

## REPORT SUMMARY

**REFERENCE NO - 19/03349/FULL**

### APPLICATION PROPOSAL

Development of 100 new homes including the provision of affordable homes together with access, parking, hard and soft landscaping and areas of open space

**ADDRESS** Land At Mascalls Farm Badsell Road Paddock Wood Tonbridge Kent

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

### SUMMARY OF REASONS FOR RECOMMENDATION

- The site is located within a sustainable location, within the Limits to Built Development (LBD) of Paddock Wood. The site is allocated for residential development within Policy AL/PW4 of the Site Allocations Local Plan (SALP) 2016 and Policy AL/PW1 of the Pre-Submission Draft Local Plan (dated February 2021). There is no objection to the principle of residential development on this site.
- The proposal would deliver 40% affordable housing to which very significant weight is given.
- The surface water drainage strategy contains measures to mitigate flooding, reduce surface-water run-off and provide betterment to reduce flood risks to existing development in Paddock Wood, in accordance with Policy AL/PW4 of the SALP.
- The traffic movements generated by the development can be accommodated without detriment to highway safety and suitable measures (secured by condition) have been proposed to address the highway impact of the proposal.
- There is adequate provision of pedestrian and cycle routes, providing linkages to surrounding residential areas, railway station and schools in accordance with Policy AL/PW4 of the SALP. The proposals meet the needs of pedestrians, cyclists and bus users.
- Adequate parking provision will be provided to serve the proposed dwellings.
- Open space buffers are retained (as secured under Phase 1) and new planting is proposed to strengthen the field boundaries, which minimises the visual impact of the development on the adjacent landscape.
- The proposal would not be harmful to the setting of the Area of Outstanding Beauty located approximately 880m to the south of the site.
- The development includes an equipped children's play area to LEAP standard in accordance with SALP Policy AL/PW4.
- The number of residential units and the mix of unit sizes are considered to be appropriate.
- The proposal would not adversely affect the appearance of the street scene or character of the area.
- The proposal would not cause significant harm to the residential amenities of neighbouring properties.
- The development would result in less than substantial harm to the setting of nearby listed buildings and non-designated heritage assets. This harm would be outweighed by the benefits of the proposal.
- Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.
- Other issues raised by consultees have been assessed and there are not any which would warrant refusal of the application.

### INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

**Contributions to be secured through Section 106 legal agreement:**

- Nursery - £40,486.18 towards the cost of nursery facilities at the new primary school at Mascalls Court Farm
- Primary Land - £106,369.20 towards the primary school site acquisition at Mascalls Court Farm.
- Primary Build - £535,500 towards the new Mascalls Court Farm Primary School construction (contribution to be reimbursed to applicant if fully funded by government).
- Secondary Education - £357,525 towards improvements to Mascalls School.
- Community Learning - £1,642.00 towards additional I.T. and resources for the new learners in Adult Education Centres in Tunbridge Wells District, including Paddock Wood.
- Youth Services - £6,550 towards additional resources for the youth service in Paddock Wood.
- Library bookstock - £5,545 towards additional services and stock at Paddock Wood library
- Social Care - £14,688 towards specialist care accommodation within the Borough.
- Waste - £18,367 towards Tunbridge Wells Waste Transfer Station expansion.
- NHS - £87,444 towards refurbishment, reconfiguration and/or extension of Woodland Health Centre and/or towards new general practice premises in the area.
- Community centre - £102,602.91 towards the community centre
- Indoor Sport - £91,200 towards improvements to Putlands Leisure Centre in Paddock Wood
- Outdoor Sport - £74,500 towards the extension of the skate park
- Foal Hurst Wood - £6,677.67 towards mitigation measures for increased visitor numbers and improved access – reinforcement of access paths specifically reconstruction of three bridges.
- Active Travel - £50,000
- Public Right of Way - £1,618.12

**TOTAL: £1,500,715.08**

**Net increase in numbers of jobs: N/A**

**Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A**

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

**Estimated annual council tax benefit for Borough: £18,376**

**Estimated annual council tax benefit total: £169,194**

**Estimated annual business rates benefits for Borough: N/A**

**REASON FOR REFERRAL TO COMMITTEE**

Significant major of over 20 dwellings recommended for approval

<b>WARD</b> Paddock Wood West	<b>PARISH/TOWN COUNCIL</b> Paddock Wood Town Council	<b>APPLICANT</b> Berkeley Homes (Eastern Counties) Ltd <b>AGENT</b>
<b>DECISION DUE DATE</b> 05/03/20	<b>PUBLICITY EXPIRY DATE</b> 29/04/20	<b>OFFICER SITE VISIT DATE</b> 09/12/19

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

20/02336/NMAMD	Non Material Amendment in relation to 19/02533/FULL - Install gas infrastructure on site and slight movement in location of a small number of homes to accommodate this	Approved	18/09/20
19/02533/FULL	Revision to layout and house-type amendments, including an increase of 4 additional dwellings, and modifications to the previously approved design, layout, and housing mix (17/03480/FULL refers)	Approved	27/05/20
17/03480/FULL	Proposal: Development of 309 new homes, including provision of affordable homes together with access, parking, landscaping and areas of open space	Approved	29/10/18

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site covers an area of 3.85 hectares. It is located approximately 1.5km to the south-west of Paddock Wood town centre and to the south of Badsell Road. It is within the LBD of the town, which was identified by the Core Strategy (2010) as a Tier 2 settlement. The site lies directly to the south of the Phase 1 site, where development is currently under construction. Planning consent was granted in October 2018 for 309 homes (17/03480/FULL). This consent provided 35% affordable housing. A subsequent planning application was approved in May 2020 (19/02533/FULL) for four additional dwellings (including two additional affordable units). To date planning permission has been granted for 313 dwellings, including 110 affordable units, which equates to 35% affordable housing.
- 1.02 This application relates to the second phase of development on the wider Mascalls Farm site. Policy AL/PW4 of the Site Allocations Local Plan (SALP) 2016 allocates the wider site for approximately 300 dwellings. This allocation is carried forward into the Pre-Submission Draft Local Plan (dated February 2021), where Policy AL/PW1 proposes to increase the yield of the site and allocate it for approximately 412 dwellings. Additional housing capacity is possible due to the proposal to move the existing overhead electricity pylons and cabling that cross the site underground. The cables which were suspended from timber telegraph poles were undergrounded in January 2021. The proposal also seeks to move the larger cables on steel pylons underground.
- 1.03 The site is a greenfield site, which has historically been in agricultural use. The land levels rise up towards the south-west, with the highest point being in the western corner of the site. The land in the western corner of the site is approximately 8m higher than the access from Badsell Road.
- 1.04 A Public Right of Way (WT268) bisects the site. It runs from Badsell Road to the countryside to the south. This footpath then continues southwards towards Matfield.
- 1.05 The Tunbridge Wells Stream runs close to the eastern site boundary with an outfall at the Badsell Road/Maidstone Road junction. Following recent modelling works undertaken by the Environment Agency part of the eastern boundary now falls within Flood Zones 2 (medium risk) and 3 (high risk). The majority of the site is located in Flood Zone 1, which is a 'low' risk (less than 1 in 1,000 annual probability) of flooding.

- 1.06 To the east of the site is a tree belt, beyond that are residential properties that front onto Maidstone Road. To the south-east is an historic farmstead, which contains two Garden II listed buildings (Mascalls Pound and Oast House). To the south of the site is a hedge/tree belt with agricultural land beyond. Approximately 60 metres further south are a number of industrial units.
- 1.07 The western boundary adjoins part of the wider Mascalls Farm site that is designated for amenity space and also to provide biodiversity enhancements.
- 1.08 Foal Hurst Wood, which is a Local Nature Reserve and also contains ancient woodland is located approximately 240m to the west of the site. Brick Kiln Wood is located approximately 140m to the south of the site and is designated ancient woodland and a Local Wildlife Site. The High Weald Area of Outstanding Natural Beauty (AONB) lies approximately 880m to the south of the site.
- 1.09 The northern boundary of the site adjoins the Phase 1 residential development, which is currently under construction. The northern side of Badsell Road is predominantly residential. Mascalls Manor (including gates and piers) and Sunnycot (which are sited to the north of Badsell Road) are Grade II listed.
- 1.10 The trees along the eastern boundary, part of the southern boundary and alongside the public right of way are protected by a group Tree Preservation Order. There is also a Silver Birch tree along the south-western boundary, which is protected by a Tree Preservation Order.
- 1.11 There are bus stops on Badsell Road at the entrance to Foal Hurst Wood and opposite the pedestrian link to Ringden Avenue and on Maidstone Road. These stops provide services to Tunbridge Wells, East Peckham, Maidstone, surrounding villages and local schools.

## **2.0 PROPOSAL**

- 2.01 The proposal seeks to place the existing overhead electricity pylons underground and provide 100 new dwellings on land to the south of the previously approved development. The proposal includes 40 affordable homes, equating to 40% affordable housing. Three of the affordable rent units would be suitable for wheelchair users (1 nos. 2 bed unit and 2 nos. 1 bed units). The proposal would bring the total number of dwellings to 413 on the wider site, which would be in compliance with the emerging policy that seeks to allocate approximately 412 dwellings.
- 2.02 Following recent flood modelling works, the Environment Agency has included land along part of the eastern boundary of the site within Flood Zones 2 and 3. In order to address the flood constraints, the applicant has redesigned the scheme, including reducing the extent of the development along the western boundary. As a consequent, the number of dwellings now proposed is 100, compared to the 117 originally submitted.
- 2.03 The proposed dwellings would be between 2-2.5 storeys in height. The apartment buildings would be 3 storeys high. The affordable accommodation is located to the east of the site, adjacent to the affordable accommodation proposed in the Phase 1 development.
- 2.04 The proposal would provide the following mix of dwellings:

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4+ bed</b>	<b>Total</b>
<b>Market</b>	0 (0%)	0 (0%)	44 (73%)	16 (27%)	60
<b>Affordable</b>	16 (40%)	19 (47%)	5 (13%)	0 (0%)	40
<b>All dwellings</b>	16 (16%)	19 (19%)	49 (49%)	16 (16%)	100

### 3.0 SUMMARY INFORMATION

	<b>Approved Phase 1 development</b>	<b>Proposed Phase 2 development</b>	<b>Total Phases 1 &amp; 2</b>
Site Area (developable area)	10.5ha	3.85ha	14.35ha
Car parking spaces	747 (including 112 garage spaces)	218 (including 20 garage spaces)	965 (including 132 garage spaces)
No. of residential units	313	100	413
No. of affordable units	110	40	150
% of affordable housing	35%	40%	36%

### 4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3
- Environment Agency Flood Zones 2 and 3
- Inside Limits to Built Development (LBD)
- Local Development Framework (LDF) (Various Sites)
- LDF Surface Water Management Plan
- Local Nature Reserve Foal Hurst Wood, Paddock Wood - Ref: KHWP01 + 500M Buffer
- Local Wildlife Sites TW16 - Brenchley Wood, Brenchley.
- Public Rights Of Way – WT268
- Public Access Land Foal Hurst Wood, Paddock Wood
- Section 106 Agreement Mascalls Farm, Badsell Road, Paddock Wood
- Tree Preservation Order – Silver Birch on south-western boundary; trees along western boundary; part southern boundary and alongside the PROW

### 5.0 POLICY AND OTHER CONSIDERATIONS

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

Development Plan Policies:

#### **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 development
- Core Policy 6: Housing provision
- Core Policy 8: Retail, leisure and community facilities provision
- Core Policy 11: Development in Paddock Wood
- Core Policy 14: Development in the countryside and rural areas

#### **Site Allocations Local Plan 2016**

- Policy AL/PW4 allocated for residential development (C3) with the capacity to provide approximately 300 dwellings.

#### **Tunbridge Wells Borough Local Plan 2006**

- Policy EN1: Design and other development control criteria
- Policy EN8: Outdoor lighting
- Policy EN10: Sites of archaeological interest
- Policy EN13: Tree and woodland protection
- Policy EN15: Statutory Local Nature Reserves and other non-statutory Nature Conservation Sites
- Policy EN16: Protection of groundwater and other watercourses
- Policy EN25: Development control criteria for all development proposals affecting the rural landscape
- Policy H2: Small and intermediate sized dwellings
- Policy CS4: Contributions to School Facilities
- Policy R2: Recreation Open Space in New Residential Development
- Policy TP1: Major development requiring Transport Assessment and Travel Plan
- Policy TP3: Multi-modal Access for Large Scale Development Schemes
- Policy TP4: Access to Road Network
- Policy TP5: Car parking Standards
- Policy TP9: Cycle Parking Standards

#### **Supplementary Planning Documents (SPDs)**

- Affordable Housing
- Contaminated Land
- Noise & Vibration
- Renewable Energy
- Recreation Open Space
- Kent Design Guide
- Borough Landscape Character Area Assessment - Local Character Area 13: Paddock Wood/Five Oak Green

#### **Pre-Submission Draft Local Plan (February 2021)**

- STR 1: The development strategy
- STR 2: Place shaping and design
- STR 4: Ensuring comprehensive development
- STR 5: Infrastructure and connectivity
- STR 6: Transport and parking
- STR 7: Climate change
- STR 8: Conserving and enhancing the natural, built, and historic environment
- STR 10: Neighbourhood plans
- STR/PW 1: The strategy for the parish of Paddock Wood
- AL/PW 1: Land at Mascalls Farm
- EN1: Sustainable design
- EN2: Sustainable design standards
- EN3: Climate change mitigation and adaptation
- EN4: Historic environment
- EN5: Heritage assets
- EN8: Outdoor lighting and dark skies
- EN9: Biodiversity net gain
- EN10: Protection of designated sites and habitats
- EN12: Trees, woodlands, hedges and development
- EN13: Ancient woodland and veteran trees
- EN14: Green, grey and blue infrastructure

- EN15: Local green space
- EN16: Landscape within the built environment
- EN18: Rural landscape
- EN19: The High Weald Area of Outstanding Natural Beauty
- EN20: Agricultural land
- EN21: Air quality
- EN24: Water supply, quality and treatment
- EN25: Flood risk
- EN26: Sustainable drainage
- EN27: Noise
- EN28: Land contamination
- H1: Housing mix
- H2: High density
- H3: Affordable housing
- TP1: Transport Assessments, Travel Plans and mitigation
- TP2: Transport design and accessibility
- TP3: Parking Standards
- OSSR2: The provision of publicly accessible open space and recreation

## 6.0 LOCAL REPRESENTATIONS AND PARISH CONSULTATIONS

- 6.01 An advert was published in the local newspaper on 13<sup>th</sup> December 2019 and site notices were displayed around the site on 9<sup>th</sup> December 2019. Following the submission of amended plans, further site notices were displayed around the site on 15<sup>th</sup> April 2020 and 19<sup>th</sup> January 2021.
- 6.02 8 private representations have been received objecting to the development on the following grounds:
- Phase 1 should be completed prior to commencing of Phase 2, to ensure all affordable housing is provided.
  - Paddock Wood is prone to flooding. Phase 1 should be completed and its impact on drainage studied before Phase 2 is considered.
  - Phase 1 will significantly increase traffic on Badsell Road. Phase 1 should be completed before Phase 2 is considered to allow a proper impact assessment on actual rather than modelled data.
  - Proposal should minimise noise and dust pollution to the neighbouring properties.
  - No need for additional housing.
  - Development of greenfield land will increase water runoff and increase flood risk.
  - No capacity in existing sewerage system to accommodate additional foul drainage.
  - Concerns regarding loss of hedgerows and green space
  - Strain on existing infrastructure – schools, doctor’s surgeries and transport.
- Paddock Town Council**
- 6.03 (05/02/21 & 02/02/21): Object to the development on the following grounds:
- No details of how the properties within Flood Zone 2 will be protected [*Officer note: no dwellings now proposed within Flood Zone 2*].
  - Recommend no dwellings within Phase 2 are occupied until the major highway works have been carried out.
  - Insufficient foul drainage capacity to cater for the additional dwellings.
  - Proposal compromises the spacious and open design of the whole site, by reducing the landscaped area.

- 6.04 Should consent be granted, the following contributions are required to mitigate the impact of the development:
- Community centre - £102,602.91 towards the proposed community centre
  - Indoor Sport - £91,200 towards improvements to Putlands Leisure Centre in paddock Wood
  - Outdoor Sport - £74,500 towards the extension of the skate park
  - Foal Hurst Wood - £6,677.67 towards mitigation measures for increased visitor numbers and improved access – reinforcement of access paths specifically reconstruction of three bridges.
- 6.05 (19/12/19): The proposed units are not included in, or allowed for, by the latest Southern Water proposed solution for growth in Paddock Wood. Therefore there is no capacity, either existing or proposed, to accommodate the units on the foul drainage network. Development should not be granted unless Southern Water can prove capacity within the foul drainage system. The Southern Water scheme is based on up to 1000 properties. The additional development, including other infill will exceed this number.
- 6.06 Policy AL/PW4 of the SALP requires that development provides a betterment to reduce flood risks to existing development in Paddock Wood. The proposal to intercept flows from both the Mascalls Pound Farm ditch and the run off from the newly developed areas and drain them to the Paddock Wood Stream is misleading. A flood from the Paddock Wood stream would not flood fields it would flood the developed area of the town through which it flows. No modelling to determine the flows of the Paddock Wood Stream. Impossible to determine that the stream can accommodate increased flows downstream where it is culverted. Overflows are cause by surface water ingress into the foul system. Insufficient evidence to demonstrate that areas already at flood risk will not be increased due to the proposal.
- 6.07 The Transport Assessment gives no consideration to traffic flows through the centre of the town to and from the development site, over the railway line and up to the Hop Farm. It is implausible to assume that all traffic generated will access and leave the town via the Badsell Road/A228 route.
- 6.08 The setting of Mascalls Pound (Grade II listed building), which is a part of an historic farmstead, would be compromised by the additional units being built up against its boundary. Mascalls Pound, including its surrounding farm buildings is a heritage asset of significance. Mascalls Pound was also awarded a Historic Building Plaque from the Historic Buildings of Kent Committee in conjunction with CPRE in 1978. The proposal would compromise the setting of these buildings and affect the residential amenity of other properties by restricting views. The location of this site on the margins of the High Weald should be respected and the developed area should be kept on the flat ground away from the elevated boundary area
- Capel Parish Council**
- 6.09 (28/01/21 & 10/09/20): Development is within a few metres of the parish boundary at Foal Hurst Wood. Recommend refusal due to concerns regarding additional traffic and congestion impact on B2017, which is most direct route to A21 and Tonbridge.
- 6.10 If consent is granted, request funding towards a road crossing and traffic calming on B2017 and a footpath between site and Badsell Road roundabout. Additional traffic will make walking even more dangerous along this road.

## 7.0 CONSULTATIONS

### **Southern Water**

- 7.01 (01/02/21 & 28/04/20 & 10/01/20): No foul sewerage from the site shall be discharged into the public system until off site drainage works to provide sufficient capacity within the foul network to cope with additional sewerage flows are complete. Southern Water is currently in the process of designing and planning delivery of off site sewerage network reinforcements. Southern Water seeks to limit the timescales to a maximum of 24 months.
- 7.02 SUDS rely upon facilities which are not adoptable by sewerage undertakers. 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. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SUDS scheme.
  - Specify a timetable for implementation.
  - Provide a management and maintenance plan for the lifetime of the development.
- 7.03 Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

### **Environment Agency**

- 7.04 (25/01/21 & 09/12/19): The application has a low environmental risk. No comments.

### **Natural England**

- 7.05 (21/01/20): The proposed development would not have significant adverse impacts on statutorily protected nature conservation sites. The proposed development is close to a nationally designated landscape - High Weald AONB. The planning authority should use national and local policies, together with local landscape expertise/information to determine the proposal.

### **Southern Gas Networks**

- 7.06 (26/01/21 & 09/12/19): There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3m of an intermediate pressure system.

### **UK Power Networks**

- 7.07 (26/01/21): Plan provided showing cables and overhead lines owned by UK Power Networks.

### **Forestry Commission**

- 7.08 (02/02/21 & 19/12/19): Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. It is government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, ancient trees or veteran trees, unless "*there are wholly exceptional reasons and a suitable compensation strategy exists*" (NPPF Para 175c). Refer to Standing Advice on Ancient Woodlands.

**NHS West Kent Clinical Commissioning Group**

- 7.09 (04/02/21 & 15/04/20): The proposal will have a direct impact on delivery of general practice services, which will require mitigation through the payment of an appropriate financial contribution. There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments in the Paddock Wood area, will therefore need to be met through the creation of additional capacity in general practice premises. A contribution of £87,444 is required towards refurbishment, reconfiguration and/or extension of Woodlands Health Centre and/or towards new general practice premises in the area.

**KCC Flood & Water Management**

- 7.10 (19/02/21): The proposed development is now located outside of flood risk extents, including the required surface water drainage features. The FRA includes Microdrainage calculations to demonstrate that flow control is provided as required for the design arrangement proposed and that sufficient storage volume can be accommodated within the layout proposed. Discharge from the proposed development is shown to still be restricted to 15.8 l/s. Recommend conditions.
- 7.11 (27/08/20): As a result of the updated Environment Agency flood zone mapping, KCC Flood & Water Management now object to residential development within Flood Zone 2 on the grounds that insufficient information has been submitted as to how the properties within the flood zone will be protected.
- 7.12 (22/06/20 & 11/02/20): Surface water management was assessed for this site as part of application 17/03480. The original Flood Risk Assessment prepared by Glanville (2017) assessed discharge rates for each catchment of the development. This proposed development is located within Catchment 6. Contributions from the Paddock Wood catchments were proposed to be restricted to specific rates, in this case 15.79 l/s for all events up to an including the 1 in 100 year, 40% climate adjusted rainfall event.
- 7.13 The FRA submitted with the application includes microdrainage calculations to demonstrate that flow control is provided as required for the design arrangement proposed and that sufficient storage volume can be accommodated within the layout proposed. Discharge from the proposed development is restricted to 15.8 l/s (we accept the 0.01 l/s difference given levels of accuracy) and is compliant with the original proposal. Recommend conditions consistent with those for application 17/03480.

**KCC Highways & Transportation**

- 7.14 (16/02/21): The wording of the proposed Grampian condition is acceptable.
- 7.15 (01/02/21): The Transport Assessment shows that the Phase 2 development is only acceptable subject to completion of the Major Highway Works. Recommend either the Phase 2 scheme is not occupied until the Major Highway Works are completed or that no more than 313 dwellings are occupied across the wider site until the Major Highway Works have been completed.
- 7.16 (16/09/20): As part of the Phase 1 scheme, Capel Parish Council requested contributions towards the cost of a pedestrian crossing and traffic calming measures on the B2017 in Five Oak Green. At the time, KCC acknowledged that the Glanville highway report stated that the B2017 would experience an increase in traffic flows of between 1% and 2.1% and therefore would be unlikely to have a significant adverse

impact on the operation of the B2017. The volume of development flows identified within the Phase 1 scheme would not be severe and would not have a significant impact on the operation of Badsell Road to the west of A228 or the safety of pedestrians within the villages along the route. KCC Highways cannot lawfully request that the developer provide the items requested by Capel Parish Council. The traffic impact for Phase 2 would be less than Phase 1 and therefore the same reasoning applies.

- 7.17 (18/08/20): All junctions (site access from Badsell Road, 'major' improvement scheme for signalised junction and 'major' improvement scheme for Colts Hill roundabout) were designed, validated and accepted by KCC previously when assessing Mascalls Farm Phase 1, Mascalls Court Farm and Church Farm applications. Mascalls Farm Phase 1 was estimated to be 400 dwellings in the Phase 1 Transport Assessment (TA); therefore the net increase for this site as a whole (in transport terms) is minimal.
- 7.18 The TA shows that the net increase in trips associated with these dwellings is low and would not significantly impact the local highway network when the 'major' mitigation schemes have been implemented. The proposed scheme relies on the 'major' mitigation schemes for the Maidstone Road/Badsell Road/Mascalls Court Road and the Colts Hill roundabout being implemented. With the junction improvements in place, the impact of additional traffic generated by the proposed scheme would not be severe, and therefore conforms to NPPF paragraph 109.
- 7.19 KCC does not have any outstanding schemes without funding that can be linked to this site.
- 7.20 The Kent Design Guide recommends that a 'Major Access Road' can serve up to 300 dwellings and preferably has two points of access or is a loop with a short connection to a single point of access and a secondary emergency access link. The applicant has widened the Phase 1 access road to 6.75m in order to upgrade to a 'Distributor Road' and the internal layout is based on a loop arrangement. With the emergency access to the west of Phase 1, it is concluded that on balance a secondary access will not be necessary.
- 7.21 Conditions are recommended to secure the parking and turning areas as shown, and details of proposed EV charging arrangements should be provided. A CEMP should also be submitted.
- 7.22 (22/01/20): The development will not be put forward for adoption. Comments regarding the internal layout are advisory only. The general access arrangements into Phase 2 conform with the Kent Design Guide e.g. visibility splays shown to 2.4m x 25m at junctions in keeping with a design speed of 20mph, but additional traffic calming may be needed on the principle routes through the development to maintain this speed. A number of properties are sited close to the back of footway, which results in a number of tight radii on the major access road and which also results in limited forward visibility at these points. The swept path analysis demonstrates a number of tight pinch points which would benefit from additional width. A high proportion of parking spaces do not relate well to front doors and some appear to be outside of neighbouring properties. These types of arrangement inevitably lead to indiscriminate parking across the development, as well as neighbour disputes. Access to some of the spaces, end spaces in particular are tight and clearance from some junctions could be improved and spaces should generally sit clear of the margin strip.

- 7.23 (14/01/20): At pre-application stage KCC Highways advised the applicant that the net gain of 20 units (420 proposed on this site and the adjacent site at that time) would not need to be modelled.

**Kent Police**

- 7.24 (21/01/21, 28/04/20 & 13/12/19): Recommend the use of Secured by Design Homes Initiative for this proposal.
- Garden service paths should be gated at their start or as far forward to the building line as possible. There appears to be an extensive network of linked garden services paths running to the rear of plots 358 to 368. Garden service paths should serve no more than 4 residential units. Important these paths are sectioned and secured with additional fencing, in the interests of security.
  - Formal play areas should be fenced or hedges planted to prevent dogs entering.
  - Low level knee rails, bollards or similar should be considered to prevent parking on the edges of open areas.
  - Defensible space will be required for any ground floor bedroom windows or patio doors for the apartment blocks.
  - Parking areas under FOG should be finished in light colours and appropriately lit.
  - Bollard lighting should be avoided. Lighting should conform to BS5489-1:2013.
  - CCTV near public open space/play area should be considered.
  - Postal delivery for Blocks C and D will need to be considered.
  - Doorsets and easily accessible windows should be certified to PAS24:2016.
  - Bin and cycle stores should conform to SBD Homes specifications. Access to internal bin stores should be controlled.
  - Recommend security alarms are installed.

**KCC Economic Development**

- 7.25 (09/2/21): KCC will reimburse the Primary Build cost, if the Government fully funds the school. The pace of housing occupations has meant that the Government has deferred opening of the new school until a likely date of 2024. Until a formal agreement to establish the school is issued by the government, it cannot be guaranteed they will fund the school construction - they are unlikely to issue this until 2022.
- 7.26 (18/01/21 & 14/04/20): The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.
- Nursery - £40,486.18 towards the cost of nursery facilities at the new primary school at Mascalls Court Farm
  - Primary Land - £106,369.20 towards the primary school site acquisition at Mascalls Court Farm.
  - Primary Build - £535,500 towards the new Mascalls Court Farm Primary School construction.
  - Secondary - £357,525 towards improvements to Mascalls School.
  - Community Learning - £1,642 towards additional I.T. and resources for the new learners in Adult Education Centres in Tunbridge Wells District, including Paddock Wood.
  - Youth Services - £6,550 towards additional resources for the youth service in Paddock Wood.
  - Library bookstock - £5,545 towards additional services and stock at Paddock Wood library

- Social Care - £14,688 towards specialist care accommodation within the Borough.
- Waste - £18,367 towards Tunbridge Wells Waste Transfer Station expansion.

7.27 All homes should be built as Wheelchair Accessible and Adaptable dwellings in accordance with Building Regulations Part M 4(2). Recommend condition regarding broadband provision.

**KCC Public Rights of Way (PROW) Officer**

7.28 (03/02/21, 23/04/20 & 23/12/19): Public Footpath WT268 passes through the site. The proposal is presented as an extension to the already approved development (17/03480) and as such, the impacts upon the PROW will be similar. This PROW is of very high importance and value for the purposes of recreational exercise.

7.29 The site layout appears to accommodate this right of way along its recorded definitive alignment. The proposed development will have a significant impact on the character of this right of way, as the footpath currently passes through open countryside. This footpath is part of the Paddock Wood 'Oasts and Orchards' walking route.

7.30 If approved, this path is likely to see an increase in use by residents seeking open space for outdoor recreation, in addition to those commuting to local amenities and facilities. Recommend the PROW is surfaced by the developer to an agreed specification of KCC's PROW and Access Service. As a main pedestrian access route into the town centre, request that a minimum 2.5 metre width is made available along any part of the right of way within the site. No objection, provided that the above considerations are taken into account and Public Footpath WT268 is not obstructed by the development.

**MidKent Environmental Protection**

7.31 (27/01/21, 20/05/20 & 08/01/20) Site investigations identify localised areas of slight contamination which required remediation in the form of hotspot removal and a capping layer over a car parking area. The report also identifies that utilities should be installed in clean gravel corridors using barrier pipes. It further recommends that a discovery strategy should be implemented during the development.

7.32 This approach is satisfactory and should be subject to a verification report upon conclusion. Air quality mitigation - The applicant has submitted details proposing energy efficient boilers and cycle parking. The applicant will need to submit further details and include information such as low NOx boilers, EV charging points (or installation of suitable wiring/set up to a charging point) to all properties etc.

**TWBC Housing Officer**

7.33 (30/01/20): The affordable housing mix is acceptable. Whilst there are only 2 x rented 3 bed houses there are 16 x 3 bed houses for rent in the adjacent site. Town and Country Housing Association is happy with the location of the affordable housing. Recommend materials are not distinguishable from the market housing.

**TWBC Tree Officer**

7.34 (21/01/20): Subject to the use of no-dig, compaction-resistant surfacing and arboricultural supervision, there is certainly scope to re-surface and widen the footpath. However, this tree belt is not wide (narrowing to 7m or less in places) with the larger trees located centrally in the belt. Widening to a minimum of 2.5m along the full length of the footpath would almost certainly require the removal of over-storey ash and oak currently shown for retention, though there is insufficient detail of this area in the submitted documents to fully assess the impacts.

- 7.35 Due to the positioning of proposed roads, houses, gardens and a play area along both sides of the tree belt, there are limited opportunities for planting to extend its width. Concerned that a 2.5m+ footpath would fragment what is now nearly continuous tree cover.
- 7.36 (09/01/20): Tree loss is mostly along the eastern site boundary (groups G9 and G10) and within the central tree belt (groups G5-G8 and G34). The latter comprises a narrow woodland of variable quality, with some good mature and semi-mature oak and ash, bisected north-to-south by an unmade footpath. The proposed highway connecting the eastern and western areas of the site will replace an existing pylon located in the centre of this woodland, and the nearest trees (oak T49, oak-1, ash-1 and several small trees) must be removed to facilitate this, as substantial excavation within their root protection areas is unavoidable. These removals are unfortunate but from an arboricultural standpoint the pylon site is the best location for the proposed road. No objection, subject to details of tree protection, proposed planting and woodland management, which can be secured by condition.

#### **TWBC Planning Policy**

- 7.37 (16/01/20): The proposal should be assessed against the relevant advice set out in the NPPF and applicable policies of the Development Plan, including Policy AL/PW4 of the SALP, which seeks to provide 300 dwellings on the site.
- 7.38 The Council has identified that inclusive of the 5% buffer required by the NPPF (2019) it can demonstrate a housing land supply of 4.69 years. The Council currently does not have a five year housing land supply. **[OFFICER NOTE: THIS FIGURE HAS INCREASED TO 4.83 YEARS AS OF APRIL 2020].**
- 7.39 The Draft Local Plan sets out the Council's proposed development strategy, distribution for growth and housing need for the borough. At this stage in the Local Plan review process, only limited weight can be attached to the policies in the Draft Plan. The site is allocated for residential development in the Draft Plan. The Draft Local Plan requires 40% affordable housing on greenfield sites.

#### **TWBC Landscape & Biodiversity Officer**

- 7.40 (11/02/21 & 14/04/20): The applicant has responded to earlier comments and for the most part has addressed my concerns with regards design and layout. Recommend conditions for hard and soft landscape, biodiversity enhancements and boundary treatments etc. Uplift in contribution required for the PROW.
- 7.41 DEFRA Metric 2.0 has been submitted which shows a net gain for biodiversity for this application combined with the larger consented scheme of nearly 40% in area and 45% in linear features (hedgerows). The uplift in biodiversity is considerable and exceeds the anticipated statutory minimum of 10% by a considerable margin. Net gain has been proven. It is important that these new areas of landscape are brought under the same legal controls and conditions that were applied to the approved scheme.
- 7.42 It would be desirable to improve the width of the PROW but in many places this is restricted by existing trees. Recommend the path is 1.8 to 2m wide, but for widening to occur only where trees permit. These uncertainties can be dealt with by a condition requiring a detailed drawing of the whole length of the PROW in relation to the stream, retained trees and proposed adjacent development at a scale of not less than 1:200 to include details of crossovers at road junctions, connections to the

public highway to the north and connections to the PROW beyond the site to the south.

**TWBC Conservation & Urban Design Officer**

- 7.43 (02/02/21): The revised plans address previous concerns. The success of the street tree planting will be key, given the amount of parking to the front. Recommend this is dealt with by condition.
- 7.44 (17/04/20): Amendments have been made (such as materials mix) which have improved the scheme. A Heritage Collective addendum report assesses the impact of the proposal on the setting of the two listed buildings, Mascalls Pound and Mascalls Farm Oast. These form part of an historic farmstead. The assessment of the setting of the listed buildings is confined only to inter-visibility, which leads to the conclusion that the elements of setting that contribute towards significance are only those within the immediate private curtilage of the two buildings, because of tree cover. The Conservation Officer disagrees with this. Historic England advises that setting is not limited to visibility and that there are a number of different attributes of setting that could form part of significance, such as the historic surroundings. It is considered that less than substantial harm, though at the lower end, would be caused to the significance of the listed buildings as a group, given that the farmstead is characterised as being isolated, and therefore the farm buildings are meant to be appreciated in an agricultural setting, not very close to the edge of a suburban housing development.
- 7.45 (16/01/20) There are four historic farmsteads surrounding the site. This second phase extends the built form of Paddock Wood further to the south and therefore into the area characterised by small farmsteads in clusters, whose setting would historically have been rural. The Mascalls Pound farmstead includes a Grade II listed farmhouse and oast. The setting of the farmstead will be altered with the presence of a housing development. Less than substantial harm will be caused to it as a non-designated heritage asset and to the listed buildings as part of this group. Harm would be caused, though to a lesser degree, to Newman's Farm to the south west. This harm, in my view, would be at the lower end of less than substantial, given the large changes to the setting of these farmsteads with the development of the town further south in the 20th century, including the school to the east. The presence of the development will also be mitigated to an extent with landscaping.

**TWBC Strategic Sites Team Leader**

- 7.46 A Masterplan and Infrastructure Study have been carried out, which comprehensively masterplans for the proposed growth around Paddock Wood and east Capel, which is being planned for between 3,490 to 3,590 houses. The detailed infrastructure scheme itemises and costs all the associated infrastructure which is required to mitigate against the growth planned. A key element of this is the provision of active travel routes (improvements and upgrades to existing cycle and pedestrian routes and routes identified through our Local Cycling and Walking Infrastructure Plan). This information has been costed at £4.5 million. Recommend contribution of £50,000 secured towards active travel to provide sustainable links from the development to the existing settlement/railway station/employment facilities and beyond to Tonbridge and Tunbridge Wells.

**TWBC Planning Environmental Officer**

- 7.47 (29/01/21): Three of the visitor parking spaces would have electric vehicle charging points (EVCP). The Design and Access Statement states that each home will have access to an EVCP (either private or communal) within c.50m of their home. This commitment has not been achieved on the visitor parking drawing. Greater uptake in

EV can be achieved by providing a charging point more conveniently on a private driveway. The Council's EVCP Guidance Note recommends that all dwellings with a garage or driveways have cabling provided and 10% are fitted with charge points. Cabling should also be provided for all car parking spaces associated with apartments and one charge point provided per ten spaces.

7.48 (19/05/20 & 17/01/20): This application follows existing policy described within the Renewable Energy SPD to first reduce emissions and then offset 11.7% of site wide carbon emissions through the use of renewable energy generating technology. Recommend more substantial carbon reductions are made. TWBC has declared a Climate Emergency and set itself a target for both its own operations and all wider activities in the borough to become carbon neutral by 2030. This is in tandem with central government's decision to pass a net zero emissions target into law. Planning will have an important and central role to play in achieving these targets. This is particularly the case for domestic dwellings which account for 40% of greenhouse gas emissions in the borough.

7.49 The Renewable Energy SPD 2007 is now out of date and TWBC has addressed this by introducing more ambitious climate change policies within the Draft Local Plan. TWBC has published a Position Statement that explains the current policy expectations. Recommends applicant improves energy performance of scheme.

#### **TWBC Sustainability Officer**

7.50 (15/04/20): Recommend the developer follows the 'developer's guidance' for EV charging. Support for sustainable public transport and active travel will be critical, given our requirement to reduce carbon emissions from transport in line with the Council's climate emergency declaration and the ambition to meet net zero carbon by 2030.

#### **TWBC Client Services**

7.51 (20/01/21, 21/04/20, 24/12/19 & 13/12/19): Bins should be purchased from TWBC by the developer prior to occupation. Each house requires 1 x 240ltr green bin, 1 x 240ltr brown bin and 55ltr green box and food caddy. Communal bin storage should be as plan. Small caddy per flat 240ltr.

### **8.0 APPLICANT'S SUPPORTING COMMENTS**

8.01 The application site is located within the settlement boundary of Paddock Wood and forms part of the original residential site allocation AL/PW 4 within the adopted development plan. At the time of the Phase 1 approval, the land that is the subject of this application was retained within its current agricultural use, due to the location of electricity pylons. Following discussions with UKPN these can now be undergrounded, facilitating development.

8.02 The application was originally submitted in November 2019, based on pre-application discussions with TWBC and KCC for a development of 117 homes. During the course of the application, Berkeley has significantly reduced the quantum of development in response to Officer comments and changes in flood zones published by the Environment Agency.

8.03 The revised scheme now proposes a reduced total of 100 much needed private market and affordable homes and significantly increases the quantum of affordable housing with a 40% provision, above adopted requirements. Berkeley therefore remain committed to delivering rented and intermediate affordable homes, alongside those already approved within the Phase 1 application.

- 8.04 The proposal does not compromise on design quality and remains in line with the high quality character and appearance of the approved Phase 1 development currently under construction. This includes a 20% provision of active electric vehicle charging points, exceeding adopted policy requirements. The development also safeguards existing trees and hedgerow belts which form the boundary to the countryside beyond and enhances the play areas already committed to within the approved application, and extends these to meet the needs of the residents.
- 8.05 Despite the commercial impact of the decrease in homes and the increased provision of affordable housing in excess of adopted policy, Berkeley has agreed with the Council to make a S106 financial contribution of £1,500,715.08.
- 8.06 This contribution will go towards the delivery of local community and infrastructure improvements in the area, to mitigate the impact of the additional homes and bring wider benefits to the existing residents of Paddock Wood.
- 8.07 Overall the proposed scheme represents a sustainable form of development which accords with the Development Plan and delivers high quality additional housing (without compromising the previously agreed development principles), to help the Council to meet their housing needs within the Borough. The presumption in favour of sustainable development established within the NPPF therefore applies, and in line with the NPPF, the development proposals should be approved without delay.

## **9.0 BACKGROUND PAPERS AND PLANS**

Landscape and Visual Impact Assessment January 2021

Landscape Statement Revision 4

Landscape and Ecological Management Plan dated January 2021

Planning Statement Revision A

Design and Access Statement dated January 2021

Transport Assessment dated January 2021

Residential Travel Plan Issue 9 dated January 2021

Flood Risk Assessment Issue 4 dated January 2021

Ecological Appraisal dated January 2021

Energy Statement Revision 4 dated January 2021

Sustainable Design and Construction Assessment dated November 2019

Contaminated Land Investigation dated June 2017

Residential Waste Management dated November 2019

Utilities Statement Updated September 2019

Cultural Heritage Desk Based Assessment dated October 2019

### **Drawing numbers:**

01316D\_S01/P01: Site Location Plan

01316D\_S02/P01: Existing Site Plan

01316D\_MP01/P01: Illustrative Site Plan

01316D\_MP02/P01: Illustrative Masterplan Wider Context

01316D\_MP03/P01: Refuse Strategy

01316D\_MP04/P01: Boundary Treatment

01316D\_MP05/P01: Highway Adoption

01316D\_MP06/P01: Proposed Tenure

01316D\_MP07/P01: Visitor Parking

01316D\_MP08/P01: Parking Strategy

01316D\_MP09/P01: Materials Strategy

01316D\_MP10/P01: Site Plan

01316D\_MP11/P01: Housing Mix  
SE\_01/P01: Street Elevations – Sheet 1  
SE\_02/P01: Street Elevations – Sheet 2  
SE\_03/P01: Street Elevations – Sheet 3  
SE\_04/P01: Street Elevations – Sheet 4  
SE\_05/P01: Street Elevations – Sheet 5  
01316D\_FOG\_00/P01: FOGs – Plans, Elevations & Sections  
01316D\_G\_00/P01: Garages – Plans, Elevations & Sections  
01316D\_AHT2A\_02/P01: AHT2A 5 Unit Terrace - Plans, Elevations & Section  
01316D\_AHT2A\_03/P01: AHT2A/AHT3A1 3 Unit Terrace - Plans, Elevations & Section  
01316D\_AHT2A\_04/P01: AHT2A/AHT3A1 4 Unit Terrace - Plans, Elevations & Section  
01316D\_AHT3A1\_00/P01: AHT3A1: Detached – Plans, Elevations & Section  
01316D\_AHT3A\_03/P01: AHT3A Semi - Plans, Elevations & Section  
01316D\_BC\_00/P01: Block C – Ground & First Floor Plans  
01316D\_BC\_01/P01: Block C – Second Floor & Roof Plans  
01316D\_BC\_02/P01: Block C – Elevations & Sections  
01316D\_BD\_00/P01: Block D – Plans  
01316D\_BD\_01/P01: Block D – Elevations & Sections  
01316D\_HT3A\_07/P01: HT3A Detached – Plans, Elevations & Section  
01316D\_HT3A\_08/P01: HT3A Detached – Plans, Elevations & Section  
01316D\_HT3A\_09/P01: HT3A Detached – Plans, Elevations & Section  
01316D\_HT3E1\_01/P01: HT3E-1 Semi – Plans, Elevations & Section  
01316D\_HT3E3\_00/P01: HT3E-3 Semi – Plans, Elevations & Section  
01316D\_HT3E3\_01/P01: HT3E-3 Semi – Plans, Elevations & Section  
01316D\_HT3F\_01/P01: HT3F/HT3L Semi – Plans, Elevations & Section  
01316D\_HT3L\_02/P01: HT3L 3 Unit Terrace - Plans, Elevations & Section  
01316D\_HT3L\_07/P01: HT3L/HT3A 3 Unit Terrace - Plans, Elevations & Section  
01316D\_HT3L\_10/P01: HT3L/HT3F 4 Unit Terrace - Plans, Elevations & Section  
01316D\_HT3L\_11/P01: HT3L Semi - Plans, Elevations & Section  
01316D\_HT3L\_15/P01: HT3L/HT3A 4 Unit Terrace - Plans, Elevations & Section  
01316D\_HT3L\_16/P01: HT3L Semi - Plans, Elevations & Section  
01316D\_HT3L\_17/P01: HT3L/HT3A Semi - Plans, Elevations & Section  
01316D\_HT3L\_19/P01: HT3L/AHT2A 5 Unit Terrace – Plans  
01316D\_HT3L\_20/P01: HT3L/AHT2A 5 Unit Terrace - Elevations & Section  
01316D\_HT3L\_21/P01: HT3L 4 Unit Terrace - Plans, Elevations & Section  
01316D\_HT3L\_22/P01: HT3L/HT3A 4 Unit Terrace - Plans, Elevations & Section  
01316D\_HT4C\_00/P01: HT4C Detached – Plans, Elevations & Section  
01316D\_HT4C\_01/P01: HT4C Semi - Plans, Elevations & Section  
01316D\_HT4K\_06/P01: HT4K Detached - Plans, Elevations & Section  
01316D\_HT4L\_00/P01: HT4L Detached - Plans, Elevations & Section  
01316D\_HT4L\_01/P01: HT4L Detached – Plans Elevations & Sections  
01316D\_HT4L\_03/P01: HT4L Detached - Plans, Elevations & Section  
01316D\_HT4L\_04/P01: HT4L Detached - Plans, Elevations & Section  
01316D\_HT4L\_07/P01: HT4L Detached - Plans, Elevations & Section  
01316D\_HT4L\_09/P01: HT4L Detached - Plans, Elevations & Section  
01316D\_HT4L\_10/P01: HT4L Semi - Plans, Elevations & Section  
01316D\_HT4N\_00/P01: HT4N Detached - Plans, Elevations & Section  
01316D\_HT5D\_00/P01: HT5D Detached - Plans, Elevations & Section  
DLA1571/TPP/3/5: Tree Protection Plan – Sheet 3  
6844-001\_A: Phase 2 Illustrative Plan  
6844\_100\_D: General Arrangement Landscape Proposals 1 of 2  
6844\_101\_D: General Arrangement Landscape Proposals 2 of 2  
6844\_161\_B: Western POS Play Orchard General Arrangement Proposal

6844\_162\_C: Eastern POS Phase 2 Redesign General Arrangement Proposal  
6844\_200/D: General Arrangement Softworks Proposals 1 of 2  
6844\_201\_D: General Arrangement Softworks Proposals 2 of 2  
6844\_300\_D: General Arrangement Hardworks Proposals 1 of 2  
6844\_301\_D: General Arrangement Hardworks Proposals 2 of 2

## 10.0 APPRAISAL

### Principle of Development

10.01 To date, planning consent has been granted for 313 dwellings (including 35% affordable housing), which is referred to as Phase 1 of the Mascalls Farm development. This application relates to land to the south of the consented scheme, where there are currently overhead electricity pylons. The proposal seeks to ground the electricity infrastructure and construct 100 new dwellings, including 40% affordable housing. The proposal would bring the total number of dwellings to 413 on the wider site. The tenure split for the affordable housing would be 50% affordable rent and 50% shared ownership. Three of the affordable rent units would meet M4(3) of the Building Regulations and be suitable for wheelchair users (1 nos. 2 bed unit and 2 nos. 1 bed units).

10.02 The proposal would provide the following mix of dwellings:

	1 bed	2 bed	3 bed	4+ bed	Total
Market	0 (0%)	0 (0%)	44 (73%)	16 (27%)	60
Affordable	16 (40%)	19 (47%)	5 (13%)	0 (0%)	40
All dwellings	16 (16%)	19 (19%)	49 (49%)	16 (16%)	100

10.03 The dwelling mix is considered acceptable and reflects local housing demand, as set out in the Council's Strategic Housing Market Assessment.

10.04 Para 73 of the National Planning Policy Framework (NPPF) requires the Council to meet its full, objectively assessed needs (OAN) for market and affordable housing in the borough and identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against the Council's housing requirements. The Council currently cannot demonstrate a five year housing supply compliant with the OAN figure. In April 2020, the Council were able to demonstrate a 4.83 housing land supply (inclusive of a 5% buffer). In such situations, the NPPF advises that the Council's policies for the supply of housing should not be considered up-to-date and a presumption in favour of sustainable development applies.

10.05 Para 11d of the NPPF states that for decision-taking this means that where *'there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:*

- (i) *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development;* or
- (ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*

10.06 The site is located outside of a *'protected area'* as defined in Footnote 6 of the NPPF. However, the High Weald AONB (which is classified as a *'protected area'*) is located

approximately 880m to the south of the site. The impact of the proposal on the setting of the AONB is discussed in greater detail below. There are no '*assets of particular importance*' within the application site; however, there are five listed buildings within close proximity to the site and historic farmsteads. The impact on heritage assets will also be discussed in greater detail below.

- 10.07 The site is located within the LBD. Policy AL/PW4 of the SALP 2016 allocates the site for approximately 300 dwellings. To date, planning consent has been granted for 313 dwellings on the wider Mascalls Farm site. At the time the SALP was adopted, there was no proposal to ground the existing electricity infrastructure, which restricted development around this area. The proposal would provide 100 additional dwellings, equating to 413 dwellings on the wider Mascalls Farm site, which is above the figure set out in the SALP.
- 10.08 Para 11d of the NPPF states that where a local planning authority is unable to demonstrate a five year housing land supply, the policies which are most important for determining the application are deemed '*out of date*'. Policy AL/PW4 is therefore deemed out of date. Material circumstances have also changed since the SALP was adopted and it is now proposed to ground the electricity infrastructure, which facilitates further residential development in this area.
- 10.09 Although Policy AL/PW4 of the SALP is deemed out of date, the proposal addresses the requirements of this Policy by incorporating the following:
- Retention of the open space buffer along the southern part of the wider Mascalls Farm site;
  - Retention of an open space buffer between the site and Foal Hurst Wood;
  - Provision of a sustainable drainage system;
  - Measures to mitigate flooding, reduce flood risk, reduce surface water run off and provide betterment to reduce existing flood risks to development in Paddock Wood;
  - Connection to the sewerage system at the nearest point of adequate capacity, as advised by the service provider;
  - Provision of green infrastructure linkages and areas of informal open space;
  - Provision of pedestrian and cycle routes, providing linkages to surrounding residential areas, railway station and schools;
  - Provision of an equipped children's play area to LEAP standard;
  - Submission of a Landscape & Ecological Management Plan;
  - Contributions towards highway improvements, sustainable transport measures, education, healthcare, community services/facilities, recreation and the Local Nature Reserve were secured as part of the consented scheme. Further contributions are secured to mitigate the impact of the additional 100 dwellings (see Section 106 section of the report below).
- 10.10 Notwithstanding, the issue of the number of residential units, the scheme is otherwise compliant with Policy AL/PW4 of the SALP.
- 10.11 The site allocation is carried forward in the Pre-Submission version of the Local Plan, which will be subject to Regulation 19 consultation between March and May 2021. The formal submission date for the new Local Plan is anticipated to be in the summer of 2021. Policy AL/PW1 of the Pre-Submission Local Plan (PSLP) seeks to allocate the site for approximately 412 dwellings of which 40% of the dwellings should be affordable. The increase in dwelling numbers compared to the SALP figure is due to the proposal to ground the existing electricity infrastructure. Given the early stage of the PSLP, the policies within it can only be given limited weight; however, it provides

an indication that the Council consider development on this site remains acceptable and provides a figure for the approximate level of residential development.

- 10.12 The proposal would provide 413 dwellings on the site, which would exceed the figure stated in Policy AL/PW1 by one unit. The figure quoted in Policy AL/PW1 is '*approximate*' only and a difference of one unit remains in the region of this approximate figure. The site is located within the LBD of Paddock Wood. It is located within a sustainable location, with good access to Paddock Wood town centre, public transport links and facilities/services (including schools and shops). The addition of one unit when compared to the figure set out in Policy AL/PW1 of the PSLP would make more efficient use of the land, which is supported by the local planning authority.
- 10.13 As required by Policy AL/PW1 of the PSLP, the proposal incorporates the following requirements:
- Primary vehicular access from Badsell Road;
  - Pedestrian linkages to the wider pedestrian network and the existing footpath within the site are retained and enhanced;
  - The proposal would not have a detrimental impact to the setting of the AONB;
  - An area of open space/landscape buffer is provided between the development and Foal Hurst Wood and Brick Kiln Wood;
  - A Heritage Impact Assessment has been submitted with the application that takes into consideration the impact on local heritage assets and archaeology;
  - The proposal incorporates detailed archaeological studies;
  - A Landscape & Ecological Management Plan has been submitted. The landscape management objectives set out in the consented scheme regarding woodland management still remain;
  - The proposal seeks to underground the overhead pylons;
  - The proposal includes financial contributions to mitigate the impact of the additional residents on the Foal Hurst Wood Local Nature Reserve; and,
  - Financial contributions are secured towards strategic infrastructure.
- 10.14 The proposal also provides 40% affordable housing, in line with the emerging affordable housing policy. However, the tenure distribution is not in compliance with the emerging policy. This is discussed further in the affordable housing section of the report below.
- 10.15 The proposed development falls entirely within the area allocated for residential use within the SALP and PSLP and would not impact the areas designated as open space and landscape buffer. Although, Policy AL/PW1 of the PSLP can only be given limited weight at present, the proposed development complies with the requirements of this emerging policy.
- 10.16 In this case, the relevant test is whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF. The site is not located in a protected area. There are no assets of particular importance within the application site. The proposal would result in less than substantial harm to the setting of nearby heritage assets; however, it is concluded that this harm would be outweighed by the benefits of the proposal (as discussed in greater detail below).
- 10.17 Para 8 of the NPPF explains that there are three dimensions to sustainable development:

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

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

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

10.18 It can be seen that sustainability is a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position.

*Social objective*

10.19 The site is located within the LBD for Paddock Wood, identified as a Tier 2 settlement in the Core Strategy. Future residents would be able to walk into the town centre and access the shops, facilities and public transport links (including train station). The site is also located within easy walking distance of a secondary school and recreation facilities with on site play equipment. The site would provide 100 new dwellings, which would make a valuable contribution towards the Council’s unmet housing supply. The provision of 40% affordable housing is considered to be a significant social benefit and would help to meet some of the identified need for affordable housing in the borough. In addition, contributions are secured towards community services and facilities, including education, healthcare, recreation and sustainable transport (see Section 106 section of report below for further details), which will provide social benefits for the local community.

*Environmental objective*

10.20 The site is a greenfield site within the LBD. The provision of built form on this greenfield site would result in suburbanisation and cause harm to the visual amenity of the locality. It will also impact on the setting of nearby heritage assets, including listed buildings and historic farmsteads. However, the proposal would be viewed as an extension to the consented residential development at Mascalls Farm, which is already significantly changing the character of the former agricultural land to the south of this part of Badsell Road.

10.21 The existing electricity pylons have a negative impact on visual amenity and the setting of the nearby heritage assets and their grounding is welcome. The proposed dwellings do not encroach on the areas set aside for amenity, landscape and biodiversity benefits secured within the original planning application and also allocated for such purposes within the SALP and PSLP. The applicant has demonstrated that the development would provide a significant net gain for biodiversity. The proposal would result in the loss of a small number of existing trees, which are not considered to be of high quality. Additional tree planting is proposed to compensate and also provide screening for the development. Photovoltaic panels are proposed, which would help reduce the carbon emissions from the new dwellings by 11.7%, which exceeds the Council’s current policy requirement (see Renewable Energy section below). Financial contributions are secured to promote sustainable

transport measures to help promote sustainable modes of transport and reduce pollution.

*Economic objective*

- 10.22 Future occupiers would make a contribution to the vitality of Paddock Wood, through the use of shops and services, which would assist in the long term viability of the businesses. There would be a short-term economic benefit during construction of the development; however, this would be limited and carries little weight. The Section 106 agreement (see Section 106 section of the report below) secures £1,500,715.08 towards community services/facilities, including education, healthcare, recreation and sustainable transport, which is a considerable sum and would have economic benefits for the local community.
- 10.23 The site is located within a sustainable location inside the LBD of a Tier 2 settlement and on a site which has been identified as suitable for housing within current and emerging policies. The proposal would provide 100 new dwellings, which would make a valuable contribution towards meeting the Council's five year housing land supply. It would provide 40% affordable housing, exceeding adopted policy levels by 5%, which is a significant social benefit. The proposal also includes financial contributions towards community services/facilities, which would provide economic and social benefits for the local community. The principle of the development is therefore considered to be acceptable.

**Highway safety and parking**

- 10.24 A Transport Assessment was submitted with the Phase 1 application, which included junction assessments based on a development of 400 dwellings. As the Phase 2 proposal would only result in an increase in 13 dwellings over that previously modelled, KCC Highways have confirmed that no further junction capacity modelling work is required.
- 10.25 The proposed development would use the access approved under the Phase 1 scheme onto Badsell Road, which has already been constructed. The Highways Officer has confirmed that this access has capacity to take the vehicular movements associated with the consented and proposed scheme (413 dwellings altogether).
- 10.26 The proposed development would generate the following peak and daily vehicular movements (see Table 1). It is estimated that the proposed scheme would result in an additional 50 two-way movements during the AM Weekday Peak (07:30 to 08:30) and 52 additional two-way movements during the PM Weekday Peak (16:45 to 17:45). The proposal would result in 444 additional vehicular movements daily (between 07:00 and 19:00). In combination with the consented scheme, the wider Mascalls Farm development would result in 204 two-way movements during the AM Weekday Peak and 215 vehicular movements during the PM Weekday Peak. It is estimated that the total development would result in 1,836 vehicular movements daily.

**Table 1 - Proposed Traffic Generation for Mascalls Farm Site (Source: Glanville Transport Assessment dated January 2021)**

	Phase 2 (100 dwellings)			Total development (413 dwellings)		
	In	Out	Two-way	In	Out	Two-way
Weekday AM Peak	14	36	50	57	147	204
Weekday PM Peak	33	19	52	138	77	215
Daily (7am to 7pm)	227	227	444	898	938	1,836

10.27 The applicant's Highway Consultant states that *'these trips have been assigned to highway network using the same distribution as the consented scheme namely 71% via the Colts Hill roundabout to the west and 29% via Maidstone Road to the east'*.

10.28 The Transport Assessment also calculates the percentage impact on the three adjacent junctions (see Table 2).

**Table 2 - Development Impact Summary (Source: Glanville Transport Assessment dated January 2021)**

Junction	Scenario	AM Peak		PM Peak	
		Peak Flows difference	%	Peak Flows difference	%
Site Access	Without development (313 units)	1,150	4.3%	1,270	4.1%
	With development (413 units)	1,199		1,322	
Colts Hill Roundabout	Without development (313 units)	2,800	1.3%	2,840	1.3%
	With development (413 units)	2,836		2,877	
Badsell Road/Maidstone Road	Without development (313 units)	2,129	0.7%	2,129	0.7%
	With development (413 units)	2,143		2,144	

10.29 Table 2 indicates that the development would increase traffic on the Colts Hill roundabout by 1.3%. The impact on Badsell Road/Maidstone Road junction would be 0.7% and the impact on the site access junction would be 4.1%. Junction capacity assessments have been carried out, which demonstrate that all junctions would operate within capacity following the implementation of the Major Highway Works.

10.30 The consented scheme secured funding towards either Minor or Major off-site highway works. The scale of the highway works to be undertaken is dependent on the commencement of three strategic sites within Paddock Wood – Mascalls Farm, Mascalls Court Farm and Church Farm, or the completion of 150 dwellings across these sites by April 2021. All three sites have now commenced development, which triggers the requirement to implement the Major Highway Works.

10.31 The Highways Officer states that the Phase 2 scheme is only acceptable subject to the completion of the Major Highway Works. Given the location of the Phase 2 scheme, the applicant would like some flexibility over which units are constructed first, in order to minimise disturbance by construction traffic to future residents of the development. A Grampian condition is proposed to ensure that no more than 313 dwelling are occupied in total across the wider site (Phases 1 and 2) before the Major Highway Work have been completed, or before 1<sup>st</sup> October 2023, whichever is the earlier (this allows a 6 months buffer over the date in which the Major Highway Works

should be complete). This will ensure that the impact on the junctions are no greater than already approved and give the applicant flexibility of which part of the scheme they wish to develop first.

- 10.32 Para 109 of the NPPF makes it clear that '*development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. The Highways Officer has confirmed that subject to the completion of the Major Highway Works, the proposal would be acceptable in highway terms. The cumulative impact of the development in combination with the Phase 1 scheme and other major schemes that have consent within and surrounding Paddock Wood would not be severe, to warrant a refusal on this ground.
- 10.33 Speed surveys were undertaken in June 2017 which found that vehicles travelling along the Badsell Road were regularly exceeding the 30mph speed limit. This is considered to be due to the fact that Badsell Road appears rural in nature. As part of the consented scheme, traffic calming is being implemented on Badsell Road, in the vicinity of the site access junction in order to reduce speeds to 30mph.
- 10.34 The consented scheme makes the following improvements which will be available to use by future residents of the Phase 2 development:
- Provision of uncontrolled crossings either side of the site access, including tactile paving and dropped kerbs;
  - Pedestrian/cycle link into Foal Hurst Wood car park
  - Pedestrian/cycle link in the north corner of the site
  - Improved footways and crossings along Badsell Road including dropped kerbs and tactile paving.
- 10.35 As part of the consented scheme, S106 contributions were secured towards the following:
- Improvements to the Badsell Road/Maidstone Road signalised junction;
  - Improvements to the Colts Hill roundabout;
  - Paddock Wood railway station parking provision;
  - Pedestrian improvements along Station Approach;
  - Bus stop improvements on Church Road between Station Approach and The Cedars;
  - Bus stop improvements on Green Lane, Mascalls Court Road and Maidstone Road;
  - Provision of a 3m shared use facility along the southern side of Mascalls Court Road between Green Lane and Maidstone Road;
  - Provision of a 2.5m shared use facility along the eastern side of Maidstone Road between Mascalls Court Road and the bend to the south of Putlands Veterinary Surgery;
  - A 20mph zone on Commercial Road; and
  - Funding for the local bus service.
- 10.36 218 car parking spaces are proposed in total, including on-plot driveways, car ports, garages (20 in total), parking courts and visitor parking. Parking spaces for the apartments will be provided within shared parking courts. 24 visitor parking spaces are to be provided, which exceeds the 20 spaces required by KCC parking standards. These will be in the form of unallocated on-street bays and laybys and spread throughout the development. Three disabled parking spaces are also

proposed to serve Block D. The level of parking provided is considered acceptable and would comply with current KCC Parking Standards.

- 10.37 Following concerns raised by Officers, the applicant has increased the amount of electric vehicle charging points (EVCP) on site. Three communal charging points are proposed within visitor bays and 17 on plot active charging points are proposed serving 17 residential dwellings. This provides 20 active charge points on site for the 100 homes, which meets the 20% provision set out in the Council's EVCP Guidance Note. In addition, the applicant will deliver a power supply to all homes with on plot garages or car ports, which enables easy future installation by the homeowner. The level of EVCP provision is considered acceptable. Further details of the location of the EVCP can be sought by condition.
- 10.38 Swept path assessment has been undertaken that demonstrates a refuse vehicle is able to access all parts of the site.
- 10.39 Dedicated cycle stores are proposed for the apartment buildings, which do not have their own residential curtilage in compliance with Policy TP9 of the Local Plan.
- 10.40 A Travel Plan has been submitted with the application, which includes the appointment of a Travel Plan co-ordinator; provision of travel information on occupation; promotion of walking, cycling and public transport; and, promotion of car sharing schemes. Financial contributions towards sustainable travel were secured as part of the consented scheme and a further contribution of £50,000 is secured towards active travel as part of this current proposal, to further improve sustainable travel options from the site.
- 10.41 The site lies in a sustainable location, within walking and cycling distance of Paddock Wood town centre, including a mainline train station. There are two bus stops within walking distance of the site, which provide services to Maidstone, Tunbridge Wells, Tonbridge and surrounding villages. There is also a commuter bus service that goes to London that operates during the week. Improvements secured as part of the proposed and consented scheme towards active travel, will help improve connectivity with the town centre making it more attractive for future residents to use sustainable modes of travel. To ensure the development is permeable by pedestrians and cyclists, multiple connections are proposed to the consented scheme.
- 10.42 The proposal would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe to warrant a refusal on highway grounds. The proposal is considered acceptable in highway terms, subject to the completion of the Major Highway Works and this will be secured by condition. The level of vehicle and cycle parking complies with adopted standards. Additional funding is secured as part of the proposed scheme to encourage future residents to use more sustainable modes of travel.

#### **Affordable Housing**

- 10.43 Core Policy 6 of the Core Strategy requires that developments of ten dwellings or more provide 35% affordable housing, which in this case would equate to 35 affordable units. The proposal seeks to provide 40% affordable housing, which equates to 40 affordable units. This figure exceeds the current policy position by 5% (5 units). A tenure split of 50% shared ownership (which could include other intermediate tenures) and 50% rented homes is proposed. The applicant has stated that the rented homes could comprise affordable rented homes and social rented homes, The Council's Affordable Housing SPD requires that 75% be rented and 25%

shared ownership. Whilst the total number of affordable units exceeds policy compliant levels, the proposed tenure is not policy compliant.

10.44 The proposal seeks to provide the following mix of affordable housing:

**Table 3: Affordable Housing Mix**

	No. of shared ownership	No. of affordable or social rent	No. of affordable units
<b>1 bed dwelling</b>	7	9	16
<b>2 bed dwelling</b>	9	10	19
<b>3 bed dwelling</b>	4	1	5
<b>TOTAL</b>	<b>20</b>	<b>20</b>	<b>40</b>

10.45 This application originally sought to provide 117 dwellings with 35% affordable housing, which equated to 41 affordable units. The current scheme has been redesigned to address the change in flood zones that occurred in 2020 and this has reduced the overall number of units proposed to 100. The scheme now proposes a higher percentage of affordable housing (40%), which is considered to a significant social benefit. The number of three bed units has increased within the revised scheme to five units (compared to the three originally proposed) and three of the affordable units would also be wheelchair accessible.

10.46 Although the proposed tenure does not comply with adopted policy, the overprovision of affordable housing is considered to be sufficient justification in this case to deviate from this policy. It is also acknowledged that the provision of additional shared ownership units assists with providing low cost housing in the borough, where there is a great need. The Council's Housing Officer is supportive of the proposals and Town and Country Housing as the registered social landlord is also supportive of the proposal, including location.

**Impact on visual amenity and design**

10.47 At a national level, the site is located within National Character Areas (NCA) 121: Low Weald and 122: High Weald. The Low Weald character area is described as *'predominantly agricultural but with urban influences.'* The High Weald character area is described as *'an area of ancient countryside and one of the best surviving medieval landscapes in northern Europe. The High Weald AONB covers 78% of the NCA. The High Weald consists of a mixture of fields, small woodlands and farmsteads connected by historic route ways, tracks and paths.'*

10.48 The site also lies within Character Area 13: Paddock Wood/Five Oak Green of the Tunbridge Wells Borough Landscape Character Area Assessment 2017. This area occupies the footslopes of the High Weald and *'is an important transition between the Fruit Belt and the flat arable pasture land of the Low Weald... It is an agricultural landscape with extensive arable fields and local areas of hops and dwarf orchards and includes the urban areas of Paddock Wood.'*

10.49 The High Weald AONB is located approximately 880m to the south of the site. Para 172 of the NPPF states that *'great weight should be given to conserving and enhancing the scenic beauty'* in AONBs. There would be little or no visibility from public accessible areas within the AONB of the site, which is relatively well contained by the existing topography, existing buildings, trees and hedgerows. The impact of the proposed development on the High Weald AONB is considered to be "Negligible".

- 10.50 A Landscape and Visual Impact Assessment has been submitted with the application, which notes that the landscape impacts are greatest within the site and immediate context (up to 25m away). It is from these views that the greatest impact on visual amenity would occur. The impact would be harmful insofar as the development of any greenfield site for housing would be.
- 10.51 The levels of land change across the site. The vehicular access from Badsell Road is at a level of 27.7AOD. The proposed apartment blocks (along the eastern boundary of the site) would be sited on land at approximately 29.5AOD. The level of land in the western corner of the site is approximately 36AOD. The site is generally well contained by mature landscaping, topography and the existing built form, including the Phase 1 development. Although the site is on higher level land than Badsell Road, the visual impact of the development would be relatively localised. The development would be a notable feature in the landscape, but would appear as an extension to the consented scheme, using similar building types and materials. The scheme would be largely screened from the east by the existing built form along Maidstone Road and the mature landscaping. A comprehensive landscaping scheme is also proposed to further reduce its visual impact.
- 10.52 The consented scheme includes significant landscape and ecological buffer zones between the development and Foal Hurst Wood and Brick Kiln Wood, which will be unaffected by the proposal. The existing hedgerows will be strengthened and re-linked with native standard trees. These will provide further screening to the development from the surrounding landscape, whilst providing ecological enhancements. A landscaped buffer zone is provided along the eastern boundary and an area of landscaping, containing a children's play area is proposed in the western corner of the site.
- 10.53 Para 124 of the NPPF states that *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'* Para 127 of the NPPF requires that developments function well and add to the overall quality of the area, throughout the lifetime of the development. Para 127 requires that schemes are visually attractive, with effective landscaping and are sympathetic to local character and history.
- 10.54 The scheme is characterised by a central spine road running east to west, with vehicular and pedestrian access through Phase 1. The southern edge of the scheme incorporates staggered frontages with lighter weatherboarding to provide a softer transition between the development and the countryside. The density of the developable area of the site would be 37 dwellings per hectare (dph) or 13.6dph based on the entire site area (including the Phase 1 site, landscaping and areas of open space). Core Policy 6 requires that new housing should achieve *'40 dwellings per hectare and will not generally be below 30 dwelling per hectare.'* It is considered that the density of the development is appropriate at this edge of settlement location and makes efficient use of the site.
- 10.55 The proposed dwellings would be between 2 – 2.5 storeys in height and reflect the size, style and design of the consented scheme. The apartment blocks would be three storeys high and a similar design and height to those approved in Phase 1. Various roof forms and detailing (including changes in materials) are proposed to help break up the bulk of the apartment buildings. The apartment buildings are located to the east of the site and would be large screened by the mature landscaped buffer along the eastern boundary. Additional planting is also proposed along the

southern boundary to reinforce this hedgerow and provided screening. Although the Phase 2 scheme would be sited on higher level land than the consented scheme, it would be screened to some extent by the existing built form and mature landscaping. The buildings have been well design and their scale and massing is considered to be appropriate in the context of the surrounding built form and the open land to the south.

- 10.56 The proposed dwellings would reflect the traditional vernacular, with a mix of wall and roof materials including hanging tiles, weatherboarding and brick. The material schedule has been amended during the course of this application to simplify the palette of materials used, further details of external materials will be required by condition.
- 10.57 The parking layout is similar to the consented scheme (including parking courts and frontage parking). The parking layout has also been amended during the course of the application, so that the parking spaces better relate to the dwellings in which they serve. Additional street trees and soft landscaping have also been included to help break up the parking areas. Kent Police have raised concerns about rear access to some of the properties. Further details of the paths and gates can be required by condition to ensure the security of these properties.
- 10.58 The change of use from a greenfield site to residential would cause harm to the landscape character of the locality; however, in this case, the site is reasonably well contained and would be seen as an extension to the consented scheme and this harm is considered to be outweighed by the following:
- Provision of 100 dwellings, which would make a significant contribution towards the Council's housing land supply
  - Provision of 40% affordable housing is a significant social benefit, which exceeds current policy requirements
  - Grounding of the electricity pylons/cabling would remove a detractor from the site
  - Additional landscaping would help screen the development
  - The site is located within a sustainable location, within the LBD for Paddock Wood that is allocated for residential use.

#### **Flood risk and drainage**

- 10.59 At the time this planning application was submitted, the site was wholly located within Flood Zone 1. However, the Environment Agency Flood Zone data was updated in February 2020, following hydraulic modelling of the Paddock Wood Stream that was undertaken as part of the Strategic Flood Risk Assessment Level 2. As a result, the flood risk has increased and part of the eastern boundary of the site now falls within Flood Zones 2 (medium risk) and 3 (high risk). In order to address the flood constraints, amended plans have been submitted which move the residential development outside of Flood Zones 2 and 3. This has resulted in the loss of a number of dwellings and the revised scheme now proposes 100 residential units (117 dwellings were originally proposed, which was subsequently redesigned to 116 dwellings). The development now falls entirely within Flood Zone 1, which is an area of low flood risk.
- 10.60 The proposal includes a number of measures to reduce flood risk, including Sustainable Urban Drainage Systems (SUDS). The applicant's Flood Risk consultant states that *'a significant benefit for flood mitigation to the town of Paddock Wood (i.e. further beyond the site) comes from a series of swales and attenuation basins strategically located to incept run-off from a large catchment to the south of the site. This catchment would ordinarily feed the Paddock Wood stream. With these*

*proposed swales and basins, water flowing overland from the south will be intercepted, attenuated during high-intensity rainfall events and released back into the original drains feeding the Paddock Wood stream at a much reduced rate.'*

- 10.61 The applicant's Flood Risk Consultant states *'the development site will not discharge to any surface water sewers, but will provide several measures, which will reduce flows entering the Paddock Wood stream during extreme events. Flooding has occurred historically around the culvert under the Maidstone Road/Badsell Road junction. As the development will reduce flows reaching this point, it will not only reduce flooding in this location but also reduce flows through the culvert. Any reduced flows through the culvert will reduce the surcharging of any outfalls to this watercourse. Reducing the surcharging of outfalls will improve sewer flow capacity and potentially reduce the extent of any flooding of sewers which may be occurring due to the surcharging of the Paddock Wood stream.'*
- 10.62 Currently rainwater runoff from the fields to the south causes localised flooding around Badsell Road. As previously approved, the scheme incorporates a series of swales along the southern boundary of the site to capture surface water runoff from the land to the south. The Phase 2 scheme also includes an attenuation basin in the north-east corner of the site. The proposed SUDS scheme will capture run-off from the site and reduce the amount of flows entering the Paddock Wood stream, resulting in an overall betterment in flood terms.
- 10.63 Foul water drainage would be connected to the pumping station that was approved as part of the consented scheme. Southern Water do not object to the application, but have stated that no foul sewerage shall be discharged into the public system until off site drainage works to provide sufficient capacity within the foul network to cope with additional sewerage flows are complete. Southern Water is currently in the process of designing and planning delivery of off site sewerage network reinforcements. As with other recently consented major housing applications in Paddock Wood, details of foul and surface water drainage can be required by condition. The condition will restrict occupancy of the proposed dwellings until confirmation has been received by Southern Water that there is sufficient capacity in the foul drainage system to accommodate the increase in flows.

#### **Impact on heritage assets**

- 10.64 There are five listed buildings located in close proximity to the site. Mascalls Manor (including gates and piers) and Sunnycot, which are sited to the north of Badsell Road are Grade II listed. The impact of the development on the setting of these listed buildings/structures would be negligible, given the fact that the proposal lies behind the consented scheme. Although, the proposed development would be on higher level land than the consented scheme and may be visible, it would be seen as an expansion to the approved residential development, which already significantly changes the character of this former agricultural site.
- 10.65 There are other Grade II listed properties along Maidstone Road, including an historic farmstead. A landscape buffer is proposed along the southern and eastern boundaries of the site. The buffer zone along the eastern boundary has increased during the course of the application to address the flood constraints in this area, providing further space for soft landscaping and moving the built development further away from properties (including heritage assets) on Maidstone Road. The proposed development would impact the setting of the listed buildings and historic farmsteads by changing the character of this greenfield site to residential and suburbanising the character of the area. The proposal would result in less than substantial harm to

these heritage assets at the lower end of the scale, given the containment of the site by landscaping and physical separation.

- 10.66 Para 184 of the NPPF acknowledges the importance of heritage assets and states that *“these are irreplaceable resources, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”* The proposed development would result in less than substantial harm to the setting of adjoining listed buildings. Para 196 of the NPPF states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.”* In this case, it is considered that the public benefits of the proposal, including the provision of housing to meet the Borough’s unmet need; provision of 40% affordable housing; financial contributions towards local facilities/services; and, benefits to the local economy outweigh the less than substantial harm identified.
- 10.67 A programme of archaeological evaluation, informed by a geophysical survey has been undertaken. The site is considered to have low archaeological potential and no further archaeological works are deemed necessary.

#### **Residential Amenity**

- 10.68 The proposed development is considered compatible with the surrounding residential uses. The increase in number of residents and associated traffic movements is likely to cause additional disturbance to neighbouring properties, but this would not be significant enough to warrant a refusal on this ground.
- 10.69 Given the distance between the Phase 2 site and existing residential properties, the proposal would not be harmful to residential amenity when assessed against Policy EN1 of the Local Plan.
- 10.70 The scheme has been designed so that the proposed dwellings have adequate levels of amenity. The proposed dwellings would not result in a harmful level of overlooking to adjoining properties, appear unduly overbearing or result in a detrimental level of daylight or sunlight. The proposed development also respects those dwellings approved under Phase 1 and would therefore comply with Policy EN1 of the Local Plan.
- 10.71 All the houses have their own private garden areas. A large proportion of the flats have balconies. Residents of the apartment blocks would have access to landscaped grounds, immediately surrounding their accommodation. All properties would be within walking distance of amenity/open space provided within both phases of the development and also the wider countryside.

#### **Impact on biodiversity**

- 10.72 An ecological appraisal has been submitted with the application. The majority of the site has been in use as commercial orchards and arable fields, with hedgerows and ditches along many boundaries. There are two small water courses and a pond within the site. Species specific ecological surveys have been carried out which have the following findings:
- Badgers – there are no badger setts within or in close proximity to the site; however badgers are likely to be using the site for foraging and commuting.
  - Bats – low activity of common and soprano pipistrelle, long-eared bats, Myotis sp. and serotine have been recorded on site. Five trees have moderate suitability and one tree has low suitability to support roosting bats.

- Dormouse – a single dormouse was recorded at two occasions at different locations on site.
- Great crested newts – none recorded within 250m of the site.
- Reptiles – small population of reptiles, including grass snake, common lizard and slow worm.
- Birds – the boundary features support breeding birds

10.73 A series of mitigation, compensation and enhancement measures are proposed for the site which will deliver a net gain for biodiversity, including:

- All trees with roosting bat suitability will be retained where possible.
- A lighting strategy will minimise impacts on bats and invertebrates.
- Retention of majority of tree lines and hedgerows, which will be enhanced through additional planting.
- Management of the woodland and hedgerows to enhance biodiversity. Habitat creation including flower rich grassland
- Sensitively designed SuDS features.
- Use of bat and bird boxes on existing buildings and trees.

10.74 A Landscape and Ecological Management Plan (LEMP) has been submitted based on the objectives identified within the Phase 1 LEMP. The LEMP includes measures such as habitat creation (including species rich grassland margins, species-rich hedgerow, stream management and more diverse woodland). Additional measures are proposed to enhance the suitability of the site for protected species, including the installation of dormouse, bird and bat boxes and providing additional nesting and foraging habitats. Taking into consideration the wider site, which is within the applicant's ownership, the scheme would enhance biodiversity as required by Para 170 of the NPPF.

#### **Recreation Open Space**

10.75 The consented scheme includes 0.2ha of play space and 4.8ha of informal recreation, which based on the requirements set out within Policy R2 of the Local Plan and the Recreation Open Space SPD also meets the need for the majority of the Phase 2 site. The minor shortfall in play space is to be provided by a Local Equipped Area for Play (LEAP) within Phase 2 equating to 985m<sup>2</sup>. This has been designed to complement the other LEAP in Phase 1 (which adjoins the application site) and provide a variety of play experience for children of varying ages. When taken as a whole, the open space provision exceeds the policy requirements.

10.76 In addition to the on-site amenity space proposed, residents would have easy access to the countryside to the south, which is accessible by the PROW that runs through site. Future residents would also have easy access to Foal Hurst Wood Local Nature Reserve.

10.77 Financial contributions are secured as part of the scheme to mitigate the impact of the additional residents on recreation facilities within the town, including an extension to the local skate park and enhancement works to the local sports centre. The development is also likely to put additional pressure on the Foal Hurst Wood Local Nature Reserve and PROW network due to an increase in visitor numbers and contributions are therefore required to mitigate this impact.

#### **Impact on trees**

10.78 The consented scheme gave permission to remove an area of orchard that ran through the Phase 1 scheme, the application site and into the wider countryside to

the south. The consented scheme also permitted removal of a small area of soft landscaping, along the southern boundary to facilitate the swales.

- 10.79 The proposal seeks to remove a category U tree, which is sited along the eastern boundary of the site due to its poor condition and limited life expectancy. It appears that consent has already been granted for the removal of this tree as part of the Phase 1 scheme. However, there is no objection to the loss of this tree given its poor condition.
- 10.80 The central spine road that runs through Phase 2 would bisect the PROW in the location of the existing electricity pylon and result in some minor tree losses in this area. However, no category A trees would be lost as a result of the development. The revised scheme has less impact on existing trees than that originally submitted, as development has been pulled away from the trees on the eastern boundary.
- 10.81 The KCC Public Rights of Way Officer has recommended that the PROW is surfaced and increased in width to 2.5m. The existing PROW is narrow and constrained by trees on either side. It would therefore not be possible to increase the width of the PROW to 2.5m without losing a considerable number of trees and altering its character significantly. Some widening work is likely to be acceptable, but not to this scale. Further details of the proposed works to the PROW can be required by condition to ensure that any widening works are not harmful to existing trees.
- 10.82 The majority of the existing trees are located along the site boundaries and PROW. In the main, landscape buffer zones or highway separate the mature trees from the residential properties, which minimises the impact of overshadowing. There are two dwellings to the east of the PROW which may experience some overshadowing due to the existing trees; however, this relationship is not dissimilar to that already approved in Phase 1 or considered harmful enough to warrant a refusal on this ground.
- 10.83 Various mitigation measures are proposed including the provision of appropriate tree protection measures; the use of no-dig construction areas; the pruning of roots; carrying out of levelling works by long reach equipment outside of the RPA; and supervision where necessary by a qualified Arboriculturist. Although the proposal would result in some minor tree losses to facilitate the access road, the majority of existing trees will be retained. A comprehensive landscaping and tree planting scheme is proposed, which will increase the tree cover on site.

#### **Contaminated land**

- 10.84 A Contaminated Land Assessment has been submitted with the application. Samples of soil were taken from exploratory holes to assess for contamination. Elevated levels of lead were identified within the made ground and at two other sample locations. The Contaminated Land Assessment recommends that the locations with elevated lead concentrations are excavated with soils removed, should these locations be within garden or soft landscaped areas. It is recommended that a remediation strategy and risk assessment are secured by condition. It is considered that the contamination present on site can be remediated and therefore does not preclude development of this site.

#### **Agricultural land**

- 10.85 The site consists primarily of Grade 3a agricultural land with a small area of Grade 3b. The site is allocated within the SALP and PSLP for residential development, where the loss of the existing agricultural use has previously been considered acceptable. In this case, the loss of agricultural land is outweighed by the provision of

new housing to meet the Council's unmet housing need; the provision of 40% affordable housing; the sustainable location of the site in relation to the town; and the other financial contributions secured towards community services/facilities.

#### **Public Right of Way (PROW)**

- 10.86 The proposed development would be visible from the PROW, which would have a suburbanising impact. However, this harm would be localised and outweighed by the benefits of the scheme outline earlier in this report.
- 10.87 The PROW would be bisected by the main access road running through the site. This impact would not be dissimilar to that the approved in the Phase 1 scheme. The PROW would be enhanced (width widening and hard surfacing) as part of the development. Further details of this can be required by condition to ensure existing trees are not harmed.

#### **Renewable Energy**

- 10.88 An Energy Statement has been submitted with the application which proposes various energy efficiency measures including high performance building fabric, high levels of air tightness, reduction of thermal bridging, energy efficient lighting and heating controls. Photovoltaic panels are proposed, which after a fabric first approach has been adopted will reduce predicted carbon dioxide emissions by 11.74%. This exceeds the requirements of the Renewable Energy SPD and is considered acceptable.

#### **Section 106 Contributions**

- 10.89 Para 56 of the NPPF states that *'planning obligations must only be sought where they meet all of the following tests:*
- a) Necessary to make the development acceptable in planning terms;*
  - b) Directly related to the development; and*
  - c) Fairly and reasonably related in scale and kind to the development'.*
- 10.90 Core Policy 1 of the Core Strategy states that *'developments on all allocated and unallocated sites will be required either to provide, or to contribute towards the provision of, the services, facilities and infrastructure for which they create a need.'*
- 10.91 Para 5.20 of the Core Strategy states that *'where new development (on allocated an unallocated sites) creates a need for new or enhanced infrastructure, the scheme will either need to provide it directly, or contribute financially towards its provision, depending on both the scale of the development and that of the infrastructure required. The purpose of the development contributions is to mitigate against the impacts of new development... The types of infrastructure and services that developments may be required to provide/contribute towards the provision of during the Core Strategy period may include, but are not limited to...*
- Housing*
  - Transport*
  - Education*
  - Health*
  - Social Infrastructure*
  - Green Infrastructure*
  - Public Services*
  - Utility Services*
  - Climate Change and Energy Initiatives.'*

10.92 The proposal seeks to provide the following financial contributions:

- Nursery - £40,486.18 towards the cost of nursery facilities at the new primary school at Mascalls Court Farm
- Primary Land - £106,369.20 towards the primary school site acquisition at Mascalls Court Farm.
- Primary Build - £535,500 towards the new Mascalls Court Farm Primary School construction (contribution to be reimbursed to applicant if fully funded by government).
- Secondary - £357,525 towards improvements to Mascalls School.
- Community Learning - £1,642 towards additional I.T. and resources for the new learners in Adult Education Centres in Tunbridge Wells District, including Paddock Wood.
- Youth Services - £6,550 towards additional resources for the youth service in Paddock Wood.
- Library bookstock - £5,545 towards additional services and stock at Paddock Wood library
- Social Care - £14,688 towards specialist care accommodation within the Borough.
- Waste - £18,367 towards Tunbridge Wells Waste Transfer Station expansion.
- NHS - £87,444 towards refurbishment, reconfiguration and/or extension of Woodlands Health Centre and/or towards new general practice premises in the area.
- Community centre - £102,602.91 towards the proposed community centre
- Indoor Sport - £91,200 towards improvements to Putlands Leisure Centre in paddock Wood
- Outdoor Sport - £74,500 towards the extension of the skate park
- Foal Hurst Wood - £6,677.67 towards mitigation measure for increased visitor numbers and improved access – reinforcement of access paths, specifically reconstruction of three bridges.
- Active Travel - £50,000
- Public Right of Way (off-site highway works contribution no. 7 uplift based on consented scheme) - £1,618.12

**TOTAL: £1,500,715.08**

### **KCC Contributions**

10.93 Kent County Council have assessed the implications of the proposal in terms of the delivery of its community services and is of the opinion that it would have an additional impact on the delivery of its services, which would require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. These include:

- Nursery - £40,486.18 towards the cost of nursery facilities at the new primary school at Mascalls Court Farm
- Primary Land - £106,369.20 towards the primary school site acquisition at Mascalls Court Farm.
- Primary Build - £535,500 towards the new Mascalls Court Farm Primary School construction (contribution to be reimbursed to applicant if fully funded by government).
- Secondary - £357,525 towards improvements to Mascalls School.
- Community Learning - £1,642 towards additional I.T. and resources for the new learners in Adult Education Centres in Tunbridge Wells District, including Paddock Wood.

- Youth Services - £6,550 towards additional resources for the youth service in Paddock Wood.
- Library bookstock - £5,545 towards additional services and stock at Paddock Wood library
- Social Care - £14,688 towards specialist care accommodation within the Borough.
- Waste - £18,367 towards Tunbridge Wells Waste Transfer Station expansion.

#### **Education contribution**

- 10.94 Para 94 of the NPPF states that *'it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.'*
- 10.95 The education contribution is sought to meet the additional need generated by future residents, which results in the maximum capacity at local nursery, primary and secondary schools being exceeded. It is considered that the education contribution is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests. In this case, the education contribution is considered essential in order to ensure sufficient school places for future residents.

#### **Youth Service**

- 10.96 To accommodate the increased demand on youth services, KCC requests £6,550 towards additional resources for youth services in Paddock Wood. It is considered that the contribution towards the Youth Services is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests. The contribution towards youth services would help to mitigate the increased demand caused by the proposal and benefit young people in the development and wider community. Provision of such facilities would help to support the well-being of young people and is considered essential.

#### **Waste**

- 10.97 KCC is a statutory 'Waste Disposal Authority', responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. Existing HWRC's and WTS's will be over capacity by 2020 and additional housing has a significant impact on the manageability of waste in Kent.
- 10.98 A contribution of £18,367 is required towards the extension and upgrading of the existing WTS and HWRC in Tunbridge Wells, to mitigate the impact arising from this development, and accommodate the increased range of materials collected kerbside within the Borough. It is therefore considered that the contribution towards waste is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests. Ensuring waste is disposed of correctly and encouraging recycling supports the environmental objective of sustainability set out in the NPPF.

#### **NHS**

- 10.99 The NHS has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

10.100 NPPF Para 20c states that strategic policies should make provision for health infrastructure. Para 92b requires local planning authorities to take into account and support the delivery of local strategies to improve health and social well-being for all sections of the community.

10.101 The NHS state that there is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new development, will need to be met through the creation of additional capacity in general practice premises. It is essential that future residents have access to a general practice surgery. It is considered that the contribution towards healthcare is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests.

#### **Community centre and recreation**

10.102 Para 92 of the NPPF states that '*to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) Plan positively for the provision and use of shared spaces, community facilities (such as... sports venues, open spaces)... and other local services to enhance the sustainability of communities and residential environments...'*

10.103 Para 96 of the NPPF seeks to provide new opportunities for open space, sport and recreation facilities. Core Policy 8 requires that '*the capacity, quality and accessibility of open space, recreational, cultural and community facilities will be maintained and, where necessary, improved and all new development that generates an additional need for such facilities will provide for an adequate amount in easily accessible locations.*'

10.104 The additional residents would increase pressure on community services/facilities, including indoor and outdoor sports facilities, community facilities, PROW network and the Local Nature Reserve, which is used for recreational purposes. The following contributions are deemed necessary to mitigate the impact of the new residents on recreation/community facilities and to support the health and well-being of future residents; thus meeting the social objective set out in the NPPF:

- Community Centre - £102,602.91 towards the community centre to be built on the Memorial Field
- Indoor Sport - £91,200 towards improvements to Putlands Leisure Centre in paddock Wood
- Outdoor Sport - £74,500 towards the extension of the skate park
- Foal Hurst Wood - £6,677.67 towards mitigation measure for increased visitor numbers and improved access – reinforcement of access paths, specifically reconstruction of three bridges.
- Public Right of Way (off-site highway works contribution no. 7 uplift based on consented scheme) - £1,618.12

10.105 It is considered that the contributions sought towards recreation and community facilities are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests.

#### **Sustainable Transport**

10.106 Core Policy 3 of the Core Strategy states that '*sustainable modes of transport, including cycling, walking and the use of public transport will be encouraged to*

*reduce dependence on private car use*. Policy AL/PW4 of the SALP seeks contributions towards sustainable transport improvements, including the promotion of public transport use and improved routes and facilities for cycling and walking.

10.107 In order to mitigate the impact on the highway network of the additional properties and to improve the sustainability of the scheme, a contribution of £50,000 is secured towards active travel. The contribution would help to reduce car travel and air pollution by promoting more sustainable modes of travel, which meet the environmental objective of the NPPF. It is considered that the contributions sought towards active travel, directly related to the development and are fairly and reasonably related in scale and kind to the development. This contribution therefore meets the CIL tests.

#### **Highway works**

10.108 As part of the Phase 1 scheme, Capel Parish Council requested contributions towards the cost of a pedestrian crossing and traffic calming measures on the B2017 in Five Oak Green. At the time, KCC acknowledged that the Glanville highway report stated that the B2017 would experience an increase in traffic flows of between 1% and 2.1% and therefore would be unlikely to have a significant adverse impact on the operation of the B2017. The volume of development flows identified within the Phase 1 scheme was not considered to be severe and would not have a significant impact on the operation of Badsell Road to the west of A228 or the safety of pedestrians within the villages along the route.

10.109 KCC Highways have reviewed Capel Parish Council's request for contributions again as part of this application. Given that the traffic impact for Phase 2 would be less than the consented scheme there is insufficient justification for such contributions. Such contributions are not considered to be '*necessary to make the development acceptable in planning terms*' and therefore would not comply with the CIL tests.

#### **Other material considerations**

10.110 The proposal makes adequate provision for refuse storage for the houses and flats. The scheme demonstrates that a refuse vehicle can adequately manoeuvre throughout the site.

#### **Planning Balance and Conclusion**

10.111 The site is located within the LBD and lies within a sustainable location, with good access to the town centre, public transport links, shops and facilities/services, including schools and recreation facilities. The Council are unable to demonstrate a five year housing land supply. The proposal would make a valuable contribution towards meeting the Council's unmet housing need, which should be given significant weight. The proposal would provide 40% affordable housing (5% more than the adopted policy requirement), which is considered to be a significant social benefit. The proposal would also provide significant financial contributions towards local services/facilities including education, recreation and healthcare, which provide social and economic benefits. Subject to the completion of the Major Highway Works, which were secured in the consented scheme, the traffic movements generated by the development can be accommodated without detriment to highway safety. The proposal would have a localised visual impact on the landscape and would result in less than substantial harm to nearby heritage assets. However, it is considered that the benefits of the proposed scheme, and indeed the public benefits in the context of para 196 of the NPPF, outweigh the harm identified. The proposed development would not be harmful to residential amenity. The proposal would result in the loss of a small number of trees to facilitate the development; however, significant tree planting

would be proposed in the scheme to compensate for this tree loss. The proposal (including the wider site) includes a net gain for biodiversity.

**RECOMMENDATION:**

**(A) GRANT SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 AND SECTION 106A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE HEAD OF LEGAL PARTNERSHIP MID KENT LEGAL SERVICES BY 31 MARCH 2021 (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES) TO SECURE THE FOLLOWING:**

- i) Developer contributions as follows:
- Nursery - £40,486.18 towards the cost of nursery facilities at the new primary school at Mascalls Court Farm
  - Primary Land - £106,369.20 towards the primary school site acquisition at Mascalls Court Farm.
  - Primary Build - £535,500 towards the new Mascalls Court Farm Primary School construction (contribution to be reimbursed to applicant if fully funded by government).
  - Secondary Education - £357,525 towards improvements to Mascalls School.
  - Community Learning - £1,642.00 towards additional I.T. and resources for the new learners in Adult Education Centres in Tunbridge Wells District, including Paddock Wood
  - Youth Services - £6,550 towards additional resources for the youth service in Paddock Wood
  - Library bookstock - £5,545 towards additional services and stock at Paddock Wood library
  - Social Care - £14,688 towards specialist care accommodation within the Borough.
  - Waste - £18,367 towards Tunbridge Wells Waste Transfer Station expansion.
  - NHS - £87,444 towards refurbishment, reconfiguration and/or extension of Woodland Health Centre and/or towards new general practice premises in the area.
  - Community centre - £102,602.91 towards the community centre
  - Indoor Sport - £91,200 towards improvements to Putlands Leisure Centre in Paddock Wood
  - Outdoor Sport - £74,500 towards the extension of the skate park
  - Foal Hurst Wood - £6,677.67 towards mitigation measures for increased visitor numbers and improved access – reinforcement of access paths specifically reconstruction of three bridges.
  - Active Travel - £50,000
  - Public Right of Way (off-site highway works contribution no. 7 uplift based on consented scheme) - £1,618.12
- ii) Provision of on-site affordable housing, representing 40% of the total number of dwellings
- iii) Provision of an on-site children's play area and informal open space, accessible by the public, with future management by the developer/management company
- iv) Implementation of a Landscape and Ecological Management Plan and Woodland Management Plan, to cover the wider site approved under 17/03480, including modifications to the planning agreement for 17/03480, as required.

**and subject to the following conditions:**

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

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

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

01316D\_MP01/P01: Illustrative Site Plan  
01316D\_MP02/P01: Illustrative Masterplan Wider Context  
01316D\_MP03/P01: Refuse Strategy  
01316D\_MP04/P01: Boundary Treatment  
01316D\_MP06/P01: Proposed Tenure  
01316D\_MP07/P01: Visitor Parking  
01316D\_MP08/P01: Parking Strategy  
01316D\_MP09/P01: Materials Strategy  
01316D\_MP10/P01: Site Plan  
01316D\_MP11/P01: Housing Mix  
SE\_01/P01: Street Elevations – Sheet 1  
SE\_02/P01: Street Elevations – Sheet 2  
SE\_03/P01: Street Elevations – Sheet 3  
SE\_04/P01: Street Elevations – Sheet 4  
SE\_05/P01: Street Elevations – Sheet 5  
01316D\_FOG\_00/P01: FOGs – Plans, Elevations & Sections  
01316D\_G\_00/P01: Garages – Plans, Elevations & Sections  
01316D\_AHT2A\_02/P01: AHT2A 5 Unit Terrace - Plans, Elevations & Section  
01316D\_AHT2A\_03/P01: AHT2A/AHT3A1 3 Unit Terrace - Plans, Elevations & Section  
01316D\_AHT2A\_04/P01: AHT2A/AHT3A1 4 Unit Terrace - Plans, Elevations & Section  
01316D\_AHT3A1\_00/P01: AHT3A1: Detached – Plans, Elevations & Section  
01316D\_AHT3A\_03/P01: AHT3A Semi - Plans, Elevations & Section  
01316D\_BC\_00/P01: Block C – Ground & First Floor Plans  
01316D\_BC\_01/P01: Block C – Second Floor & Roof Plans  
01316D\_BC\_02/P01: Block C – Elevations & Sections  
01316D\_BD\_00/P01: Block D – Plans  
01316D\_BD\_01/P01: Block D – Elevations & Sections  
01316D\_HT3A\_07/P01: HT3A Detached – Plans, Elevations & Section  
01316D\_HT3A\_08/P01: HT3A Detached – Plans, Elevations & Section  
01316D\_HT3A\_09/P01: HT3A Detached – Plans, Elevations & Section  
01316D\_HT3E1\_01/P01: HT3E-1 Semi – Plans, Elevations & Section  
01316D\_HT3E3\_00/P01: HT3E-3 Semi – Plans, Elevations & Section  
01316D\_HT3E3\_01/P01: HT3E-3 Semi – Plans, Elevations & Section  
01316D\_HT3F\_01/P01: HT3F/HT3L Semi – Plans, Elevations & Section  
01316D\_HT3L\_02/P01: HT3L 3 Unit Terrace - Plans, Elevations & Section  
01316D\_HT3L\_07/P01: HT3L/HT3A 3 Unit Terrace - Plans, Elevations & Section  
01316D\_HT3L\_10/P01: HT3L/HT3F 4 Unit Terrace - Plans, Elevations & Section  
01316D\_HT3L\_11/P01: HT3L Semi - Plans, Elevations & Section  
01316D\_HT3L\_15/P01: HT3L/HT3A 4 Unit Terrace - Plans, Elevations & Section  
01316D\_HT3L\_16/P01: HT3L Semi - Plans, Elevations & Section  
01316D\_HT3L\_17/P01: HT3L/HT3A Semi - Plans, Elevations & Section

01316D\_HT3L\_19/P01: HT3L/AHT2A 5 Unit Terrace – Plans  
01316D\_HT3L\_20/P01: HT3L/AHT2A 5 Unit Terrace - Elevations & Section  
01316D\_HT3L\_21/P01: HT3L 4 Unit Terrace - Plans, Elevations & Section  
01316D\_HT3L\_22/P01: HT3L/HT3A 4 Unit Terrace - Plans, Elevations & Section  
01316D\_HT4C\_00/P01: HT4C Detached – Plans, Elevations & Section  
01316D\_HT4C\_01/P01: HT4C Semi - Plans, Elevations & Section  
01316D\_HT4K\_06/P01: HT4K Detached - Plans, Elevations & Section  
01316D\_HT4L\_00/P01: HT4L Detached - Plans, Elevations & Section  
01316D\_HT4L\_01/P01: HT4L Detached – Plans Elevations & Sections  
01316D\_HT4L\_03/P01: HT4L Detached - Plans, Elevations & Section  
01316D\_HT4L\_04/P01: HT4L Detached - Plans, Elevations & Section  
01316D\_HT4L\_07/P01: HT4L Detached - Plans, Elevations & Section  
01316D\_HT4L\_09/P01: HT4L Detached - Plans, Elevations & Section  
01316D\_HT4L\_10/P01: HT4L Semi - Plans, Elevations & Section  
01316D\_HT4N\_00/P01: HT4N Detached - Plans, Elevations & Section  
01316D\_HT5D\_00/P01: HT5D Detached - Plans, Elevations & Section  
DLA1571/TPP/3/5: Tree Protection Plan – Sheet 3  
6844-001\_A: Phase 2 Illustrative Plan  
6844\_100\_D: General Arrangement Landscape Proposals 1 of 2  
6844\_101\_D: General Arrangement Landscape Proposals 2 of 2  
6844\_161\_B: Western POS Play Orchard General Arrangement Proposal  
6844\_162\_C: Eastern POS Phase 2 Redesign General Arrangement Proposal  
6844\_200/D: General Arrangement Softworks Proposals 1 of 2  
6844\_201\_D: General Arrangement Softworks Proposals 2 of 2  
6844\_300\_D: General Arrangement Hardworks Proposals 1 of 2  
6844\_301\_D: General Arrangement Hardworks Proposals 2 of 2

Reason: To clarify which plans are approved.

- 3) No more than 313 dwellings (as approved under 17/03480/FULL, 19/02533/FULL, 19/03349/FULL and 20/02336/NMAND) shall be occupied either prior to the completion of the Highway Major Junction Works (highway improvements to the Maidstone Road/Badsell Road /Mascalls Court Road junction) as shown on drawing numbers 4100103-SK49/D and 4100103-SK50/D (or subsequent revision thereof) and the completion of the Highway Major Roundabout Works (highway improvement works to the Badsell Road A228 roundabout) as shown on drawing number 4100103-SK26/P4 (or subsequent revision thereof) or, before the 1<sup>st</sup> October 2023, whichever is the earlier.

Reason: To ensure adequate capacity in the highway network.

- 4) No development (excluding 'Initial Enabling Works') shall take place until a scheme detailing the phasing of the construction of the development and an indicative programme for the development of the entire site has been submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The interests of the proper planning of the development. Such details are fundamental to the application and are therefore required prior to its commencement.

- 5) No construction work (excluding painting, decorating and fitting out) shall take place before 0800hrs or after 1830hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity.

- 6) Prior to the commencement of development, (excluding ecological enabling works) on any phase of the development a Construction Environmental Management Plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites, unless previously agreed in writing by the Local Planning Authority.

The Plan shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barriers
- Maximum noise levels expected 1 metre from the boundary of any residential unit adjacent to the site
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds

Reason: This information is required prior to the commencement of development in order to protect the amenity of local residents and in the interests of highway safety. Such details are fundamental to the application and are therefore required prior to its commencement.

- 7) Prior to the commencement of above ground works, a scheme for the provision and implementation of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to the occupation of the dwellings relating to each phase hereby permitted and thereafter retained.

Reason: To avoid unacceptable additional use of existing drainage infrastructure and to avoid pollution of the surrounding area. Such details are fundamental to the application and are therefore required prior to its commencement.

- 8) Prior to the commencement of above ground works, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall:
- a) Demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated without increase to flood risk on or off-site.
  - b) Include, but not be limited to details of outfall structures and any other below grade drainage feature.
  - c) Demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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

- 9) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, which shall include:
- a) a timetable for its implementation, and
  - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

- 10) Within 6 months of the final occupation, a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, shall be submitted to and approved in writing by the Local Planning Authority, which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

- 11) If during construction works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation has been completed. If contamination is found, upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of:
- a) Any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology.
  - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12) Prior to the commencement of any phase of the development (excluding ecological enabling works), the following details relating to that phase shall be submitted for the approval of the Local Planning Authority:
- An Arboricultural Method Statement, detailing all suitable methods required to ensure the effective protection of trees to be retained throughout the development, including but not limited to proposed methods for:
    - Arboricultural supervision of works within Root Protection Areas of retained trees
    - The location of all drains and other services
    - The contact details of the arboriculturist to be appointed by the developer to oversee tree protection on the site, including the frequency of visits, and the reporting of findings.

Reason: To protect existing trees. Such details are fundamental to the application and are therefore required prior to its commencement.

- 13) Prior to the commencement of above ground works, details of external materials shall be submitted to the Local Planning Authority for approval. The development shall be constructed in accordance with the approved materials, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure consistency and safeguard the characteristics of the locality.

- 14) Prior to the first occupation of the development hereby approved, the existing electricity infrastructure shall be grounded.

Reason: In the interests of visual amenity.

- 15) Prior to the commencement of above ground works on each phase of the development, details of the finished ground floor levels, shown in relation to the proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 16) Prior to the commencement of above ground works, details of the provision of a minimum of 20 electric vehicle charging points, as well as suitable connections to enable the future installation of electric vehicle charging points by the home owner within on-plot garages or car ports shall be submitted to and approved in writing by the Local Planning Authority. The points/connections shall be provided in accordance with the approved details prior to first occupation/use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

- 17) Prior to the commencement of above ground works on each phase of the development full details for the incorporation of energy efficiency measures and renewable energy (including the location of photovoltaic panels) within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

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

- 18) Prior to the commencement of above ground works a scheme of measures to reduce air pollution arising from the development when in occupation, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with approved scheme.

Reason: In the interests of air quality and sustainability.

- 19) Prior to the commencement of above ground works, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall avoid excess lighting at the site boundaries and adjacent to retained hedgerows in order to reduce disturbance to bats, birds and invertebrates. The scheme shall also take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting Guidance Note 1 dated 2020 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

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

- 20) Before the first occupation of any dwelling, the following works between the dwellings and the highway shall be completed:

i. Footways and/or footpaths, with the exception of the wearing course; and  
ii. Carriageways, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

- 1) Highway drainage,
- 2) Street lighting, street nameplates and highway structures, if any.

Reason: In the interests of highway safety and ensuring provision of an acceptable road layout.

- 21) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, and in accordance with the Tree Protection Plan (drawing number DLA1571/TPP/3 Revision 5, unless otherwise agreed in writing by the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction
  - (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
  - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Areas of the trees or other vegetation;
  - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: To protect and enhance the appearance and character of the site and locality.

- 22) Notwithstanding the details hereby approved, prior to the commencement of above ground works on any phase of the development, details of hard and soft landscaping and a programme for carrying out the works shall be submitted to the Local Planning Authority for approval. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; street furniture and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The landscaping scheme approved for each phase of development on any part of the site shall be carried out fully within 12 months of the completion of the development on that phase, unless otherwise agreed in writing by the Local Planning Authority. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

- 23) Prior to the commencement of above ground works on any phase of the development, details of boundary treatments (including walls, fences and railings) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and to safeguard the privacy and amenities of the occupiers of the existing neighbouring dwellings area and future occupiers.

- 24) Prior to the commencement of above ground works on any phase of the development a scheme for the enhancement of biodiversity on that phase of the development site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve and enhance biodiversity on site.

- 25) Prior to the commencement of above ground works within any phase of the development. A scheme of Ecological Mitigation for protected and notable species and habitats, identified in the ecological site surveys, which sets out proposals for avoidance, mitigation and monitoring and future long-term site management shall be submitted to and approved in writing by the Local Planning Authority. The scheme of Ecological Mitigation shall be implemented in accordance with the approved proposals within it, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance existing species and habitat on the site in the future.

- 26) The development hereby permitted shall incorporate measures to minimise the risk of crime. No phase shall be occupied until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include defensible space to ground floor bedrooms and gates/fencing to rear access paths. The approved measures shall be implemented prior to the first occupation of the dwelling in which it relates, or prior to the completion of the development if it relates to works outside the curtilage of a dwelling, and thereafter retained.

Reason: In the interest of security, crime prevention and community safety.

- 27) The areas shown on the approved Parking Strategy drawing number 01316D MP08 P01 (or subsequent approved revisions thereof) as resident and visitor vehicle parking, servicing and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the buildings they serve are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development in accordance with the details approved, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude the use of such facilities for their intended purpose.

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

- 28) Prior to first occupation of any dwelling, details of the play area, together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details and finished levels or contours, means of enclosure, surfacing materials, play equipment and/or structures, seating, litter bins, signs, artwork and lighting (where applicable). The facilities shall be provided in accordance with the approved details and the approved timetable for implementation and thereafter retained.

Reason: To ensure adequate on site facilities are provided for children's play.

- 29) No flats within any phase of the residential development shall be occupied until secure cycle storage facilities to serve them have been provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. The cycle storage shall thereafter be retained.

Reason: In the interests of sustainable development.

- 30) No dwellings on any phase of the development shall be occupied unless refuse storage facilities, including bin collection points, have been provided in accordance with the approved Refuse Strategy drawing 01316D\_MP03 P01. The refuse storage facilities shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

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

- 31) Prior to the commencement of above ground works, details of water conservation measures for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of sustainability and water conservation.

- 32) Prior to the commencement of above ground works, details of the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic connections to multi point destinations and all buildings shall be submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed in accordance with the approved details, prior to the first occupation of the dwelling in which it serves.

Reason: To provide high quality digital infrastructure in new developments.

- 33) Prior to the first occupation of the development hereby approved, a detailed plan showing proposed improvement works to the Public Right of Way in relation to existing trees (including an Arboricultural Method Statement for such works) and details of surfacing and drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of the design of the road crossing. The works shall be carried out in accordance with the approved details, prior to the first occupation of the development hereby approved.

Reason: In the interest of sustainability, visual amenity and to protect existing trees.

- 34) The measures set out in the Residential Travel Plan Issue 9 dated January 2021 shall be carried out in full, in accordance with the timescale specified, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainability.

### **INFORMATIVES**

- 1) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
- 2) Your attention is drawn to the Mid Kent Environmental Code of Development Practice, the terms of which should be met in carrying out the development.
- 3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.

- 4) Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.
- 5) The applicant is reminded that planning consent does not confer a right to disturb or divert any Public Right of Way at any time without the express permission of the Highway Authority, in this case Kent County Council's Public Rights of Way and Access Service.

No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority. There must be no disturbance of the surface of the Public Right of Way or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority. No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.

No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If a Temporary Traffic Regulation Order is required, please note that this takes 6 weeks to process.

- 6) Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 7) Due to changes in legislation that came into force on 1<sup>st</sup> October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
- 8) Once work begins on site please apply for Street Naming & Numbering at <http://www.tunbridgewells.gov.uk/residents/planning/street-naming-and-numbering>. Applying early to officially register new addresses will prevent delays with Council, utility, postal and emergency services.

**(B) If the applicant fails to enter into such agreement by 31<sup>st</sup> March 2021, the Head of Planning Services shall be authorised to REFUSE PERMISSION for the following reasons (unless a later date be agreed by the Head of Planning Services):**

- (1) The proposal fails to make provision for affordable housing and would therefore conflict with the National Planning Policy Framework 2019, National Planning Practice Guidance, Core Policies 1, 6 and 9 of the Tunbridge Wells Borough Core Strategy 2010 and the Council's Affordable Housing Supplementary Planning Document.
- (2) The proposal fails to make provision for adult/youth recreation or mitigate the impact of new residents on the Local Nature Reserve or Public Right of Way network. The works would therefore fail to comply with the National Planning Policy Framework 2019, National Planning Practice Guidance, Core Policies 1, 4, 8 and 11 of the Tunbridge Wells Borough Core Strategy 2010, Policies EN15 and R2 of the Tunbridge Wells Borough Local Plan 2006, the Council's Recreation Open Space

Supplementary Planning Document and Policy AL/PW4 of the Site Allocations Local Plan 2016.

- (3) The proposal fails to make provision for community services/facilities, such as nursery, primary and secondary education; community learning; youth services; community centre; libraries; social care; healthcare, and waste and would therefore fail to comply with the National Planning Policy Framework 2019, National Planning Practice Guidance, Core Policies 1, 8 and 11 of the Tunbridge Wells Borough Core Strategy 2010, Policy CS4 of the Tunbridge Wells Borough Local Plan 2006 and Policy AL/PW4 of the Site Allocations Local Plan 2016.
- (4) The proposal fails to make an adequate provision to support sustainable modes of travel and would therefore conflict with the National Planning Policy Framework 2019, National Planning Practice Guidance; Core Policies 1 and 3 of the Tunbridge Wells Borough Core Strategy 2010, Policy TP3 of the Tunbridge Wells Borough Local Plan 2006 and Policy AL/PW4 of the Site Allocations Local Plan 2016.

Case Officer: Antonia James

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure enforceability.