

## REPORT SUMMARY

**REFERENCE NO - 22/01017/REM**

### APPLICATION PROPOSAL

Approval of Reserved Matters (Appearance, Landscaping, Layout, Scale) - Erection of 25 apartments including details of the layout, scale, appearance, internal access roads and landscaping of the development and associated infrastructure and earthworks

**ADDRESS** Brook House, Cranbrook Road, Hawkhurst, Cranbrook, Kent TN18 5EE

**RECOMMENDATION** GRANT subject to conditions (see section 11.0 of report for full recommendation)

### SUMMARY OF REASONS FOR RECOMMENDATION

- The principle of development at this site has been accepted through the allocation of the site for residential development in the 2006 Local Plan and the 2016 Site Allocations Local Plan.
- Outline planning permission was granted at appeal, in April 2019, for the proposed demolition of the existing building and erection of 25 apartments with affordable housing, parking provision, new highway access and other ancillary works.
- The Reserved Matters submission is in line with that expected by the Inspector following the above appeal decision.
- A section 106 legal agreement is in place relating to the provision of affordable housing and libraries.
- The external appearance and design of the 2 buildings have been amended during the application process, and the external appearance are now acceptable.
- All other Outline planning conditions except conditions 1 (Approval of Reserved Matters) and Condition 2 (Application for Approval of Reserved Matters) will be discharged outside of this permission.
- TWBC are unable to demonstrate a 5-year deliverable housing supply, (which currently stands at 4.49 years) where the presumption is in favour of supporting sustainable development, in accordance with the guidance in the NPPF. In this regard, the construction of 25 apartments, together with 35% affordable housing would represent an appropriate use of the land.
- The demolition of the vacant building and construction of 25 apartments would deliver much needed housing to a sustainable location in Hawkhurst.

### INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

**Contributions (already secured through Section 106 legal agreement/unilateral undertaking):** the Section 106 legal agreement is already in place as it was agreed when the Outline Approval, (under ref 17/03780/OUT) was allowed at appeal (under ref APP/M2270/W/18/3199819). It secures the following obligations in relation to:

- Affordable housing- 6 affordable rented units but also includes two alternative provisions that provide 6 shared equity and 2 social rented units (8 units in total) or 1 shared and 4 social rented units (5 in total). The Inspector accepted the appellants viability report to provide less than 35% affordable housing due to site constraints.
- Library facilities £1,200.40
- NOTE: A contribution to open space is not included in the legal agreement. The Inspector accepted the viability evidence that the provision of a contribution towards open space could put the viability and ultimately the deliverability of housing at this site

at risk.			
<b>Net increase in numbers of jobs:</b> N/A			
<b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A			
The following are not considered to be material to the application:			
<b>Estimated annual council tax benefit for Borough:</b> 25 x £193.75 = £4,843.75			
<b>Estimated annual council tax benefit total:</b> 25 x £2,029.76 = £50,744			
<b>Estimated annual business rates benefits for Borough:</b> N/A			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Cllr Palmer has called the application to Planning Committee for the following reasons: <ul style="list-style-type: none"> <li>Outstanding concerns raised by other consultees that have not yet been fully addressed.</li> <li>Concerns about the impact of the signalised junction on traffic and the impact on the AQMA. We are mindful that whilst both TWBC and KCC argued against the signal-controlled junction, the inspector felt this would be appropriate. However, the AQMA was not in place at the time of his decision</li> </ul>			
<b>WARD</b> Hawkhurst & Sandhurst	<b>PARISH/TOWN COUNCIL</b> Hawkhurst Parish Council	<b>APPLICANT</b> Mr Andrew Wilford	
<b>DECISION DUE DATE</b> 01/07/22 with EOT 17.08.22 & 24.12.22	<b>PUBLICITY EXPIRY DATE</b> 05/12/22	<b>OFFICER SITE VISIT DATE</b> 13.04.22 and 27.06.22	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
<b>18/03385/OUT</b>	Outline (Access Not Reserved) - Proposed Demolition of Existing Building and Erection of 25 Apartments with Affordable Housing, Parking Provision, New Highway Access and Other Ancillary Works	Refused	01.04.2019
<b>17/03780/OUT</b>	Outline (Access not reserved) - Demolition of existing building and erection of 25 apartments with affordable housing, parking provision, new highway access and other ancillary works <b>Appeal ref APP/M2270/W/18/3199819</b>	Appeal against non-determination Allowed (APP/M2270/W/18/3199819)	01.04.2019
<b>16/07077/FULL</b>	Proposed demolition of existing building and erection of 9 detached dwellings with garaging, parking provision, new access and other ancillary works	Withdrawn	01.06.2017
<b>74/00688</b>	The change of use of Antique Gallery to Private Hospital.	Refused	25.09.1974
<b>Planning applications on adjoining site - Springfield Nurseries</b>			
<b>17/02192/OUT</b>	Outline (Access not reserved) - Proposed	Refused and	30.11.2020

	erection of up to 24 dwellings to include garaging, parking provision, improvements to existing vehicular access, landscaping and other ancillary works	Appeal Allowed (APP/M2270/W/18/3199819)	
<b>98/02021/OUT</b>	Outline (Means of access not reserved) - Residential development	Refused	17.06.1999
<b>97/00646/OUT</b>	Renewal of Consent - Outline (means of access not reserved) - B1 light industrial units (TW91/0193 refers)	Withdrawn	19.09.1997
<b>94/00826/FUL</b>	Change of use to veterinary surgery	Approved	01.09.1994
<b>94/00413/OUT</b>	Renewal (TW/91/0193 REFERS) - Outline (means of access not reserved) B1 light industrial units	Approved	18.05.1994
<b>91/00193/FUL</b>	Outline (means of access not reserved) - B1 light industrial units	Approved	04.07.1991
<b>87/00261/FUL</b>	Former Site of Springfield Nurseries	Approved	01.04.1987

## 1.0 DESCRIPTION OF SITE

- 1.01 The site is located on the northern side of Hawkhurst and is situated on the western side of Cranbrook Road (A229). The site is in a dell, with trees and landscaping which screened the site from the road. Opposite the entrance to the site to the north is band of terrace and semidetached housing on the eastern side of Cranbrook Road. To the south are the rear gardens of residential properties on Oakfield, a cul de sac with an arcadian aspect, with large gardens. Some of these houses and rear gardens can be glimpsed from within the site.
- 1.02 The site entrance is at the northern end of the road frontage and serves the Springfield Industrial Estate, a veterinary practice, and Brook House, which was formerly used an office premises; however, the building is vacant and in disrepair and has been vacant for several years.
- 1.03 The site is divided by the internal access road which curves to the south-west and around the southern side of the buildings and curves north to the Springfield Industrial Estate, which is the neighbouring property. The area south of the drive has various trees with understory growth, beyond which is a small stream in a cutting. The area along the road frontage has been cleared of scrub and is overgrown, is currently open. The site slopes down from the northern boundary to the south and to the north-east of Brook House is an area of sapling trees which appear to be self-sown. To the west of Brook House is an area of open grass with natural regeneration encroachment. The existing access serves the veterinary practice and a dog day care business, neither are part of this application site.
- 1.04 The site is allocated for residential development in the existing adopted Development Plan and has outline planning permission for 25 apartments following an appeal (application ref. 17/03780/OUT). The outline planning permission included the matter of access as a detailed matter for approval but all other matters were reserved for future consideration. A new access onto Cranbrook Road has been approved by the Inspector under the outline approval at Appeal ref (APP/M2270/W/18/3199819) to serve this development. A copy of the appeal decision is at Appendix 1 for information. The new access will connect with the existing internal road for this site

only. The existing access will serve the veterinary practice, and the Springfield Industrial Estate, which are not part of this application site.

## 2.0 PROPOSAL

2.01 This application is for the Approval of Reserved Matters, (Appearance, Landscaping, Layout, Scale) for the erection of 25 apartments. This application is pursuant to outline planning permission, granted at appeal under 17/03780/OUT, which included the detail of the new access onto Cranbrook Road. This application includes details of the layout, scale, appearance, internal access roads and landscaping of the development and associated infrastructure and earthworks.

2.02 The Outline approval is for the demolition of the existing 2-storey former office building at the site and the erection of 25 apartments. The apartments are to be contained within 2 blocks, both to be three storeys, together with affordable housing, parking, and other ancillary works. The Outline approval is subject to 22 planning conditions.

2.03 As stated above, the new highway access for this site has already been approved, a separate access for this property only.

2.04 Planning Condition 1 of the Appeal Decision requires that the approval of the details of the layout, scale, appearance, internal access roads, and landscaping of the development (hereafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

2.05 The following planning conditions of the appeal decision are also to be included with this application and are recommended to be discharged, with details discussed later in this report:

- Condition 1 – Approval of Reserved Matters
- Condition 2 - Timeframe Reserved matters
- Condition 11 – Details pursuant to condition 1 - Surface water drainage scheme
- Condition 13 - Details ground levels and areas of cut and fill
- Condition 20 - Details pursuant to condition 1 – Parking and turning
- Condition 22 – Details of proposed access road through the site

2.06 All remaining planning conditions are to be discharged outside of this planning application.

## 3.0 SUMMARY INFORMATION

	Existing	Approved Under 17/03780/OUT	Change (+/-)
Site Area	0.6ha	0.6ha	No change
Land use(s) including floor area(s)	Office	Residential	Residential
Car parking spaces (inc. disabled)	10	30	20
No. of storeys	2	3	1
Max height (The existing building is a 2 storey flat roof, and the proposed building is a 3 storey pitched roof)	6.26m	12.37m	6.11m

Max height inc. plant	6.26m	12.37m	6.11m
Max eaves height	6.26m	8.45m	2.19m
No. of residential units	None	25	25
No. of affordable units (AH)	None	6 (a reduction from 8 units to 6 with supporting viability report was agreed by the Inspector. This is set out in the signed legal agreement with the Outline approval) <b>Block One</b> 4 x 2 bed 2 x 1 bed (M4(3))	6
No. of market units	None	19 <b>Block Two</b> 1 x 3 bed 8 x 2 bed 8 x 1 bed 2 x 1 bed (M4(3))	19

#### 4.0 PLANNING CONSTRAINTS

- Agricultural Land Grade 3 Agricultural Land Classification Grade 3
- Area of Outstanding Natural Beauty (AONB) washes over the entire site. (*Statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- Biodiversity Opportunity Areas
- Limits to built development (LBD) - inside (LBD boundary is located at the northern boundary of the adjacent Springfield Nurseries Site)
- Allocated site for housing in the Submitted Local Plan
- Potentially Contaminated Land Potentially Contaminated Land – (the Geotechnical Report approved with the outline approval has identified possible sources of contamination which will be fully addressed by details to discharge outline planning condition 15 (Contamination))
- Tree Preservation Order – (trees on southern side of site)

#### 5.0 POLICY AND OTHER CONSIDERATIONS

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

##### Development Plan

##### Adopted Local Plan 2006 (saved policies)

- Policy EN1 - Development Control Criteria
- Policy EN5 - Development within, or affecting the character of a Conservation Area
- Policy EN8 - Outdoor Lighting
- Policy EN13 - Tree and woodland protection
- Policy EN16 – Protection of groundwater and other watercourses

- Policy EN22 - Areas of landscape importance
- Policy EN23 – Areas of important landscape approaches
- Policy EN24 – Arcadian areas
- Policy H2 - Small and intermediate sized dwellings
- Policy H5 - Residential development within Limits to Built Development
- Policy R2 – Recreation open space in development of more than 15 bedspaces
- Policy CS4 – Development constructions to school provision for developments over 15 bedspaces
- Policy TP1- Major development requiring Transport Assessments and a Travel Plan
- Policy TP3 - Multi-modal access for large-scale residential developments
- Policy TP4 - Access to the road network
- Policy TP5 - Vehicle Parking Standards
- Policy TP9 - Cycle Parking

#### Core Strategy 2010

- Core Policy 1 - Delivery of Development
- Core Policy 3 – Transport Infrastructure
- Core Policy 4 - Environment
- Core Policy 5 - Sustainable Design and Construction
- Core Policy 6 - Housing Provision
- Core Policy 13 – Development in Hawkhurst

#### Site Allocations Local Plan 2016

- Policy AL/STR1 - Limits to Built Development
- Policy AL/RTW 1 - Urban Design Framework
- Policy AL/HA1 – Former Springfield Garden Centre

#### Submission Local Plan

- Policy STR 1 – The Development Strategy
- Policy STR 2 – Place Shaping and Design
- Policy STR 3 – Brown Field Land
- Policy STR 4 – Ensuring Comprehensive Development
- Policy STR 5 – Infrastructure and Connectivity
- Policy STR 6 – Transport and Parking
- Policy STR 7 – Climate Change
- Policy STR 8 – Conserving and Enhancing the Natural, Built, & Historic Environment
- Policy STR 10- Neighbourhood Plans
- Policy STR/HA 1 - The Strategy for Hawkhurst Parish
- AL/HA 2 – Brook House – Cranbrook Road
- AL/HA 3 - Former site of Springfield Nurseries
- EN1 - Sustainable Design
- EN2 - Sustainable Design Standards
- EN3 - Climate Change Mitigation and Adaptation
- EN8 - Outdoor Lighting and Dark Skies
- EN9 - Biodiversity Net Gain
- EN12 - Trees, Woodland, Hedges, and Development
- EN14 - Green, Grey, and Blue Infrastructure
- EN16 - Landscape within the Built Environment
- EN17 - Arcadian Areas
- EN18 - Rural Landscape
- EN19 - The High Weald Area of Outstanding Natural Beauty
- EN21- Air Quality
- EN22 - Air Quality Management Areas

- EN23 - Biomass Technology
- EN24 - Water Supply, Quality, and Conservation
- EN26 - Sustainable Drainage
- EN27 – Noise
- H1 - Housing Mix
- H2 - Housing Density
- H3 - Affordable Housing
- TP1 - Transport Assessments, Travel Plans, and Mitigation
- TP2 - Transport Design and Accessibility
- TP3 - Parking Standards

Neighbourhood Development Plan Hawkhurst (2020)

- Policy HD1 Site Selection Criteria
- Policy HD1 (a) Preference for small scale developments
- Policy HD1 (b) Exceptions for larger scale developments
- HD2 Future Housing Mix
- Policy HD3 Modern Living
- Policy HD4 Design Quality
- Policy LP1 Views Between Village and Countryside
- Policy LP2 Area of Outstanding Natural Beauty
- Policy LP3 Designation of Green Spaces
- Policy AM2 Pedestrian Environment
- Policy AM3 Countryside Access
- Policy AM4 Walking Cycling Strategies
- Appendix 2 Interim housing positioner Hawkhurst (this site for 25 dwellings is included)

Supplementary Planning Documents:

- Kent Design Guide
- Renewable Energy
- Green Infrastructure Plan
- Noise and Vibration
- Contaminated Land
- Recreation and Open Space (2006)
- Affordable Housing (2007)
- Borough Landscape Character and Assessment (2017)

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Two site notices were posted at both ends of site on 13.04.22, One on post at Cranbrook Road frontage by the Vets signage, and one on a gate post at rear of site, on the access drive to the business units. Further blue site notices were posted at the same locations, on 27.06.22 as additional information had been received from the applicant. The application was also advertised in the local press.
- 6.02 A total of 8 representations have been received, all against the proposed development.
- 6.03 The main issues raised were:
- Unsuitable proposal for this location, three storeys high in an elevated position is not acceptable in a village location.
  - Bulk, size and design is out of keeping in Hawkhurst village, and adjacent to an AONB.

- The design looks more like an industrial office block
- This development or any other in this part of Cranbrook Road would exacerbate existing parking congestion and associated pollution.
- Pollution - there is also mention of possible more development in that area if this development is allowed to go ahead.
- Construction over at least 2 years and noise and fume pollution, misery for the local residents, parking, dirt, traffic etc
- Fast traffic turning left into Vale Road to avoid the congestion at Rye Rd /Highgate traffic lights
- Traffic tail back is normally past the Vets entrance
- Difficulty for residents from Woodbury or Vale Road exiting into Cranbrook Road in either direction
- Lack of infrastructure for 50 more people at the GP Surgery and schools which are at already at capacity
- Acknowledge that Brook House site is in disrepair, and needs to be redeveloped but the scale of this proposal is totally inappropriate to the size of the site and its location
- Access to Cranbrook Road via a signalled junction is unworkable given the current traffic congestion at this point. The traffic is often queued back past the site access going towards the Hawkhurst crossroads and further signalling would exacerbate the issue as it would then back up on both sides of the road and create bottleneck issues further up the hill where there is constant on street parking.
- This area is already subject to an AQMA and further car use and signalling would increase the air quality issues we are already suffering on this road.
- 30 parking spaces for 25 apartments is inadequate given the rural transport service is so poor.
- It also does not allow for visitor parking. The site does not support this level of parking.
- How are clients and staff for the adjacent businesses going to be able to gain decent and safe access given the current single track within the site.

## 7.0 CONSULTATIONS

### 7.01 **Hawkhurst Parish Council**– Object (06.01.23)

HPC is still of the view that we would like this application to be called in.

The reasons are:

- outstanding concerns raised by other consultees that have not yet been fully addressed
- our concerns about the impact of the signalised junction on traffic and the impact on the AQMA. We are mindful that whilst both TWBC and KCC argued against the signal-controlled junction, the inspector felt this would be appropriate. However, the AQMA was not in place at the time of his decision.

### 7.02 Comments on additional information (21.11.22) object

Hawkhurst Parish Council maintains its objection to this application. We still feel it is an inappropriate design for a rural location. We remain concerned that there remain so many issues raised by other consultees that have not been addressed.

As previously, we request that this is considered a Category Y application if it is not decided at planning committee.



- 7.03 Comments on additional information – (15.07.22) object – further information required. HPC raised a range of concerns in its initial response to this application. The addition of the Design and Access statement does little to address these.

There is now some information on materials provided, but this is still too imprecise to give us as any comfort. For instance, it is unclear what "clay tiles or similar" actually means. Also, we could not see any details about the weatherboarding other than the colour. Is this proposed to be timber?

No additional information has been provided on drainage, landscape and ecology, parking provision etc

- 7.04 Comments on application– (22.04.22) Object – further information required  
Whilst we are mindful that the principle of this development has been established through the appeal process, we do have significant concerns about this reserved matters application.

First and foremost is the absence of detailed information. The applicant is intending to provide most of the relevant information through conditions rather than this reserved matters application. For instance, at this stage, there is no information on materials, drainage, landscaping etc. We do not feel that this is appropriate for such a significant development in a sensitive AONB location - the Parish Council is not invited to comment on applications for conditions. Therefore, we request that all of the outstanding matters should be dealt with through this application.

We appreciate that the designs in the outline application were only indicative. However, we feel that the increased size and bulk proposed at this stage has resulted in a poor design, which, as it stands, is contrary to HD4. We are also concerned that 30 parking spaces are insufficient for 25 apartments in this location.

We note that whilst landscaping is not addressed in detail, there are references to the site being screened by mature trees. However, a number of these trees are in poor condition with some being lost during the recent storms. Therefore, we would appreciate a condition that the trees being relied on as part of this scheme are assessed and any dead or diseased ones are replaced.

The access arrangements were agreed at the appeal. However, at that time the AQMA on Cranbrook Road had not been declared. HPC is of the opinion that the introduction of a signalised junction will impact negatively on not only traffic flows but also the AQMA. Therefore, we feel that it is vital that full consideration is given to how this can be addressed as part of this application.

Traffic heading south towards the crossroads is already queuing at this point on Cranbrook Road, but the traffic heading north away from the crossroads is generally moving freely. The introduction of the signalised junction will result in queuing traffic heading north in addition to that heading south, which will exacerbate the congestion, especially given the parked cars on the Cranbrook Road. This increase in congestion will no doubt have a detrimental impact on air quality. Any assessment of this impact will also need to take into account that there are no pavements on the west side of Cranbrook Road, meaning that all pedestrians will have to use the signalised crossing point.

HPC objects to this application in its current form and would like to be kept fully involved as this application progresses. We request that this is considered a

Category Y application, assuming it is actually going to be a delegated decision rather than considered at committee.

- 7.05 **Environment Agency** –  
(27.06.22) no additional comments

Comments on application (04.04.22) no comments

We have assessed this application as having a low environmental risk. We therefore have no comments to make.

- 7.06 **Kent Police** – (25.11.22) advice

Our comments in relation to previously refused applications (17/03780/OUT, 18/03385/OUT) remain valid. The applicant/agent should address crime prevention and demonstrate the seven attributes of CPTED when applicable. CPTED addresses: **Access and Movement**: Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security; **Structure**: Places that are structured so that different uses do not cause conflict; **Surveillance**: Places where all publicly accessible spaces are overlooked; **Ownership**: Places that promote a sense of ownership, respect, territorial responsibility and community; **Physical Security**: Places that include necessary, well-designed security features; **Activity**: Places where the level of human activity is appropriate to the location and creates a sense of security at all times and **Management and Maintenance**: Places that are designed with management and maintenance in mind, to discourage crime in the present and future.

To date, the applicant has not addressed our previous comments. If this planning application is approved, we would like to request that a condition is included as part of the planning approval to ensure that Crime Prevention is addressed effectively and opportunities to design out crime are not missed.

- 7.07 Comments on additional information – (10.11.22) more information required

The applicant has not yet addressed our previous comments. We note The Proposed Site Layout Plan Showing Boundary Treatments. We would like to request a crime prevention statement to be submitted as part of this application to address our updated comments below. We recommend the applicant attains an SBD certification, which is free of cost, to show commitment to crime prevention and community safety. Additional information required as set out in previous comments above.

- 7.08 Comments on additional information – (11.07.22) more information required

Having reviewed the amended Design and Access Statement online, additional information is requested on: boundary treatment, access control, alarms, CCTV, recessed entrances, shared surfaces, carpark design, the cycle and bin store, lighting, doorsets, windows, mail and landscaping.

- 7.09 Comments on application (19.04.22) more information required

Comments in relation to applications (17/03780/OUT, 18/03385/OUT) remain valid. The applicant/agent should address crime prevention and demonstrate the seven attributes of CPTED.

Request a crime prevention statement to be submitted as part of this application, if successful, to address our comments and to provide further information in relation to physical security and security measures to be adopted. We recommend the applicant attains an SBD certification, which is free of cost, to show commitment to crime prevention and community safety.

The following issues need to be addressed, including:

1. Development layout and permeability
2. Perimeter, boundary, and divisional treatments
3. Parking inc. visitor
4. Lighting and CCTV
5. Access Control – full audio-visual access will be required
6. Doorsets
7. Windows
8. Mail delivery
9. Cycle and bin storage

If approved, site security is required for the construction phase. There is a duty for the principal contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

Our comments are designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

- 7.10 **Scotia Gas Networks Ltd (SGN)** –  
(27.06.22) no additional comments

Comments on additional information (14.04.22) – general advice  
Advice and map of gas pipes in area

- 7.11 **UK Power Networks**  
(27.06.22) no additional comments

Comments on additional information – (14.04.22)- advice  
Advice and copy of records which show the electrical lines and/or electrical plant in the area.

- 7.12 **KCC Flood and Water Management** – (19.10.22)

No objection - a strategy has been provided that works within the layout of the site. Kent County Council as Lead Local Flood Authority have reviewed the additional information (Drainage Strategy Layout IDL/775/07/01 Revision P01 and the Microdrainage calculations) provided and have the following comments:

We understand from the information provided that the surface water for the site will be managed using a combination of permeable paving and cellular storage, prior to discharge to the ordinary watercourse parallel to the southern boundary of the site. We understand that a staged discharge is proposed utilising the following calculated greenfield rates of 1.3 l/s (1 in 2 year), 3.4 l/s (1 in 30 year) and 4.8 l/s (1 in 100 year). Further details of the complex flow control mechanism will have to be provided as part of condition 11.

A strategy has been provided that works within the layout of the site. Therefore, we would raise no objections to the approval of the reserved matters stage.

- 7.13 Comments on additional information – (15.07.22) objection – further information required Kent County Council as Lead Local Flood Authority have reviewed the submitted information and note that no further information regarding the surface water drainage strategy has been provided since our last response regarding the proposed development on 21 April 2022.

Given the comments above, we would recommend that a complete surface water drainage strategy is provided for review to ensure that the drainage measures design requirements are accounted for and do not impact the masterplan proposed. We therefore, recommend delaying determination on the reserved matters until this information is provided.

- 7.14 Comments on application – (21.04.22) object – drainage strategy required  
No surface water drainage strategy has been provided for the proposed development. We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

At a minimum, a drainage strategy submission must comprise:

- A drainage proposal schematic or sketch
- A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
- Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)
- Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic
- Drainage strategy summary form (from our Drainage and Planning Policy Statement)
- Consideration of key questions and / or local authority planning policy requirements.

Our Drainage and Planning Policy Statement sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development and should be referred to for further details about our submission requirements. This is available to download at: [www.kent.gov.uk](http://www.kent.gov.uk)

- 7.15 **Southern Water**– (05.12.22) no objection  
The submitted drawing (IDL/775/07/20 REV-P01) indicating easements to public foul sewers would be satisfactory to Southern Water. All other comments in our response dated 02/01/2019 remain unchanged and valid for the amended details.
- 7.16 Comments on additional information – (19.10.22) object – further information required. The developer is requested to submit a revised site layout indicating the standoff distance from the public foul sewer or a diversion application for the public foul sewer under S185 of Water Industry Act.

All other comments in our response dated 15/07/2022 remain unchanged and valid. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

- 7.17 Comments on additional information – (15.07.22) object – further information required. The submitted additional information shows that developer is intending to divert the public foul sewer. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act. An application

should be made using Southern Water's Get Connected Service at:  
[developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk)

Under current legislation, Southern Water can consider the adoption of SuDS if they are to be designed and constructed in line with the Design and Construction Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents](http://water.org.uk/sewerage-sector-guidance-approved-documents)). No new soakaways, swales, ponds, watercourses, associated attenuation tanks or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main. All other comments in our response dated 02/01/2019 remain unchanged and valid.

- 7.18 Comments on application (22.04.22) – object- further information required  
The proposed development lies over public foul sewer which is not acceptable to Southern Water. The submitted drawings do not show any protection measures (easement) for the foul sewer within the site. The drainage proposals shall include protection measures to be shown to satisfy the requirement to maintain standoff distances for public apparatus. These drainage apparatuses might be diverted, or layout redesigned.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

- 7.19 **Natural England** – (01.12.22) no objection  
Comments on additional information – (29.11.22) no additional comments  
The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Comments on additional information – (06.07.22) no additional comments

Comments on application (25.04.22) – no objection  
Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.  
Natural England's generic advice on other natural environment issues is set out at Annex A.

- 7.20 **KCC Highways** – (10.01.23)  
Thank you for the amended plan IDL/775/05/01 REV PO4 which now refers to the agreed access arrangements. It is recommended that a condition/informative is also added to cross reference this REM application to the agreed access arrangements approved under the outline consent.

*(Officer note: Requested condition has been added to the recommendation)*

- 7.21 Comments on additional information (08.12.22) object - more information required:  
Further to earlier requests, the highway authority requires the plan to show a tie in with the approved access arrangements which include a new signalled junction. Once we have this I will consult with the Agreements Team regarding the proposed levels.

- 7.22 Comments on additional information (27.07.22) object - more information required  
As stated in our earlier comments, the proposed layout plan does not reflect the approved access arrangements which includes a signalled junction. The highway

authority considers it essential that in keeping with condition 1, the layout plan at REM should reflect the approved access arrangements and so demonstrate how the proposed internal access road ties in with the approved junction arrangements with the A229.

Condition 20 also requires that details of parking and turning shall be submitted at this stage, which will require details of turning for larger vehicles including the 11.4m refuse vehicle.

- 7.23 Comments on application: (22.04.22)- object - further information required: This is unusual in that very little information has been submitted beyond that submitted for the outline application (17/03780) where access was determined and granted at appeal.

Furthermore condition 1 of the approval at outline expects REM to include details of the internal access road and parking and turning of vehicles (condition 20) . The latter should include the swept path analysis for the 11.4m refuse vehicle.

Whilst the highway authority would not seek adoption of the internal access road, adoption into the site is likely to be required in order to accommodate the proposed signalled junction at the access. It is usual for the reserved matters to demonstrate how the internal layout will tie in with the proposed access arrangements. Here the submitted plan does not reflect the agreed access arrangements or give any indication of proposed areas of adoption. It is noted that separate conditions cover details of the internal access road (22) but the REM also requires these details and we do need to understand how the internal layout can be suitably tied in with the proposed access arrangements.

Clarification is also sought as to whether all the parking spaces are for the residents or whether the separate four spaces are available for adjacent commercial uses, in which case additional visitor provision is recommended.

Informative: recommended for KCC Highways approval to carry out works on or affecting the public highway

- 7.24 **TWBC Conservation and Urban Design Officer**– (18.11.22)  
No objection to the amended drawings:  
Further to my last email to you dated 12 October, I have reviewed the amended elevation drawings for the development and can confirm that I am supportive of these, which have improved the design quality. This was the last of my concerns/queries and so I am now supportive of the proposal.
- 7.25 Comments on additional information – (12.10.22) concern with the design quality façade: Further to my comments below, I am responding to the most recent submissions for this application, some of which are responses to my comments. This is set out in the ‘Design Response’ document.

1. I can understand the constraints of the site and the need to layout the parking as proposed. I also appreciate the inclusion of the brick walls to enclose the parking as this will increase the quality of the public realm, along with the additional street tree planting. Understood as well about the four additional spaces at the ‘front green’, which are part of the parking strategy for the site.
2. I can accept the amenity space strategy as described and support the use of soft landscaped boundaries.

3. The clarification of the hard surfacing in relation to the pedestrian access is welcome and so this query is resolved for me.
4. I remain concerned about the design quality of the façade treatment of the apartments, as per my comments of 19.05.22

7.26 Comments on application (19.05.22)- further information required

I note that the outline application was allowed at appeal and that the Inspector acknowledged the indicative layout of the proposal, similar to that submitted with the REM, and that given the constraints of the site the REM layout would be unlikely to differ greatly from the submitted illustrated layout. Building designs were not discussed in the decision. Notwithstanding that, I have the following comments to make:

- I note that there is a requirement by condition through the appeal decision to submit a landscaping plan. There are very few details given here and this is essential for the quality of appearance of the scheme.
- Related to that, the parking area will unfortunately dominate the entrance before arriving at the larger apartment block. I note the intended planting to the east of it and around the sides, but it will in my view still look quite stark and car-dominated. Could the spaces be broken up or this plot realigned to better address the road with the parking to the side?
- I'm not certain what the four parking spaces are to the north, on the entrance green.
- Are boundary features proposed for the entrance green? I ask, as this appears to be the only amenity space for plots 1-6 but it's right next to a busy road so I'm not sure how desirable it would be as an amenity space, particularly with the car parking spaces eating into it. Split rail fences might assist?
- Going back to this point, there are few amenity spaces available – those around plots 1 to 6 are not useable at all, and those around 7-25 are fairly narrow and in a dip at the north so may not be inviting places.
- The footpath just ends at the odd junction of the slip access and the existing road – presumably there will be little traffic on the existing road but it's unclear to me how pedestrians will negotiate the end of this footpath and the beginning of the one that runs just in front of the bigger block.
- We need details of the hard surfacing materials, particularly for the parking areas.
- APARTMENT DESIGN: I find the mix of weatherboarding and brick (as indicated) odd, with some weatherboarding covering the top two floors, and some only the top floor. Weatherboarding in any case may look odd on apartment blocks of this scale. Generally, the design is a bit simplistic and therefore has a feel of out-of-scale domestic dwellings. I note that this has changed from the more detailed design of the indicative blocks in the outline application and is a step backwards from good design in my view. We also need details of the materials at this stage, at least a mood board, and I note this was a condition to the outline.

7.27 **TWBC Landscape and Biodiversity Officer (21.12.22)**

I previously raised concerns about the lack of information in respect of:

- Levels/retained vegetation
- Retaining elements
- Drainage

Further information has been provided so that the proposed levels of buildings and roadway are clear and changes in levels can be seen. Retained elements, notably the large retaining walls (4m+) behind the buildings can be seen in context. Whilst technically feasible no details of these walls have been provided. The boundary

treatment plan indicates sheet piling behind Units 1-6 and “reinforced bank” to the rear of Units 7-25. The design/materials choice/finish of this is important as a number of units will look directly onto this walling where it will fill their available view. This can probably be secured by condition but great care is needed when considering this detail.

Not so clear is the relationship between road/parking and retained trees. Levels indicate some cut and fill with a maximum of + or – of 400mm. However, it appears that the element of cut is in an area of no dig construction and where there are areas of fill some revetment will be required to support the roadway. As trees are not shown on the drawing it remains unclear to me as to the likely extent and scale of possible effects on trees (hopefully) to be retained. At present it remains unclear to me whether the trees can be retained or not.

Further information has also been provided on drainage but I will leave others to comment on this. I also made a comment on the building entrance but will leave that matter to the Urban Design Officer.

7.28 Comments on additional information – (26.07.22) further information required  
Conditions 1 and 13 are interconnected, details are required to show how the road will relate to the woodland area. Levels are very important as the internal access road will be in a different location to the location shown on the approved site plan. We have measured the approved site plan and your submitted site plan, and here is an approximate difference of 6m. We discussed this at our meeting in the Council Offices. If a plan with levels was submitted at the Outline stage, you will need to resubmit that drawing, as no plans showing levels are listed in the approved documents at condition 4. We will need a drawing to show a clear indication of the internal road construction, and the change of levels on the site in relation to the woodland.

7.29 Comments on additional information – (27.06.22) further information required  
The information on access is somewhat confusing as it shows several versions. It would be helpful to have just the one that is approved/proposed to be implemented.

The sections relate to existing levels not the proposed levels. The access, as shown on page 14 of the arboricultural method statement, clearly comes close to retained protected trees and there is a significant no dig area – this is where we have asked for information – what will be the exact levels and falls of the roadway, how will the roadway be retained without harm to the trees, how will the no-dig requirements be implemented? This needs to be intergraded with any service requirements and vehicle barriers to the edge of the roadway.

7.30 Comments on application (19.05.22) Further information required  
A landscaping plan to show the road levels, i.e., a general plan to show the trees, and to show that the road can be built without harm to the trees, also we will need to see cross section drawings.

7.31 **Client Services** (04.10.22)- advice  
The latest information has some changes to landscaping/ road layout. Providing that there is room for a 9.5mt in length, 2550mt width and a turning circle of 17.1mt width 26 Tonne refuse freighter to enter site turn and exit forwards onto Cranbrook Road this should not affect original comments.

7.32 Comments on additional information (01.04.22) - advice



Bins will be required to be purchased from TWBC by the developer or their client prior to the [properties being sold or occupied as domestic properties. As with a previous submission there appears to be no given information for refuse / recycling storage capacities, albeit shows/cycle/bin store on plan .As alternate weekly collections. I will give what is felt required ( increased packaging online shopping has affected recycling capacities required.)

7.33 **Environmental Protection**\_(26.05.22) (28.07.22) (16.11.22) no objection, informative recommended

The Environmental Protection Team requested a number of conditions on the original application which were subsequently attached to the appeal decision. Further conditions relating to noise were previously requested in respect of these reserved matters. I have no additional comments to make in respect of these amendments.

Informative recommended:

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

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

Summary of key points from applicants' explanatory emails with the submitted amended drawings (10.11.22)

- The amended drawings reflect an improved elevational treatment following feedback from yourself and the Urban Design and Conservation Officer.
- There were some minor updates to the floor plans to adjust window locations in a few places, but otherwise the elevations now offer an improved design that breaks up the building and adds some more interesting detail.
- We have also prepared a separate new drawing that shows the front elevations of both blocks in full colour at 1:100 (drawing ref. 30449A 15) so you are able to see the materials and detailing more clearly.
- I also attach an easement plan for the public sewer. It shows a very marginal encroachment however the detailed design of the building construction can seek to resolve this once the true line and level of the FW sewers are established and the next stages.
- See attached update highways plan with levels. It demonstrates that the road gradient is no steeper than 1 in 20 across the area of the signalised junction area.
- Also attached is the easement plan with scale.

## 9.0 **BACKGROUND PAPERS AND PLANS**

Application Form

Cover Letter- amended

Additional Information letter

Amended Design and Access Statement (June 2022)

Design Response 28.09.22

Agents' Explanatory emails 10.11.22

Drawing 22335C/01 - Site Location Plan

Drawing 30449A/11 - Proposed Site Layout Plan

Drawing 30449A/09 Rev A - Proposed Site Sections

Drawing 0449A/03 Rev B - Plots 1 to 6 - Proposed Elevations

Drawing 30449A/04 Rev B - Plots 1 to 6 - Proposed Floor Plans

Drawing 30449A/05 Rev B - Plots 7 to 25 Proposed Ground and First Floor Plans

Drawing 30449A/06 Rev B - Plots 7 to 25 - Proposed Second Floor & Roof Plans  
Drawing 30449A/07 Rev B - Plots 7 to 25 - Proposed Elevations  
Drawing 30449A/15 - Plots 1 to 6 and 7 to 25 - Proposed Front Elevations  
Drawing IDL/775/05/01 P04 - Levels Strategy Layout (amended to remove reference to the sheet piling and cross ref annotation to AECOM Plan 03156024-SK14 E)  
Drawing IDL/775/07/20 P01 - Foul Water Sewer No Build Zone  
Drawing IDL/775/00/01 Rev P01 - Vehicle Tracking Layout (Refuse Vehicle)

## 10.0 APPRAISAL

### Principle of Development

- 10.01 The principle of development has been approved in the outline approval. The detailed matter of access has been approved, and Condition 1 of the Appeal Decision for 17/03780/OUT requires that the Approval of the details of the layout, scale, appearance, internal access roads, and landscaping of the development (hereafter called "the reserved matters") be obtained from the Local Planning Authority before development commences and the development shall be carried out as approved.

### 5 Year Housing Supply

- 10.02 The Council cannot demonstrate a 5-year housing supply at present which is 4.49 years as of 1 April 2022. However, this is not a significant consideration with regard to this application, as this is an allocated site for housing in the existing Local Plan and in the Submitted Local Plan as well as already benefitting from outline planning permission. Therefore, the principle of housing on this site has been accepted both by the Council through the allocation of the site and the Inspector in allowing the appeal.

- 10.03 This site is an allocated site in the adopted Local Plan, SALP and the Submission Local Plan. The most recent policy is that of the Submission Local Plan and it reads as follows:

"Policy AL/HA 2 – Brook House – Cranbrook Road.

This site, as defined on the Hawkhurst Policies Map, is allocated for residential development providing approximately 25 apartments, of which 30 percent shall be affordable housing.

Development on the site shall accord with the following requirements:

1. Provision of a highway assessment to inform vehicular access to the site and highway works needed;
2. There is no unacceptable impact on air quality, having regard to any mitigation measures provided;
3. Proposals to have regard to Tree Preservation Orders, with the layout and design of the development protecting those trees of most amenity value, as informed by an arboricultural survey;
4. Provide on-site amenity/natural green space and children's play space;
5. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/HA 1."

- 10.04 The proposal is in accordance with this policy, as follows;
- The access has already been approved at appeal. There are no changes to the approved access arrangements.
  - There is no unacceptable impact on air quality, having regard to any mitigation measures provide, and this is dealt with under the discharge of the appeal decision conditions.

- There are no Tree Preservation Orders, and the layout and design of the development will protect those trees of most amenity value, as informed by the arboricultural survey submitted with the outline approval.
- On -site amenity/natural green space has been provided; however a children's play space is not considered to be acceptable due to the access and parking constraints at this site.
- Contributions are to be provided to mitigate the impact of the development, as set out in the S106 agreement approved with the outline approval.

10.05 The Hawkhurst Neighbourhood Plan (HNP) was first made on 28.03.2018, before this application was approved (17/03780/FULL) at Appeal on 01.04.2019. The Planning Inspector considered the policies in the HNP when considering the application, reference is made on page 2, para 9 of the Appeal Decision and determined there were no policies that would indicate refusal of the scheme.

10.06 The site is a brownfield site/previously developed land and that the proposal is consistent with Policy CP1 of the Core Strategy.

#### **Land ownership**

10.07 The Inspector concluded that this site is located to the north side of Hawkhurst and is a component part of a wider housing allocation for approximately 40 dwellings (Policy AL/HA1 of the Site Allocations Local Plan 2016). The site is a brownfield site/previously developed land and that the proposal is consistent with Policy CP1 of the CS. Notwithstanding this, the Inspector stated in the appeal decision that this site has a number of constraints, these include brook/stream that runs through the site, changes in levels and the requirement to retain an established tree screen that is a constituent part of the landscape character of the area.

10.08 The Inspector also concluded that "the proposal seeks to develop the part of the housing allocation that is within the control of the appellant, whilst ensuring that the remaining part of the site which is in different ownership could be brought forward at a later date. Therefore, whilst it is unfortunate, based on the evidence before me and what I heard at the Hearing I am of the view that it is unlikely that a single scheme for the whole housing site allocation that could potentially utilise a single site access will come forward due to the on-going land ownership issues." The matter of the separate ownership of the parcels that form the overall site allocation has been dealt with by the Inspector and deemed not to warrant further consideration or refusal.

10.09 The Inspector also considered the broad layout that forms this reserved matters submission and with it the requirement to maintain existing private rights of way. The layout was deemed by the Inspector to be broadly appropriate and any private rights of way or access are private matters to be dealt with outside of the planning system.

#### **Layout**

10.10 The site layout follows the form described in the outline approval, with two discrete blocks of apartments set within a sloping wooded landscape adjacent to Cranbrook Road. The smaller 'entrance' block one is designed in a more vertical emphasis to recognise its position 'turning the corner' along the access road and will present a massing that evolves visually on procession through the site. The larger secondary block two is predominantly vertical in form but has a number of vertical projecting elements to break up this dominance and continue the sensation of architectural 'reveal' as one travels through the scheme. The proposed site layout plan, shows a small entrance green area on the northern side of the new access, adjacent to a new electricity substation, together with 4 parking spaces. A further 12 parking spaces are in front of block one. There are 8 parking spaces along the southern side of the

access drive, with a further 6 parking spaces further to the west along the southern side of the access drive, to the front of the larger block two, together with a turning head. Full details of the parking and turning are required to be submitted to discharge planning condition 20 (Details Parking and Turning - pursuant to Condition 1) of the outline approval.

10.11 The Reserved Matters layout is similar to that of the Outline application being two separate blocks of apartments. It demonstrates that the siting of the blocks accords with the positioning at the Outline stage and indeed was tested at the Appeal by the Inspector (in regard to impact on the character of the area as well as on site constraints such as drainage). On this matter the Inspector concluded that the main issues were:

- the effect of the proposal on the highway safety; and
- the effect of the proposal on the surface water flooding; and
- the effect of the proposal on the character and appearance of the area.

### **Housing Mix**

10.12 Block One contains flats 1-6, all of which are the affordable housing units, and the remaining market units (flats 7-25) are within the larger building, Block Two.

- Block One contains 6 flats of which; 4 are 2 bed flats, and 2 are 1 bed (M4(3)) flats.
- Block Two contains 19 flats of which; 1 is a 3-bed flat, 8 are 2 bed flats, 8 are 1 bed flats, and 2 are 1 bed (M4(3)) flats.

The schedule of accommodation sets this out in more detail.

### **Highway Safety**

10.13 The Inspector concluded that: “The Council and the Local Highway Authority have argued that the proposed access for the development which includes a demand activated signal-controlled junction would result in harm to highway safety and that the design solution is not appropriate given the overall scale of both the proposed development and the overall housing allocation of approximately 40 dwellings. Their preferred option would be to have a single access for the whole housing site allocation. without the requirement for signalised control. However, as set out above given the land ownership constraints it is not possible to achieve these outcomes and as such without the provision of a signal-controlled junction the necessary visibility could not be achieved due to a combination of vegetation and highway geometry. Furthermore, there is no substantive technical evidence before me to suggest that traffic signals would increase traffic congestion or materially increase the displacement of on-street parking to the detriment of highway safety. Consequently, at the Hearing the Highway Authority accepted that the proposal would not result in an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe. Therefore, whilst I accept that it is unusual to find traffic signals used on a development of this scale, given the site-specific constraints, I consider that the proposed demand activated signal-controlled junction is a cost-effective mitigation that ensures that there would not be any significant impacts on the transport network or highway safety.”

And

10.14 “Therefore, having reached the conclusions above, that the proposed signalised junction in this site-specific circumstance would be appropriate and as such the development would not result in severe harm to highway safety. The proposal would therefore be consistent with Core Policy 3 of the CS, Policies EN1, TP3 and TP4 of

LP and Policy AL/HA1 of the SAD. In reaching this conclusion I have had regard to Paragraphs 102,103 and 108-111 inclusive of the Framework”

- 10.15 This matter of highway safety and the appropriateness of the new access point and signalised junction has been considered and deemed acceptable by the Inspector. This application does not propose any changes to the approved access arrangements or junction and therefore the same conclusion must be reached. Furthermore, there are no objections from KCC Highways as the Highway Authority.

**Surface Water Flooding**

- 10.16 The Inspector considered the matter of Surface Water Flooding and concluded that: “The appellant’s proposed surface water drainage solution for the development would be attenuation with controlled discharge to the watercourse at the boundary. This is supported by a flood risk assessment that concludes that there would be a very low risk of flooding to or from the development. Furthermore, Policy AL/HA1 of the SAD does not identify any site-specific surface water issues that would need to be addressed as part of any subsequent planning application. Nonetheless, the Council have argued that they require greater detail to demonstrate that surface water can be appropriately managed within the site.”

And

- 10.17 “Therefore, whilst I accept that the precise detail of the surface water drainage scheme has not been provided within the outline application, the appeal site is located within Flood Zone 1. These are locations where the Framework seeks to steer new development due to it having the lowest probability of flooding. Therefore, given that the layout, scale, appearance, internal access roads, and landscaping of the proposed development are all still to be resolved, it is reasonable for a detailed surface water drainage scheme to be completed as part of the final design process. Consequently, there is no substantive technical reason why surface water drainage for the proposed development could not be adequately addressed by the imposition of conditions requiring the submission of a detailed scheme, particularly given that the site is within an area identified as having a very low risk of flooding.”

And

- 10.18 “Therefore, based on all of the evidence before me I conclude that subject to the imposition of planning conditions (No’s 1, 11 and 12) the proposed development would be highly unlikely to materially increase the risk of surface water flooding. As such, the proposal would not conflict with Policy EN16 of the LP and Policy AL/HA1 of the SAD. In reaching this conclusion I have had regard to Paragraphs 162 to 165 of the Framework.”

- 10.19 These measures have been expanded to some extent as part of this reserved matters submission. A drainage strategy has now been submitted. Kent County Council as Lead Local Flood Authority have reviewed the Drainage Strategy Layout (IDL/775/07/01 Revision P01) and the microdrainage calculations provided, and agree that it works within the layout of the site, and raise no objections to the approval of the reserved matters stage.

- 10.20 However, it is understood from the information provided that the surface water for the site will be managed using a combination of permeable paving and cellular storage, prior to discharge to the ordinary watercourse parallel to the southern boundary of the site. KCC understand that a staged discharge is proposed utilising the following

calculated greenfield rates of 1.3 l/s (1 in 2 year), 3.4 l/s (1 in 30 year) and 4.8 l/s (1 in 100 year).

- 10.21 Therefore, further details of the complex flow control mechanism will need to be provided as part of a discharge of planning condition 11.

**Character and Appearance of the Area**

- 10.22 The Inspector concluded that: "Whilst the original application was submitted in outline form with all matters apart from access reserved for subsequent approval; the Council argued that the proposal would result in a development that was cramped and out of character with the surrounding area. Notwithstanding this, it was accepted by the Council at the Hearing that given the constraints associated with the site the final design solution would be unlikely to differ greatly from the submitted illustrated layout (two blocks of apartments). I have therefore used it as a broad guide in relation to assessing the effects of the proposal on the character and appearance of the area. In doing so I accept that there is potential for an alternative site layout and arrangement, although the access to the site would be fixed."

And

- 10.23 "Based on the evidence before me and my observations I accept that whilst elements of the new development would be visible, the views would be largely contained by the natural topography of the site and its surroundings and as such the effect of the proposed development would be localised. Furthermore, these views would not be out of context in the setting of Hawkhurst being a nucleated settlement that already has built development particularly to the south and southeast of the appeal site. Further, due to the topography of the appeal site a sensitively planned and implemented landscaping scheme consistent with the landscape character of the area would ensure that the proposal would be viewed as an organic extension of the settlement."

And

- 10.24 "I have carefully considered the Council's representations in relation to the proposed layout and its correlation with the provision of garden/amenity space and parking. However, it was common ground that the proposed scheme is largely dictated by the site-specific constraints and whilst it could be argued that the proposed garden areas would be smaller than the prevailing character in and around Cranbrook Road the scheme would not appear cramped in this site-specific context. Furthermore, if the scheme was to alter significantly as part of the reserved matters process the Council would have the opportunity to raise its concerns as part of their determination of the application."

And

- 10.25 "Having reached the conclusions above the proposal would not result in material harm to the character and appearance of the area. The proposal would therefore be consistent with Policies CP4 and CP13 of the CS, Policies EN1 and H5 of the and Policy AL/HA1 of the Site Allocations Local Plan. In reaching this conclusion I have had regard to Paragraphs 162 to 165 of the Framework."

- 10.26 When comparing the footprint of the Outline Approval with this application for Reserved Matters, the footprint, this application varies slightly in order to ensure the internal layout can meet the necessary design standards.

- 10.27 The drawings submitted now show the layout and parking, and how the internal road will be constructed and in relation to the change of levels on the site in relation to the woodland, and trees.
- 10.28 The layout of the scheme is acceptable, and the Conservation and Urban Design Officer, and the Landscape and Biodiversity Officer raise no objections to the layout of the development.

### **Appearance**

- 10.29 The outline application was accompanied by a Design and Access Statement which set out an approach to the appearance of the buildings. This aspect was considered at the appeal and the Inspector, in the decision, accepted the general approach and stated that due to the site constraints, the siting, layout and form of development is 'unlikely to result in a final design solution that differs greatly from the outline application'.
- 10.30 The Design and Access Statement did not fix the appearance of the buildings but mooted that the developments could propose an 'eclectic' traditional vernacular style that defines the architectural character of Hawkhurst and its wider context.
- 10.31 It is proposed to provide 25 apartments in two blocks, both 3 storeys high, and to a height of 12.37m. The existing building is a flat roofed 2-storey building, with no architectural merit. This proposal is 3 storeys with pitched roofs, hence the difference in max height.
- 10.32 The site is in a dell and on a slope, and therefore the constraints of the site reflect the proposed layout. The inclusion of the brick walls to enclose the parking will increase the quality of the public realm, along with the additional street tree planting. The four additional parking spaces at the 'front green', are part of the parking strategy for the site. The amenity space strategy uses soft landscaped boundaries. The hard surfacing in relation to the pedestrian access is welcomed.
- 10.33 The design quality of the façade treatment of the apartments, as per the amended elevation drawings have significantly improved the design quality, and the Conservation and Urban Design Officer is now supportive of the detailed appearance and the design quality of the façade of the proposal.
- 10.34 The amended plans submitted are now considered to be acceptable, and the appearance of the proposed scheme would assimilate well into the site and is in accordance with the parameters and principles established through the outline permission and in compliance with the relevant Local Plan policies.

### **Scale**

- 10.35 The Scale of the development accords with the principles of the Outline application with the overall number of dwellings being the same (25 dwellings) and the location and massing of the 2 blocks also being similar. The Reserved Matters shows a slight increase in height, which again reflects the desire to deliver compliant design standards internally.
- 10.36 The overall scale of the development is dictated primarily due to the levels on site which, as identified in the Appeal Decision, results in some elements of the new development being visible, but that the views would be largely contained by the natural topography of the site and the surroundings. Accordingly, the Inspector concluded that any effect of the development would be localised. Furthermore, the Appeal Decision continued to conclude that the scheme would not appear cramped

and that if the scheme was altered significantly at the Reserved matter stage, the Council would have the opportunity to raise concerns.

- 10.37 As set out above, the Reserved Matters does not alter the scheme significantly (both in height and scale) and therefore the conclusions of the Appeal Decision remain valid. This crucially include that the proposal would not result in material harm to the character and appearance of the area and that with a sensitively planned and implemented landscape scheme (subject to Condition 6), the proposal would be consistent with the landscape character of the area and would ensure that the proposal would be viewed as an organic extension to the settlement.
- 10.38 Amended plans have now been submitted, drawn to scale, with sufficient detail to assess the elevational details and height.

#### **Landscaping and Biodiversity**

- 10.39 The Landscape and Biodiversity Officer has stated that Conditions 1 and 13 are interconnected, and details are required to show how the internal road will relate to the woodland area. Levels are very important as the internal access road will be in a different location to the location shown on the approved site plan.
- 10.40 The coloured site layout plan identifies how the two apartment blocks sit within the landscape setting including a green entrance setting, and the retention of mature trees on the southern boundary. The detail of the landscaping will be addressed under Condition 6: (Landscape scheme) and Condition 8: (Landscape and Ecological Management Plan (LEMP)) of the Appeal Decision. Condition 8 is a pre-commencement condition meaning these details would need to be agreed prior to works starting on site. Accordingly, the Approval Reserved Matters demonstrates how the layout allows for appropriate landscaping and management to come forward in due course as required by the Appeal Decision.

#### **Highways Access and Parking**

- 10.41 The Outline permission has already approved the access arrangements. This Approval of Reserved Matters does not seek to amend the approved highway access, which was approved in detail in the Appeal Decision at Condition 4. The access has therefore been fixed and subject to implementation under Condition 21 and cannot be revisited as part of the Reserved Matters application. In addition, internal access roads are addressed in Condition 22, which requires details to be submitted prior to commencement of development.
- 10.42 The site layout proposes a total of 30 parking spaces matching that which was shown at the Outline stage.
- 10.43 The Highways Officer had asked for more information, an amended drawing has now been submitted to demonstrate the compliance with the already approved access arrangements. A planning condition as suggested by the Highways Officer has been added and the developer is in agreement with this condition.
- 10.44 Notwithstanding that the planning condition 20 requires this information to be submitted with the Approval of Reserved Matters, it is considered that this outstanding information can be submitted in due course to discharge planning conditions Condition 20 (Details Parking and Turning - pursuant to Condition 1), and Condition 22 (Details of proposed Access Road through the site and timetable).

#### **Contamination**



- 10.45 The Geotechnical Report submitted with the outline approval, identifies various possible sources of contamination at point 6.2 as follows: heavy metals polyaromatic hydrocarbons (PAH) and asbestos within made ground associated with landscaping on the site, back filling of ponds and beneath roadways. In addition, localised contamination by Poly Chlorinated Biphenyl (PCB) and petroleum hydrocarbons may also be present. Sampling and testing of the underlying soils will be required to confirm the contamination status on site. Planning condition 15 (Contamination) of the outline application will address these concerns when details are submitted to discharge the planning condition 15 in due course.
- 10.46 In addition, given the age of the existing office building to be demolished, it is likely that the building fabric may contain asbestos materials, which will need to be carefully considered during demolition and clearance of the site, and if present dealt with in accordance with current legislation.

**Matters raised by the Parish Council**

- 10.47 There are 2 reasons for the call in:
- outstanding concerns raised by other consultees that have not yet been fully addressed
  - concerns about the impact of the signalised junction on traffic and the impact on the AQMA. We are mindful that whilst both TWBC and KCC argued against the signal-controlled junction, the inspector felt this would be appropriate. However, the AQMA was not in place at the time of his decision.
- 10.48 Call in Reason One - the concerns raised by other consultees have now all been addressed:
- 10.49 **KCC Highways Officers** following receipt of most recent amended plan have no objections to the approval of the Reserved Matters subject to the inclusion of a condition.
- 10.50 **The Landscape and Biodiversity Officer** had concerns, which have now been addressed and the remaining outstanding matters can be considered when details are submitted to discharge planning conditions in the outline approval, Condition 6 (Landscape Scheme) and Condition 8 (Landscape and Ecological Management Plan) and Condition 13 (Details Ground Levels and areas of Cut and Fill).
- 10.51 **The Conservation and Urban Design Officer** has no objection to the amended drawings, and confirms that she is supportive of these, which have improved the design quality, and is now supportive of the proposal. Details of materials are required to be submitted under condition 5 of the outline permission.
- 10.52 **The KCC Flood and Water Drainage Officer** has no objection, as the additional information has now addressed their concerns. A drainage strategy has been provided that works within the layout of the site. Therefore, they raise no objections to the approval of the reserved matters stage.
- 10.53 **Kent Police** – the matters raised regarding crime prevention and design can be secured by a planning condition to this application. A crime prevention condition is not listed within the planning conditions for the outline approval and has therefore been recommended to be added to this approval for reserved matters.
- 10.54 **Southern Water** – have no objection as drawing (IDL/775/07/20 REV-P01) indicates easements to public foul sewers which are satisfactory to Southern Water. All other comments in their response dated 02/01/2019 are covered in Condition 11 of the

outline approval (Details Surface Water Drainage - pursuant to Condition 1)  
Notwithstanding the Drainage Strategy submitted, additional calculations/information are required to discharge this condition in due course.

- 10.55 Call in Reason Two- as stated above, the principle of development has been approved in the outline approval. The access has been approved, and Condition 1 of the Appeal Decision for 17/03780/FULL requires that the Approval of the details of the layout, scale, appearance, internal access roads, and landscaping of the development (hereafter called "the reserved matters") be obtained from the Local Planning Authority before development commences and the development shall be carried out as approved. Therefore, the access arrangements cannot be revisited.
- 10.56 With regard to the Air Quality Management Area (AQMA) in Hawkhurst, this came into force in 2020, i.e. after the Inspectors appeal decision was issued for the outline approval, dated 1 April 2019. Therefore, as the access has already been approved as a reserved matter with the Outline approval, the access cannot be revisited in this application. However, the application has been considered by the Council's Environmental Protection Team in the context of the AQMA and they have raised no objections to the proposal.

#### **Other Matters raised by Residents**

- 10.57 The development has been approved at appeal, the design, parking and signalised junction have all been considered above. This application site will have a new access which will tie in with the existing internal road to the 2 new buildings. The adjacent businesses will still use the existing access.

#### **Outline Approval Planning Conditions**

- 10.58 The following planning conditions are discharged as part of this application.
- Condition 1 (Approval of Reserved Matters: Layout, scale, appearance, internal access roads and landscaping)
  - Condition 2 (Submission of Reserved Matters)
- 10.59 The following planning conditions will be discharged outside of this application:
- Condition 3 (Commencement)
  - Condition 4 (Approved Plans)
  - Condition 5 (External Materials)
  - Condition 6 (Landscape Scheme)
  - Condition 7 (Code of Construction Practice)
  - Condition 8 (Landscape and Ecological Management Plan)
  - Condition 9 (Details Foul Sewage)
  - Condition 10 (Details Public Sewers)
  - Condition 11 (Details Surface Water Drainage - pursuant to Condition 1)  
Notwithstanding the Drainage Strategy submitted, additional calculations/information are required to discharge this condition.
  - Condition 12 (Verification Report – Surface Water)
  - Condition 13 (Details Ground Levels and areas of Cut and Fill)
  - Condition 14 (Details Storage and Screening of Refuse)
  - Condition 15 (Contamination)
  - Condition 16 (Watching Brief Contamination)
  - Condition 17 (Details External Lighting)
  - Condition 18 (EV Charging Points)
  - Condition 19 (Details of any plant – and noise generation)
  - Condition 20 (Details Parking and Turning - pursuant to Condition 1)

- Condition 21 (Off Site Works)
- Condition 22 (Details of proposed Access Road through the site and timetable)

### **Conclusion**

10.60 The proposal accords with the approved Outline plans, and the amended design now accords with the indicative design as submitted with the Outline application. The proposal complies with the relevant planning policy and will contribute to the supply of private and affordable housing, in accordance with local need and demand. Sufficient details have been submitted to comply with planning conditions 1 and 2 of the appeal decision for 17/03780/FULL. Additional conditions have been added as recommended by Kent Police, and the Highways Officer.

### **11.0 RECOMMENDATION – GRANT** Subject to the following conditions:

1/ Approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Amended Design and Access Statement (June 2022)  
Design Response 28.09.22  
Agents' Explanatory emails 10.11.22

Drawing 22335C/01 - Site Location Plan  
Drawing 30449A/11 - Proposed Site Layout Plan  
Drawing 30449A/09 Rev A - Proposed Site Sections  
Drawing 0449A/03 Rev B - Plots 1 to 6 - Proposed Elevations  
Drawing 30449A/04 Rev B - Plots 1 to 6 - Proposed Floor Plans  
Drawing 30449A/05 Rev B - Plots 7 to 25 Proposed Ground and First Floor Plans  
Drawing 30449A/06 Rev B - Plots 7 to 25 - Proposed Second Floor & Roof Plans  
Drawing 30449A/07 Rev B - Plots 7 to 25 - Proposed Elevations  
Drawing 30449A/15 - Plots 1 to 6 and 7 to 25 - Proposed Front Elevations  
Drawing IDL/775/05/01 P04 - Levels Strategy Layout (amended to remove reference to the sheet piling and cross ref annotation to AECOM Plan 03156024-SK14 E)  
Drawing IDL/775/07/20 P01 - Foul Water Sewer No Build Zone  
Schedule of Accommodation

Reason: To clarify which plans have been approved

2/ Highways

Notwithstanding details shown on the plans hereby approved access to the development shall be carried out in accordance with the approved plans and documents within the outline application reference TW/17/03780, as shown on AECOM drawing number 03156024-SK14 E Option 12. This includes provision of a signalled junction with Cranbrook Road (A229) and requires a series of accommodating works which include but are not limited to, widening of the eastern footway on Cranbrook Road to 2.0m, widening and reprofiling of the embankment to suit the new road junction, relocation of the headwall and provision of high friction surfacing together with provision of suitable road restraints throughout and other accommodating works.

Reason: In the interest of highway safety. Such details are fundamental to the application and are therefore required prior to its commencement.

3/ Crime prevention

The development hereby permitted shall incorporate measures to minimise the risk of crime. The buildings shall not 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. The approved measures shall be implemented before the development is occupied and thereafter retained.

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

## INFORMATIVES

- 1/ The conditions imposed on 17/03780/FULL (Appeal ref APP/M2270/W/18/3199819), as set out in the appeal decision and the requirements of the accompanying Section 106 legal agreement remain in force in relation to this development. As part of this Approval of Reserved Matters only Condition 1 (Reserved Matters) and Condition 2 (Submission of Reserved Matters) of 17/03780/FULL have been discharged. All other planning conditions and obligations shall be discharged outside of this application.
  
- 2/ KCC Highways:  
When details are submitted to discharge planning conditions 20 and 22 of 17/03780/FULL, the Highway Authority requires the plan to show a tie in with the approved access arrangements which include a new signalled junction.  
  
KCC Highways approval is required to carry out works on or affecting the public highway
  
- 3/ Street naming and numbering:  
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.
  
- 4/ Southern Water  
Southern Water have commented that the submitted drawing (IDL/775/07/20 REV-P01) indicating easements to public foul sewers would be satisfactory to Southern Water. All other comments in their response to the Outline Approval response of 17/03780/FULL, dated 02/01/2019 remain unchanged and valid for the amended details.
  
- 5/ Environmental Protection  
As the development involves demolition and / or construction, compliance with the Mid Kent Environmental Code of Development Practice is expected.
  
- 6/ Crime Prevention  
Kent Police have stated that Crime Prevention is addressed effectively and opportunities to design out crime are not missed. Crime Prevention Through Environmental Design (CPTED) addresses: **Access and Movement:** Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security; **Structure:** Places that are structured so that different uses do not cause conflict; **Surveillance:** Places where all publicly accessible spaces are overlooked; **Ownership:** Places that promote a sense of ownership, respect, territorial responsibility and community; **Physical Security:** Places that include necessary, well-designed security features; **Activity:** Places where the level of human activity is appropriate to the location and creates a sense of security at all times and **Management and Maintenance:** Places that are designed with

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management and maintenance in mind, to discourage crime in the present and future.

Case Officer: Jennifer Begeman

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

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