to flooding during heavy rain. Matfield has high water table.
- Main sewer has been blocked on several occasions, additional homes will add to this. Regular power cuts and water pipes frequently burst in village.
- Proposal will reduce tourism to village.
- Car parking at Paddock Wood train station over subscribed, long waiting list.
- Trains already extremely busy to London.
- Area unattractive to potential buyers due to lack of facilities/infrastructure.
- Triangle site is highly visible from 3 approaches.
- Approval of outline application would mean that the local authority has to accept the principle of the development. Insufficient information to reach such a decision.
- Poor broadband and mobile phone connections prohibit home working.
- Premature application, need to wait for new Local Plan, where public have had their say and it has been examined by an independent inspector.

6.03 Following further consultation 36 private representations were received, raising the following additional points:

- Querying results of dormice survey, which found dormice in three of the four boundary hedges, but not the one to be impacted by the new access.
- Concerns regarding loss of playground
- Concerns regarding traffic using Kings Toll Road and Romford Road as a rat run to avoid A21 queuing.
- Removal of visitor parking spaces will increase overspill parking on surrounding roads.
- Visual Impact Assessment is flawed. Based on view from helicopter not ground. No consideration of winter views.
- Draft Local Plan refers to improvement of parking areas on Brenchley Road and additional parking and plots for allotment users, money for public transport improvements – not included in revised application.
- No need for more smaller units.

- Proposed ecological buffers zone to mitigate impact on wildlife also used as amenity space for future residents – conflict.
- No provision for allotments or off street parking for this use.
- Contrary to High Weald AONB Management Plan.
- Dormice are nocturnal. Concerns about impact of light pollution from development on dormice and predation from cats.
- Proposed dwellings would dominate surrounding period properties that have lower ridge height.
- Green spaces and dark skies important for mental health and wellbeing.
- Historically this area was known as Holmbush Green. Loss of greenspace harmful to heritage and character of the village.
- Construction works will harm protected species.
- Any close boarded fencing around the new properties should be installed to enable hedgehogs to move through the landscape.
- Tandem parking does not count towards parking space numbers and would not meet TWBC guidance. Draft Local Plan proposes new standards which are above IG3, which the developer should adhere to.

Matfield Allotment Holders Association

- 6.04 (13/06/19): Object to application on the following grounds:
- Insufficient infrastructure within the village.
 - Increase in traffic on already congested roads. Highway safety concerns.
 - Harm to AONB.
 - Existing services e.g. GP surgery and schools already oversubscribed.
 - Lack of facilities in village will increase crime rate, which could impact allotments.
 - Concern regarding theft from allotments. Increased village population will not be adequately policed by existing PCSO.
 - Visibility at allotment access is poor. Increase in traffic is likely to cause increased collisions.
 - New homes will overshadow allotments.
 - Noise pollution will impact wildlife at the allotments and the tranquillity of the site.
 - There are nesting red kites on the allotment site, which are protected species.
 - Badgers are present on the allotment site.
 - Removal of hedgerow would impact nesting birds and wildlife.

7.0 CONSULTATIONS

Highways England

- 7.01 (12/09/19 & 13/08/19): No objection. This is on the basis that while the Kipping Cross junction and its vicinity have been identified for a study by Highways England, it has not yet been established that further development in the area would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This application will not materially affect the safety, reliability and/or operation of the strategic road network.
- 7.02 (22/07/19): The scale of trips is not considered to represent a severe impact in terms of reliability/operation of the Strategic Road Network, concerns regarding highway safety. There are significant existing queuing issues on the A21 on approach to Kippings Cross roundabout. Development will likely exacerbate queuing issues on the B2160 Maidstone Road, this is outside of our remit and the responsibility of KCC. Development will exacerbate the aforementioned queuing issues on the A21. Need details of distribution analysis undertaken as part of the Transport Assessment in order to make an assessment of how many vehicles will join the mainline queues experienced on the A21. Further information required.

Southern Gas Networks

- 7.03 (02/09/19): There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3m of an intermediate pressure system.

Southern Water

- 7.04 (16/09/19 & 20/05/19): Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Recommend condition and informatives.

Natural England

- 7.05 (09/05/19): No objection. The proposed development would not have significant adverse impacts on statutorily protected nature conservation sites. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. The application should be assessed carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.
- 7.06 This application may provide opportunities to protect and enhance locally valued landscapes. Local landscape features or characteristics could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness.
- 7.07 Recommend refer to Standing Advice on protected species. There are opportunities for environmental enhancements. Recommend measures to help improve people's access to the natural environment.

CPRE Kent Tunbridge Wells District Committee

- 7.08 (10/09/19) Object for the reasons previously given. The effect on this historic green in the AONB (likely to have originally been used as a stopping place for driven livestock near the junction of what became two turnpike roads), will be severe, as will the effect on the perception of the AONB as you enter it from the Low Weald. The proposed narrow view along the spine road towards the listed building and landscaping behind will disappear as trees reach their maturity.
- 7.09 (22/05/19): Objects to development on a greenfield site in the AONB that is currently in productive agricultural use and may be best and most versatile land. Concern that proposal is outline given it is major new development in the AONB and will impact setting of CA and listed buildings.
- 7.10 The Heritage Statement and Visual Assessment understate the significant of the development, which will markedly alter the perception of the character of the AONB as you enter it along one of the major routes leading into it. It will obstruct distant views that are identified by Natural England as key characteristics in the AONB.
- 7.11 The Energy Statement states that space and water heating will be by condensing gas boilers. There is no mains gas in Matfield. Concerned about the impact of road safety. Do not consider the application meets the "exceptional circumstances" test for major new development in the AONB.

High Weald AONB Unit

- 7.12 (16/09/19): Object to the development as it will result in significant harm to the High Weald AONB in the following ways:

- the loss of connection between the dispersed development around Matfield Cross and its surrounding countryside contrary to objective S1 of the High Weald AONB Management Plan;
- the loss of the historic settlement pattern and character of Matfield Cross as a separate entity to the main village of Matfield contrary to objective S2 of the Management Plan; and
- the development is of an excessive scale out of proportion to the size and character of Matfield contrary to objective S3 of the Management Plan.

7.13 The proposal would have a significant adverse impact on the AONB and should be treated as major development under Para 172 of the NPPF. Planning permission should therefore be refused other than in exceptional circumstances in the public interest. Para 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

7.14 Matfield is a small village with the historic centre grouped around the village green and more modern ribbon development along the main routeways. To the north-east of the main village is a loose scatter of development around Matfield Cross with a post office, guide post and two pubs. It is part of the rural approach to the village and would have functioned as a stopping point for travellers and livestock using the turnpike roads.

7.15 The character of the area is currently very rural and different in feel to the denser development in the main village. The proposed development would consolidate the settlement area creating a dual centre village with ribbon development in between. By developing the green gaps between the existing dispersed developments, they would be merged into the main village, resulting in a much greater impact on the character of the area than just the loss of the application site.

Weald of Kent Protection Society

7.16 (29/05/19): The site was submitted under the late Call for Sites. The developer has pre-empted site allocations under the new Local Plan and the application should be refused. The site is a greenfield site outside the LBD and within the AONB. The land is Grade 2 agricultural land (best and most versatile) and enjoys significant protection from development. Prime farmland should be retained for its designated purpose. Proposal will harm visual amenity and the approach from Paddock Wood. TWBC is within 0.5% of its housing land supply target and as a result, the presumption in favour of development is removed. Recommend application is refused to retain valuable farmland and protect the AONB.

West Kent Clinical Commissioning Group

7.17 (16/09/19 & 13/05/19) The application will have an impact on the provision of general practice services, which will require mitigation through the payment of an appropriate financial contribution. Based on the indicative mix proposed a financial contribution of £44,244 would be required towards refurbishment, reconfiguration and/or extension at Howell Surgery and/or Waterfield House Surgery or as a contribution towards new practice premises.

Brenchley & Matfield Parish Council

7.18 (05/06/19) Object to the development. Surprised that outline planning permission is being sought for a major development on such a sensitive and controversial site in the AONB, within a village that has been identified as having low sustainability. The

approval of an outline planning application would mean that the local authority has to accept the principle of the development, when only details of access have been provided. All other matters have been reserved for subsequent approval, with major issues such as appearance, landscaping, layout and scale not included in the application. Only indicative plans have been submitted, providing insufficient information on which to reach such a significant decision.

- 7.19 The site is outside the LBD. The proposal is contrary to Policy LBD1 of the Local Plan, which seeks to contain development as far as possible within the LBD and, at the same time, to strictly control development in the countryside beyond that which functionally requires a rural location, such as agriculture. Core Policies 4 and 14 seek to conserve and enhance the High Weald AONB and focus development within the LBD and restrains development in the countryside. The Site Allocations Local Plan 2016 did not allocate any development sites in Matfield.
- 7.20 It is a key site at the gateway of the village. The proposal would not conserve and enhance the AONB. The development is not sustainable. There would be adverse and irreversible environmental impact to a rural site. Schools, station, shops, dental, doctors are not within safe walking or cycling distance. No pavements exist between Matfield and Brenchley. Parking at the doctors and dentists is already full throughout the day.
- 7.21 Future residents will be reliant on private vehicles as other public modes of transport (buses) are very sporadic, poorly timetabled or impractical for out of area commuters. Kent Highways do not favour a plan led approach in Matfield due to the lack of facilities within the village and the resultant high dependent of residents on car borne trips. Indifferent local broadband and mobile phone connection prohibit home working, traffic will increase. Children will not be able to access Brenchley & Matfield Primary School safely by walking or cycling. Heavy traffic on the narrow winding roads, particularly by HGVs makes journeys by foot or bicycle hazardous.
- 7.22 Unsustainable strain on infrastructure and very limited services in the village. In the TWBC Settlement Role and Function Study February 2017, Matfield was designated as one of the least sustainable villages in the Borough and has since lost its village shop, hairdressers and the Wheelwright's Arms.
- 7.23 The AONB identifies the need to protect dark skies from light pollution. A 'clump' form estate development, unlike the ribbon developments of the past would magnify this local effect.
- 7.24 The local GP practice would not be able to accommodate even a relatively modest increase in patient numbers without compromising accessibility to existing patients. The GP practice states that *'new housing within the existing practice boundaries would necessitate a reduction in practice area, or potentially closing the list to new patients to maintain the current list size to ensure patients are seen in a timely way and that existing services are maintained'*.
- 7.25 The site forms part of the Matfield and Brenchley Fruit Belt in the Tunbridge Wells Borough Landscape Character Assessment, which values the distinctive character of the villages of Matfield and Brenchley, with strong focal points around the village green, church and historic buildings and *"their characteristic Wealden buildings"*. Other features and qualities considered to be of particular landscape and visual value in the Assessment include *"a sense of tranquillity and relatively dark skies across the whole of the area, as a result of a lack of modern intrusions, with settlement contained within topographical and vegetated framework"*.

- 7.26 The introduction of a large housing estate will not conserve and enhance the special character of the AONB. Risk being an alien and intrusive feature. Illustrative layout, with its long straight spine road running into the site, with cul-de-sacs running off it, does not inspire confidence that a scheme can be developed with the sensitivity that the site requires. The applicant's Planning Statement fails to provide a compelling case for this major development in the AONB. It identifies no "exceptional circumstances" or "public interest" beyond the need for TWBC to provide more land for housing development. This should be done through the Local Plan and not speculatively, enabling the public to have their say on it and its examination by an independent inspector.
- 7.27 Para 172 of the NPPF states that planning permission should be refused for major development within AONBs other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
- 7.28 In Brenchley and Matfield Parish, 4+ bedroomed homes make up 44.8% of the housing stock, 3 bedroomed homes 32.8% and 1-2 bedroomed hoes 22.3% of the housing stock. The TWBC 2018 Housing Needs Study identifies an aspiration for smaller homes in the Parish. The number of existing 4+ bedroomed homes already exceeds the aspiration or expectation for that type of dwelling stock.
- 7.29 TWBC is currently close but falling short of a five year housing supply. However, the "tilted balance" does not automatically apply in AONBs. The benefits of the scheme, in terms of new housing provision do no override the harm caused. This is not a sustainable location for major housing development.

Kent County Council Regeneration Projects

- 7.30 (20/05/19): The County Council has assessed the implications of this proposal in terms of delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution:
- Secondary Education - £4,115.00 per 'applicable' house (x 42) and £1,029.00 per 'applicable' flat. Total £174,888.00. Towards Phase 2 expansion of Mascalls Academy, Paddock Wood.
 - Libraries £48.02 per dwelling (x45). Total £2,256.74. Towards additional bookstock for the mobile library attending at Matfield.
- 7.31 Recommend informative regarding the provision of high speed broadband.

KCC Highways & Transportation

- 7.32 (08/10/19): No contribution is requested at this time towards public transport, given the scale of the development, but improvements to bus stop infrastructure has been requested and can be secured by a Grampian condition.
- 7.33 (20/09/19) During the Local Plan process the highway authority advised the Local Planning Authority that sites in Matfield would not be favoured in a plan led approach due to the lack of key facilities within the village and the resultant high dependence on car borne trips. The highway authority remains of this view.
- 7.34 The proposals include creation of a new access from Maidstone Road which is supported by a Road Safety Audit Stage 1. The proposal also includes relocation of the speed limit and local improvements to footways in both directions from the site. The off-site works include a scheme to reduce the radii at the junction of Maidstone

Road/Brenchley Road/Chestnut Lane with the possible introduction of parking controls, to improve the environment for pedestrians.

- 7.35 No objection in terms of the impact of the traffic generation associated with the development. It is noted that Highways England has not raised an objection with respect to any impact on the strategic road network.
- 7.36 Whilst there is no objection in principle to the proposed works at the junction, as yet there has been no confirmation that the affected frontage properties have been consulted by the developer. Therefore as part of detailed design, confirmation will be required from the commercial premises close to the junction that their access requirement can be met within the proposed arrangements. Whilst the matter can be dealt with through the S.278 process, the Highways Officer advises that the arrangement shown on the submitted plans are only indicative at this stage.
- 7.37 The plans do not include provision of raised bus boarding kerbs for the north bound bus stop as requested. This can be dealt with by condition, as with the site opposite.

KCC Archaeological Officer

- 7.38 (11/06/19): Matfield is a post-medieval settlement with a dispersed character. There are several listed buildings towards Matfield Green and Standing Cross Public House which are of post-medieval origins. There are few archaeological remains recorded in this area, but this may reflect the limited nature of archaeological investigations rather than a lack of earlier activity. Given the size of the proposed development and the potential for as yet unidentified archaeological investigations, recommend condition.

KCC Flood and Water Management

- 7.39 (11/09/19 & 17/05/19) Satisfied with the drainage detail where surface water will be drained to an attenuation basin and further discharged into two deep-bore soakaways. The drainage design is currently based on assumed infiltration rates from soakage testing at the adjacent site. As part of the detailed design, recommend that ground investigation is provided including site-specific infiltration testing at the location of the proposed deep-bore soakaways. It is recommended that soakage tests and falling head tests be compliant with BS5930. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time. Recommend that results sheets are provided and a location plan of infiltration testing.
- 7.40 It is preferred that deep bore soakaways be spaced a minimum of 10m apart to reduce the risk of interaction between them, which will reduce the capacity of each system. It may be necessary to allow for additional factors of safety where soakaways are closely spaced due to interaction between discharge points. At detailed design, request details and drawings regarding the attenuation basin and swale design, including cross section and available freeboard. Additional analysis is required to understand the flooding implication for a greater climate change allowance of 40%.

Kent Police

- 7.41 (12/09/19 & 01/05/19): The site layout is indicative. The following issues need to be addressed:
1. Development layout and permeability
 2. Perimeter, boundary and divisional treatments
 3. Parking including visitor
 4. Lighting and CCTV

- 5. Doorsets
- 6. Windows
- 7. Alarms

Recommend informative.

Mid Kent Environmental Health

- 7.42 (13/05/19): There is no indication of land contamination based on information from the contaminated land database and historic maps databases. The site is outside the Council's Air Quality Management Area. Construction activities may have an impact on local residents. Recommend conditions/informatives.

TWBC Landscape & Biodiversity Officer

- 7.43 (26/11/19): Taking into consideration the recently submitted Biodiversity Metrics Report and subject to appropriate conditions and a funded LEMP, the proposal could achieve no net loss and may indeed achieve a small increase in biodiversity to provide net gain. No contribution towards off-site biodiversity mitigation is therefore required.
- 7.44 (01/10/19) The scheme is likely to provide, subject to conditions, sufficient mitigation to address protected species. Dormice were recorded on site in hedgerows along the eastern, southern and western boundaries. Access will be through the northern hedgerow where no dormice were recorded. This is not surprising as the hedgerow to the north is described as "a defunct species poor hedge". The poor condition of the hedgerow and consequently the absence of dormice is most likely attributable to the road side location (i.e. this is the busiest road) where traffic, through physical disturbance, water and salt spray etc. does result in damage to hedges. The other boundaries are on quieter roads.
- 7.45 The proposed strategy provides a good response to the landscape and ecological objectives for the site. The slightly wider landscape buffer with grassland and orchards to the north is welcome as is the widened landscape buffer to the east and south. This has resulted in a small reduction of the landscape buffer to the west but that is the least sensitive boundary. The orchards are more structurally coherent but are overly complex in species make up. Require conditions - detailed scheme of mitigation and enhancements and a LEMP to cover future management for the lifetime of the project.
- 7.46 Concerns regarding the calculations for biodiversity net gain. In essence this is because the habitats being created are peripheral to and very close to built development and linear in nature and so will have a lesser value than habitats created with a buffer to development in more concentrated/connected blocks. The metric does not take these factors fully into account. There is concern that the natural play area has been treated as a habitat when its management will be very much geared towards amenity. Whilst of some value it might be argued that such amenity areas should not be included at all in the new habitats. Not sure of the value of trying to further increase biodiversity on this site, owing to its isolated nature. A better outcome for biodiversity if any further mitigation is required, would be a financial contribution towards an off-setting scheme - recommend £25k for a scheme of biodiversity offsetting. Subject to the proposal demonstrating net gain, no objection on biodiversity grounds.
- 7.47 The Landscape & Visual Impact Assessment (LVIA) concluded a major adverse effect which is expected of a housing development on a greenfield site. The scheme has been amended by reducing the scheme by two units, increasing the size of landscape buffers and green spaces to make them more functional/effective and

changes to the layout to strengthen the vista through the site. These changes are relatively small but have been effective to some degree in improving the design and legibility of the site, providing sufficient space and set back to allow access and proper management of existing boundary features and providing sufficient space to create appropriate green Infrastructure and through views. In the long term, the changes would be effective in helping the proposal assimilate itself into the landscape but there will be a permanent change in settlement pattern. In the short and medium term the assessment of at least major adverse effect still applies but may reduce in the longer term.

- 7.48 The proposal is considered major development with regards to Para 172 of the NPPF and therefore the proposal needs to demonstrate exceptional circumstances in the public benefit – this consideration is a matter for the case officer. The site is considered to be a sustainable location by virtue of its proximity to the village and the existing footway and has some similarities with the recently consented scheme on the north side of Maidstone Road.
- 7.49 Whilst having little weight the Draft Local Plan is a material consideration. Policy AL/BM1 sets out what the Council see as representing good design for this site especially in terms of provision for and connections with existing uses and activities to help stitch it into the local community. Criteria 4 and 8 refer to landscape matters in some detail. In terms of retaining and protecting hedgerows this has been achieved but the approach to landscape has been weak as evidenced by the criticisms of the submitted LVIA. This is a difficult site to develop being an island site with limited options for access and internal road layouts. The proposed number of units is at the higher end of what was thought likely to be acceptable. A reduced number of units at the lower end suggested by the policy, would undoubtedly offer significant opportunities to reduce the likely landscape effects. In particular a wider landscape buffer could be provided in the northern tip along Maidstone Road which would help retain the green approach to the village and a greater sense of the currently prevailing rural character. This would be a more positive response to the constraint of the designated AONB landscape.
- 7.50 In the absence of a robust piece of landscape evidence, sceptical that the proposal has achieved the best balance between landscape and built development. Recognise that this may be further explored and improved through reserved matters. Weighing the landscape harm and assessing the exceptional circumstances and concluding on public benefits is a matter for the case officer but it is clear that in releasing such a site for development the landscape harm should be minimised and the benefits maximised, which is what the emerging policy attempts to do.

TWBC Landscape & Biodiversity Officer (05/07/19 – earlier comments prior to the receipt of additional information and amendments to the scheme)

- 7.51 There is little or nothing in this scheme that makes a positive contribution to the AONB management plan objectives. Where it fails is that it is a modern a cul-de-sac development that could potentially be anywhere.
- 7.52 The reptile survey recorded shrew and vole but no reptiles. The dormouse survey is not yet completed but has recorded wood mouse and yellow neck mouse. Even if dormice are found to be on site it is likely that a licence would be granted subject to suitable mitigation. The concern here would be the relatively isolated nature of the site and the ability of the population to sustain itself under the increased pressure of the new development (disturbance and predation by domestic cats).

- 7.53 The great crested newt (GCN) survey is not yet completed. There are no ponds on site but there are two ponds off site in close proximity with one containing good populations of smooth and palmate newts. The site contains some terrestrial habitat for newts and other amphibians. Even if GCN are found, a licence is likely to be granted.
- 7.54 A scheme of mitigation for protected species and general biodiversity enhancements is proposed. Use of the DEFRA metric for net gain indicates that a net gain in biodiversity can be achieved. There is a concern however that much of the mitigation area is a narrow peripheral margin around the residential units that will be difficult to manage as a coherent habitat and that all parts would be subject to development pressure. The value then of the areas provided would then be lower than a single larger area which would be more resilient to development pressure and be buffered in places. The larger areas that are provided have other functions such as drainage or amenity.
- 7.55 The applicant has confirmed that the scheme will have a major adverse impact on the landscape and fails the policy test for the protected landscape of the AONB. The scheme is outline only and so matters of layout and design are illustrative only but nevertheless they show that developing the site in a way that is characteristic of the area and which provides logical, useful and effective landscaped amenity spaces and wildlife corridors and habitats is difficult to achieve with the numbers proposed. Whilst a mathematical biodiversity gain can be shown on paper in reality, with the illustrative layout shown, this is unlikely to be achieved and maintained in the long term. An improved layout with greater areas of green space may overcome these concerns.
- 7.56 Even if the scheme can demonstrate exceptional circumstances, it gives rise to a degree of landscape harm that should not be overridden by a need argument. Whilst matters could be improved through reserved matters the scheme does represent overdevelopment of a site in an area of very loose knit development with a strong rural character. A lesser scheme would result in a better outcome for biodiversity and landscape. Unable to offer landscape or biodiversity support for the proposal.
- TWBC Conservation Officer**
- 7.57 (17/05/19) The site is located to the east of Matfield Conservation Area (CA) and close to a number of listed buildings, both residential and commercial. Less than substantial harm would be caused to some of the listed buildings at varying degrees and to the Matfield CA. The degree of harm overall (based on the indicative plans) is likely to be less than substantial.
- 7.58 The removal of a section of hedgerow and introduction of a new entrance with wide visibility splays will harden the landscaping at this point, which is part of the rural approach to the CA. This would be harmful to the approach, which forms part of its significance as an isolated hamlet, but it is likely to be less than significant given the mitigating landscaping proposals and size of the opening in relation to the overall length of hedgerow. The impact on the setting of the listed buildings on this side is considered to be on the very low end of less than substantial for the same reasons.
- 7.59 Less than substantial harm would be caused to the setting of Matfield CA by intruding in its rural setting and increasing the density of development away from the village centre to a new location. The concentration of development at this location historically is at a crossroads (Matfield Cross) with a post office, guide post and two pubs (one of which was purpose built as such). This forms part of the setting of the CA, as part of the rural approach to it and a stopping point for travellers rather than a separate residential development.

- 7.60 The site is passed only just before entering the village on Maidstone Road from the east. It currently provides an open, agricultural rural approach to the CA. The harm to the historic setting of the CA caused by intervention of more recent residential development will be exacerbated by a development of the size proposed.
- 7.61 The layout of the site takes into account important local landscape views, and views to heritage assets, as well as proximity of the development to heritage assets. Much of the landscaping will be maintained and enhanced, and there is a significant buffer. Disappointed that pedestrian access points are limited to existing.
- 7.62 Less than substantial harm would be caused to the setting of the CA, but at the lower end of the scale of less than substantial harm. Examples of other developments in the vicinity recently approved are given but these are much smaller in terms of proposed number of units and therefore impact is proportionate to this, amongst other factors, which means they are not directly comparable.
- 7.63 The indicative proposal will reduce the rural character within the setting of the listed buildings and prohibit some longer views of assets which are currently available across the site but that otherwise, the majority of the rural setting surrounding the assets will not be affected. This and other key elements of the setting of the buildings (which contribute towards significance) would not be affected. The proposal would result in less than substantial harm (at the very low end) to the setting of the listed buildings. The exception to this is the impact on the Standing Cross and Thorn House. The site forms part of the rural approach to the crossroads settlement. Harm, however, would be on the lower end of less than substantial due to the scattered later residential development already intruding here and also the mitigation of the landscaping.
- 7.64 The principle of a large residential development on this site is likely to cause less than substantial harm to the CA and to some of the listed buildings. This harm would be to varying degrees, at the lower end of less than substantial, in accordance with paragraph 194 of the NPPF.

TWBC Planning Policy

- 7.65 (10/10/19): The site is a greenfield site, located outside but adjoining the LBD along part of its southern boundary, and is considered to be sustainable in this context. The site lies within the AONB. There are several listed buildings and historic farmsteads in close proximity to the site.
- 7.66 The proposal should be assessed against the NPPF and applicable policies within the Development Plan. The Draft Local Plan sets out the Council's proposed development strategy, distribution for growth and housing need for the Borough. The Draft Local Plan was subject to Regulation 18 public consultation, which expired on 15th November 2019. At this stage in the Local Plan process, only limited weight can be given to the policies in the Draft Local Plan.
- 7.67 The Council's Distribution of Development Topic Paper, which supports the Draft Local Plan identifies this site to be major development in the AONB, therefore Para 172 of the NPPF applies where planning permission for major development in the AONB should generally be refused unless there are exceptional circumstances and where it can be demonstrated that the proposed development is in the public interest.
- 7.68 The site is proposed to be allocated as part of the Draft Local Plan for approximately 30-45 dwellings, allotments and play space. Policy AL/BM1 requires pedestrian

access and linkages; contributions towards traffic assessment; relocation of 30mph speed limit; provision of on-site amenity/natural green space; provision of a children's play space in the northern part of the site; provision of allotments in the south-west corner of the site, off-street parking for the allotments; and, consideration of providing parking spaces to serve the existing dwellings on Brenchley Road.

- 7.69 Although this policy can only be given limited weight, it is considered that in conjunction with the NPPF advice above, the issues and requirements specified in the policy should be considered as part of a proposal on this site, particularly regarding the provision of a more accessible, equipped children's play space to the north, allotments and an additional pedestrian link onto Coopers Lane. Depending on comments received from other specialists in relation to the visual impact assessment and heritage study submitted, it is possible that the housing yield may need to be at the lower end of the proposed range of 30-45 dwellings in this policy. The site is also proposed to be included within the revised LBD for Matfield.
- 7.70 The Council has a housing land supply of 4.69 years and therefore does not have a five year housing land supply.
- 7.71 Recommend number of units further reduced and/or the form revisited (e.g. larger units replaced by smaller units) allowing the amount of open green space and areas for planting throughout/around the perimeter of the site to be further increased. Recommend there is an equipped area of children's play to the north of the site. Consideration should be given to the provision of additional, publicly accessible allotments in the south-west corner of the site, with the attenuation pond relocated within the ecological zone. Provision of an additional pedestrian access to Coppers Lane.

TWBC Tree Officer

- 7.72 (30/09/19): There only appears to be one tree worthy of retention that would be lost. This is a semi-mature ash growing adjacent to the footway, highly visible to the east and west along Maidstone Road. The Transport Note states that a reduced, but acceptable visibility splay could be achieved without removing this tree. That would be preferred. If this ash was to be removed, commensurate replacement planting should be conditioned as near as possible to this tree's location.

TWBC Parking Services

- 7.73 (03/05/19 & 06/09/19): No comment.

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 Fernham Homes recognise that the site is located adjacent, rather than within, the established LBD. Nonetheless, it is sustainably positioned as reflected in the emerging Draft Local Plan, which seeks to redraw the LBD boundary to include this area within the urban confines.
- 8.02 Whilst we acknowledge the sensitive nature of the AONB landscape, the whole of Matfield is washed over by the designation, as is 70% of the Borough. Accordingly, development needs cannot be met without use of AONB land and so instead it should be directed towards these least sensitive areas, away from the historic cores of villages and to locations that benefit from strong and defensible boundaries.
- 8.03 For the avoidance of doubt, the benefits of this proposal include:

- Provision of up to 45 quality new homes in an area of constrained and unmet need;
- Provision of 40% affordable housing (exceeding the 35% policy requirement);
- The provision of a scheme focussed on small and medium family homes;
- The clustering of new development within the village to the benefit of the preservation of the historic core;
- Delivery of development in a location that would have good access to the strategic highway network via the A21 and local facilities in Paddock Wood;
- Provision of substantial areas of open space, including natural children's play apparatus;
- Provision of improved footway linkages and off site highway junction improvements;
- A programme of ecological enhancements resulting in biodiversity net gains; and
- Preservation and enhancement of key trees and landscape features.

8.04 In closing, Fernham Homes acknowledge that this application requires the balance of sensitive matters. However, the proposals are well informed and have been formulated through very detailed discussions with Officers. Accordingly, we consider this well-planned development should proceed given the local context and wider benefits associated with the proposal.

9.0 BACKGROUND PAPERS AND PLANS

- Planning Statement dated April 2019
- Landscape and Visual Appraisal dated April 2019
- Heritage Statement dated April 2019
- Design and Access Statement dated April 2019
- Arboricultural Assessment – Tree Survey dated March 2019
- Transport Statement dated April 2019
- Preliminary Ecological Appraisal dated April 2019
- Protected Species Report dated April 2019
- Flood Risk Assessment dated April 2019
- Energy Strategy dated April 2019
- Landscape & Ecological Strategy dated August 2019
- Transport Technical Note dated June 2019
- Road Safety Audit Stage 1 dated 19th July 2019
- Road Safety Audit Stage 1 dated 12th April 2019
- Letter from Lambert & Foster regarding agricultural land dated 5th April 2019
- Statement of Community Involvement dated April 2019
- Biodiversity Metric Report dated 25th November 2019

Drawing numbers:

- DHA/13200/01: Site Location Plan
- DHA/13200/02: Existing Site Layout Plan
- DHA/13200/03/A: Illustrative Proposed Site Layout Plan
- DHA/13200/04/A: Land Use Plan
- DHA/13200/05/A: Access Strategy Plan
- DHA/13200/06/A: Landscape and Drainage Plan
- DHA/13200/07/A: Illustrative House Mix Plan
- H-01/P2: Access Design
- T-06/P1: Vehicle Swept Path Analysis Brenchley Road – 11.4m Refuse
- T-07/P1: Vehicle Swept Path Analysis Brenchley Road – Estate Car
- T-08/P1: Vehicle Swept Path Analysis Brenchley Road – Box Van

10.0 APPRAISAL

Principle of the development

- 10.01 The site is located within the countryside and outside of the Limits to Built Development (LBD) for Matfield. The adopted development plan policies seek to direct new residential development to the most sustainable locations within the LBD and protect the countryside “*for its own sake*”, restraining development within the countryside in order to “*maintain the landscape character and quality of the countryside*” (Core Policy 14). The site is also located within the High Weald AONB.
- 10.02 The National Planning Policy Framework (NPPF) requires the Council to meet its full, objectively assessed needs (OAN) for market and affordable housing in the Borough and identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against the Council's housing requirements. In April 2019, the Council were able to demonstrate a 4.69 housing land supply. The Council currently cannot demonstrate a five year housing supply compliant with the OAN figure. In such situations, the NPPF advises that the Council's policies for the supply of housing should not be considered up-to-date and a presumption in favour of sustainable development applies.
- 10.03 Para 11 of the NPPF states that for decision-taking this means that where “*the policies which are most important for determining the application are out-of-date, granting planning permission 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; 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 The “*policies*” referred to above include those relating to AONBs and designated heritage assets. Para 172 of the NPPF states that “*great weight*” should be given to conserving the landscape and scenic beauty in AONBs, as they have the highest status of protection in relation to landscape and scenic beauty. This does not create a blanket presumption against new housing in the AONB, but does require detailed consideration of the impacts of new development in such locations. The proposal when its nature, scale and setting is taken into account is considered to be major development in the context of Para 172. Para 172 states that major development in AONBs should be refused other than in exceptional circumstances and requires such proposals to meet three tests. Compliance with this part of the NPPF is discussed in greater detail in the AONB section below.
- 10.05 In this case, the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies (including those relating to AONBs and heritage assets) indicate this development should be restricted.
- 10.06 Para 8 of the NPPF explains that there are three dimensions to sustainable development:
- “an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

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

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

- 10.07 It can be seen that sustainability is a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position.
- 10.08 The sub-text to Policy LBD1 in the Local Plan (para 3.39) sets out that the LBD’s purpose is to direct development to built up areas to ensure sustainable development patterns and to prevent encroachment into the countryside. The LBD boundary extends to Pear Tree Cottages (along Maidstone Road) and Whitethorn Cottages (along Brenchley Road). Planning permission was granted in May 2018 for twenty new dwellings on land to the east of Pear Tree Cottage; this scheme is currently under construction. Outline planning permission was also granted for three new dwellings at Thorn Barn (to the west of the application site and to the south of Maidstone Road). The approved schemes extend the village envelope further towards the site.
- 10.09 The site is reasonably sustainable in relation to the village, which lies to the west of the application site. There is a footway running along the southern side of Maidstone Road leading into the village. Matfield has a village hall (with part-time post office facility), pavilion (used for recreation open space), two public houses (in addition to The Poet restaurant), butcher’s shop, place of worship and mobile library service. The nearest school is sited in Brenchley, which is just over 1km away from the site; however, it is noted that there is no continuous footway between the site and primary school. Mascalls Secondary School is sited approximately 2km to the north and the centre of Paddock Wood is approximately 3.5km away. Paddock Wood provides a number of amenities/services, including a main line rail station, sports centre and shops/services. The village is also on bus routes providing services to local towns and villages, including Brenchley, Paddock Wood, Maidstone and Tunbridge Wells. There is also a national cycle route that passes the site along Brenchley Road.
- 10.10 Existing ribbon development extends past the LBD boundary and surrounds the site along Maidstone Road, Brenchley Road and Coppers Lane. In location terms, the site is considered to be reasonably sustainable. However, the proposed development would result in the loss of a greenfield site at the edge of the village, which currently makes a positive contribution to the visual amenity of the locality and the character and appearance of the High Weald AONB. The site also makes a positive contribution towards the setting of the Matfield CA and nearby listed buildings. The impact of the development on the AONB and heritage assets will be discussed in more detail below.
- 10.11 The appeal decision at Common Road, Sissinghurst dated 21/03/16 confirmed that the Council did not have a five year housing land supply in line with the NPPF; this remains the same to date. The Inspector for the Common Road, Sissinghurst appeal acknowledged that Sissinghurst is a Tier 3 settlement in Para 4.5 of the Core Strategy (as is Matfield), that is low down on the Council’s priorities for development and that the landscape and visual impact would be such that the “*harm would be*

reasonably substantial” but also gave weight to the site’s location on the “*edge of the existing village, within fairly close proximity to these services/facilities*”. The Inspector also acknowledged pedestrian and cycle links to other settlements are limited. However, the Inspector gave considerable weight to the supply of housing and considered that the proposal was sustainable.

- 10.12 The application site has many similarities to the Sissinghurst appeal. It is in close proximity to a Tier 3 village, but is more advantageously placed in respect to the Tier 1 Tunbridge Wells and Tier 2 Paddock Wood, where a wider range of facilities, train services and opportunities can be found. However, It is not particularly well located in relation to the closest primary school or pre-school, which are located in Brenchley – over 1km away with no continuous footway. Given the location and accessibility of the site to the village and nearby services, it is considered to be moderately sustainable.
- 10.13 The site is proposed to be allocated as part of the Draft Local Plan for 30-45 dwellings (Policy AL/BM1). The Draft Local Plan was subject to Regulation 18 public consultation, which expired on 15th November 2019. Given the early stage in the Plan’s process, it can only be given limited weight in the consideration of this application. However, the intention to allocate this site after a full review of all sites submitted as part of the Call for Sites process indicates the Council’s position regarding the sustainability of the site.
- 10.14 Whilst the site is positioned on the outskirts of the existing developed area, it allows good connection to the existing settlement. It is considered that the proposed scheme would suitably integrate in to the existing settlement pattern. The proposal would provide up to 45 new dwellings on the site (equating to a maximum of 15.6 dwellings per hectare), with 40% of these units being affordable. The density is considered to be low but appropriate at this edge of settlement location, given the sensitivity of the site in landscape and ecological terms. All matters (except access) are reserved and therefore not subject to consideration in this application. The proposed housing would make a significant contribution towards meeting the Borough’s unmet housing need and the provision of 40% affordable housing is also considered to be a significant social benefit as it is a greater level than the adopted Local Plan requires. In addition to proposed market and affordable housing, the applicant is proposing to provide a natural area of play on site. In order to mitigate the impact of the development on existing community facilities/services, the applicant is proposing contributions towards schools, G.P. surgeries, community services and off-site children’s play space.
- 10.15 The site is sensitive in landscape and ecologically terms. During the course of the application, the applicant has amended the scheme by reducing the number of units from 47 to up to 45 (in line with the maximum number proposed in Policy AL/BM1 of the Draft Local Plan). The plans also show an increase in the amount of green space around the periphery. The indicative plans show an orchard in the north-east corner of the site, with planting along Maidstone Road. This helps to screen the development on the approach from Maidstone Road and provides a greater degree of separation and landscaping between the proposed development and the listed Thorn Cottages (to the north-west of the site). A large area of open space is proposed to the south of the site, which would contain a drainage pond and natural play area. This helps to provide a separation between the built form and the listed buildings to the south of Brenchley Road. Whilst the scheme would be visible from the adjoining roads, it is acknowledged that ribbon residential development is already visible along all three of these roads. The proposed planting and buffer zones would help to filter views into the site and reduce its visual dominance.

- 10.16 Whilst there would clearly be landscape harm by virtue of the introduction of the residential development on a greenfield site within the AONB, the harm to the AONB and setting of the CA and nearby listed buildings would be reduced by the landscape mitigation over time as the planting establishes. Full details of the design, layout and landscaping would be considered as part of a reserved matters application. The proposal would have a significant but localised impact on the AONB. However, it is considered that this harm is outweighed by the public benefits. A more detailed assessment of the impact upon the AONB (including assessment against Para 172 of the NPPF) is found in the AONB section below.
- 10.17 Protected species have been found on site. The impact of the proposal on ecology is discussed in greater detail below; however, it is concluded that subject to appropriate planning conditions, the proposal would not be harmful to protected species. The proposal includes a large area of open space and ecological buffer zones to the south of the site and along the site boundaries. This approach is supported by the Council's Landscape & Biodiversity Officer. The proposal has demonstrated that it would provide net gain for biodiversity on site, in accordance with Para 170 of the NPPF.
- 10.18 The proposed development would contribute to the local economy through the creation of construction jobs and through additional residents who would potentially utilise some of the local services, thereby helping to secure their long-term viability. The proposal would also secure financial contributions towards community facilities/services, including G.P. surgeries, education, libraries and children's play space, which provide further economic enhancements. The land currently does not contribute to the economic vitality of the area. Whilst it is technically agricultural land, this land is not utilised and as such its economic contribution is neutral. The loss of agricultural land is discussed further below. Overall, in the absence of a five year housing land supply and the contribution that this proposal would make towards boosting the supply of housing as well as the economic contribution, it is considered that there are moderate economic benefits from the proposal.
- 10.19 Although the proposal would result in new development outside the LBD, the site is well connected in spatial terms to the existing built form of the village and would be well placed in terms of the existing local services provided. It is also noted that the Draft Local Plan proposes to extend the LBD boundary to include this site. The proposal would provide up to 45 new dwellings, which would make a significant contribution towards meeting the Borough's housing need. The proposal also provides 40% affordable housing, which exceeds the requirements of Core Policy 6 of the Core Strategy and this is also given significant weight. The development would provide some benefits to the local economy during construction and through the introduction of new residents (and their use of local facilities/services). Given the existing and approved development surrounding the site, it is considered development of this site would not appear as an incursion into the countryside. Overall, it is considered that the social and economic benefits of the proposal outweigh the harm identified to the AONB and designated heritage assets and the proposal therefore comprises sustainable development in terms of the NPPF. Having regard to the presumption in favour of sustainable development and the requirements of Para 11 of the NPPF, planning permission should therefore be granted unless any other material considerations indicate otherwise. The following sections of the report therefore assess whether the proposal accords with other elements of the Development Plan and NPPF.

Affordable housing

- 10.20 Core Policy 6 of the Tunbridge Wells Borough Core Strategy requires that development of ten dwellings or more provide 35% affordable housing on site. In this case, the applicant is proposing 40% affordable housing, which exceeds the requirement set out in Core Policy 6 and is considered to be a significant public benefit. This percentage is in line with emerging Policy H5 of the Draft Local Plan that requires 40% affordable housing for proposals of nine dwellings or more on greenfield land. This emerging policy can only be given very limited weight in the decision making process due to the early stage of the Local Plan. The provision of 40% affordable housing exceeds current policy requirements and would make a significant contribution to local needs housing and is therefore given significant weight.

Impact on the AONB and visual amenity

- 10.21 Para 172 of the NPPF states that “*great weight*” should be given to conserving the landscape and scenic beauty in AONBs, as they have the highest status of protection in relation to landscape and scenic beauty. The site is considered to be ‘major development’ in the context of Para 172.

- 10.22 Para 172 seeks to restrict major development within AONBs and states that:

“planning permission should be refused for major development except in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated”.*

- 10.23 The submitted LVIA identifies the site as being of high sensitivity with a high magnitude for change. However, this effect would be the same for any greenfield site within this part of the AONB. This site is considered to be more sensitive than the site to the east of Pear Trees (which was effectively an infill site and located on the plateau). The application site is more visible and sensitive in landscape terms due to its topography and the fact that it is surrounded by three roads. It currently provides a green approach to the village, provides views to the wider countryside, and contributes positively to the setting of the CA and nearby listed buildings.

The need for the development, including in terms of any national considerations and the impact of permitting it, or refusing it, upon the local economy

- 10.24 The need for the development is evidenced by the lack of five year housing land supply and demand for affordable housing within the Borough. This application proposes up to 45 new dwellings, with 40% affordable housing (above current policy requirements) to help meet this need. Whilst the number of dwellings is modest in relation to the overall need, it is significant in terms of its local contribution and the amount of affordable housing that would be provided within the village.
- 10.25 Permitting this development would have a short-term positive economic impact due to the employment opportunities which would be created during construction. The additional village residents would potentially utilise some of the local services and thus help to secure their long-term provision, supporting the vitality of the rural

community. The impact of refusing it would be that the site would remain as agricultural land, albeit unused. The potential agricultural use could provide some benefit to the local economy, but given the size of the field and the fact that it is not connected to a wider network of fields, limits its agricultural value.

The cost of and scope for developing outside the designated area or meeting the need for it in some other way

- 10.26 The whole of Matfield is washed over by AONB. Approximately 70% of the Borough lies within the AONB. The Borough is also subject to Green Belt and flooding constraints. Given the housing need, the Council are proposing to allocate sites within the AONB (including this site). Owing to the extent of the AONB, there is no realistic prospect of developing housing for Matfield outside the AONB that would be as well located as this site to the existing settlement.
- 10.27 The Council has undertaken a Call for Sites process as part of the emerging Local Plan. After a full assessment of all submitted sites, this site is considered one of the most suitable within the Borough to meet the housing need and the Council is therefore proposing to allocate it within the Draft Local Plan.

Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

- 10.28 The Council's Landscape Character Area Assessment shows the site as being within Character Area 1 – Brenchley and Matfield Fruit Belt, which covers a large area and is described as a broad plateau with an intensively managed, orchard dominated landscape on the plateau top and on the rolling slopes and ridges.
- 10.29 Given that the site is surrounded by existing residential development, it is considered that the proposal would not result in a significant incursion into the countryside. Whilst there would be harm to the rural setting of the village and CA, this would be mitigated by the fact that the development would be set back from Maidstone Road with landscaping to the front. There would also be a significant landscape buffer to the south and the existing hedgerow would be retained adjacent to Coppers Lane with a further ecological buffer, which would provide a good level of screening. The proposed orchard and other planting adjacent to Maidstone Road provides some screening of the development on approach to the village from Paddock Wood and provides some visual separation/screening between the development and adjoining residential properties (including listed buildings).
- 10.30 The proposal includes a parameter plan, which shows the developable areas and land safeguarded for ecological mitigation and amenity space. Full details of the layout, landscaping and design would be assessed as part of a reserved matters application. The indicative plans show a central spine running north to south through the development, which is designed to maintain a vista through the site to maintain the open views. The applicant is also proposing a landscape led approach and is seeking to retain the southern part of the site for open/amenity space, drainage attenuation, biodiversity mitigation and children's play space. Ecological buffers are proposed around the boundaries. Design is reserved for future consideration; however, the applicant indicates that the dwellings would be two storeys in height, some of which would have dormer windows, incorporating a mix of locally sourced materials.
- 10.31 The proposal to develop this greenfield site for residential development would result in significant harm to the character and appearance of the High Weald AONB; however, this harm would be largely localised and would lessen in time as the new landscaping becomes established. In this case, it is considered that the provision of

up to 45 new dwellings to meet the Borough's unmet housing need; provision of 40% affordable housing; the provision of a natural play area; and the other economic benefits identified, outweigh the harm that would be caused. There is no evidence that there are alternative sites outside the AONB, which are as well related to the LBD and could provide this volume of market and affordable housing.

Highway safety

- 10.32 The proposal seeks to provide a new access onto Maidstone Road. A Stage 1 Road Safety Audit has been submitted with the application. The proposal includes improvements to footways in both directions from the site, including the width of the existing footway to 1.8m, utilising part of the existing verge. The proposal also seeks to extend the footway along the southern side of Maidstone Road for approximately 45 metres in a north-easterly direction. The current 30mph speed limit begins approximately 30m to the south-west of the site access, with a 50mph speed limit in place in the vicinity of the proposed site access and along much of the site frontage heading north. It is proposed to extend the 30mph speed limit by approximately 100m in the northbound direction, which would be sited approximately 70m north-east of the proposed access.
- 10.33 The off-site works include a scheme to reduce the radii at the junction of Maidstone Road/Brenchley Road/Chestnut Lane, which would include an uncontrolled pedestrian crossing, equipped with dropped kerbs and tactile paving. The applicant has also confirmed that they are happy to provide a raised bus boarding kerb for the north bound bus stop, as requested by the Highways Officer. No objections have been raised by the Highways Officer to the scheme or the proposed works at the junction, which should improve pedestrian safety and connectivity to the village. Further details of these works can be secured by condition and through the Section 278 process.
- 10.34 The Transport Assessment identifies that the site will generate an additional 27 vehicle trips in the AM peak hour and 29 in the PM peak, with an additional 231 vehicle trips generated across the 12 hour weekday. In terms of the A21 Kipping's Cross Roundabout south of the village, approximately 20-21 trips are forecast to use the junction in the weekday AM and PM peak hours respectively, which is not considered to represent a significant or 'severe' impact. Private representatives have queried these figures, considering them to be very low for 45 dwellings. However, the Highways Officer and Highways England have raised no objection in terms of the impact of the traffic generation associated with the development on the local and strategic road network.
- 10.35 In respect to sustainable modes of transport, there are four bus stops in close proximity to the site on Maidstone Road. There are hourly bus services to Tunbridge Wells, Pembury, Paddock Wood, East Peckham and Maidstone. There are also school services to Hawkhurst, Cranbrook, Tunbridge Wells, Tonbridge, and Paddock Wood and two daily services to London. The site adjoins National Cycle Route 18, which travels along Brenchley Road to the south of the site. This route provides a link between Canterbury and Tunbridge Wells, via Ashford and Tenterden.
- 10.36 The applicant has confirmed that all delivery and HGV construction traffic would be accommodated on site during construction. A construction and environmental management plan would be secured by condition in the interests of highway safety, residential amenity and biodiversity.
- 10.37 The applicant has confirmed that a visibility splay of 2.4 x 118m is achievable to the east. To the west a splay of 2.4 x 96m is achievable, subject to the removal of a tree

along Maidstone Road, otherwise a splay of 87m is achievable. The Council's Tree Officer would prefer to see the existing tree retained; however, should this not be possible then additional tree planting would be secured by condition.

- 10.38 As this proposal is outline only (with only the access not reserved), full details of the internal road layout and parking would be considered as part of a reserved matters application. There is considered to be sufficient space on site to meet the parking requirements for the development. In this case, the applicant has demonstrated that an access can be provided onto Maidstone Road, with suitable visibility splays and the additional trips generated from future residents would not be harmful to the local or strategic road network. The applicant is also proposing off-site highway works to improve and extend the existing footways and improve pedestrian safety and connectivity at the crossroads. No objection is therefore raised to the development on highway grounds.

Impact on residential amenity

- 10.39 The indicative plan shows landscape/ecological buffers along the boundaries of the site, which would provide separation between the proposed dwellings and the existing/approved residential properties. The change in use of the land from agricultural to residential would result in some additional disturbance to the existing residential properties, when compared to existing; however, this is not considered to be significant to warrant a refusal on this ground. As this is an outline planning application with all matters reserved (except access), details of the scale, layout, appearance and landscaping would be considered at reserved matters stage. Any future reserved matters application would have to demonstrate that it would not result in significant harm to the residential amenity of adjoining properties, in accordance with Policy EN1 of the Local Plan.

Impact on heritage assets

- 10.40 There are a number of Grade II listed buildings in close proximity to the site. Those that are most likely to be impacted by the development include Thorn Cottages, Thorn House, Standing Cross Public House, Whitethorn Cottage, Whitethorn Cottages and Homebush Cottage. The site is located approximately 275 metres away from the CA.
- 10.41 Thorn Cottages are located to the north-east of the application site at the junction between Maidstone Road and Coppers Lane. The Heritage Statement submitted with the application acknowledges that *"the application site, in its current form, contributes to the general rural surroundings of the listed buildings allowing them to be appreciated as rural workers' dwellings. The openness of the site and sparse boundary planting from the north also allows some limited longer views of those listed buildings located on Brenchley Road"*. The proposed development would infill the last remaining green open gap between Thorn Cottages and the main settlement at the crossroads. The proposal would result in harm to the setting of these listed cottages because the loss of green space would impact the historic legibility of the building as an outlying series of mid 19th century workers cottages. This harm is considered to be less than substantial.
- 10.42 Standing Cross Public House and Thorn House are separated from the site by allotments and the recently approved application of three detached dwellings (18/02627/OUT). The applicant's Heritage Statement notes that *"there is no intervisibility between these assets and the site"*. The proposal development would result in a degree of urbanisation, but would not materially impact the significance of these listed buildings given the already built up environment.

- 10.43 There are a number of listed buildings to the south of the site. The southern part of the site would be retained as green open space with an attenuation pond, area of natural play and biodiversity buffers. Given the landscape separation between the proposed development and the listed buildings, it is considered that the proposal would result in less than substantial harm to the setting of these listed buildings.
- 10.44 The proposal would reduce the rural character within the setting of the listed buildings and prohibit some longer views of assets which are currently available across the site. The open and agricultural nature of the site provides a green setting to the entrance of the village and contributes to the setting of the CA and nearby listed buildings. The provision of built form on this greenfield site would result in suburbanisation and harm to the setting of the CA. The removal of a section of hedgerow and introduction of a new access with wide visibility splays would harden the landscaping at this point. This would be harmful to the approach, which forms part of its significance as an isolated hamlet, but it is considered to be less than substantial given the mitigating landscaping proposals and the size of the opening in relation to the overall length of hedgerow. Less than substantial harm would be caused to the setting of the CA by intruding in its rural setting and increasing the density of development away from the village centre to a new location.
- 10.45 Para 184 of the NPPF acknowledges the importance of heritage assets and states that *“these are irreplaceable resources, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”*. The proposed development would result in less than substantial harm to the setting of adjoining listed buildings and the CA. Para 196 of the NPPF states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*. In this case, it is considered that the public benefits of the proposal, including the provision of housing to meet the Borough’s unmet need; provision of 40% affordable housing; financial contributions towards local facilities/services; off-site highway improvement works; and, benefits to the local economy outweigh the less than substantial harm identified.

Ecology

- 10.46 Protected species have been identified on site. Dormice were recorded on site in hedgerows along the eastern, southern and western boundaries. Access would be through the northern hedgerow where no dormice were recorded. The hedgerow along the northern boundary is of lower quality than the rest, due to its proximity to Maidstone Road. Other small mammals have been identified on site.
- 10.47 A grass snake was recorded on site. The site is considered to have potential for other reptiles and hedgehogs. No great crested newts have been recorded on site. The proposal includes biodiversity mitigation and enhancement measures, including significant areas for ecology.
- 10.48 One tree is considered to have low potential to support a bat roost; no works are proposed to this tree. The site also supports breeding bird habitat. It is recommended that any clearance of vegetation takes place outside of the bird breeding season (March to August), or is checked by a qualified ecologist prior to clearance.
- 10.49 Evidence of badger tracks and latrines were found on the site. However, no setts were found within or near the site boundaries. The applicant’s ecologist recommends a pre-commencement check of the site for badgers immediately prior to works commencing, which would be secured by condition.

- 10.50 The applicant states that bird boxes, native planting and enhancements to hedgerows are proposed to enhance biodiversity on site. Hedgerows would be outside of the curtilage of the new dwellings to ensure their safe retention. Hedgerows would be retained and a protected margin of semi-natural habitat created between the development and hedgerows (7-30m).
- 10.51 An orchard with wildflower meadow understorey is proposed in the north-east corner of the site with an avenue of orchard trees along the eastern boundary. The fruit would be available to harvest by residents, whilst the management would be carried out by the management company. The fruit trees would provide nectar and fruit for birds, insects and mammals.
- 10.52 The scheme includes a large area of open space/ecological buffer zone to the south and ecological buffer zones along the site boundaries. The Landscape & Biodiversity Officer considers that the scheme is likely to provide (subject to conditions), sufficient mitigation to address protected species. The applicant has demonstrated that the proposal would result in an overall net gain for biodiversity on site in accordance with Para 170 of the NPPF.

Impact on trees

- 10.53 There are a number of trees of varying quality around the edge of the site. The existing trees contribute positively to the landscape character of the locality. Most of these trees are of important landscape value as they are visible from adjacent roads and residential properties. None of the existing trees are subject to a Tree Preservation Order. The Planning Statement confirms that all the existing trees would be retained. However, the Transport Technical Note recommends the removal of T12 and T13 (both Ash trees – categories C2 and B2) to improve visibility. The Tree Officer has confirmed that he would like the existing trees to be retained if possible; however, should these be required to be removed, then replacement tree planting would be secured by condition.

Recreation Open Space

- 10.54 The proposal would provide a natural area of play to the south of the site, which would be publically available. This would be a social benefit to the village, which currently does not have a playground. Further details of the play facilities can be secured by condition. The applicant has also offered £75,000 towards community facilities, which would be used towards the enhancement of Brenchley playground. Although this playground is in Brenchley, it is opposite the primary school, which is likely to be used by children of future occupants of the site.
- 10.55 Policy R2 of the Local Plan requires that youth and adult recreation open space calculated at the rate of 1.6ha per 1,000 population is provide within or abutting the site. The proposal provides 0.54ha of publically accessible open space (including community orchard), which exceeds the requirements of Policy R2. Furthermore, the applicant is proposing an additional 0.6ha in the form of wider ecological areas/buffer zones. The proposed level of adult/youth recreation open space and children's play space complies with Policy R2 of the Local Plan.

Loss of agricultural land

- 10.56 The land is classified as Grade 2 (best and most versatile) agricultural and has historically been used as orchard. Footnote 53 of the NPPF states that "*where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*". This does not preclude the loss of BMV agricultural land but does require that it be justified. In this

case, the application relates to a relatively small parcel of land (2.88ha) that is not in active agricultural use. It is also a standalone parcel of land remote from any other farmland to which it could be associated, which reduces its agricultural potential. There is therefore no objection to the loss of this agricultural land.

Flood risk and drainage

- 10.57 The site is located within Flood Zone 1, which is identified as having a low risk of flooding. A Sustainable Urban Drainage System (SuDS) is proposed to deal with surface water generated from the development, to ensure that flood risk is not increased elsewhere. Surface water runoff from the access roads, roofs and hardstanding would be drained via trapped rainwater gullies in a network of surface sewers before discharging into an attenuation basin, located to the south of the site. From the attenuation basin, water would discharge into two deep bored soakways located in the amenity area. A shallow drainage swale is also proposed along the eastern and southern boundaries to accommodate roof and hardstanding runoff.
- 10.58 The applicant's Flood Risk Assessment (FRA) proposes that foul water from the development would be collected in a system of gravity sewers discharging to the existing foul water drainage network. The FRA states that "*depending on the levels of existing foul sewers an onsite foul water pumping station may be required*".
- 10.59 No objections are raised to the development by Southern Water of KCC Flood & Water Management on flooding or drainage grounds. The proposal demonstrates that foul and surface water can be adequately drained, without causing a flood risk to future residents or properties adjoining the site. No objection is therefore raised to the development on flood or drainage grounds.

Renewable Energy & Sustainability

- 10.60 The Council's Renewable Energy SPD requires that developments of ten dwellings or more incorporate renewable technology on site to reduce predicted carbon dioxide emissions by 10%. An Energy Statement has been submitted with the application, which confirms the development would achieve a 10% reduction in carbon dioxide emissions from renewable technologies after building regulations, which therefore complies within this policy. The Energy Statement states that photovoltaic panels would be provided to deliver the carbon saving through renewable technologies, which are considered to be an appropriate technology in this location. Further details of renewable energy provision can be secured by condition. The applicant originally stated that the heating would be provided via clean condensing gas boilers. Local residents have pointed out that there is no mainline gas supply in Matfield. The applicant has subsequently confirmed that they intend to use BioLPG gas provision, which they consider would generate equivalent carbon reductions. Further details of energy and water conservation measures can be required by condition.
- 10.61 The applicant has confirmed that at least 10% of dwellings shall have electric vehicle charge points (EVCP) fitted prior to first occupation. This is in line with the Council's EVCP Guidance Note. Further details of EVCP provision can be secured by condition.

Section 106 contributions

- 10.62 Para 56 of the NPPF states that '*planning obligations must only be sought where they meet all of the following tests:*
- 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*'.

- 10.63 The proposal seeks to provide affordable housing on site, which would exceed the level required by Core Policy 6. The affordable housing provision can be secured by Section 106 planning obligation.
- 10.64 Kent County Council have assessed the implications of the proposal in terms of the delivery of its community services and is of the opinion that it would have an additional impact on the delivery of its services, which would require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. These include:
- Secondary Education - £4,115 per 'applicable' house and £1,029 per 'applicable' flat towards Phase 2 expansion of Mascalls Academy, Paddock Wood.
 - Libraries - £48.02 per dwelling towards additional book stock for the mobile library.
- 10.65 West Kent Clinical Care Commission has also identified a need towards refurbishment, reconfiguration and/or extension at Howell Surgery and/or Waterfield House Surgery or as a contribution towards new practice premises. Based on the indicative mix, this would be £44,244.
- 10.66 Policy R2 of the Local Plan requires that developments of this size make provision for children's playspace. The applicant is proposing an area of natural play to the south of the site. A contribution of £75,000 is proposed towards community facilities, including the enhancement of children's play facilities in Brenchley. The provision of on-site play space and the off-site contribution towards community facilities and children's play are considered to mitigate the impact of the development on children's play space and other community facilities within the Parish.
- 10.67 All of the above contributions are considered to meet the relevant tests and would be secured by Section 106 planning obligation.

Other material considerations

- 10.68 Details of any external lighting would be required by condition in order to preserve the visual amenity of the locality and in the interests of biodiversity and residential amenity.
- 10.69 No new accesses are proposed onto Coppers Lane or Brenchley Road, which are designated rural lanes. The existing hedgerows/trees along these roads would be retained and enhanced. The proposed development would not be harmful to the character and appearance of the rural lanes. The wider landscape impacts of the development have been fully considered above.

Conclusion

- 10.70 The proposed development would cause significant harm to the character and appearance of the AONB and less than substantial harm to the setting of the CA and nearby listed buildings by virtue of the introduction of new build development on this greenfield site. However, it is considered that this harm is outweighed by the following public benefits:
- The contribution the new housing would make towards the Borough's unmet housing need;
 - Provision of 40% affordable housing (above policy requirement);
 - Provision of small and medium sized family homes;

- Provision of an area of natural play;
- Off-site highway mitigation works to improve pedestrian and highway safety;
- Ecological enhancements;
- Economic benefits during construction and as a result of new residents utilising local facilities/services; and,
- Financial contributions towards community facilities/services.

10.71 Based on the findings as outlined above, the proposal is considered to be sustainable development. The proposal includes significant public benefits, which outweigh the harm identified to the character and appearance of the AONB and to the setting of designated heritage assets. These combined provide the exceptional circumstances needed to grant major development in the AONB. The development would not cause significant harm to neighbouring residential amenity, ecology or the surrounding landscape character. Overall, the proposal is considered to be acceptable in the balance of issues discussed within this report and there are not considered to be any other material considerations which would indicate a refusal of planning permission.

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) IN A FORM TO BE AGREED BY THE HEAD OF LEGAL PARTNERSHIP MID KENT LEGAL SERVICES BY 30 JANUARY 2020 (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES) TO SECURE THE FOLLOWING:

- 40% affordable housing;
- Secondary Education - £4,115 per 'applicable' house and £1,029 per 'applicable' flat towards Phase 2 expansion of Mascalls Academy, Paddock Wood;
- Libraries - £48.02 per dwelling towards additional book stock for the mobile library;
- NHS - £44,244 (based on indicative mix) towards refurbishment, reconfiguration and/or extension at Howell Surgery and/or Waterfield House Surgery or as a contribution towards new practice premises (to be secured at the following rate per person - £360) :

1 bed unit @ 1.4 Persons

2 bed unit @ 2 Persons

3 bed unit @ 2.8 persons

4 bed unit @ 3.5 Persons

5 bed unit @ 4.8 Persons

- £75,000 towards community facilities, including children's play

and subject to the following conditions:

- 1) Approval of the details of the layout, access, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing no later than the expiration of 3 years from the date of this permission. The development shall be carried out in accordance with the approved details.

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

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

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

- 3) The development shall be carried out in accordance with following approved plans (insofar as the details shown relate to the access to the development):

- DHA/13200/01: Site Location Plan
- DHA/13200/02: Existing Site Layout Plan
- DHA/13200/03/A: Illustrative Proposed Site Layout Plan
- DHA/13200/04/A: Land Use Plan
- DHA/13200/05/A: Access Strategy Plan
- DHA/13200/06/A: Landscape and Drainage Plan
- DHA/13200/07/A: Illustrative House Mix Plan
- H-01/P2: Access Design
- T-06/P1: Vehicle Swept Path Analysis Brenchley Road – 11.4m Refuse
- T-07/P1: Vehicle Swept Path Analysis Brenchley Road – Estate Car
- T-08/P1: Vehicle Swept Path Analysis Brenchley Road – Box Van

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

- 4) Prior to commencement of any development on site the visibility splays as shown on drawing number H01/P2 are to be provided and anything greater in height than 0.9m above the level of the highway is to be removed. The splays shall thereafter be maintained.

Reason: These works are required prior to the commencement of the development, in the interests of highway safety.

- 5) Notwithstanding the details hereby approved, prior to the commencement of the development, details of off- site works to include reduction of the radii at the junction of Maidstone Road/Brenchley Road/Chestnut Lane; provision of suitable parking controls at the junction; relocation of the speed limit; improvements to footways and crossing points; and, improvements to the north bound bus stop to include raised bus boarding kerbs, shall be submitted to and approved in writing by the Local Planning Authority. No units shall be occupied until the approved schemes have been implemented

Reason: This information is required prior to the commencement of the development in the interest of highway/pedestrian safety and sustainable development.

- 6) Prior to the commencement of the development, a Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Construction and Environmental Management Plan

and BS:5228 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 Plan shall include:

- Measures to minimise the production of dust on the site.
- Measures to minimise the noise (including vibration) generated by the construction process.
- Details of areas for materials storage.
- Details of parking during construction.
- Management of traffic visiting the site, including parking provision for site operatives including an undertaking that HGVs must not reverse into or out of the site unless under the supervision of a banksman.
- Measures to prevent the transfer of mud and extraneous material onto the public highway.

Reason: This information is required prior to the commencement of the development, in order to protect the amenity of local residents and in the interests of highway safety.

- 7) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: This information is required prior to the commencement of the development to ensure adequate means of foul and surface water disposal.

- 8) Prior to the commencement of the development, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment by DHA (April 2019) 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. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 9) No building hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and 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.

- 10) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
 - b) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required prior to the commencement of the development, to ensure that features of archaeological interest are properly examined and recorded.

- 11) Details pursuant to Condition 1 shall show the provision, distribution and tenure of affordable housing. Development shall be carried out in accordance with those approved details.

Reason: In order to ensure that the development and location of the affordable housing is appropriate.

- 12) Details pursuant to Condition 1 shall include details of hard and soft landscaping and a programme for carrying out the works. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The submitted scheme shall demonstrate that the ecological enhancement and mitigation proposals are incorporated fully within the submitted landscaping scheme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with an implementation programme approved by the Local Planning Authority.

Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In the interests of visual amenity and biodiversity grounds.

- 13) Details pursuant to Condition 1 shall include facilities for the parking and turning of vehicles. The works shall be carried out in accordance with the approved plans and completed prior to the first occupation of the dwellings they serve. The parking and turning areas shall thereafter 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) (England) Order 2015 as amended (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 space.

Reason: To ensure the provision and retention of adequate off-street parking and turning facilities for vehicles in the interests of highway safety.

- 14) Details pursuant to Condition 1 shall include details of proposed renewable energy technologies in order to meet the requirements of the Development Plan. The works shall be carried out in accordance with the approved details, prior to the first occupation of the dwelling in which it relates.

Reason: In the interests of sustainable development.

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

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

- 16) The details submitted in pursuance of Condition 1 shall include details of refuse storage and screening. The development shall be carried out in accordance with the approved details and be made ready for use prior to first occupation of the dwelling in which it relates and thereafter retained.

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

- 17) The details submitted in pursuance of Condition 1 shall include details of existing and proposed levels, site survey and cross-sections to include relationship with adjacent properties. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development on the site.

- 18) The details submitted in pursuance of Condition 1 shall include full details of the natural area of play. The natural area of play shall be constructed/installed in accordance with the approved details, prior to the first occupation of the development and thereafter retained.

Reason: To ensure a satisfactory development on the site.

- 19) No development shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the Local Planning Authority. All trees to be retained must be protected by barriers and/or ground protection.

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 to ensure protection and retention of trees important to the character of the area.

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

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the current edition of BS 5837, and in accordance with the approved Tree Protection Plan and the approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction.
- (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

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

Reason: In the interests of visual amenity and biodiversity.

- 22) Prior to the commencement of above ground works, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified

by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings – shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity.

- 23) No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01 dated 2011 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of sustainable development, visual amenity, residential amenity, biodiversity and to protect dark skies.

- 24) Prior to the construction of the attenuation basin, a detailed design for the attenuation basin shall be submitted to and approved in writing by the Local Planning Authority. The attenuation basin shall be designed with appropriate side slopes, such that it may be unfenced and provide an area of permanent water to provide biodiversity enhancements. The detailed design shall include, but not be limited to details of all outfall structures, cross-sections, and landscaping specifications for within the pond and surrounds. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated and delivered within this proposal to appropriately manage flood risk.

- 25) Prior to the commencement of above ground works, details of boundary treatments (including walls, fences and railings) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings they relate to are first occupied and in accordance with a timetable previously agreed in writing with the Local Planning Authority. The approved details shall be implemented in full and shall be permanently maintained thereafter.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and to secure a reasonable degree of privacy for occupiers of the proposed dwellings.

- 26) A Landscape and Ecological Management Plan (LEMP) following the principles set out in British Standard 42020:2013 Biodiversity - Code of Practice for Planning and Development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground construction of the development.

The content of the LEMP shall include the following, as a minimum:

- a) Description and evaluation of the landscape and ecological features to be managed and note any features or areas covered by other management agreements or prescriptions e.g. play areas or drainage schemes.
- b) Ecological trends and constraints on site and wider environmental issues that might influence management and in particular consider the likely effects of climate change.
- c) Landscape and ecological aims and objectives of the management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions for each identified habitat and feature covered.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) with recommendations for periodic review.
- g) Details of the body or organisation responsible for implementation of the plan and the resources both financial and personnel by which the LEMP will be implemented. This shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured post development with the management body(ies) responsible for its delivery.
- h) A scheme of community engagement geared towards raising awareness of landscape and biodiversity issues, active volunteering and social cohesion operated by a experienced provider approved by the Council such as Kent Wildlife Trust or Kent High Weald Partnership.
- i) Ongoing monitoring and remedial measures including regular review by accredited professionals including setting out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning landscape and biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of ecology, the landscape and scenic beauty of the area.

- 27) Prior to the occupation of any of the units hereby approved, details of the provision of electric vehicle charging points, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be provided in accordance with the approved details and in accordance with an agreed timescale and retained thereafter.

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

- 28) Prior to the commencement of above ground construction works, written and illustrative details for energy and water conservation 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: To ensure a satisfactory standard of development, which meets the needs of current and future generations.

INFORMATIVES

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

- 2) The applicant's attention is drawn to the Mid Kent Environmental Code of Development Practice, which is available to view at www.tunbridgewells.gov.uk. The demolition and construction works shall be carried out in accordance with this guidance.
- 3) The applicant should demonstrate a clear audit trail for Design for Crime Prevention and Community Safety and meet the statutory duties under Section 17 of the Crime and Disorder Act 1998. It is recommended the applicant contacts Kent Police Designing Out Crime Officer, prior to the submission of a reserved matters application.
- 4) 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 has now been published and is available to read on Southern Water's website via the following link: <https://beta.southernwater.co.uk/infrastructure-charges>
- 5) Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

(B) If the applicant fails to enter into such agreement by 30 January 2020, 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 fails to make provision for affordable housing and would therefore conflict with the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1, 6 and 14 of the Tunbridge Wells Borough Core Strategy 2010 and the Council's Affordable Housing Supplementary Planning Document.
- (2) The proposal fails to make provision for community services/facilities, such as secondary schools, libraries and healthcare and would therefore fail to comply with the National Planning Policy Framework, National Planning Practice Guidance, Core

Policies 1 and 8 of the Tunbridge Wells Borough Core Strategy 2010 and Policy CS4 of the Tunbridge Wells Borough Local Plan 2006.

- (3) The proposal fails to make provision for recreation open space and would therefore fail to comply with the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1 and 8 of the Tunbridge Wells Borough Core Strategy 2010, Policy R2 of the Tunbridge Wells Borough Local Plan 2006 and the Council's Recreation Open Space Supplementary Planning Document.

Case Officer: Antonia James

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.