

## REPORT SUMMARY

<b>REFERENCE NO -</b> 19/00308/FULL			
<b>APPLICATION PROPOSAL</b> Erection of 42 new dwellings, alongside car parking, cycle parking, drainage, internal road network and the creation of a principal access off Sissinghurst Road (A262), plus public open space, a play area and associated landscaping.			
<b>ADDRESS</b> OS Plots 7755 And 7946 Sissinghurst Road, Sissinghurst, Cranbrook, Kent			
<b>RECOMMENDATION</b> Refuse (see section 11.0 for full recommendation)			
<b>SUMMARY OF REASONS FOR REFUSAL</b> <ul style="list-style-type: none"><li>It has not been demonstrated that a safe, suitable and sustainable access for all can be achieved including appropriate visibility splays on Sissinghurst Road. The development as proposed would therefore lead to an unacceptable impact upon highway safety.</li><li>In the absence of a completed legal agreement, the proposal does not secure provision for affordable housing.</li><li>In the absence of a completed legal agreement, the proposal does not secure contributions towards community facilities including education, libraries, social care, community learning, youth provision, waste provision, NHS and open space.</li></ul>			
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> The following are considered to be material to the application: <b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b> N/A – refusal recommended <b>Net increase in numbers of jobs:</b> N/A <b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A The following are not considered to be material to the application: <b>Estimated annual council tax benefit for Borough:</b> £7,508.00 (if approved) <b>Estimated annual council tax benefit total:</b> £75,080.00 (if approved) <b>Annual New Homes Bonus (for first year):</b> £42,000.00 (if approved) <b>Estimated annual business rates benefits for Borough:</b> N/A			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Referred by Head of Planning			
<b>WARD</b> Frittenden & Sissinghurst		<b>PARISH/TOWN COUNCIL</b> Cranbrook & Sissinghurst Parish Council	
<b>APPLICANT</b> Rachel Allwood		<b>AGENT</b> N/A	
<b>DECISION DUE DATE</b> 21/08/20 EOT		<b>PUBLICITY EXPIRY DATE</b> 29/06/2020	
<b>OFFICER SITE VISIT DATE</b> 12/06/19 and 15/06/20			
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
79/00296/OUT	Outline - Detached dwelling and garage on land	Refused	04/06/1979

	adjacent		
<p><b>Officer Comment</b></p> <p>The above application comprises part of the application site. The proposal and decision have been noted, however Planning Policy, Government Guidance and the Development Plan have changed considerably since this application was determined and therefore, this previous application holds no weight.</p>			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an area of land to the western side of Sissinghurst comprising approximately 2.13ha in size. The site is greenfield and currently grassland and is most likely to have a historic agricultural use, although the site is unutilised at present and overgrown in places. There are a number of tree clusters within the site. The most prominent of which extend along the front boundary with Sissinghurst Road and those that line the eastern boundary with Mill Lane, although these trees are not protected. There are several protected trees within/adjacent to the site boundary which are protected under TPO 021/2002. There is dense shrub landscaping also along lining the Sissinghurst Road frontage together with a hedgerow which obscures most views from the south. The hedgerow continues along the boundary with Mill lane, although the shrub landscaping here is less dense in places and some views are possible. There is also a similar boundary treatment to the Cramptons to the north and Camden Lodge/Camden House to the west. There is an existing field gate in to the site in the south eastern corner, close to the junction between Mill Lane and Sissinghurst Road.
- 1.02 Despite the site being positioned outside of the Limits to Built Development (LBD), there is a significant amount of development within the vicinity of the site, which is predominantly residential. This comprises three main clusters, the first being a group of dwellings and several businesses (including a filling station) fronting the A229 and expanding from the roundabout with Sissinghurst Road. This area is known as Wilsley Pound. The second cluster is similar, although only residential and is some 150m further north east along the A229 (to the north of the application site), these two clusters are separated by a break in development due to the back gardens of Cramptons. The third cluster comprises development immediately surrounding the site with Cramptons (a small cul-de-sac of detached single storey dwellings) to the north, Camden House and Camden Lodge and Camden (large detached and semi detached dwellings within large plots) to the west and liner development fronting Mill Lane to the east. There are also a small number of dwellings sporadically positioned to the southern side of Sissinghurst Road leading to the LBD boundary. These include Sissinghurst Court and The Gatehouse which are both Grade II listed. It is therefore clear that even though the site is outside of the LBD, a significant amount of development is present.
- 1.03 The site has a largely consistent topography with a gentle slope extending to the south. From the southern front to the northern back of the site, there is an approximate gradient change of 1m. The site is not subject to landscape designation policies and is positioned outside of the High Weald Area of Outstanding Natural Beauty (AONB) with the boundary positioned opposite the site to the southern side of Sissinghurst Road. The site is located outside but close to two Conservation Areas (Wilsley some 235m to the west and Sissinghurst some 295m to the east).

- 1.04 The site is located approximately 470m from the centre of Sissinghurst, a tier 3 settlement (village) as identified in the Core Strategy. Within this vicinity there are some local services including convenience shop, public house and village hall. Other community facilities are also present and within walking distance including a primary school, and recreation facilities. Further services including wider shopping choice, doctors, dentist and secondary schools are located in Cranbrook approximately 8 minutes drive/cycle from the site.

## 2.0 PROPOSAL

- 2.01 Planning permission is sought for the erection of 42 new dwellings, alongside car parking, cycle parking, drainage, internal road network and the creation of a principal access off Sissinghurst Road (A262), plus public open space, a play area and associated landscaping.
- 2.02 The development would comprise 27 private sale units and 15 affordable units (equating to 35.7%). The unit mix would be as follows:-

Private Market Housing	Affordable Housing
13 x 3 bedroom houses	2 x 1 bedroom apartments (Affordable Rent)
14 x 4 bedroom houses	2 x 2 bedroom apartments (Affordable Rent)
	3 x 2 bedroom houses (Affordable Rent)
	2 x 3 bedroom houses (Affordable Rent)
	6 x 2 bedroom houses (Shared Ownership)

- 2.03 Access to the development would be provided along the southern boundary of the site from Sissinghurst Road and would involve the creation of a new vehicular access. The access road would then continue through the site with dwellings lining its western side. This would then lead to cul-de-sac comprising a mix of detached, semi detached and apartments along the northern end of the development. A different character area with a more open feel would be created along the eastern side of the site with detached dwellings. This would be accessed via the main route with a one-way exit route back to the access with Sissinghurst Road. The proposal also involves an open play area within the centre of the site overlooked by surrounding dwellings and with a large retained Oak in the centre.
- 2.04 The development would include the provision for SuDS drainage systems to accommodate surface water drainage on the site which will also include an attenuation pond in the southern part of the site.

## 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	2.13ha	-	-
Car parking spaces	0	87 (78 plot/allocated, 9 visitor spaces)	87 (78 on plot/allocated, 9 visitor spaces)
Cycle spaces	0	On plot	As stated
No. of storeys	0	Two storey	As stated
Max height	0	Ranging between 9.4m 8.1m approx.	As stated
Max eaves height	0	Ranging between 5.1m and 5.3m approx.	As stated
No. of residential units	0	42	+42
No. of bed spaces	0	163	+163
No. of affordable units	0	15	+15

#### 4.0 PLANNING CONSTRAINTS

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

Outside Limits to built development (as defined by the Site Allocations Local Plan 2016)

Area of Outstanding Natural Beauty - *Lies opposite an Area of Outstanding Natural Beauty (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)*

TPO 021/2002 includes a group of trees including Oak, Ash and Hawthorn positioned adjacent to the western boundary of the site with No8 Crampons

Public Right of Way WC75 lies to the east of the site

#### 5.0 POLICY AND OTHER CONSIDERATIONS

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

Development Plan

**Site Allocations Local Plan Adopted 2016**

Policy AL/STR 1: Limits to Built Development

**Tunbridge Wells Borough Core Strategy 2010**

Core Policy 1: Delivery of Development

Core Policy 3: Transport Infrastructure

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 6: Housing Provision

Core Policy 14: Development in Villages and Rural Areas

**Tunbridge Wells Borough Local Plan 2006**

Policy LBD1: Development outside the Limits to Built Development

Policy EN1: Development Control Criteria

Policy EN13: Tree and Woodland Protection

Policy EN16: Protection of Groundwater and other watercourses

Policy EN25: Development affecting the rural landscape

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

Policy R2: Recreation and Open Space over 10 bedspaces

Policy CS4: Development contributions to school provision

**Supplementary Planning Documents:**

Landscape Character Area Assessment 2018: Sissinghurst Wooded farmland

Recreation and Open Space SPD

Affordable Housing SPD

Renewable Energy SPD

**Other documents:**

Kent Design Guide

High Weald AONB Design Guide 2019

**6.0 LOCAL REPRESENTATIONS**

6.01 Site notices were displayed on the 19<sup>th</sup> March 2019 at four locations within the vicinity of the site. A re-consultation also took place with new site notices displayed on 12<sup>th</sup> June 2019. A newspaper advert was also issued on 8<sup>th</sup> March 2019. A re-consultation has also taken place this year following further amendments with a site notices displayed on 15<sup>th</sup> June 2020 in the same locations.

6.02 156 responses to the application have been received raising a variety of issues. Some households have written more than once, as have some individuals. The issues raised include the following (in summary):-

- Detrimental Impact upon the amenity of existing properties.
- Loss of open aspect of the neighbourhood.
- Loss of existing views.
- Detrimental impact upon highway safety.
- Detrimental impact upon Cramptons.
- Mill Lane is too narrow with dangerous entrance.
- Heritage impact of the development.
- Coalescence with other development within the area.
- Impact upon the character of Mill Lane.
- Parking concerns relating to the development..
- Landscape impact and loss of break in development.
- Detrimental impact upon ecology and loss of habitats.
- Loss of land.
- The proposal is not needed as Sissinghurst has delivered significant housing numbers already.
- The proposal would have a significant impact upon local services healthcare, schools, dentists etc which are not present in Sissinghurst village.
- The appearance and character of the scheme does not respond to Sissinghurst.

- Would devalue property value.
- Noise and light pollution impact.
- Proposal would create additional pressures on primary and secondary schools which are already under pressure.
- Too many dwellings proposed.
- Concerns relating to safety of existing properties..
- Impact upon pedestrian safety.
- Development is not sustainable.
- Suitability of pedestrian access points.
- Impact upon the setting of existing dwellings.
- Elements of the submission are incorrect.

## **7.0 CONSULTATIONS**

- 7.01 **Sissinghurst Parish Council (20/03/19)** – Recommend refusal for the following reasons:-
- 7.02 The site is situated outside the village curtilage and the Limits to Built Development. It is a greenfield site and coalescence between Sissinghurst village and Wilsley Pound would be affected. Although this site has been submitted in the recent call for sites, it is not allocated in the current Local Plan. Access from the highway is unacceptable and the associated column lighting that will be required will create urbanisation on the approach to Sissinghurst village. There would be a negative impact on designated Grade II historic parks and gardens of Sissinghurst Court and Camden Lodge. A significant number of neighbour objections have been submitted.
- 7.02 Mill Lane is a designated rural lane and incapable of taking the increased volume of traffic that will be generated from the development. Members also felt the application was premature in light of the emerging NDP and Local Plan. The site has recently been assessed by the NDP working group, undertaking the site assessments as unsuitable for development. They had drawn attention to the pedestrian access from Mill Lane on to the south east corner of the site which is on a blind corner so you have to cross the road in order to access the poorly maintained footpath. Although the site is not in the AONB it does overlook it and there are a number of environmental constraints that need to be considered. Historic flooding and issues with waterlogging in the area has been previously noted by Crampton residents. There are also a number of TPOs on the site. In their opinion there are other more suitable sites that could be developed.
- 7.03 If the Planning Authority is minded to approve the application the Parish Council should be given the opportunity to discuss developer contributions. Improvements to traffic management specifically in Mill Lane should be discussed and the developers should be encouraged to work more closely with the NDP and the Parish Council to discuss alternative designs and layout that would be more reflective of the village architecture and character.
- 7.04 Further Comments (09/03/20) – S106 obligation  
S106 requests to contribute towards a new village hall facility to mitigate the impact of the development and to support the larger growing community and replace the current hall which is no longer fit for purpose. The figure of £5,000/new dwelling requested is based on a contribution of £500,000 towards the hall divided by the proposed circa 100 new dwellings allocated for Sissinghurst village.

7.05 Further Comments (11/03/20) – Raising the following points:-

At a recent meeting of the Planning and Preservation Committee, I was instructed to write and bring the following points to your attention regarding the above planning application.

- The claim by the developer in their technical report that the Parish Council had supported a speed reduction and traffic calming measures is untrue and we have not been consulted.
- The site is situated outside the village curtilage and the Limits to Build designated area. It is a greenfield site.
- Coalescence of the green space between Sissinghurst village and Wilsley Pound would be undesirable particularly on environmental grounds.
- Although this site has been submitted in the recent call for sites, it is not allocated in the current draft Neighbourhood Development Plan.
- Access from the A262 highway is unacceptable and the likely associated column lighting that will be required will create urbanisation on the approach to Sissinghurst village. Safety concerns were also raised.
- Mill Lane is a TWBC designated “Rural Lane” and incapable of taking the increased volume of traffic that will be generated from the development by drivers taking a short cut.
- The pedestrian access from Mill Lane on to the south east corner of the site which is on a blind corner so you have to cross the road in order to access the poorly maintained footpath.
- Although the site is not in the AONB it does overlook it and there are a number of environmental constraints that need to be considered.
- Design of dwellings inappropriate particularly the so-called “affordable” homes.

7.06 The Committee agreed with the comments made in a letter proposing refusal from Mr. Alan Bringloe where he highlighted that planning decisions must be consistent. Mr. Bringloe referred to application TW/92/1004 and the Inspectors Decision letter paragraph 14, he clearly states reasons why this current application should be refused, as it would “seriously prejudice policies designed to protect the countryside” and “intrude upon open land that forms an integral part of an area of pleasing landscape quality”. National planning policies continue to support protection of rural landscapes – see for example paragraphs 12 and 13 of Inspectors decision letter on application 16/503922.

7.07 Reference was also made to the recent REFUSAL by TWBC regarding planning application 19/03359/OUT and members of the Planning Committee felt that the same reasons for refusal applied to the above application, reiterating the fact that planning decisions needed to be consistent. Cllr. Hall quoted the 2019 NPPF paragraph 180 which states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development: Section c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

7.08 **NHS** (30/07/20 updated costings) – Request the following contribution:-

7.09 Request a contributions of £41,688 towards new single premises for the three General Practices located in Cranbrook.

7.10 **Southern Water** (11/03/19) – Raise no objections with the following comments:-

7.11 The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer.

7.12 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. We request that should this application receive planning approval an informative is attached to the consent relating to connection to public sewers.

7.13 Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

7.14 Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

7.15 We request that should this application receive planning approval, the following condition is attached to the consent: "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."

7.16 **KCC Archaeology** (19/03/19) – Raise no objections with the following comments:-

7.17 The site of application lies close to the historic settlement of Sissinghurst as well as other sites of historic interest such as Sissinghurst Court and Camden Lodge. Due to the size of the proposed development and the potential for remains associated with post-Medieval activity, I recommend that a condition is attached to any forthcoming consent relating to an archaeological field evaluation and further investigation work determined by the results.

7.18 **KCC Flood and Water Management** (15/03/19) – Raise some concerns with the following comments:-

7.19 In principle, we are satisfied with the drainage design where permeable paving will attenuate surface water from the main carriageway and access roads before discharging into the existing detention basin at a restricted rate.

7.20 Our concerns are pertaining to the proposed runoff rate. MicroDrainage calculations present a flow rate of 19.6l/s which matches greenfield runoff for the 100 year critical event, but exceeds greenfield runoff for the 1 year and 30 year critical events. As part of a full application we will expect for it to be demonstrated that for all rainfall events the discharge rate does not exceed the existing Greenfield runoff rate for that event



or alternatively the rate of Qbar (6.16l/s) across all events. We would therefore recommend that discharge rates are revised in order to demonstrate compliance with our SuDS Policy 3 (Drainage and Planning Policy Statement, June 2017) and would recommend a holding objection until this has been demonstrated.

- 7.21 As LLFA, KCC will require that an additional analysis is undertaken to understand the flooding implication for a greater climate change allowance of 40%. This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes.
- 7.22 We would advise the applicant to consult with the KCC Highways Agreements Team, should they wish for the road to be adopted as the permeable pavement proposed may be of concern to them. This could result in the drainage design to be altered.
- 7.23 Further comments (04/07/19) Raise no objections:-  
We are satisfied with the revised calculations taking volume control into consideration. In principle, we are happy that the model has been restricted to Qbar. We would therefore have no objection to this proposal at this stage.
- 7.24 Should your local authority be minded to grant permission for this development, we would recommend conditions relating to a detailed sustainable surface water drainage scheme and a Verification Report.
- 7.25 **KCC Contributions (30/07/20)** – Request the following contributions:-
- Primary Education £178,717.00 - Towards the enhancement of Cranbrook Primary School.
  - Cranbrook Hub – £17,624.46 – Towards the new Cranbrook Hub providing additional capacity for Libraries, Adult Education and Social Care in the rural Weald area of Tunbridge Wells Borough.
  - Youth - £2,751.00 – Towards Cranbrook youth provision.
  - Waste - £7,032.90 – Towards Tunbridge Wells Waste transfer station and new Materials Recycling Facility (MRF).
  - All homes built as wheelchair accessible and adaptable dwellings.
  - Condition securing provision of high speed fibre optic broadband.
- 7.26 **KCC Highways (14/03/19)** – Raise the following comments:-
- 7.27 Before an assessment of this application can be made and consider the plans with other departments, a number of queries relating to the TA requiring clarification as follows:
- Para 3.1.2 – Table 3.1 data is incorrect for the pm peak. Should be 471 eastbound and 321 westbound (according to Figs 3.1 and 3.2). Please confirm that correct figures have been used in the modelling.
  - Para 3.3.1 – mentions 'permissive route to the school'. Has ownership been further investigated following pre-app discussions? Can this route be relied on for peds from the site? I remain concerned that peds exit onto Mill Lane on a bend with no footway and poor visibility of road traffic.
  - Para 4.3 – Cycle parking is mentioned, but it is unclear what the proposal for this site will be. Please clarify.

- Para 4.6.2 – The 85% speed has been assessed as being 49.8mph at the location of the new access to the site. Please confirm what visibility splays are achievable within the site boundary and highway ownership in both directions (without a 1m offset in the first instance). As discussed at pre-app, achieving visibility splays for a 30mph limit is reliant on many issues that have yet to be resolved. At this stage I would like to know what the maximum achievable visibility is please. Please provide a plan, also showing site ownership and highway boundary.

- 7.28 I would like to reiterate my pre-app comments to PBA on 6th Nov 2018, which was the last correspondence regarding this site:
- 7.29 *This is a pre-app discussion, and it has centred around the requirement to connect to the local pedestrian network. Whilst the developer is keen to achieve this, the two possible connecting points both have problems. Whilst the developer is proposing to provide a public footway on the inside (west) of the Mill Lane hedgerow to allow peds to walk safely from north to south on this stretch, the northern end of the new footway would deposit a pedestrian directly into Mill Lane. Mill Lane has no footways on either side at this point, or in the vicinity. A privately owned footpath (owned by the school and another land owner) heading east towards the school is accessed further north on Mill Lane, but without a formal agreement with the landowner (a new PROW?) this cannot be considered a route for public use. This would also only accommodate school-destined ped journeys: it is not an alternative route to the village or public transport opportunities.*
- 7.30 *The main pedestrian access is proposed from the A262 Sissinghurst Road, at the location of the new access road to the site. There is an existing footway on the southern side of Sissinghurst Road, but not on the northern side. There is no possibility of providing a footway on the northern side, therefore pedestrians would need to cross the road to get to the existing footway. This stretch of road currently has a 40mph speed limit. The 12h average 85th percentile speed is 48.9mph. In an email of 24th October, PBA suggested that an informal crossing could be accommodated. However, visibility splays have been calculated for a 40mph limit which would therefore not be adequate with the surveyed speed, and even the achievable splays would see the removal of hedgerows to the east of the site access.*
- 7.31 *Therefore I consider that the only solution to providing the required pedestrian access to the existing footway network is to further investigate how to improve the route to the north of the site into the school; and to implement the proposed traffic calming and lighting as part of your application to allow pedestrian access to the south. Email discussions with the Parish Council have raised concerns about the lighting and sound impacts of this proposal.*
- 7.32 I will of course consult with my colleagues in the Agreements Team and Street Lighting in due course. But the submitted TA does not appear to address the concerns raised by KCC in the pre-app discussions. I therefore await further information as requested above.
- 7.33 Further Comments (06/08/19):-  
*Visibility splays*  
The proposed development is accessed from a primary distributor A-road (A262), on the edge of the Sissinghurst settlement. Speed surveys undertaken by the developer show the 85th percentile speed to be 49.2mph eastbound, and 49.4mph westbound. Visibility splays of approximately 112m would be required to safely exit this development at the recorded speeds, but these distances are not achievable within

the site ownership/highway land. (Please note the visibility splays calculated by the developer and submitted in 'Supplementary Transport Information' and 'Supplementary Transport Information Revision 1' have are not acceptable as the incorrect values have been used in the formulae. In addition, the suggestion of a 1m offset from the kerb is not acceptable: the road in this location is relatively narrow for an A-class road, and on the inside of a bend. It is likely that road users, including cyclists and motorcyclists, would travel close to the kerb to maintain a safe distance from oncoming traffic on the opposite side of the road.)

- 7.34 In order to achieve the extent of the visibility splays within the site ownership/highway land, and in order to provide a safe pedestrian crossing point across the A262, traffic calming in the form of build-outs to narrow the carriageway has been proposed by the applicant. The pre-application discussions were around the principals of traffic calming, the preference for road narrowings rather than vertical deflection, and the need for street lighting to illuminate the traffic calming features. No RSA1 accompanied the pre-app plans.

- 7.35 The RSA1 (June 2019) identifies the proposed 5.5m pinch points as a problem:

**PROBLEM 2**

*Location: Proposed pinch points, A262 Sissinghurst Road*

*Summary: The A262 is an east-west orientated local authority primary route, between the A21 (at Lamberhurst) and the A28 (near Tenterden), and is used by 8,000 to 9,000 vehicles per day. Approximately 16% of the flow are LGVs, HGVs or buses/coaches. Close to the development location, the A262 is typically between 6.5m and 7m, is subject to a national speed limit (60mph) and is tree-lined throughout. The 30mph speed limit for the Sissinghurst urban area commences approximately 160m east of the junction with Mill Lane. With the proposed scheme, a new access road is proposed approximately 80m west of the Mill Lane junction, the existing 30mph speed limit is extended to approximately 475m west of the Mill Lane junction. Between the commencement of the proposed 30mph limit and the junction with Mill Lane, three pinch points are proposed, reducing the carriageway width to 5.5m. An uncontrolled pedestrian crossing is proposed at one pinch point. The proposed pinch points reduce the carriageway width to 5.5m, this reduction in width is lower than the minimum stated in the guidance. Drivers, particularly of larger vehicles, may not realise the extent of the carriageway reduction and to avoid the nearside buildout may cross the centre line. This could result in sideswipe collisions with vehicles travelling in the opposite direction or sudden braking leading to shunts.*

**RECOMMENDATION:**

*It is recommended that alternative measures to reduce speeds are considered without reducing the overall carriageway width.*

- 7.36 The Designers Response to this is as follows:

*The proposed carriageway width at the pinch points is 5.5m. Kent design guide suggests a minimum width of 6m (Local Distributor) but with a caveat that the figure should be guided by local context and agreed by local authority. KCC have agreed this scheme. In the 'Department for Transport, Local Transport Note 1/07 'Traffic Calming' Section 6.3 Narrowings and Paragraph 6.3.4: an example was used in a town called Latton, Wiltshire and it seems to be indicating that as long as the road keeps a minimum width of 5.5m then this is fine. Alternatively: A262 Sissinghurst Road is typically between 6.5m and 7m – the pinch points can be redesigned to a minimum width of 6m.*

7.37 Following submission of the RSA1, further discussions have taken place internally with the Agreements team. The Kent Design Guide states that the typical parameter for a Local Distributor Road is 6.75m, with the recommended Parameter range being between 6m and 10.5m, with 6m labelled as the mandatory width required. The A262 is part of Kent's priority route network (which designates roads between places of traffic importance across the UK) and provides an important link across southern Kent which is key to the operation of the local economy. The A262 is also a bus route. The Development Agreement Manager has stated that a reduction in carriageway width to less than the current width of 6.5m is not acceptable to the highway authority on this A class road in this location. The traffic calming scheme involving road narrowing is therefore not acceptable. The result of this is that the visibility splays required for the current 85th percentile speeds (49.2/49.4mph) cannot be achieved and nor can a safe pedestrian link to the existing footway network on the southern side of the A262 Sissinghurst Road. The visibility splays achievable within the site ownership/highways boundary according to Supplementary Transport Information Revision 1 are 77.8m to the east and 79.9m to the west.

7.38 *Road Safety Audit*

The Designer's Response to the RSA (most recently submitted in Supplementary Transport Information Revision 1, is not acceptable.

- Problem 1 identifies the need for pedestrian accesses onto Mill Lane and Sissinghurst Road are tied into existing pedestrian facilities to prevent ped/vehicle collisions. This has not been resolved.
- Problem 2 (carriageway pinch points in the proposed traffic calming scheme) is covered in detail above.
- Problem 4 recommends adequate visibility from the site is provided to prevent shunts/T-bone collisions. This has not been rectified, as discussed above.
- Problem 5 recommends vehicle tracking is completed and a suitable access width is provided to prevent head-on collisions and side swipes. Whilst vehicle tracking has now been provided (drawing 70055093-SK-04 Revision A), but further queries raised regarding the need for a 20m radius to prevent an 11.4m refuse vehicle crossing the centre line of the A262 have not yet been answered.

7.39 *Submitted plans*

There is some confusion regarding land ownership, which has not yet been rectified. Plan 70055093-SK01B shows the highway boundary within the red line on Mill Lane. KCC Highways requested plan 70055093 SK-03 is marked up in different colours to show what is footway and what is road, as it is unclear what the fine green and red lines denote. This has not yet been received.

7.40 *Internal layout and service vehicles*

KCC Highways suggested on 26th June that a pedestrian access from the south-western corner of the site be provided onto the new section of footway to the front of the development on Sissinghurst Road if achievable, in order to link to the pedestrian crossing and avoid pedestrians using Mill Lane at the southern end. It was also requested that the footway that goes around the access road (plan 70055093 SK-03) be shown on the other masterplans for clarity. Subsequently a plan has been submitted to show these (LN40\_011 Rev- submitted July 2019) but this could be improved on to provide a less tortuous pedestrian route. In addition, there is no footway shown around the existing green space (particularly necessary adjacent to the proposed visitor parking bays, and to denote the access to the green space which is currently unclear); it would make sense if the footway extended all the way

along the eastern side of the access road; and an improvement for pedestrians may be to extend the footway to the top northeastern point before depositing onto Mill Lane (as long as a safe connection to the footway to Sissinghurst School can be established from that point).

- 7.41 The private road looks too narrow to allow an 11.4m refuse vehicle to drive the whole loop, or alternatively reverse onto the private road from each end. A drawing to show this manoeuvre is required.

7.42 *Parking*

34 tandem spaces have been proposed of a total of 83 residents' parking spaces. This is concerning. This has been raised, and the response to date has been: 'noted'. No alternative has been suggested. Tandem spaces tend not to be well utilised by residents, resulting in indiscriminate parking across the site which could cause a safety issue if on the access road.

7.43 *Reduction of car borne trips*

As part of the Local Plan review process the highway authority has advised this site to be unsuitable as part of a plan led approach owing to the lack of key facilities in the village which results in a dependence on car borne trips. Without the provision of a safe and continuous footway to key facilities such as the school, bus stops and the village centre.

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users; and
- (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.44 *Conclusion*

The Transport Assessment and subsequent information submitted has not demonstrated that this development can achieve these objectives. The Highway Authority therefore recommends the refusal of this application.

7.45 Further Comments (27/04/20):-

Since KCC Highways letter of 6th August 2019 recommending refusal owing chiefly to the inadequate visibility splays achievable from the proposed site access, the applicant has submitted a plan showing a slightly different access point into the site and numerous alternative calculations of the visibility splays required. In an email of 24th April 2020 KCC Highways confirmed to the applicant that the revised submission was still not acceptable, and therefore the objection to this application still stands.

7.46 Final Comments (20/07/20):-

KCC Highways recommended refusal of this application on 27th April, and the submissions aim to address access concerns that have yet to be overcome. Paragraphs 4.2.1-4.2.10 again discuss how PJA have calculated the 85th percentile speed. Table 3 (following para 4.2.9) states that the achievable visibility from the site access is 81.2m to the west and 73.0m to the east. As noted in my email of 14th April, the required visibility splays based on the applicant's speed survey of November 2019 and using Manual for Streets with CA185 applied are 111.22m to the west and 107.98m to the east. Therefore the requirement has not been met.

7.47 Paragraphs 4.2.11-4.2.18 again discuss whether the 1m offset should be employed in this situation. The suggestion of a 1m offset from the kerb is not acceptable: the road in this location is relatively narrow for an A-class road, and on the inside of a bend. It is likely that road users, including cyclists and motorcyclists, would travel close to the kerb to maintain a safe distance from oncoming traffic on the opposite side of the road. Sections 5.1 and 5.2 discuss the proposed traffic calming scheme (gateway feature, VAS sign, HFS, surface markings to narrow carriageway, cutting back of vegetation), which will not achieve the speed reduction required to match the achievable visibility splays of 81.2m to the west and 73.0m to the east.

7.48 Section 6 again addresses the use of dry weather/wet weather adjustments. PJA have looked at a weather website to establish conditions for the days the survey was undertaken, and excluded the times when rain was recorded. However, the note following paragraph 3.1.1 of CA185 states: *Wet weather conditions includes periods after rainfall when the road surface is still wet.* This has not been taken into account. PJA's calculation results in a requirement for visibility splays of 97.4m to the west and 95.1m to the east. They believe these are achievable owing to their application of the 1m offset, the 'position of an oncoming vehicle' argument, and the traffic calming proposal. For the reasons outlined above I am unable to accept these calculations.

7.49 I disagree with PJA's methodology and calculations. The required visibility splays are not achievable, and my objection still stands.

7.50 **TWBC Conservation Officer (19/07/19)** – Raise the following comments:-

7.51 The site which is located to the west of the Sissinghurst Conservation Area and north of the Oak Hill Manor and Sissinghurst Court historic parks and gardens (the former a locally listed HPG, the latter an Historic England registered HPG). I defer mainly to the comments of the Landscape and Biodiversity Officer as the principal consideration is impact on the historic and established landscape. However, this inevitably overlaps with designated heritage assets and consideration of setting in accordance with section 16 of the NPPF. I have the following comments to make:

- In my view there is a minor amount of less than substantial harm in accordance with paragraph 196 of the NPPF, to the setting of the Sissinghurst Conservation Area, with the introduction of further built form between it and other historic isolated settlements. In this instance, however, due to topography and established built form in this particular location, in my view further residential development will be less obvious than in more sensitive locations; activity from residential use in the area has already been established. Mitigation through landscaping appears to be well-considered.
- The sections of the historic parks and gardens near to the site have been included in the designation, it appears, purely for the historic ownership reasons and were simply part of the landscaping rather than having a formal layout which may have been affected by development.

7.52 Further Verbal Comments:-

The Kent Historic Environment Record shows a Smock Mill at the adjacent farm (where the star is), built in 1839 and demolished in 1951, though no reference as to where those dates come from. Maps are not considered to be terribly accurate until the Ordnance Survey started to produce them in the mid 19<sup>th</sup> century. Certainly there is no indication on the historic maps otherwise about a mill on this site. There is no development proposed on the part of the site where there is a square and benchmark on the south east corner (though a square would not usually indicate a

smock mill – it's always round), an archaeological condition could be secured in this regard.

- 7.53 **TWBC Client Services (22/02/19)** – Raise no objections with the following comments:-
- 7.54 Bins to be purchased from TWBC by developer or their client prior to the properties being occupied. Each individual house to present containers at the boundary for collection. Block A flats communal will be collected from the compound, emptied and returned by the crew. Any areas of road/ block paved shared access must be able to accommodate the weight of collection vehicles laden, 26 tonne currently.
- 7.55 **TWBC Environmental Protection (25/02/19)** – Raise no objections with the following comments:-
- 7.56 Noise: The noise impact assessment report submitted with the application identifies the road traffic as the most significant noise sources. The levels are such that a mechanical ventilation strategy will be provided where necessary. This should be capable of purge ventilation to enable cooling should it be required without needing to open windows.
- 7.57 Land contamination: There is no indication of land contamination based on information from the contaminated land database & historic maps databases.
- 7.58 Air Quality: The site is outside the Council's Air Quality Management Area. Although I do consider the scale of this development warrants an air quality assessment monitoring on site. However, I also do consider that installation of a publically accessible Electric Vehicle charging point would be a useful promotion of a sustainable travel option.
- 7.59 There is no indication of any significant chance of high radon concentrations. Details regarding any external lighting should be required as a condition of any planning permission granted.
- 7.60 No objections subject to conditions relating to pollutant emissions from the vehicular traffic generated, lighting details, hours of working and informative regarding the Code of Development Practice.
- 7.61 **TWBC Tree Officer (16/09/19)** – Raise the following points:-
- 7.62 Oaks T29 and T41 – root protection areas are defined in BS 5837:2012 as the minimum area necessary to maintain a tree's viability and are based on highly generalised assumptions of root growth across many genera. Substantial roots of veteran oaks can occur many metres beyond the nominal RPA and this should be considered where proposed construction abuts the RPA. The veteran tree buffer zone specified in Natural England standing advice is not simply an extended RPA but a measure to protect the tree's whole above and below ground environment and additional habitats on which saproxylic organisms depend, and will usually extend beyond the capped RPA. Like veteran tree RPAs (as specified in BS 5837 para. 7.4), the larger buffer zone should exclude new hard surfacing.
- 7.63 Whilst these oaks have not apparently been subject to active veteran tree management, they are at present growing in a low-risk context surrounded by wildflower meadow. The revised layout shows no RPA incursions for T29 and T41 but retains minor incursions into their buffer zones by internal roads. Given the extent

of semi-natural habitat contiguous with their buffers (esp. for T29), the veteran tree management proposed in the arboricultural report and the positioning of parking bays, traffic calming and other features to minimise the impacts of development, the incursions are unfortunate but tolerable in the context of the scheme. If the development is approved, long-term veteran tree management should be conditioned.

- 7.64 Oak T42 – I do not dispute that this tree is in decline, that forecasting the rate of decline is difficult or that its retention in the context of the proposed development would be problematic. However, I must in accordance with BS 5837 assess the tree and its value in the present context, and its manifest ecological value is so high and, in practical terms, irreplaceable that its premature loss should be avoided if possible.
- 7.65 Whilst the trunk and boughs would have reduced ecological value on the ground, I take the author's point that some habitats could be retained if large sections of the trunk and largest boughs were translocated to near the retained veteran oaks. If the development is approved, this should be conditioned.
- 7.66 Ash 44 – It is unlikely I will be able to inspect this tree and accept the author's professional assessment. I do not object to its removal per se, but would expect replacement planting with potential proportionate to this tree's extant value. There appears to be space for this in approximately the same location.
- 7.67 Property-to-tree relationships (eastern boundary) – the positions of plots 37-42 on the revised layout are a substantial improvement. With the exception of plot 37, none of the gardens are more than 50% overtopped by the existing canopies. I still consider real or perceived shading a foreseeable issue, which, although I accept is subjective to a degree, is based on BS 5837 para. 5.3.4 and my experience of as a contractor, consultant and tree officer. If these trees are protected by TPO, I am confident the LPA will incur time costs from repeated TPO applications and possibly appeals or enforcement.
- 7.68 The arboricultural report recommends crown reductions to most of the trees on this boundary (incl. T30, T31 and T34-T38), though these works are not directly related to the proposed development. Without returning to site I cannot comment on the prevalence or severity of subsiding branches in these trees' crowns, but note that the prescribed pruning equates to one-third the crown spread of some trees. If planning approval is granted, I would prefer these works to be subject to a TPO application and only crown lifting to facilitate the development to be considered as approved.
- 7.69 The arboricultural response also mentions management of the understorey on the southern boundary by condition. I would support this but will seek the landscape and biodiversity officer's views.
- 7.70 Further Comments (21/07/20):-  
I see that the proposed site entrance has been moved slightly eastward and that a footway has been added, neither of which should pose serious arboricultural issues.
- 7.71 However, the four trees to be removed in the south-east corner of the site include a mature, category 'B' oak (T18) and beech (T23). These trees are essential components of the larger group and contribute significantly to the sylvan character of Sissinghurst Road.



- 7.72 The transport technical note mentions that removal of these trees will enable “clear views of the proposed dwellings as drivers approach the site on Sissinghurst Road”, but the need for their loss is otherwise not discussed.
- 7.73 Given the arboricultural, landscape and conservation value of T18 and T23, I would object to their removal.
- 7.74 **TWBC Planning Environmental Officer** (18/03/19) – Raise the following points:-
- 7.75 The applicant is proposing to meet their energy requirements by first reducing energy emissions by 8% (5% of which is from Flue Gas Heat Recovery System attached to combi boilers in 35 dwellings). The applicant has then gone on to create carbon savings of 2.5% using PV panels on the roofs of 5 dwellings.
- 7.76 Page 12 of the Energy and Sustainability Report refers to a 16% CO<sub>2</sub> emissions reduction that has achieved by the use of fabric improvements, FGHRs and biomass. This seems to contradict other areas of the report. Please clarify.
- 7.77 The applicant states that there is not enough space to achieve the 10% target through PV economically. It is proposed that the PV is placed on the Type A dwellings only. I can only see 4 dwellings with this label on the Proposed Site Layout. Please clarify. Dwellings 27, 28, Block A, 43 and 02 also seem to have suitable roof space (without compromising views from the AONB). Please consider adding PV onto these properties in order to double the carbon savings achieved from renewable energy technology.
- 7.78 In terms of the energy savings made through fabric efficiency (i.e. 3%), this figure is relatively small given the size of the proposals and would not justify such a substantial reduction in the SPD requirement. The applicant should look at ways this can be increased. It could be argued that the FGHRs constitutes a fabric improvement thus increases the savings to 8%. However, I need further information if this is to be considered (see paragraphs below).
- 7.79 Flue Gas Heat Recovery is a relatively new technology designed to recapture heat lost by boilers without using electricity. It is relatively cheap and SAP compliant. By recovering heat from the flues of boilers and pre-heating incoming domestic hot water, a FGHR device can increase gas boiler efficiency by 1 to 5 percentage points within a typical existing dwelling when compared to a conventional condensing gas combination boiler. Water savings of approximately 10% have also been documented.
- 7.80 Because this is a relatively new technology, the savings described are theoretical rather than based upon a range of different ‘real life’ dwellings. Furthermore, the exact percentage of energy savings will vary depending on whether the system has thermal storage (5-10 litre store) so savings can be realised all year round and not just in summer mode when space heating is not required. Could the applicant confirm if this is the case?
- 7.81 For every type of FGHR device, the volume of gas saved is closely linked to the domestic hot water demand for a given dwelling such that higher hot water demands will result in higher gas savings. This means a significant variation of savings from property to property. I note that the technology is not being installed in every dwelling and think that, for this reason, it would be preferable to install the technology on dwellings that are likely to have the highest hot water and heating demands i.e. the

dwelling with the greatest number of bedrooms. Could the applicant confirm if this will be the case?

- 7.82 Finally, could the applicant confirm that these Ideal logic Code Combi Boilers would be A-Rated? Water conservation of 105lpppd is laudable and a condition should be applied to this effect.

- 7.83 Recommendations:  
Please provide clarification to the points raised above. I will then reassess the proposals.

- 7.84 Further Comments (25/03/20):-

The applicant has provided a third updated version of the Energy and Sustainability statement to clarify my previous queries (18/03/19 and 18/02/20).

There is no document control or summary explaining how the strategy has been updated. However, by comparing this document with the previous versions, I can see that the carbon reduction strategy has been amended

- 7.85 With regards to the PV installations, the applicant has added PV to plots 9, 20, 29-32, 35, 36 and 38 which is an improvement from installations on plots 29 – 32 only. In my comments of 18/0/19, I suggested that the applicant reconsider plots 27, 28, Block A, 43 and 02 as these also seem to have suitable south-facing roof space (without compromising views from the AONB).

- 7.86 The applicant seems to have now added plots 21, 22 and apartment Block A which would be acceptable. In conclusion, I can now support this application and suggest that the standard renewable technology condition is applied. When the applicant seeks to discharge this condition, roof plans must be submitted to ensure the PV is installed in the most appropriate locations to maximise energy production in the sensitive landscape.

- 7.87 **TWBC Landscape and Biodiversity Officer** (14/03/19) – Raise some concerns within the following comments (summarised):-

- 7.88 The site is outside but immediately adjacent to the designated High Weald AONB but is within the High Weald National Character Area and so consideration needs to be given to how this site may form the setting and influence the appreciation of the designated landscape. The High Weald AONB Management Plan and guidance from The AONB Unit are then of some relevance and should be taken into consideration.

- 7.89 The field pattern is early modern/20th century. The main road frontage appears tree lined, as it is today, on the first edition OS mapping and by the 2nd edition the land appears to form part of a parkland setting to Camden Lodge with a wooded shaw to both southern and eastern boundaries which persist today. Western and northern boundaries appear to have been formed in the 1960s and are of variable condition. Two oaks remain within the site as remnants of the 19 century parkland. The site is relatively flat and sits on a wide ridge and appears historically to have been put to pasture.

- 7.90 *Ecological Appraisal FPCR January 2019*

The appraisal has been carried out by suitable professionals to a recognised methodology and as such the findings are broadly accepted. Ecological interest lies predominantly in the boundary features and consequently the main concern is the physical and functional (for landscape and ecology) retention of these features. Whilst the effects of the loss of the semi improved grassland (in reference to the

hierarchy of habitats) and the capacity to support species is considered to be of “low intrinsic and conservation importance” it should not in my view just be treated as a separate ecological unit as it is complimentary to the more important features of hedgerows and trees and the species they support. Species richness of the grassland may also be currently suppressed as a result of the current mowing regime so that with appropriate management the grassland may be far more important than currently assumed. The loss of the grassland even if of low value will have an effect on the ecological functioning of the retained features and their capacity to support certain species. Where retained in public spaces much of the ecological value may be retained but where placed in gardens the ecological value should be assumed to be lost. Consequently reptiles, birds and dormice that currently use the northern and western boundaries are likely to be displaced. Even where features are retained in public spaces ecological function will be constrained by surrounding hard surfaces, disturbance, amenity use and management directed towards amenity concerns (tidiness, safety, accessibility) such that even with an improved and monitored management regime it is likely that there will overall be a net loss in biodiversity that these features support. It is suggested that the loss of the grassland and other minor areas of vegetation may be mitigated by sowing wildflowers into retained areas of grassland. Whilst this may be appropriate regeneration should be tried first under an improved management regime but even so, owing to the amenity issues identified above, is unlikely to result in a significant net benefit for biodiversity.

- 7.91 Protected species issues can be addressed in respect of licensing and avoidance of direct harm through the proposed mitigation and compensation measures. Species composition for the site in terms of birds is likely to alter but in terms of overall value for birds may remain broadly of the same value. The proposal is however likely to reduce the carrying capacity of retained vegetation for reptiles, bats and dormice as a result of loss of grassland and hedgerows and hedgerow margins as well as through disturbance and predation from domestic pets. Provision of bat boxes, hibernacula and improved management of retained areas will compensate for some of this but overall the residual effect is likely to be negative for these species.
- 7.92 In conclusion the retained vegetation and public spaces will require a detailed Landscape and Ecological Management Plan (LEMP) secured by legal agreement, further improvements and details of ecological mitigation should be sought such as hibernacula and bird and bat boxes and some clarification on the areas to be maintained under the LEMP. In addition, consideration should be given to ecological compensation or offsetting required to ensure net gain.
- 7.93 *Landscape and Visual impact appraisal define January 2019*  
The report has been prepared by a suitable professional to a recognise methodology and as such the findings are broadly accepted. The report has recognised the location within the national character area and referenced the Councils sensitivity study and landscape character assessment. The sensitivity of the site is judged as medium, which I accept, as despite being adjacent to the AONB the site is visually well contained and there are suburban influences of adjacent residential development to three sides and the main road. Significant views are predominantly from close to and these are in general filtered, partial or seasonal and are effectively addressed through retention of existing and new planting. The main visual effect will be the new access, (see viewpoints 01 and 02), which for most visual receptors will be a break in the roadside vegetation viewed for a short period when passing the site. Views directly into the site will be even more fleeting and will include green spaces as well as buildings.

- 7.94 The conclusion drawn in the appraisal is that the overall effect on Landscape character would be low. Whilst it can be argued that landscape effects are likely to be slightly greater than predicted I would not disagree wildly with this conclusion. A well designed scheme with a suitable scheme of landscaping and management plan can be assimilated into the landscape on this site without unduly affecting the character of the village or detracting from the rural approach to village and would not in my view cause substantial harm to the surrounding landscape character. There are however concerns with regards the proposed layout and design details which are considered below in reference to other supporting documents.
- 7.95 A number of changes are recommended to improve the scheme in terms of landscaping within the site. This includes both hard and soft landscaping to improve overall appearance/character.
- 7.96 Other detailed comments relating to design of the scheme are made. This includes comments concerning the materials pallet and spread within the development and the need to explore this in more detail and how this contributes to the sense of place.
- 7.97 Detailed comments are made concerning individual design elements of specific plots, house types and green/open spaces. This includes reference to the particular use of materials to ensure quality of appearance, positioning of fenestration etc.
- 7.98 Detailed comments are made concerning the layout which outlines it is difficult to see how it could be significantly different and accommodate a similar number of dwellings. These comments also refer to positioning of units, parking spaces and pedestrian links. Boundary treatments have also been discussed with reference being made to hit and miss fencing, walling and post and rail to denote private/public space and also to respond to ecology matters and impact character/appearance. The central green space should include minimal fencing/bollards.
- 7.99 *Preliminary Drainage Strategy 800.01*  
This shows a combination of permeable paving and an underground attenuation tank. Clearly this does not realise the full potential of SuDs with regards landscape and ecological benefits (e.g. ditches, swales and open ponds) but more importantly: The underground tank conflicts with the proposed planting on the central green space The scheme appears to rely upon an existing roadside basin situated within the retained tree belt which requires clearing. The effects of this are uncertain. The underground tank could be replaced by a surface feature that could have an element of permanent water and have a surface overflow to the existing road side basin. The wider site could include other surface elements such as ditches and swales. Incorporating these measures is difficult within the existing layout and retained trees. A successful scheme is likely to require the removal of at least one unit – Unit 1 or 44.
- 7.100 *Conclusion*  
The design of the units, deployment of materials and some items of layout are disappointing bearing in mind the sensitive location. Some revisions are then needed but once principles are agreed the final selection of materials can be left to condition. Some clarification or additional information is needed for some elements of layout and landscaping and some revisions will be required prior to determination but ultimately the final details can be conditioned. Of particular concern is the planting and retention of the northern boundary planting.
- 7.101 Further details and clarification is required in terms of vehicular and pedestrian access and these should be provided in layout form prior to determination with any

further details secured by condition where necessary. Details of a Landscape and Ecological Management Plan should be provided for communal greenspace which can then be secured by condition/ legal agreement. There is a concern that the scheme cannot meet the requirement for net gain for biodiversity. The applicant should be asked to provide the required evidence and/or suitable provision for offsetting any residual harm.

- 7.102 Perhaps the greatest challenge to overcome before this scheme can be supported is the surface water drainage. The only place I can see an attenuation pond working is in place of Unit 44 and even then some underground storage is still likely to be required. I would suggest a meeting with the applicant to agree a way forward.
- 7.103 Further comments (19/07/19):-  
The scheme has improved from my initial comments and I will update those upon reviewing these revised plans. In the meantime and as you are aware I have been in discussion with the applicant and their specialist with regards achieving net gain for biodiversity on this site.
- 7.104 By way of explanation Council's current adopted policy for Biodiversity is "no net loss" but the more recent NPPF (and the Government's 25 year Environment Strategy) requires net gains for biodiversity. The government has been slow in following this up with mandatory guidance but Natural England has advised us to adopt this approach. The "no net loss" policy has to date been focused on dealing with protected species and seeking enhancements where possible. However in reality demonstrating no loss or achieving net gain requires evidence to show that which is lost to development and that which is gained (through improved management or creation of new habitats). In order to achieve biodiversity gains and/or offset the losses on a development site additional land might be required as apart of the development, adjacent to it or in some other location. This is referred to as biodiversity offsetting. Members have approved a new policy for biodiversity net gain and biodiversity offsetting for the new draft Local Plan indicating a strong level of support for this approach. It will take some time to get such a scheme in place but discussions are already ongoing with key stakeholders to help define and devise such a scheme.
- 7.105 There are considerable practical, scientific and philosophical problems with trying to measure biodiversity which is a complex and dynamic system that is not always fully understood. There are also difficulties in agreeing a measurable outcome when comparing different habitat types, locations and the time lags in delivery and establishment of new habitats and practices. To address this the government has provided the DEFRA Biodiversity Metric. The metric uses habitat to describe biodiversity, which is converted into measurable '*biodiversity units*' according to the area of each type of habitat. The metric scores different habitat types (e.g. woodland, grassland) according to their relative biodiversity value and adjusts this according to the condition and location of the habitat. Where new habitat is created or existing habitat is enhanced then the associated risks of doing so are factored into the metric. So whether losing habitat, enhancing or creating it can be described in the number of *biodiversity units* lost or gained taking account of habitat type and locational differences.
- 7.106 Where *biodiversity units* are being provided off site as part of an offsetting scheme they will be costed in terms of obtaining control of the land (purchase or lease), the works required to achieve the necessary gains and the timescale over which it will be achieved. Timescale is a particularly contentious issue as in general habitats can

take generations to be properly established but yet some schemes of offsetting may be for a little as 25years.

7.107 Recent evidence suggests that a *biodiversity unit* in the Borough may cost between £12k and £24k. The wide range is because there is as of yet no scheme in operation in Kent or agreed timescale for management and land values may be a considerable and variable factor. There are national providers of such schemes who will readily take developer contributions to meet net gain requirements. I would advise against using such schemes as they provide land for only a limited period (15-25years), the habitat is not targeted to local needs and the site may be outside the Borough or even in another region. A district/borough or county scheme would be more targeted to agreed biodiversity areas and objectives with local oversight and could be for a longer timeframe (possibly 50+ years) or as we have agreed on some sites for the lifetime of the development.

7.108 Until such time as a formal borough/county scheme and further guidance is in place, and as an interim measure to address the current need for biodiversity offsetting from this and possibly other developments, it is proposed that the Council uses woodland sites that it owns (Marshley Harbour Woods, Snipe and Bassets Wood and High Woods totalling around 84ha) as a long term biodiversity offsetting project using the existing countryside management resource of the KHWP. These woodlands have had minimal intervention over recent decades with a focus on timber management. It is considered that a more biodiversity orientated scheme of management similar to that employed on Council owned Local Nature Reserves will be sufficient to generate a number of *biodiversity units*. This has a number of benefits:

- The Council will have complete control and oversight so that the scheme will meet the planning test of certainty.
- Set up costs would be less as the land is already owned by the Council and some of the existing management costs are already allowed for.
- It is likely to have the support of the Kent Wildlife Trust and the Woodland Trust.
- Protecting and enhancing the biodiversity value of the woodlands is consistent with the Council's objectives for the natural environment and would be an early indication of what the new Local Plan can deliver for the environment.
- The scheme can include improved provision for access which will benefit the local residents and timber management so that income from timber harvesting can continue.

7.109 In order for this site to meet its net gain target (calculated at 5.71 *biodiversity units*) the applicant has provided an indicative costing for a notional biodiversity offsetting scheme from a national provider over a 25 year period of £102k to £137k +VAT. This equates to a cost per *biodiversity unit* of £18 to £24K. Previous enquiries with consultants on the likely cost of *Biodiversity Units* in the Borough suggest that cost would be around £12k to £15k per unit if controlled by the LPA but this does not necessarily include the set up costs, the extent of public consultation and involvement or the full extent of the timescale that the Council would want to see. Set up costs typically involve locating a site or sites for a suitable scheme, devising the details of a scheme and methods of calculation of fees, landowner negotiations and legal and capital costs associated purchase or legal agreement.

7.110 The cost per biodiversity unit for this proposal is likely to be at the lower end of the scale as the Council already own the woodland and management requirements are relatively straightforward and are complimentary to improved management for timber. There is of course an element of trust required between developer and Council but having discussed the matter with the applicant we have suggested and they have

agreed a figure of £102.78K or £18k per *biodiversity unit* which we believe would meet the CIL tests as it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

7.111 Consequently my recommendation is that these proposals are taken forward using s106 contributions from this development to be defined in the S106 agreement as “*biodiversity offsetting sum*” which is “*to be spent on a scheme of biodiversity offsetting within the Borough covering the establishment of project principles, scheme design, identification of site(s) including the Council owned Woodlands of Marshley Harbour Woods, Snipe and Bassets Wood and High Woods and/or the acquisition of other sites, preparation of management plans and the execution of improvements works and fees for management, professional and legal advice*”.

7.112 Initially this will be earmarked as follows but this may change depending upon advice received and early scoping of the proposals:

- Management plans for woodlands (Marshley Harbour, Snipes and Bassets and High Woods) by KHWP with some external support - £9k
- Long term works to woodlands to achieve a minimum net gain of 5.71 Units - £75K to be spent over a minimum 50 year timeframe.
- Development of a future scheme of borough or county offsetting - £18K consultant fees
- Any surplus to be put towards future offsetting schemes or biodiversity units to be provided elsewhere.

7.113 Further Comments (22/07/19):-

The access road across the southern end of the ‘village green’ has been reduced in size and utilises a different material which is an improvement. Plot 27 has been moved away from the eastern boundary to improve this relationship and the parking arrangements.

7.114 The pedestrian links to Mill Lane and the A262 still need to be provided in more detail and the plans need to accurately reflect highways requirements.

7.115 The plan does delete one unit as suggested to accommodate a balancing pond. This is most welcome and a very positive step. Further engineering and landscaping details are required but it is likely that this can have a landscape and biodiversity function and benefit. It is likely now that the layout will be considered acceptable subject to the further details required and noted above.

7.116 The HERS mapping does not appear to record the mill. There is a square building in the very south east corner of the plot on the 1867 mapping with a bench mark but no description. This has disappeared on the 1897 mapping which also shows a wider reorganisation of the land around Camden Lodge including the site. Under the proposed scheme this area for that structure is not developed other than save for a pedestrian route way.

7.117 With regards the Rural Lane. In experience with inspectors, it has been the case that due to the age of the document they are inclined to give it little weight but in so far as they do it usefully identifies what might be considered a heritage asset in the form of surface and potentially buried archaeology rather than any amenity value which in any event is judged under landscape and visual matters. The impact of the proposed development on the rural lane stems mainly from the provision of two points for pedestrian access and the proximity of new development. The new development is

set behind strong boundary vegetation and I would I believe have a negligible effect on the rural lane as a heritage asset or its amenity value.

7.118 Further Comments (14/05/20):-

This is a significant change in approach to the landscape and layout, design issues. The current scheme seeks to make the development as unobtrusive as possible from the road so that it is not a defining suburban element/start of the village whereas this revised scheme takes an alternative and contradictory approach in making the site more prominent and deliberately seeking to assert itself on the highway as the start of the village with urbanising features. My preference would be for the existing proposal but as an urban design responses both approaches are equally valid and have merit. However the revised approach will I think be more harmful in terms of landscape character but this will be very localised and it is on an A Road with high traffic flows and which will commonly be the subject of upgrades and improvements. The revised scheme is unlikely to adversely affect the character and appreciation of the village directly and indeed may even reduce traffic speeds through the village. The main issue will be whether the loss of any trees or any effects on them are both tolerable and/or capable of mitigation. I will leave it to Jeff to provide comment from an arboricultural point of view but from a landscape/biodiversity point of view, noting that the scheme is outside the AONB, I think the loss/adverse effects are likely to be capable of mitigation to minimise the harm to the extent that I would still be able to support the scheme. These changes should be supported by a more detailed scheme of landscape for the frontage and additional tree planting elsewhere and possibly further ecological/biodiversity net gain proposals. These could possibly be secured by condition subject to the comments of the tree officer.

7.119 There would also be merit in reviewing the design of Unit one to correspond with the change in design approach so that it has a slightly greater presence when viewed from the road and acts as more of a focal point/entrance building. This could be achieved by it turning the corner more effectively, allowing for a modest increase in size and the addition of further architectural detailing. The enhancement of architectural details and /or the additional fenestration/features to the gable wall of Unit 42 would also help. These changes could be secured by condition.

7.120 Final Comments (21/07/20):-

I have reviewed the revised details for this scheme which are largely the same as those I commented on back in May. They plans contain some improvements by providing the suggested changes to the frontage buildings which I approve of. The path that follows Mill Lane is still a bark path which is not acceptable but as noted before details of hard and soft landscaping including the entrance wall can, notwithstanding the plans submitted, be dealt with by condition.

7.121 Overall I remain supportive of the scheme in that it provides a useful contribution to the housing need in a sustainable location outside the AONB and is sensitively designed such that landscape impacts are at an acceptable level.

## **8.0 APPLICANT'S SUPPORTING COMMENTS (Summarised)**

8.01 As Tunbridge Wells Borough Council is unable to demonstrate a five year supply of housing land, it has been demonstrated that this planning application for 42 new homes is therefore able to satisfy the NPPF Para 11 presumption in favour of sustainable development. The Planning Statement has demonstrated that there would be no adverse impacts associated with the proposed development which would significantly and demonstrably outweigh the benefits:-



- The planning application site is sustainably located in close proximity to the day to day services and public transport opportunities within Sissinghurst;
- The site is located adjacent to the existing settlement of Sissinghurst and would represent a logical, coherent and proportionate addition to the settlement;
- The Council cannot demonstrate a five year housing land supply.
- The proposed development will deliver 42 new homes which will assist with Tunbridge Wells Borough addressing their significant and severe five year housing land supply shortfall;
- The proposed development will deliver policy compliant 35% of homes as affordable across a range of tenures;
- The proposed development comprises a high quality design which has been designed to reflect its rural context with careful regard had to house designs, vernacular and materiality observable in Sissinghurst;
- The planning application is accompanied by a number of supporting assessments, which demonstrate that there would be no adverse impacts in relation to traffic generation, landscape character, trees, ecology, heritage, flood risk and drainage and noise;
- Any additional demands placed on existing social and community facilities and services by future residents of the proposed development would be addressed via financial contributions assessed against the CIL regulations and Para 54 of the NPPF;

8.02 It is therefore respectfully requested that planning permission is granted for a development that is sustainably located adjacent to the existing settlement of Sissinghurst and makes a material contribution to significant housing need within Tunbridge Wells Borough. The quantum, layout, form, appearance and materiality of the proposed development have been carefully considered, through an iterative pre-application process and it has been demonstrated that no material harm would result. It is thus considered in the context of para. 11 of the NPPF that any limited adverse impacts associated with the proposed development would not significantly and demonstrably outweigh the benefits and there are no specific policies in the NPPF that suggest development should be restricted when read as a whole.

## **9.0 BACKGROUND PAPERS AND PLANS**

Site Location Plan – LN40\_000  
Existing Site Layout - LN40\_001  
Proposed Site Layout - LN40\_002 Rev L  
Materials Disposition Layout - LN40\_003 Rev K  
Hard Landscaping Layout - LN40\_004 Rev K  
Masterplan - LN40\_006 Rev H  
Boundary Treatments Layout - LN40\_007 Rev L  
Site Sections - LN40\_008 Rev K  
Refuse Collection Layout - LN40\_009 Rev E  
Parking Layout - LN40\_010 Rev E  
Adoptable and Private Road - LN40\_011 Rev E  
Drainage Strategy - LN40\_800.01 Rev A  
Vehicle Tracking - LN40\_810.50 Rev B  
Landscape Masterplan – DE\_339\_P\_001 Rev D  
Illustrative Sections – DE\_339\_S\_005 Rev D  
Arboricultural Protection Plan – DKS/677\_ML002AP  
Existing Tree Constraints Plan – DKS/677\_ML002TC  
Floor Plan and Elevations – LN40\_100.01 Rev B

Floor Plan and Elevations – LN40\_100.02 Rev B  
Floor Plan and Elevations – LN40\_100.03 Rev B  
Floor Plan and Elevations – LN40\_100.04 Rev B  
Floor Plan and Elevations – LN40\_100.05 Rev B  
Floor Plan and Elevations – LN40\_100.06 Rev B  
Floor Plan and Elevations – LN40\_100.07 Rev C  
Floor Plan and Elevations – LN40\_100.09 Rev C  
Floor Plan and Elevations – LN40\_100.10 Rev B  
Floor Plan and Elevations – LN40\_100.11  
Floor Plan and Elevations – LN40\_100.12  
Floor Plan and Elevations – LN40\_100.50 Rev B  
Floor Plan and Elevations – LN40\_100.51 Rev B  
Floor Plan and Elevations – LN40\_100.52 Rev B  
Floor Plan and Elevations – LN40\_100.53 Rev C  
Floor Plan and Elevations – LN40\_100.90 Rev B  
Energy and Sustainability Statement  
Archaeology Statement  
Heritage Statement  
Design and Access Statement  
Flood Risk Assessment  
Planning Statement  
Landscape and Visual Impact Assessment  
Ecological Appraisal  
Transport Assessment  
Affordable Housing Statement  
Noise Report  
Statement of Community Involvement

## **10.0 APPRAISAL**

- 10.01 The site is outside the LBD within countryside to the west of Sissinghurst. The main issues are therefore considered to be the principle of the development at this site including the sustainability of the proposal and the impact upon the landscape, design issues, residential amenity, highways/parking, the impact upon ecology, drainage and any other relevant matters.

### **Principle of Development**

- 10.02 The site lies outside the LBD. The adopted Development Plan policies seek to direct new residential development in sustainable locations, which is indicated by the LBD. However, the fact that the Council cannot demonstrate a 5 year housing land supply is highly relevant to the consideration of this application.

### **Housing Land Supply**

- 10.03 Para 73 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The Council has identified that it can currently demonstrate a housing land supply of 4.69 years. Therefore the Council considers that it cannot demonstrate a five year housing land supply.
- 10.04 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

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

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

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

10.06 Therefore the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies within para 11 and Footnote 7 indicate this development should be restricted.

#### Sustainable Development

10.07 Clearly, an important element of the principle of development is whether the proposal would constitute sustainable development having regard to the local plan policies and the NPPF. This is outlined within paras 7 to 11 of the NPPF (including footnote 7) which goes on to explain 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.”*

10.08 It is therefore clear 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 with regard to the sustainability of the scheme overall.

#### Social objective

10.09 In terms of location, the site is located approximately 295m from the Limits to Built Development (LBD) boundary when measured along Sissinghurst Road. However, due to the irregular shape of the LBD boundary, this distance is reduced to some 175m at its closest point towards the rear of the site. Although outside of the LBD, there is a significant amount of existing residential development immediately to the north and west of the site together with dwellings fronting Mill Lane to the eastern boundary. There is currently no footpath immediately outside the site, and this is proposed as part of this development. A crossing point would also be provided to the

footway on the southern side of the carriageway both providing a pedestrian connection to Sissinghurst LBD and the southern footway, links travelling west.

- 10.10 There would be good permeability within the site with footways following access routes. There is also the provision of a pedestrian link adjacent to the eastern boundary following Mill Lane to the north. This would connect to Mill Lane in both the southern and northern corners of this eastern boundary and would not only benefit future residents, but would also assist local people travelling north along Mill Lane and provide an off road route which isn't currently provided. There would be good connectivity and it would be possible to walk/cycle to the village centre from the site which is approximately 540m from the proposed vehicular access. There are a number of local services within the village which could be comfortably accessed including local shop, public house, primary school and village hall.
- 10.11 In terms of the housing contribution, the market housing would comprise 13 x three bed houses and 14 x four bed houses. Whilst there are no smaller units on the open market, the mix is much more varied for the affordable units comprising 2 x one bedroom apartments, 2 x two bed apartments, 9 x two bed houses, 2 x three bed houses. This also comprises a mix of affordable rent and shared ownership (which has been developed in discussion with the Council's Housing Team and would seek to address local housing need. Whilst a greater mix of market housing would be desirable, it is recognised that a balance must be struck to ensure viability and quality of design and in this case with a total of 42 dwellings, the proposed mix is not considered unacceptable.
- 10.12 The affordable provision of 15 units could be finalised during discussions on the S106 to ensure local need is addressed. As such, it is evident that the proposal would comprise a meaningful and significant contribution to the Council's Housing Land Supply, including affordable provision, which would weigh in its favour.

Environmental objective

- 10.13 In terms of the impact upon the landscape, the site is sensitive in terms of its rural character which feels intensified from inside the site by virtue of its boundary hedgerow, shrub and tree planting. Currently, the site contains grassland, although is closely related to existing residential development and of a more suburban character such as Cramptons to the north. It is also important to highlight that the site lies outside of the Area of Outstanding Natural Beauty (AONB) which extends to the southern side of Sissinghurst Road.
- 10.14 The proposed scheme has been landscape led from its initial design in order to respond to the sites sensitivities and to incorporate existing features where possible. This is set out within the supporting Design and Access Statement which also discusses the spread of development with the denser areas to the rear northern part of the site which abut existing residential development. This reduces the impact and dominance of the scheme and is good practice in urban design terms. It has created a logical development spread for the site bearing in mind the connection points to Mill Lane and the set back of development needed for the eastern boundary.
- 10.15 The frontage of the development is an element of the scheme which has seen significant revision since submission, which has resulted in the latest version and a more open frontage with the removal of a greater number of trees within the frontage area in order to address of highways related issues. The specific impact of this design element is explored later in this report, although the loss of existing trees will be detrimental from a landscape perspective. The consideration here will then be to what degree and is this harm outweighed by any other benefits. The comments from

the Council's Landscape Officer advise that it is not considered to cause significant harm to the landscape character of the area or indeed the setting of the AONB.

- 10.16 The submitted Landscape Appraisal has judged the sensitivity of the site to be medium which is accepted by the Council's Landscape Officer. The site is visually contained to some degree by virtue of the boundary trees and landscaping. Significant views are predominantly from close proximity and these are in general filtered, partial or seasonal. By virtue of the loss of some boundary trees and landscaping as discussed above along the frontage and by virtue of the access itself, this will be the main visual affect. Although, this will be for a relatively short period when passing and internal views will include the central green space and retained central tree as well as dwellings. The Landscape Officer considers that a scheme such as this could be integrated in to this site without unduly affecting the landscape character or rural approach to Sissinghurst.
- 10.17 Whilst there would clearly be some landscape harm by virtue of the introduction of the residential development, this harm would be reduced by virtue of the layout proposed and the retention of the majority of the boundary trees which would reduce views. A more detailed assessment of the impact upon the countryside is outlined within the appraisal below.
- 10.18 In terms of the impact upon ecology, there would clearly be an impact upon the existing habitats by virtue of the new development and proposed access in to the site, which will involve the removal of part of the boundary landscaping and trees along the south eastern boundary of the site. The submitted ecological appraisal outlines the presence of a low population of common lizards on site as well as evidence of dormice nests. The site also provides foraging habitats for dormice and bats, although no bat roosts were recorded. There have been extensive discussions between the consultant ecologist and the Council's Landscape and Biodiversity Officer concerning the ecology impact and required mitigation. These discussions have resulted in a number of positive resolutions including acceptable provision for Dormice, Bat, Breeding Bird mitigation measures (as outlined within the submitted details) together with the appropriate management of areas of the site which will fall outside the ownership of the individual properties in the form of a Landscape and Ecological Management Plan (LEMP) which would be secured by condition in the event of a recommendation for approval.
- 10.19 In terms of net loss/gain for biodiversity, the current Council policy relating to this is Core Policy 4 which outlines no net loss, although the NPPF requires net gains which is set out under Para 170 and provides the direction of travel for biodiversity offsetting. This issue has also been discussed extensively with the applicant and the Council's Landscape and Biodiversity Officer has provided comments and considers that this can be achieved through the payment of a contribution of £102.78K (£18k per *biodiversity unit*) to the Council which the applicant has agreed to. This would be secured under S106 (in the instance of a recommendation for approval) and would be spent on a scheme of biodiversity offsetting. The ecological impact, proposed mitigation and net gains are discussed in more detail later in this report.
- 10.20 Consequently, whilst clearly there would be some loss of habitat on site, a number of positive aspects would be secured in respect of ecological enhancements such as hibernacula, bat and bird boxes and appropriate management of public areas through a LEMP. The proposal would also achieve net gain through a payment towards biodiversity improvements offsite. The development has been designed to respond to its countryside context and as such the development is considered to be sustainable from an environmental aspect.

Economic objective

- 10.21 Future occupiers would make a contribution to the social vitality of Sissinghurst, as they are likely to use the local services and those also within Cranbrook nearby. As economic benefits for the construction of 42 houses would be short-term, these are limited and would carry little weight.
- 10.22 It is noted that it is likely that future residents would travel outside of the village for employment purposes and commute to other areas, although this could provide further stimulus to the economic vitality of the local rural area. Train services are located at Staplehurst (4.6 miles) and Headcorn (7.2 miles) which would allow commuting to London and other urban areas. With this in mind, there would be a positive economic impact as a result of this proposal.
- 10.23 The proposal would result in an increase of 42 dwellings and a meaningful contribution to the supply of housing in the Borough, which is currently less than the “five year” requirement as discussed above. It is also important to highlight that the proposal would comprise the provision of affordable rented and shared ownership housing to meet an identified local need within the locality, which is a further benefit to housing supply. Significant weight can be attached to this in considering whether the proposal comprises sustainable development.
- 10.24 Having considered the various aspects of sustainability as outlined above, it is considered that the proposal would achieve sustainable development here through the specific details of the design and details proposed.

Emerging Policy

- 10.25 Tunbridge Wells Borough Council has produced a draft borough wide Local Plan over the plan period which extends to 2036. This plan is currently at regulation 18 stage and holds very little weight, however, it is a material consideration. The plan has been supported by a full suite of supporting evidence (which is publicly available on the Council’s website) and has informed land allocations for each settlement. This includes Sissinghurst and the application site is included within these draft allocations under Policy AL/CRS13. This policy sets out a number of criteria and again, whilst this only hold limited weight at this time, it is appropriate to discuss these requirements as below:-
- *Vehicular access into the site to be informed by a highways assessment.*
- 10.26 A Transport Assessment has been submitted to accompany the application and in response to comments from KCC Highways, further technical notes have been provided. The considerations and impact relating to this issue is outlined in detail later in this report.
- *Provision of a pedestrian link from site to footway along Sissinghurst Road;*
- 10.27 A number of pedestrian links have been included within the scheme providing easy access to Sissinghurst Road.
- *Provision of a pedestrian crossing on Sissinghurst Road;*
- 10.28 A new footway would be provided along the frontage of the site with a crossing point to the extensive footway along the southern side of the Sissinghurst Road.

- *Provision of a new pedestrian link within the site along Mill Lane to provide opportunities for increased permeability. Additionally, explore opportunities to create a pedestrian link to Public Right of Way WC75 to increase permeability, including pedestrian linkages to Sissinghurst Primary School (see Policy TP 2: Transport Design and accessibility);*

10.29 The scheme includes a pathway extending adjacent to Mill Lane connecting the northern and southern ends of the development separately from the access road. This also includes connection to Mill Lane at both points allowing access to public right of way. An additional connection was reviewed by the applicant although this involves privately owned land and could not be incorporated at this time. The informal link to WC75 remains and the connection point in to Mill Lane at the northern end of the site would provide an enhancement to connectivity.

- *Provision of improvements to the road junction with Mill Lane and Sissinghurst Road, including exploring opportunities to improve visibility from Mill Lane across the corner of the site with minimal loss of boundary features;*

10.30 Solutions for the access from Mill Lane have been assessed by the applicant, although do not form part of this application as the access to the development would be taken from Sissinghurst Road and pedestrian links along Mill Lane are proposed to be within the application site.

- *Regard to be given to existing hedgerows and mature trees on site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment (see Policy EN 14: Trees, Woodlands, Hedges, and Development and Policy EN 1: Design and other development management criteria and EN 20: Rural Landscape);*

10.31 An arboricultural assessment has been submitted as part of the application and the scheme has been landscape led in order to address the various landscape characteristics of the site. As a result, the majority of boundary trees and hedgerows within the site would be retained.

- *Demonstration that the design of the scheme has given consideration to the setting of Wilsley Green and Sissinghurst Conservation Areas and does not create coalescence of development (see Policy EN 7: Heritage Assets);*

10.32 The spread of development within the site has taken account of the existing built development surrounding the site in the interests of avoiding coalescence. Consideration has been given to the potential impact upon conservation areas.

- *Provision of on-site amenity/natural green space, and improvements to existing allotments, parks and recreation grounds, children's play space and youth play space in accordance with the requirements of Policy OSSR 2: Provision of publicly accessible open space and recreation. It is expected that contributions will be required towards the following if necessary, to mitigate the impact of the development:-*
  - *Improvements to the public realm;*
  - *Any other highways related works;*
  - *Improvements to bus services;*
  - *Cycling routes in accordance with Policy STR/CRS 1.*

- 10.33 The scheme includes a central area of open green space which would be easily accessible. Discussions have been on going with the Parish Council concerning improvements within the Parish and contributions have been requested towards the provision of a new village hall. Other contributions for play space improvements, allotments etc. have not been progressed as these have either not been requested or worked up schemes are not available for the works at this time.
- 10.34 The proposed design is considered to have addressed the main requirements on this policy in terms of the quantum of development, characteristics of the scheme and attributes to be assessed. Many of these are material considerations in their own right and would be addressed/incorporated where possible in any case. Further assessment is outlined in relation to these individual elements throughout the rest of this report.

#### **Landscape and Visual Impact**

- 10.35 In terms of the immediate landscape, as discussed above, the overriding landscape feature of this site is the extent of trees, hedging and boundary landscaping which extends around the boundaries of the site. This filters views in to the site from Mill Lane and Sissinghurst Road and mirrors the tree planting lining Sissinghurst Road to the south. This character is assessed as part of the Landscape and Visual Impact Assessment (LVIA) submitted as part of the application. This document reviews the local characteristics present and has judged the overall landscape sensitivity of the site to be medium. The Council's Landscape and Biodiversity Officer has reviewed this and generally agrees with this judgment. Originally, the proposal sought to retain the vast majority of this frontage tree planting and landscaping which would screen much of the development from extensive external views, however, the approach here was revised in light of highways issues relating to visibility and speed of traffic. Therefore, a revised scheme was produced which included the loss of more frontage trees and the opening up of parts of the front boundary. The purpose of this change is to allow greater views and prominence of the development upon the highway in the interests of making the appearance of the development more obvious in order to slow the speed of passing cars to the benefit of highway safety and also to provide a more assertive character to the development. Both the original approach and this revised approach have merit in urban design terms in terms of a development approach and style in addressing the character of the site. Whilst the Council's preference would have been to retain as much of the boundary trees and landscaping as possible, and that this revision will have a greater impact upon the existing landscape character, it is considered that its impact would be localised. It is not considered that the extent of tree and landscaping loss would result in a significant adverse impact to the character and appreciation of the village directly and this shift in balance of the street character could help to reduce traffic speeds through the village. Furthermore, it is not considered that there would be a significant detrimental impact to the setting of or the landscape or scenic beauty of the AONB which extends to the southern side of Sissinghurst Road outside of the site.
- 10.36 Additional tree planting and appropriate management of the public areas (Including veteran tree management) of the site could help to mitigate this impact. It should be noted that the vast majority of the tree planting lining Mill Lane would be retained with only some loss at its junction with Sissinghurst Road. The specific considerations relating to the trees more specifically is addressed later in this report.
- 10.37 In terms of wider impact, the application has been supported by a Landscape and Visual Impact Assessment (LVIA) which provides a full review of this impact and context and outlines a number of viewpoints within the surrounding area. This includes views from the north and south west/south east in addition to local views.



The overall conclusion in this regard is that long distance views are unlikely by virtue of the treed nature of the surrounding landscape character.

- 10.38 In terms of Coalescence, the context of the surroundings of the site (in terms of built development) is outlined within the description at the beginning of this report. From this, it is clear that the site is sited within an area where residential development of differing ages is present in three main clusters. This comprises two clusters, which front the A229 and a third comprising development immediately surrounding the site. Whilst this site does comprise the main single open area within the Sissinghurst side of these clusters (aside from the open space area to the east), it is considered that the site is a sufficient distance from Wilsley Pound (the largest of these clusters) to ensure coalescence would not occur. There are also several pockets of undeveloped land closer to Wilsley Pound which front on to Sissinghurst Road which are heavily landscaped and provide a significant contribution towards the separation of these clusters. With this in mind together with the issues concerning landscape and visual impact as outlined above, the wider character here is unlikely to be significantly impacted as a result of the proposed development.

### **Layout and Design**

- 10.39 The application is supported by a detailed Design and Access Statement which outlines the key characteristics of the site, local context, constraints and opportunities as well as the design rationale for the scheme. Officer feedback was provided during the initial preparation of the scheme, including the importance of a landscape led approach given the landscape context, appropriate positioning of dwellings to parking, road structure appropriate for a village setting and any higher density areas towards the centre/north of the site to avoid over dominance of the site frontage. The scheme has evolved since this time and has been the subject for further adjustment during the course of the application in order to respond to consultee comments and further officer comments to enhance the scheme.
- 10.40 The main alteration being the adjustment in approach as highlighted within the landscape impact section above to a more open frontage allowing increased views of the scheme from Sissinghurst Road. There is design merit in this approach as a response to the characteristics of the site to highlight the start of development on the approach to the village. The way this is proposed by allowing some views between trees along the frontage retaining the set back of the proposed dwellings is appropriate in this context and would not result in over dominant development. As such, it is not considered that this would be significantly harmful to the appearance or character of the frontage.
- 10.41 In terms of the internal layout, the rectangular shape of the site together with the restrictions in terms of positioning for the vehicular access and grade A trees within the site, means that possible solutions for the trajectory of the access road inside the site are limited. Having said that, the route proposed would allow the road to sweep through the development without any pinch points to the site boundaries with a naturally higher density area at the northern end. This also allows a more open area with larger plots to the eastern boundary responding to the landscape character fronting Mill Lane which would also be in keeping with the open space area within the centre of the site. A number of urban design points were raised relating to boundary treatments for prominent areas and extent of landscaping areas within key spaces etc. These elements have been addressed within the revisions to the scheme, although further details could be secured by condition in the event of a recommendation for approval.

- 10.42 In terms of the buildings themselves, the dwellings would all have active frontages addressing the street scene which is important and is a feature of most of the development within the locality. The dwellings would be appropriately spaced with variations in the set back to create interest which would create a pleasing streetscene. The positioning of the apartment block adjacent to the western boundary is unfortunate as this is tucked away and does not really have any presence within the scheme. Although, due to its form, it would be difficult to successfully introduce this elsewhere and achieve the same level of frontage openness and landscaping. Its position and orientation would also not appear anymore dominant from views outside the site. All dwellings would be two storey in height and would comprise a mix of house types. Officers have provided comments relating to some design elements and ensuring appropriate articulation and these have been addressed through the amendments submitted. There would be a number of gateway buildings within the site by virtue of their prominent position. These dwellings would include detailing to address these key views and to accentuate their role in the character of the scheme. Again, officers have provided comments on this and consider the approach now taken is appropriate.
- 10.43 In terms of appearance, the submitted Design and Access Statement provides details of the external appearance to the dwellings which would all be of brick construction. The two bricks proposed would be light red and dark red in colour which would be spread through the development. This would be complimented by white weatherboard and tile hanging (of two colour tones) and again spread through the scheme. This pallet of materials is varied and provides contrast but also seeks to address the local vernacular. The stated materials are considered appropriate and high quality and further details including samples will be secured by planning condition in the event of a recommendation for approval.
- 10.44 Overall, the layout and design of the scheme is considered to demonstrate good design in the context of the NPPF guidance as stated within para 127 of the Framework.

### **Highways and Parking**

- 10.45 The application has been supported by a Transport Assessment outlining the highways impact of the development. KCC Highways have been consulted on this information and several responses have been received. Initial clarifications were sought with reference to traffic flows, cycle parking and visibility splays. Further information was submitted to address these points and a full response was provided by KCC Highways. This outlined a number of key issues with the proposal:-
- the required visibility splays for the existing speeds along Sissinghurst Road cannot be achieved for the site,
  - Traffic calming measures in the form of a reduction in the width of the carriageway (designed in order to assist in reducing speeds), are not acceptable to the Highways Authority due to the busy nature of the A road, Sissinghurst Road, which is a bus route.
  - A safe pedestrian crossing of Sissinghurst Road cannot be achieved.
  - Problems highlighted within the Road Safety Audit remain unaddressed.
  - Internal layout concerns relating to connectivity to Mill Lane.
  - Suitability of internal road for 11.4m refuse vehicles.
  - Level of tandem parking spaces within the development.

- 10.46 Overall, KCC Highways raised objections as the submitted information has not demonstrated that this development can achieve the objectives as set out within para 108 of the NPPF (as set out below):-

*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*  
*(b) safe and suitable access to the site can be achieved for all users; and*  
*(c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

- 10.47 Subsequent revisions of the proposal were made which attempted to address the issues raised. Whilst some improvements were made in terms of access for refuse vehicles, level of tandem parking spaces and connectivity, the additional information concerning the linked matters of visibility splays, traffic calming and related pedestrian crossing were not accepted by KCC Highways who are of the view that these matters have not been addressed. Further technical notes have been provided to outline calculations for the visibility splays stated within the submission. KCC Highways disagree with these calculations and do not consider that this represents the visibility splays required for this development (using the manual for streets). The traffic calming measures (comprising of the reduction in the width of the carriageway) remain unacceptable to KCC Highways and without this provision, neither the visibility splays nor pedestrian crossing are close to being achieved.
- 10.48 Other alterations to the scheme have been made in order to address the concerns of KCC Highways, including alterations to the frontage of the scheme to provide increased views of the development and a greater prominence upon Sissinghurst Road. It was envisaged that this would alter the character of this space by announcing the start of built development of Sissinghurst and thus reduce traffic speeds, although this alone would not be sufficient and traffic calming measures would remain needed.
- 10.49 As such, KCC Highways as the Highway Authority, consider that necessary visibility splays for the development and a safe and secure access cannot be achieved and therefore the proposal would have a detrimental impact upon highway safety to the extent that objections remain. This issue would warrant refusal in its own right and will be included as a reason for refusal in the recommendation below.
- 10.50 Concerns have been raised with the representations received relating to the pedestrian connections on to Mill Lane as proposed and the potential implications for pedestrian and highway safety. This is something KCC Highways have made reference to and whilst the provision of a connection on to Mill Lane in the north eastern corner is beneficial for connectivity purposes, an alternative solution could be found to address this. In the instance of a recommendation for approval, discussions would have continued in order to address this point.
- 10.51 In terms of parking, alterations have been made to the scheme in order to reduce the level of tandem spaces. Those that remain are generally located in the northern section of the site which comprises 2 and 3 bed dwellings. Whilst it is acknowledged that the over provision of tandem spaces could be detrimental to highway safety if it led to largescale obstructive parking, there is a balance between achieving suitable off road parking and other design elements such as landscaping, appropriate spacing

for retained trees, suitable appearance within streetscene and an appropriate yield of dwellings for a development, all of which are relevant here. With this in mind, it is considered that the level of tandem spaces within this scheme is acceptable and would not warrant a significant impact upon highway safety. The overall level of parking provision is considered acceptable.

### **Trees and Landscaping**

- 10.52 The application is supported by an Arboricultural Assessment which outlines the extent of trees within and on the boundaries of the site, their quality and impact upon them as a result of the development. The Council's Tree Officer has been consulted on this application and has raised a number of points. Firstly, there are several large veteran Oak trees (T29 within the centre adjacent to the southern boundary and T41 further north within the centre of the site). Both trees are of significant arboricultural value and have veteran features in addition to physical age. Both trees would be retained as part of the development and incorporated into the scheme. The Tree Officer has made some comments relating to tree protection and development within the RPAs, although this has been altered through recent revised plans. Should the application be recommended for approval, long-term veteran tree management secured by condition is requested by the Tree Officer.
- 10.53 A number of trees would be lost as part of the development including T42 Oak (within the centre of the site close to the western boundary). The Tree Officer accepts that this tree is in decline, although its ecological value is significant and its loss should be avoided. Given its position, its retention would require a redesign of the scheme and likely loss of proposed units. A biodiversity offsetting sum could be secured in the interests of ecology as well as potential to retain cordwood on site if the tree is lost. However, in the balance of issues, it is not considered that the retention or loss of this tree would hold significant weight in this case.
- 10.54 The Tree Officer raises other points such as the relationship between retained trees and proposed dwellings and the possible future pressure this may cause in some cases. Having reviewed this, the trees along the eastern boundary are of significant amenity value and are prominent within Mill Lane, as such their preservation is important. The scheme has been revised to address this with a greater set back to this boundary and an improved relationship to the trees in question.
- 10.55 Following submission of further revisions to the proposal relating to the vehicular access visibility (as discussed above), the revised scheme comprises a more open frontage allowing greater views of the development from Sissinghurst Road. This approach to the design is discussed above and will involve an increased removal of trees. Some of which are B grade and are positioned within a group in the south western corner, which the Tree Officer has not objected to. However, the Tree Officer has raised objections to the loss of a mature category 'B' oak (T18) and beech (T23) within the south eastern corner with the Tree Officer describing them as "essential components of the larger group and contribute significantly to the sylvan character of Sissinghurst Road". Having reviewed this, the contribution of these trees to the wider tree grouping is recognised, however, it is considered that sufficient numbers of trees are retained in order to preserve the landscape character here. There is also some limited space within the development to secure some mitigation planting which is agreeable to the applicant and could be secured by condition. In weighing this issue up against the benefits of the scheme in terms of housing delivery, it is not considered that this issue, which is capable of being mitigated to some degree, would warrant a reason for refusal in its own right. There is not considered to be any significant detrimental harm to the trees protected by TPO's.

- 10.56 As such, overall there are clearly some detrimental impacts upon trees within the site as a result of this development. However, it is considered that these impacts could be mitigated through securing replacement tree planting within the site as well as other landscaping, suitable tree protection and arboricultural management.

**Heritage Impact**

- 10.57 The site lies within an area of archaeological potential as well as between two Conservation Areas (Wilsley and Sissinghurst), although falls outside of both CA boundaries. The Council's Conservation Officer has provided comments and considers that a minor amount of less than substantial harm is caused to the setting of the Sissinghurst Conservation Area, with the introduction of further built form between it and other historic isolated settlements. Having said that, the Conservation Officer goes on to highlight that due to topography and established built form in this particular location, further residential development at this site will be less obvious than in more sensitive locations. Therefore, in accordance with para 196 of the NPPF, it is considered that the public benefits involved in the delivery of housing including affordable housing would outweigh the low level of less than substantial harm identified.
- 10.58 KCC Archaeology have also been consulted and consider that due to the position of the site close to the historic settlement of Sissinghurst as well as other sites of historic interest such as Sissinghurst Court and Camden Lodge, there is potential for remains associated with post-Medieval activity. As such, a condition relating to an archaeological field evaluation and further investigation work determined by the results is requested. This condition would be included in the event of a recommendation for approval.
- 10.59 Mill Lane is a designated rural lane by virtue of its characteristics. The Council has an adopted Supplementary Planning Document on Rural Lanes which has been reviewed and discussed with the Council's Landscape Officer. The Council's document was adopted in 1998 and by virtue of this age, previous experiences with Planning Inspectors have given it little weight. In occasions where this has attracted weight, it has been in situations where a heritage asset in the form of surface and potentially buried archaeology rather than any amenity value which in any event is judged under landscape and visual matters. Having reviewed this issue in this context, it is considered that the proposed development is situated behind a dense row of trees which line the boundary with Mill Lane and would be retained. It is acknowledged that there is a pedestrian connection on to Mill Lane in the north eastern corner of the development, although this is not considered to be harmful in this regard and has a positive impact from other aspects. Therefore, the development is considered to have a negligible effect on the rural lane as a heritage asset or its amenity value.
- 10.60 Comments have been raised within the representations received relating to the historic presence of a Mill within the site. This has therefore been discussed with both the Council's Conservation and Landscape Officers in order to assess this matter. The historic mapping does not record a mill on site. There is a square building in the very south east corner of the plot on the 1867 mapping with a bench mark but no description. A Mill would be recorded as a round feature and in any case, this has disappeared on the 1897 mapping which also shows a wider reorganisation of the land around Camden Lodge including the site. The proposed scheme shows the area for that structure is not developed other than for pedestrian connectivity. A Smock Mill is shown on the Kent Historic Environment Record to the eastern side of Mill Lane opposite to the site and next to Mill Farm, although was demolished in 1951 according to the records. Overall, the presence of a Mill on site is not considered to

be accurate based on the mapping reviewed. In any case, the archaeological condition as discussed above would secure that any remnants found on the site would be recorded and presented appropriately with the input of the Council's Conservation Officer and KCC Archaeology in the event of a recommendation for approval.

- 10.61 Comments have also been raised concerning the impact upon Mill Farm which lies to the eastern side of Mill Lane to the east of the application site. This is not a listed building, although is an attractive property and is clearly of some value to the context of the area. Having said that, the conclusions here are similar to those regrading the impact upon the rural lane overall, in that the separation between the proposed units and Mill Farm, together with the retention of the boundary trees along this eastern boundary, is sufficient to preserve the character and setting and ensure no significant impact would be caused.
- 10.62 There are not considered to be any other heritage impacts associated with this proposed development.

### **Ecology**

- 10.63 The application is supported by an ecological appraisal which outlines the ecological value of the site and the potential impact upon existing species and habitats. Clearly, there would be some impact by virtue of the introduction of new development and proposed access in to the site and it is then a question of the level of impact and potential for mitigation.
- 10.64 The submitted ecological appraisal outlines the presence of a low population of common lizards on site as well as evidence of dormice nests. The site also provides foraging habitats for dormice and bats, although no bat roosts were recorded. There have been extensive discussions between the consultant ecologist and the Council's Landscape and Biodiversity Officer concerning the ecology impact and required mitigation and enhancement. These discussions have resulted in a number of positive resolutions including acceptable provision for Dormice, Bat and Breeding Bird mitigation measures (as outlined within the submitted details) together with the appropriate management of areas of the site which will fall outside the ownership of the individual properties and controlled in the form of a Landscape and Ecological Management Plan (LEMP) which would be secured by condition in the event of a recommendation for approval. Further ecological enhancements could also be secured by condition to enhance the habitats once development is constructed such as bat and bird boxes as well as hibernacula.
- 10.65 In terms of the issue of net loss/gain for biodiversity, the current Council policy relating to this is Core Policy 4 which outlines no net loss, although the 2019 version of the NPPF requires net gains which is set out under Para 170 and provides the direction of travel for biodiversity offsetting. This issue has also been discussed extensively with the applicant and the Council's Landscape and Biodiversity Officer has provided comments which outline that net gain for biodiversity cannot be achieved by measures on site alone. Therefore biodiversity offsetting would be required whereby a monetary contribution is made to the council dependant upon the number of biodiversity units contained on site. There are extensive calculations for this in accordance with the DEFRA Metric and this has been discussed at length with the Council's Landscape and Biodiversity Officer. As a result, net gain for biodiversity could be achieved through the payment of a contribution of £102.78K (£18k per *biodiversity unit*) to the Council which the applicant has agreed to. This would be secured under S106 (in the instance of a recommendation for approval) and would

be spent on a scheme of biodiversity offsetting on other Council owned/managed sites within the Borough.

- 10.66 Overall, there would clearly be some ecological impact as a result of this development. However, this impact can be suitably mitigated through the measures as outlined above and controlled by conditions/S106 if needed. Net gain for biodiversity would also be achieved through a financial contribution to be secured through S106.

#### **Residential Amenity**

- 10.67 Policy EN1 addresses a loss of outlook from nearby occupiers. For an 'outlook' to be substantially harmed the impact must be far greater than a simple change of view. The preservation of a private view or the corresponding impact on adjoining property values through the loss of that view are not material planning considerations. The separation distances between the proposed dwellings and those around it are not considered to create any overshadowing, substantial loss of light or overbearing impact such that outlook can be considered to be significantly and detrimentally harmed. Comments have been raised concerning the specific impact upon the existing dwellings within Cramptons and having assessed this, the separation distance is approximately 37m. It is common that back to back separation distances are less than this on other developments which have been considered acceptable, but bearing in mind the dwellings in Cramptons are single storey, a 37m separation as proposed is considered to be sufficient here.
- 10.68 The addition of traffic movements within the development site would potentially create additional noise, disturbance and inconvenience to some existing residents which are adjacent to the site. However, this would not be significant to demonstrate harm to their residential amenity to a level that could justify a refusal of planning permission. Amenity impact during construction is not a matter which would carry significant weight. In the event of a recommendation for approval, a construction management plan would be secured which would require additional safeguards in this regard and would help to lessen any impact during construction.
- 10.69 In terms of the amenity for future occupiers of the development, the proposed dwellings would have appropriately sized private amenity spaces (including the apartment building which would have a communal space). The back to back separation distances are considered acceptable and there is not considered to be any significant overlooking/loss of privacy which would cause harm to amenity.
- 10.70 Overall, there is not considered to be any significant issues concerning amenity as a result of this proposal.

#### **Drainage and Flooding**

- 10.71 The application has been accompanied by a flood risk report which also includes details of foul and surface water drainage strategy. The report sets out that the site is not located within a flood zone and by virtue of the site characteristics and hydrology, would be at low risk of flooding. The report also sets out that the foul water would be drained to an existing public foul sewer within Sissinghurst Road. Southern Water have been consulted who have advised that it would be acceptable to connect to this utility which will require a formal application to Southern Water (to be dealt with outside of the planning system). Full details of a foul drainage strategy would be secured by condition in the event of a recommendation for approval.
- 10.72 In terms of surface water, the submitted assessment includes a SuDS strategy stating that surface water run off from the site would be attenuated on site using a

pond adjacent to the southern front boundary of the site. The outflow to this basin would be at greenfield run off rates. KCC Sustainable Drainage have been consulted on this detail and whilst no objections to the principle of the strategy were submitted, further clarification was requested relating to the full details of the run off rate and following additional technical information being provided by the applicant, KCC Drainage were happy to raise no objections subject to conditions relating to a detailed sustainable surface water drainage scheme and a Verification Report. Southern Water also raised no objections and again requested a surface water drainage scheme to be submitted. In the event of a recommendation for approval, the requested conditions would be included.

- 10.73 Overall, there is not considered to be any flooding issues at the site and suitable foul and surface water drainage could be provided to serve the site without any significant impact being caused.

### **S106 and Affordable Housing**

- 10.74 Legislation requires that planning obligations (including Legal Agreements) should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development and;
  - Fairly and reasonably relate in scale and kind to the development.
- 10.75 The NPPF sets out in paragraph 50 that where there is an identified need for affordable housing, this should be met on site. As the size of the scheme exceeds 10 units, it would trigger a requirement for affordable housing in line with the requirements of Core Policy 6 (4). The proposal provides 15 units with a detailed mix provided in discussion with the Council's Housing Manager. In the instance of a recommendation for approval, such provision would be secured as part of a S106 agreement.
- 10.76 The requirement for developments to provide or contribute towards the services for which they create a need is set out in Core Policy 1 of the CS and requirements relating to various types of contributions, for instance for education, community services and NHS etc. The following contributions have been requested as part of the proposal comprising:-
- Primary Education £178,717.00 – Towards the enhancement of Cranbrook Primary School.
  - Cranbrook Hub – £17,624.46 – Towards the new Cranbrook Hub providing additional capacity for Libraries, Adult Education and Social Care in the rural Weald area of Tunbridge Wells Borough.
  - Youth provision – £2,751.00 – Towards Cranbrook youth provision.
  - Waste provision – £7,032.90 – Towards Tunbridge Wells Waste transfer station and new MRF.
  - NHS – £41,688 towards new single premises for the three General Practices located in Cranbrook.
  - Youth and Adult Recreation £117,197.00 – towards the provision of a new village hall facility within Sissinghurst.
  - Biodiversity Offsetting sum £102,780.00 – towards the enhancement of habitats within the borough.
- 10.77 Discussions have been ongoing with Sissinghurst Parish Council concerning S106 obligations within the parish which would be related to this development. A request



was subsequently submitted for monies towards a new village hall facility to mitigate the impact of the development and to support the larger growing community. This was requested at a rate of £5,000 per dwelling (based on a contribution of £500,000 towards the hall divided by the proposed circa 100 new dwellings allocated for Sissinghurst village within the Draft Local Plan). Having assessed this, the Draft Local Plan hold very little weight at this time and therefore, the figure of 100 new dwellings allocated for Sissinghurst cannot be relied upon at this stage. As a result, the calculation of this contribution does not meet the tests in terms of reasonableness and therefore would not be sought from the developer in the instance of a recommendation for approval. Having said that, the Council recognises that the provision of a new village hall is an important asset for the community and therefore the Youth and Adult Recreation contribution of £117,197.00 (as outlined above in accordance with the Council's Open Space SPD) could be attributed to this enhancement. No other contributions or obligations were requested by the Parish Council.

- 10.78 Overall, the stated contributions are considered to meet the tests as laid out within the bullet points above in order to mitigate the impact of the development and would be appropriate to be included within the recommendation in the instance of an approval.

#### **Other Matters**

- 10.79 The Environmental Protection comments received have requested the provision of vehicles charging points on site. This is considered appropriate here and such provision could be secured by condition to require charging points for all dwellings with on-plot parking as well as publicly accessible charging points elsewhere within the development. This would assist in supporting sustainable travel and would be beneficial for air quality.
- 10.80 Comments have been made within the representation submitted relating to the alleyways within the development to enable access to the rear of some plots (mainly plots 18 and 19). This is required as plots 17, 18 and 19 are a terrace of three properties and so independent access to the rear is needed. There is a buffer strip running along the northern boundary of the site which contains some trees with the alleyway running to the south of this. Therefore, this passage would not be abutting the boundary fences of those in Cramptons and as this feature is only included on these plots, this is not considered to cause any significant safety, security or amenity issues.
- 10.81 In terms of refuse storage, there is space within the amenity areas of the dwellings proposed to provide sufficient space for the suitable storage of bins. Details of refuse storage could be secured by condition.
- 10.82 In terms of the loss of agricultural land, the site comprises grade 3 land, although this is not subdivided to specify the exact grading (either 3a or 3b). In assessing this, the site is relatively small in area and is disconnected from the surrounding agricultural land which extends to the south. In the balance of issues, the impact of its loss for agricultural purposes is not considered to outweigh the benefits of the development in terms of housing supply.
- 10.83 All other matters raised within the representations received have been considered and addressed throughout this report and there are not considered to be any material considerations which would warrant refusal of planning permission.

#### **Conclusion**

- 10.84 In conclusion, it is considered that this proposal has not demonstrated that a safe, suitable and sustainable access for all can be achieved to serve the development including appropriate visibility splays on Sissinghurst Road. The development as proposed would therefore lead to an unacceptable impact upon highway safety. The harmful impacts of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies for the need for housing within the National Planning Policy Framework 2019, including the tilted balance of the presumption in favour of sustainable development as set out within para 11 of the framework.
- 10.85 The proposal fails to provide a completed legal agreement to secure affordable housing and necessary contributions to mitigate the impact of the development as outlined above comprising contributions towards community facilities including education, libraries, social care, community learning, youth provision, waste provision, NHS and open space. For these reasons, refusal of the application is recommended.

**11.0 RECOMMENDATION – Refuse for the following reasons:-**

1. It has not been demonstrated that a safe, suitable and sustainable access for all can be achieved including appropriate visibility splays on Sissinghurst Road. The development as proposed would therefore lead to an unacceptable impact upon highway safety contrary to paras 108 and 109 of the National Planning Policy Framework and TP4 of the Tunbridge Wells Local Plan 2006.
2. In the absence of a completed legal agreement, the proposal does not secure provision for affordable housing and would therefore conflict with Core Policy 6 of the Tunbridge Wells Core Strategy 2010 and the guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance.
3. In the absence of a completed legal agreement, the proposal does not secure contributions towards community facilities including education, libraries, social care, community learning, youth provision, waste provision, NHS, open space and biodiversity offsetting. As such, it does not accord with the principles of sustainable development and is contrary to policy R2 of the Tunbridge Wells Borough Local Plan 2006, Core Policy 1 of the adopted Core Strategy 2010, the guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance.

**INFORMATIVES**

1. For the avoidance of doubt, the application has been determined on the basis of the following information and supporting evidence:-

Site Location Plan – LN40\_000  
Existing Site Layout - LN40\_001  
Proposed Site Layout - LN40\_002 Rev L  
Materials Disposition Layout - LN40\_003 Rev K  
Hard Landscaping Layout - LN40\_004 Rev K  
Masterplan - LN40\_006 Rev H  
Boundary Treatments Layout - LN40\_007 Rev L  
Site Sections - LN40\_008 Rev K  
Refuse Collection Layout - LN40\_009 Rev E  
Parking Layout - LN40\_010 Rev E  
Adoptable and Private Road - LN40\_011 Rev E

Drainage Strategy - LN40\_800.01 Rev A  
Vehicle Tracking - LN40\_810.50 Rev B  
Landscape Masterplan – DE\_339\_P\_001 Rev D  
Illustrative Sections – DE\_339\_S\_005 Rev D  
Arboricultural Protection Plan – DKS/677\_ML002AP  
Existing Tree Constraints Plan – DKS/677\_ML002TC  
Floor Plan and Elevations – LN40\_100.01 Rev B  
Floor Plan and Elevations – LN40\_100.02 Rev B  
Floor Plan and Elevations – LN40\_100.03 Rev B  
Floor Plan and Elevations – LN40\_100.04 Rev B  
Floor Plan and Elevations – LN40\_100.05 Rev B  
Floor Plan and Elevations – LN40\_100.06 Rev B  
Floor Plan and Elevations – LN40\_100.07 Rev C  
Floor Plan and Elevations – LN40\_100.09 Rev C  
Floor Plan and Elevations – LN40\_100.10 Rev B  
Floor Plan and Elevations – LN40\_100.11  
Floor Plan and Elevations – LN40\_100.12  
Floor Plan and Elevations – LN40\_100.50 Rev B  
Floor Plan and Elevations – LN40\_100.51 Rev B  
Floor Plan and Elevations – LN40\_100.52 Rev B  
Floor Plan and Elevations – LN40\_100.53 Rev C  
Floor Plan and Elevations – LN40\_100.90 Rev B  
Energy and Sustainability Statement  
Archaeology Statement  
Heritage Statement  
Design and Access Statement  
Flood Risk Assessment  
Planning Statement  
Landscape and Visual Impact Assessment  
Ecological Appraisal  
Transport Assessment  
Affordable Housing Statement  
Noise Report  
Statement of Community Involvement

Case Officer: Kevin Hope

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