

## REPORT SUMMARY

**REFERENCE NO - 22/01882/FULL**

### APPLICATION PROPOSAL

Residential Development comprising 26 dwellings (replacement of no. 1 existing dwelling, and the erection of no. 25 dwellings) with access from Sand Road with associated landscaping and infrastructure.

**ADDRESS** Land At Down Farm Lamberhurst Tunbridge Wells 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

- In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”.
- Paragraph 11 and Footnote 8 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied).
- The site is located in an area of particular importance referenced in footnote 7 – in that it is designated as an Area of Outstanding Natural Beauty and designed heritage assets would be affected by the proposal. The proposed development is not considered to amount to ‘major’ development in the AONB.
- Whilst the site is positioned outside of the LBD it is not considered to be within an ‘isolated’ rural location.
- It is agreed that the landscape effects of the development would be very localized, and the scheme is considered to offer some landscape benefits in terms of securing the wider land into positive management – and would successfully integrate into the landscape.
- The development would not have a significant impact upon heritage assets and the impacts caused would amount to less than substantial harm, at the lower end. This harm is considered to be outweighed by the public benefits of the proposal in accordance with para 202 of the National Planning Policy Framework.
- It is concluded that the level of harm in relation to heritage assets and the AONB does not indicate that the application should be refused.
- The proposals would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and local policy in respect of these material considerations.
- The proposal would deliver 26 dwellings (25 net) towards the housing supply, 10 of which (40%) would be affordable housing (of which the rented element is to be provided as social rent) that weighs in favour of the scheme.
- The proposal would secure financial contributions towards TWBC, KCC and NHS projects (detailed below).
- The quantum of development, layout and design of the proposed dwellings are considered appropriate and in keeping with the context of the site and surrounding area.
- The development would not be materially harmful to the residential amenities of any nearby properties.
- The development would not result in an unacceptable impact upon highway safety or a severe impact upon the highway network and therefore would not be contrary to paras 110 and 111 of the National Planning Policy Framework.
- The proposed development is like to exceed the requirement for net gain for biodiversity.

- Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.

### INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

#### Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):

- Improvements to PROW -£17,200 – towards improvement to Footpath WT387.
- Secondary Education - £113,500.00 towards expansion of Bennett Memorial Diocesan School and / or Mascalls Academy.
- Community learning - £10,930.25 – towards Tunbridge Wells Cultural Hub -Libraries, Adult education/social care.
- Youth service - £1,637.50 towards equipment and resources for local youth centres, and to enable outreach Youth Support services local to the development
- Waste - £4,591.75 – towards the Tunbridge Wells Waste Transfer Station and HWRC expansion.
- NHS CCG - £24,912 Towards refurbishment, reconfiguration and/or extension of Lamberhurst and/or towards new general practice premises development in the area.
- Adult/youth and child play space – £5,000 towards upgrading the path, renew interpretation material and assist with some vegetation management through volunteer activity days – to be implemented by the KHWP or other approved body.

**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: £4,843.75**

**Estimated annual council tax benefit total: £50,744.40**

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

### REASON FOR REFERRAL TO COMMITTEE

The application is a major application over 20 dwellings and recommended for approval.

<b>WARD</b> Goudhurst & Lamberhurst	<b>PARISH/TOWN COUNCIL</b> Lamberhurst Parish Council	<b>APPLICANT</b> R Jarvis <b>AGENT</b> Mr Reece Lemon
<b>DECISION DUE DATE</b> 04/10/22	<b>PUBLICITY EXPIRY DATE</b> 05/08/22	<b>OFFICER SITE VISIT DATE</b> Various including 08.07.22

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

No planning history in relation to this site.

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to some 6.03 hectares of land to the south side of Lamberhurst in an area known as Lamberburst Down. The site is currently occupied by a single dwelling and substantial outbuildings understood to be associated with the use as a commercial cattery, although the planning history does not appear to indicate such a use. There are sporadic dwellings along the eastern side of Sand

Road, and a 30MPH speed limit applies. Sand Road is located to the south west and Spray Hill to the east of the site. Sand Road narrows beyond the Brown Trout Public House, to the north. The Brown Trout is a two-storey public house with associated car parking.

- 1.02 Further south from the public house, there is further two storey housing (with rooms in the roof (Anglefield Cottages). The southern part of the application site does not appear to be fenced off – there is some mature planting within this part of the site and on the road side. The site presents a green and verdant approach into Lamberhurst and the site is at the edge of the village, and on a corner that forms two approaches into the village, Sand Road and Spray Hill.
- 1.03 Spray Hill is located to the eastern side of the site, and is also subject to a 30 MPH speed limit. Land levels rise up towards the north before dropping down into the village. The road is tree lined, with the road itself sunken between two rising banks either side. Spray Hill is a Toll Road and the canopies of the trees connect contributing to the character of the approach to Lamberhurst. The tree lined approach also forms part of the setting of the approach to Scotney Castle, when approaching Scotney castle from the north. To the south of Spray Hill, it is largely undeveloped in nature. At the northern tip new dwellings can be seen, approaching into Lamberhurst itself. Materials include brick and weatherboarding in the wider area. The prevailing character of development is generally detached dwellings, set back from the road and on generous plots.
- 1.04 The existing dwelling on the site is located south of the public right of way, WT388, and a mature tree is located within the path.
- 1.05 Land levels drop down from the north to the south. There is a small section of pavement to the southern tip of the site along Sand Road, and along the western side of Spray hill there is a wide verge but this is not a formal pathway and the access narrows towards the north along Spray Hill. Footway WT 388 bisects the site, and runs east to west, exiting onto both Sand Road and Spray Hill. There is a wider network of public rights of way, including WT 380 to the south east, and into Scotney castle and National Trust site, WT 387 runs along the northern boundary, starting at Sand Road and exiting near the primary school and Pearse Place to the north. This footpath is steep in places and exits in the proximity of the school. The No. 256 Bus takes the route through Spray Hill.
- 1.06 The Lamberhurst Down Conservation Area is located to the west, and immediately abuts the application site. The Limits to Built Development (LBD) lies some distance to the north of the proposed dwellings but in reasonably close proximity to the northern most part of the site.

## **2.0 PROPOSAL**

- 2.01 The proposal is for the demolition of the existing buildings on the site and replace 1 No. dwelling and erect a further 25 dwellings, with access to be taken from Sand Road. The dwellings are to be located on the southern most part of the site and would comprise two storey dwellings, with a mix of detached, semi-detached and terrace dwellings. Materials would include white weatherboard, brindle bricks, clay roof tiles, tile hanging and white colour aluminium clad timber windows. Slate roof tiles are proposed on a number of the dwellings. Working chimneys have been included within the design of the dwellings on a number of plots.

- 2.02 Parking would be provided in the form of on plot, surface parking, parking courtyards and car barns. 37 surface parking spaces are to be provided, 24 parking spaces within car barns and 6 visitor spaces are to be provided throughout the site.
- 2.03 Access is proposed to be taken from Sand Road to the south west. A footway is proposed on the eastern side of the access road, PROW WT 388 through the centre of the site, east to west, would be maintained. The dwellings would be arranged around a central green with an internal footway and a footway exiting the site through the south east corner, onto Spray Hill to enable a link across Spray Hill and into Scotney Castle, using PROW WT380.
- 2.04 All dwellings would be set back from Sand Road and Spray Hill, and a landscape-led approach has been adopted. It is proposed that the land to the north is retained as a substantial landscape buffer/green space, and would be managed in the future via a LEMP. It is proposed that a new footway would link the new development to the village, with its amenities and services, to the north and would pass through this buffer, located north to south.
- 2.05 All on-plot parking spaces are to be provided with EV charging points.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	6.03 Hectares	6.03 HA	No change
Land use(s) including floor area(s)	Residential/outbuilding/Cattery & greenfield	Residential & open space	Residential & open space provision.
Car parking spaces (inc. disabled)	2	67 inclusive of 6 visitor spaces	+65
No. of storeys	2	2	No change
Max height E.g Plots 1 & 2		9.5m	
E.g Plot 19		9.8m	
Max eaves height E.g Plots 1 & 2		5.2m	
E.G Plot 19		5.3m	
No. of residential units	1	26	+25
No. of bed spaces	5+	104	+99
No. of affordable units	N/A	10	+10

The following dwelling/tenure mix is proposed;

	Market housing	Social rent	Shared ownership	Totals
2 bed house	3	4	1	8 (31%)
3 bed house	6	1	3	10 (38%)
4 bed house	4	1	-	5 (19%)
5 bed house	3	-	-	3 ( 11.5%)
<b>(Total</b>	<b>16 (61.5%)</b>	<b>6 (23%overall)</b>	<b>4 (15% overall)</b>	<b>26</b>

### 4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3

- Area of Outstanding Natural Beauty AONB – washes over the entire site. **AONB** (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- Biodiversity Opportunity Areas
- Common Land Lamberhurst Down - Number CL28 - KCC + 500M Buffer
- Lamberhurst Down Conservation Area located to the western side boundary (*-statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Listed Buildings – none directly on the site. Down Farm House is a Grade II listed building located to the west. Down Farm Oasts are Grade II listed buildings located to the west.
- Kent Minerals & Waste Sites 250m Buffer Kent Minerals And Waste Sites
- Limits to built development OUTSIDE LBD1 - the LBD boundary lays to the north.
- Public Footpath Public Rights Of Way - Public Footpath. Footpath WT 388 passes through the site and footpath WT387 runs along the northern boundary. There are additional links into the surrounding PROW network to the south, south west (WT389, WT390 and WT352) and south east and WT380 that links into the Scotney Castle Estate.
- Public Access Land Lamberhurst Down/Lamberhurst Village Green
- Allocation AL/LA 1 Land to the west of Spray Hill - allocated for 25-30 dwellings, within the emerging Submission Local Plan.

## 5.0 POLICY AND OTHER CONSIDERATIONS

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

Development Plan:

### **Site Allocations Local Plan (2016)**

Policy AL/STR1 – Limits to Built Development

### **Core Strategy Development Plan Document (2010):**

Core Policy 1 (Delivery of Development)

Core Policy 3 (Transport Infrastructure)

Core Policy 4 (Environment)

Core Policy 5 (Sustainable Design and Construction)

Core Policy 6 (Housing Provision)

Core Policy 8 (Retail, Leisure and Community provision)

Core Policy 14 (Development in the Villages and Rural Areas)

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

Policy LBD1 (Development outside the Limits to Built Development)

Policy EN1 (Development Control Criteria)

Policy EN10 (Archaeological Sites)

Policy EN18 (Flood Risk)

Policy H2: (Dwelling mix)

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

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

Policy TP1 (Major development requiring Transport Assessments and a Travel Plan)

Policy TP4 (Access to the Road Network)

Policy TP5 (Vehicle Parking Standards)

Policy EN25: The Rural Landscape of the Borough

**Lamberhurst NDP 'Made' 06 October 2021**

- L1 – Green Spaces - Local green spaces will be protected from development except in very special circumstances. Where opportunities arise from development, the preparation of management plans to conserve and enhance important habitats in the parish will be encouraged.
- L2 – Development within the High Weald AONB – development within the parish will only be permitted where it conserves and enhances the landscape and has regard for the High Weald AONB – development will only be permitted where it has regard to the High Weald AONB Management Plan 2019-2024 or subsequent iterations. Development should respect the settlement pattern, and its landscape setting, relate well to historic routeways and does not result in the material loss or degradation of ancient woodland. Development must conserve and enhance the ecology of fields, trees and hedgerows. Proposals should have regard for the High Weald Housing Design Guide and High Weald AONB Guidance on the selection and use of colour in new development.
- L3 – seeks to limit new housing on hillsides, retain distant views and maintain the separate identity of different parts of the Parish. Development which conserves and enhances the special character of Lamberhurst Parish will be supported, where it retains the linear form of Lamberhurst, lying on a north-south axis across the Teiss Valley, avoids hill and ridgetop locations, where its profile is visible over a large area, maintains the separate identity of the two settlements, of Lamberhurst and Lamberhurst Down to prevent their coalescence.
- L4 – development proposals will be expected to utilise all available opportunities to protect and enhance natural habitats and encourage the biodiversity of flora and fauna and to protect and enhance natural habitats.
- L5 – new housing development must be located within easy access to the public rights of way network to provide footpath connectivity from developments to existing PRow networks. Existing routes should be maintained through the site or be enhanced where possible. Where not possible a suitable alternative route should be provided to the satisfaction of the LPA and KCC HA.
- H1 - Location of housing development, new housing development will be provided by any development allocations in an adopted local plan or appropriate small scale development within, or adjoining, the 'limits to built development'.
- H2- all residential development proposals must consider the mix of housing type and tenure and will be expected to reflect the community's need for smaller and affordable dwellings (30% 1 and 2 bed dwellings and maximum of 30% 4+ dwellings). Any variation should be justified robustly. 40% affordable housing, including affordable rented and shared ownership will be sought for all developments of 10 or more dwellings and should be integrated throughout the development.
- D1 – The design of development must achieve a high quality design and reinforce local character and use traditional building materials.
- D2 – boundary treatments should reflect the character and appearance of the locality and improve biodiversity where possible. Lamberhurst village boundaries are marked by hedgerows, low walls or picket fences in metal or wood. Outside the village – hedges will normally make the most appropriate boundary treatment. Close boarded fencing will not normally be permitted.
- D4 – Dark Skies – new development should not detract from the unlit environment of the Parish.
- D5 – Housing Density – the appropriate density should be led by achieving high quality design in keeping with the local plan.
- D6 – Historic environment & - D7 - Conservation Areas – being Lamberhurst and Lamberhurst Down.

- T1 – development should be served, where possible by sustainable travel arrangements, providing opportunities for walking, cycling and enabling an active lifestyle.

**Supplementary Planning Documents:**

- Renewable Energy SPD
- Affordable Housing SPD
- Recreation Open Space SPD July 2006
- Landscape Character Area Assessment Dec 2017
- High Weald AONB Management Plan 2019-24
- Lamberhurst and Lamberhurst Down Conservation Area Appraisals

**Other documents:**

Kent Design Guide Review: Interim Guidance Note 3 (Residential parking)  
High Weald AONB Management Plan 2019-24

**Submission Local Plan 2021**

- AONB Border /AONB - EN19
- Historic Environment; Conservation Area - EN5
- AL/LA1 land to the west of Spray Hill
- Inside/Outside the LBD -STR1 The Development Strategy
- EN24 Water Supply, Quality and Conservation
- EN1 – Sustainable Design
- EN2 – Sustainable Design Standards
- EN3 – Climate change mitigation and adaptation
- EN4 – Historic Environment
- EN5 – Heritage Assets
- EN9 - Biodiversity Net Gain
- EN14 – Green, Grey and Blue Infrastructure
- EN24 – Water Supply, Quality and Conservation
- H3 – Affordable Housing

(Full weight cannot be attached to this Plan as it has not been adopted, however policies attract levels of weight based on their consistency with the existing policies, NPPF and the level of objections received to the policies.)

## **6.0 LOCAL REPRESENTATIONS**

6.1 6 no. site notices were displayed on 8 July 2022 at the locations set out below;

- 3 no site notices along Spray Hill, 2 No. site notices along Sand Road and 1 No. site notice at the end of Pearse Place footway, in proximity of the Lamberhurst St. Mary's C of E Primary School.

A newspaper advert placed on 15 July 2022.

- 6 site notices in the same locations as previously erected, re-consulted upon amended plans. These were erected 18.11.22.

6.2 9 responses were received objecting to the scheme and raising the following concerns;

- This should be part of the overall plan of Lamberhurst Council that all residents agree on;
- Light pollution is a major issue with a number of the dwellings;

- Added pressure on local services, schools, GP's etc;
- Ruins the view of the village on arrival;
- The routing of the footway linking the development and the village centre - new footpath should be as appealing as possible to all potential users, to maximise walking and reduce unnecessary car usage;
- Greatest benefit would be a direct route from the village pubs etc to the major attraction of Scotney Castle. The proposed path does not meet this need. It should run along Spray Hill or the top of the embankment;
- Transport Statement discounts this option - statement is misleading and untrue regarding the bus route – one service alone goes up Spray Hill before turning into Sand Road;
- Width of the road would be ample and if the impact on the embankment and trees poses insurmountable engineering issues, the route could run along the top of the embankment through the trees and vegetation;
- Concern that the footway would go through the green space and that they are not achievable as the local bus stops lie along the main road and the Down. Many people will not take an indirect route they will take the road as many do – and is already dangerous;
- Concern at the loss of greenfield. Wrong to characterise the site as brownfield;
- The development is exceptionally dense which is out of character with the local area of the Down, there is nothing else similar and the proposal would triple existing stock;
- Impact on the character of the area, taking into account the conservation area and Scotney Castle;
- Cars are a necessity in Lamberhurst, there will be circa 52 extra cars trying to get out onto the already busy road;
- Traffic levels on this road are already exceptionally high at peak times, it is difficult to cross the road, parking in the area is difficult, there will also be additional pollution as a result of all these extra cars;
- Exiting from Down Avenue and the Down are already risky; access is objected to;
- Footpath should be extended full length along Sand Road;
- There is no gas in Lamberhurst, most are oil or LPG heated, that needs access for tankers;
- The design of the properties is uninspired and do not appear to have had their roofs lowered to minimise their impact;
- Planting would not appear to shield the Oasts, that form an important and characterful view to the Down from Scotney which is currently entirely trees with the four Oast cowls peeping above the tree line, would now have dense housing in front of it; loss of visual amenity;
- The southern part of the site is known to flood frequently and an important sink for surface water coming off the Scotney estate;
- Proposal would result in overlooking of Spray Hill House and result in a loss of privacy;
- Impact of the development on trees;
- Impact from additional 25 dwellings on noise and disturbance;
- Size and location of the development is objected to.

6.3 No comments have been made in support of the proposal. 1 comment received neither objecting or supporting but raising the following;

- Concerned raised at the proposed access from the B2169, whilst crashes may not have been recorded, this road is extremely busy particularly at rush hour.
- Often tailbacks at the junction opposite the entrance to Scotney Castle, very close to the proposed entrance;



- Would be more sensible to access from the old A21 (Spray Hill), although there is not a footpath, this would be much more accessible; and;
- It is safer for pedestrians to walk along Spray Hill than the footpath on the B2169 where cars are often driving at speed in excess of the 30 MPH limit.

## 7.0 CONSULTATIONS

### **Lamberhurst Parish Council**

- 7.01 Comments received regarding contributions that include details of the renovations taking place at the village hall that indicate a clear commitment and phasing to renovation of the hall, to be in four phases, with phase one complete.
- 7.02 28.11.2022 – Neutral comment – please refer to the PC comments of 04.08.22. If it is not feasible to provide a pavement around Down Avenue corner - would it be possible to provide an informal footway instead? Lamberhurst PC support KCC Highways and Transportation regarding the provision of a footway along Spray Hill. Spray Hill has a far gentler gradient more suitable for the elderly, wheelchairs and mobility scooters than WT 387 which is very narrow and steep. KCC comments of 11.11.22 referenced.
- 7.03 04.08.22 – Recommendation is to approve. Lamberhurst Parish Council note that the applicant has gone to great lengths to ensure the development meets various policies regarding Design, housing mix and environment, contained within the Lamberhurst Neighbourhood Development Plan and that the site is within the LBD detailed in the TWBC Local Plan currently under consultation. It is also understood that there have been discussions with TWBC planning and KCC Highways in reaching this point. Some observations are raised by the parish and summarised below;
- Serious reservations regarding the flow of traffic onto Sand Road/B2169 is already highly congested during peak times. An additional secondary access point would alleviate the congestion and the PC ask TWBC and KCC Highways to consider this option.
  - PROW WT388 crosses the site, and the PC ask that this last surviving 'pristine' section of ancient routeway is given due protection and consideration.
  - Ask that due consideration is given to protecting the privacy of properties adjacent to the new footpath using biodiverse planting and that the general planting and environment that currently exists in the site area that is not being developed is protected as much as possible during construction.

### **Natural England**

- 7.04 27.07.22 – Summary – No objection raised, based on the plans submitted, NE consider that the development will not have significant adverse impacts on statutorily protected nature conservation sites. Generic advice attached as Annex A.
- 7.05 The proposed development is for a site within or close to a defined landscape namely the High Weald. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.
- 7.06 Your decision should be guided by paragraph 178 of the National Planning Policy Framework. It states: 178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the

area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

- 7.07 The NPPF continues to state in a footnote (footnote 60) that “For the purposes of paragraph 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.” Alongside national policy the LPA should also apply landscape policies set out in your development plan/saved policies. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development.
- 7.08 **Sites of Special Scientific Interest Impact Risk Zones** - The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Further general advice on the consideration of protected species and other natural environment issued is provided within Annex A.

#### **Historic England**

- 7.09 01.12.22 – Historic England gave advice on 28.07.22 – where concerns were raised about the heritage harm that the proposed 26 dwellings and associated infrastructure, located in the southern section of the site, would have caused to the significance of the adjacent Down Conservation Area through change of its rural setting. HE identified harm would be less than substantial and recommended TWBC consider whether this harm could be minimised, as per paragraph 195 of the NPPF and then weighed against the public benefits accruing from the proposal, as described in paragraph 202 of the Framework.
- 7.10 Advice on the revised proposals – following comments from Heritage and Landscape and Biodiversity officers, a range of minor revisions and clarifications of the design rationale have been produced to address concerns raised by various consultees and demonstrate that the proposal has been informed by the High Weald AONB Design Guide, alongside the Kent design Guide and TW Landscape Character Assessment.
- 7.11 In terms of heritage, while no changes are proposed in terms of density and layout of the previous development, a revised rear-garden boundary treatment is now planned. This would include a 1m buffer between Spray Hill and Sand Road boundaries to be covered by a management plan to secure its long term maintenance. This strategy, together with the continued retention of the existing trees along the historic boundary lines, is intended to reinforce the landscape edge between the site and its surroundings, thus helping to protect the historic agricultural setting of the Down conservation area. However Historic England comment that the retained vehicular entrance and access road from the B2169, with associated noise and lighting, would still signal residential development in this location, adding to the urbanising effect of the proposal. The amended development would result in a slightly diminished level of harm to the significance of the CA than that caused by the previous scheme. HE considers the harm is chiefly about the way in which the development would change the rural setting and the contribution it makes to the character and appearance of the adjacent CA. HE consider this harm to be less than substantial, in NPPF terms, and at the very low end of that range.
- 7.12 In reaching a decision, the Council will need to weigh the identified heritage harm against the public benefits of the proposal, as described in paragraph 202 of the

NPPF. Great weight must be given to the conservation of the heritage assets, noting the more important the asset, the greater the weight that should be given (para 199 of the NPPF).

- 7.13 **Recommendation** - HE raise concerns to the application on heritage grounds, the heritage harm previously identified has been slightly reduced in the amended scheme but not completely removed. TWBC has to be convinced that the public benefits of the revised scheme are substantial enough to outweigh the less than substantial harm to the significance of the conservation area caused by changes to the rural setting.
- 7.14 In determining this application, TWBC should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.15 In addition, consideration should be given to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Relevant is also section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs.
- 7.16 28.07.22 – It is concluded there would be harm to heritage assets but the application should be determined in accordance with national and local planning policy – no objection raised but request to consider the application with regard to HE’s advice.
- 7.17 The site is located to the south east of the village of Lamberhurst adjacent to The Down. Lamberhurst is a good example of a Kentish village, which was historically a centre for the iron industry and later turned to arable farming. The main part of the village built up on either side of the crossing of the River Teise in a linear form, reflecting its dependence on water for industrial purposes. The Down Conservation Area centres on the triangular village green to the south, enclosed by belts of trees and woodland.
- 7.18 The site forms the immediate rural setting of The Down Conservation Area and helps us understand its modest rural origins. The soft edge to the rear of buildings along the B2169 which back on to open countryside is also an aspect of its historic character which is highlighted in the Conservation Area Appraisal (Para 5.3).
- 7.19 **The Impact** - 26 dwellings with associated landscaping and infrastructure, the houses would be located to the southern end of the site and the northern part of the site kept as open land. HE consider the construction of the houses here would erode the village’s important verdant setting which helps explain its origins as a modest rural settlement and provides the distinctive ‘soft’ edge to development on the principal road and thus would cause some harm to this aspect of its significance.
- 7.20 At the heart of the NPPF is a presumption in favour of sustainable development, a key component of which includes protecting and enhancing the historic environment. Great weight is placed on the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; their potential to contribute to sustainable communities; and the desirability of new development making a positive contribution to the historic environment’s local distinctiveness.

- 7.21 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.22 Paragraph 202 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 including, where appropriate, securing its optimum viable use.
- 7.23 **Position** - HE consider that the proposal cause some harm to the significance of the conservation area, as it would be detrimental to its rural character. TWBC must consider if it can be avoided, or minimised, as per Paragraph 195 of the NPPF. HE suggest TWBC consider whether a reduction in the number of houses might achieve the objectives of paragraph 195. If it is concluded that harm has been avoided or minimised, then para 200 applies, which states that any harm to a designated heritage asset should require a clear and convincing justification. TWBC must then apply paragraph 202 of the Framework which states that where a proposal will lead to less than substantial harm to heritage assets, the local authority should weigh this harm against the public benefits of the proposal.
- 7.24 **Recommendation** – address the above issues and that the application be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for HE to be consulted again.

#### **Kent Fire and Rescue**

- 7.25 23.11.22 & 13.02.23 – Kent Fire & Rescue initially commented that it appears there is not designated fire appliance turning point on Masterplan drawing number P02. Please note the access roads must meet the typical fire and rescue service access route specifications in order to facilitate a turning fire appliance. Following amended plans being submitted Kent Fire & Rescue make the following observations;
- Under the fire tender tracking plan, it is noted that the width of the fire tender is not representative of the current fleet of pumping appliances in Kent. However, the turning points are merely required to satisfy typical fire and rescue service access route specifications. It is noted that one of the turning points is onto a narrow road/driveway which does not meet typical road width access requirements. In addition, height clearances would need to be suitable where turning appliances are manoeuvring and not be obstructed by low hanging tree branches. Please note that the use of private driveways, as turning points, would not be deemed suitable.
- 7.26 Applicants should be aware that in the event the planning permission being granted the Fire & Rescue Service would require emergency access, as required under the Building regulations 2010, to be established.
- 7.27 Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

#### **Kent Police**

- 7.28 November 2022 Final comments confirm that the applicant sought to address Kent Police comments and address most of them, and would seek a meeting with the applicant to further discuss, site permeability, shared surfaces (it is recommended that pavements are installed on all roads to avoid pedestrian and vehicle conflict) and

car parking (vehicles should be in locked garages or on a hardstanding within the dwelling boundary) and design should provide maximum surveillance. Cycle stores require crime prevention in terms of design and appropriate security. Kent Police remain concerned regarding permeability and creation of alleyways – comment is made regarding lighting. However the applicant comments the site has been designed to be as permeable as possible given the context of the site and surrounding area - and lighting must be balanced against the dark skies policies.

19.07.22 – initial comments can be summarised as follows;

- The DAS should demonstrate that the design helps create an accessible and safe environment whilst minimising crime and disorder and fear of crime;
- Secure by Design is the official UK Police flagship initiative combining the principles of designing out crime with physical security – it is strongly recommended that the applicant attains certification;
- A specialist should be consulted to help design out opportunity for crime and fear of crime; and;
- The applicants should demonstrate the seven attributes of CPTED when applicable, Access and movement, structure, surveillance, ownership, physical security, activity, and; management and maintenance.
- Concerns regarding this application include the following;
- Parking provision and dwelling orientation in relation to footpaths;
- Site permeability is a significant concerns due to the creation of alleys running along rear gardens;
- Existing and proposed footpaths must be well lit and maintained;
- Boundary treatment - the landscape strategy plan is noted, corner properties require well established boundaries to avoid desire lines across front gardens;
- Not all front gardens show consistent front boundary treatment and therefore this matter needs to be addressed;
- Shared surfaces - pavements are recommended on all roads to avoid vehicle and pedestrian conflict and improve the safety of future occupiers;
- Vehicles should be parked in locked garages or on a hard standing within the dwelling boundary – with maximum natural surveillance – gable ended windows used to allow unrestricted view over their vehicles;
- Rear parking court proposed between plots 4 and 5 and the location of the proposed car barns are a concern due to the lack of natural surveillance and vehicle security measures;
- EVC should also benefit from natural surveillance or the possibility of private CCTV coverage;
- Car barns should be located with natural surveillance is possible, finished in a light colour and PIR lighting installed to minimise crime;
- SBD and Sold Secure standard certified cycle storage/ground and wall anchors are recommended;
- Bins – should be well lit, secure and not in a position to be used as a climbing aid;
- Lighting - should be approved by a professional lighting engineer, lighting of all roads, including main and side, and car parking areas should be to BS5489-1:2020;
- Doorsets to meet appropriate certification, along with windows and glazing to be laminated as toughened glass;
- Kent Police request a crime prevention statement to be submitted as part of this application.

### **NHS West Kent CCG**

- 7.29 11.07.22 – No objection raised, NHS Kent and Medway 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. The sum is generated through a standard form and the total number of chargeable units equates to 25 and the sum would be £24,912 towards refurbishment, reconfiguration and/or extension of Lamberhurst and/or towards new general practice premises development in the area. The scheme would result in 69 new patient registrations based on the dwelling mix. The proposed development falls within the current practice boundary of Lamberhurst.

7.30 There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Whilst it is not possible at this time to set out a specific premises project for this contribution we can confirm that based on the current practice boundaries we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

7.31 The CCG also request that any S106 agreement regarding a financial contribution should recognise the following;

- Supports a proactive development of premises capacity with a trigger of any contribution being available linked to commencement or at an early stage of development;
- Allows the contribution to be used towards new general practice premises in the area serving this population and not just limited to the practices detailed; and;
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.

7.32 General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as NHS Kent and Medway must ensure appropriate primary medical care service capacity is available as part of our commissioning responsibilities.

#### **Scottish Gas**

7.33 06.07.22 – No objection - On the mains record the low/medium/intermediate pressure gas main may be seen near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Where required, the position should be confirmed using hand dug trial holes. Dig Safely details provided, along with Safety Advice – regarding valves.

#### **UK Power Network**

7.34 06.07.22 - No objection, details of the electrical lines and/or electrical plant provided, along with standard fact sheet and safe digging practices.

#### **Upper Medway Internal Drainage Board**

7.35 No comments received

#### **Environment Agency**

7.36 12.07.22 – No objection, this application has been assessed as having a low environmental risk, therefore the EA have no comments to make. Although, whilst no comments to make, the application should be advised that they may be required to apply for other consents directly from the EA. The term consents includes consents, permissions or licences for different activities. Drainage may be restricted in a Source Protection Zone or over an aquifer where groundwater is at shallow depths, foul drainage should be discharged to main sewers where possible. Developers should check to establish for themselves the consents required and the Binding Rules information for small scale non mains discharges.

**Southern Water**

- 7.37 14.10.22 – No objections raised. Further to discussion regarding the odour assessment SW comment that they are satisfied that the proposed development does not constitute a significant risk to operations at Lamberhurst WWTW with regard to odour.
- 7.38 The relatively small-scale nature of WwTW operations, and absence of complaints from existing receptors, suggests that there is not an established odour issue in the local area. This is not expected to change as a result of the occupation of new residential properties at the proposed development location, which is generally upwind of prevailing wind conditions and c.400 m from the WWTW boundary.
- 7.39 In addition, odour modelling conducted in support of planning application 22/01882/FULL, suggests that odour emissions would be effectively dispersed close to source and is unlikely to be a concern at the proposed development site.
- 7.40 SW note that, it is the role of the local authority to determine whether the identified level of risk is likely to be a material planning concern for any development. Although the development is upwind of prevailing wind conditions, odour from the WwTW may still be detected on occasions, however a consistent odour resulting in repeated complaints is not expected. Other comments dated 27.07.22 remain unchanged and valid.
- 7.41 27.07.2022 – Objection is not raised but additional information sought, along with conditions.
- 7.42 In determining the application, SW ask that the LPA to take into account the provisions of Paragraphs 180, 182 and 183 of the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). SW apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 85 metres from the Lamberhurst Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response. The applicant is advised to contact Southern Water to discuss and agree the Scope of the odour assessment.
- 7.43 Due to the potential odour nuisance from a Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour. The service we provide to review the assessment and/or complete a site survey is chargeable.
- 7.44 Extract attached to response, showing the approximate position of SW's existing public foul rising main within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with SW before the layout of the proposed development is finalised.
- 7.45 SW ask that the following is noted;
- The 150 mm public foul rising main requires a clearance of 3 metres on either side of the public foul rising main to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public foul rising main without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul rising main.
- All existing infrastructure should be protected during the course of construction works.
- Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](https://southernwater.co.uk/media/3011/stand-off-distances.pdf).
- It is possible that a sewer now deemed to be public could be crossing the development site – should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before further works can commence on site.
- There are restrictions in relation to proposed tree planting adjacent to Southern Water Sewer, rising mains or water mains and any such proposed assets in the vicinity of existing planting.
- SW requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- Arrangements would be required to manage and maintain the SuDs for the lifetime of the development.
- Should this planning application receive planning approval an informative is requested: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water (*Officer note – this wording would be more appropriately applied as a condition*).

#### **KCC Lead Flood Authority**

- 7.46 06.12.22 – no changes in relation to the proposed surface water drainage strategy, therefore no further comments to make and would refer to our previous response dated 26.07.22.
- 7.47 26.07.22 – No objections raised to the proposals at this stage. It is understood from the Flood risk Assessment and Surface Water Drainage Strategy 10.06.22 prepared by Standtect UK Limited, that the surface water for the site will be managed through attenuation within permeable paving and a detention basin before discharging the water at a rate of 5 l/s into the drain located to the north of the site which drains under Spray Hill to the ordinary watercourse.
- 7.48 The LLFA whilst raising no objections also raise the following items which will be required at detailed design stage;
- The applicant would be required to demonstrate that the existing manhole and culvert is suitable for re-use. This information should include a survey of the culverted outfall [between the development and receiving network] and / or details of any works that may be necessary to deliver an effective outfall for surface water.
  - As permeable paving is proposed, LLFA would recommend that other underground services, such as foul sewers, are routed outside of areas of permeable paving or cross it in dedicated service corridors.
- 7.49 Conditions recommended should the LPA be minded to approve, including detailed sustainable surface water drainage scheme for the site, to be submitted to and approved by the LPA and submission of a Verification Report.

#### **KCC Developer Contributions**

- 7.50 26.07.22 – No objections - noted that the scheme represents a net increase in 25 new households, financial requests made for proportionate infrastructure to meet the



needs of the new households, with associated justification in terms of the CIL Regulations 2010. The contribution towards secondary school provision is based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded. The proposal is projected to give rise to five additional secondary school pupils from the date of occupation of this development. This need can only be met through the expansion of Bennett Memorial Diocesan School, and / or Mascalls Academy. KCC also request that all homes be built as wheelchair accessible and adaptable standard, and a condition to secure the provision of high speed fibre optic broadband.

7.51 The requests are as follows;

#### Request Summary

	Per applicable* House (x 25)	Total	Project
Secondary Education	£4,540.00	£113,500.00	Towards expansion of Bennett Memorial Diocesan School
	Currently no Primary requirement		

\*'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation.

	Per Dwelling (x 25)	Total	Project
Community Learning/Social Care/ Libraries	£437.21	£10,930.25	Towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
Youth Service	£65.50	£1,637.50	Towards equipment and resources for local youth centres, and to enable outreach Youth Support services local to the development
Social Care	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£4,591.75	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion

#### KCC Archaeology

7.52 17.08.22 – No objections raised, despite the lack of archaeological assessment, KCC Archaeology suggests that archaeological issues can be addressed through condition, that include conditions to secure archaeological landscape works and archaeological field evaluation works, investigation and programme of post excavation assessment and publication. Historic England's concern regarding density and character are noted and KCC Archaeology recommended consideration of theirs and the District Conservation Officers comments.

7.53 The site lies in an area of archaeological potential associated with prehistoric and post medieval activity. There are known PAS findspots of Mesolithic and Neolithic activity to the west and similar remains may survive on the application site. Due to the rural nature of the site the Kent HER is very limited for this site but could reflect the lack of investigation rather than limited earlier activity. The site is south and

west of Lamberhurst – known to be a medieval and post Medieval settlement with strong connections to the iron working industry. The historic core is linear, stretched along one of the main routes through the wealden woodland and is surrounded by farmland with dispersed farms. Down Farm adjacent to the application site was an extensive farm and dates from the 16<sup>th</sup> century or earlier. The main building and its oasthouse are now residential but Tithe Map and early OS maps indicate several outbuildings associated with Down Farm, now buried beneath current ground surface. Some of these lost 19<sup>th</sup> century or earlier buildings are within the application site.

- 7.54 The application is supported by a Heritage Statement by Lee Evans, which is not an archaeological assessment, and KCC Heritage disagree with the statement on page 23 that states “The land is unlikely to be of archaeological significance having been farmed for several centuries”. Modern ploughing may disturb archaeological remains but not destroy it and orchards/woodlands can preserve archaeology. The early OS maps suggest remains of the designated Down Farm may survive on the application site itself. This is an issue to consider and would hopefully be picked up through a reasonable archaeological assessment. Conditions recommended, regarding archaeological landscape works and archaeological field evaluation works.

### **KCC Highways**

- 7.55 Final comments can be summarised below;
- 7.56 KCC HA have not raised an objection but comment on the additional information;
- Footpath Strategy – no objections as suggested by KCC’s PROW Team 19/12/22 subject to a S106 agreement to secure the funding. A condition is also recommended to secure the other suggested improvements adjacent to the site to including removal of the fence and creation of 2/3 level resting/passing places. It is recommended that the details are submitted for approval prior to commencement of works on site and delivered prior to first occupation.
  - Further details of the proposed new footpath to the north of the site to link to the improved PROW T387 were requested in our comments of 7/12/22 and remain outstanding . A condition is therefore recommended such that prior to commencement of works on site , further details of the two footpath links to the north and south as shown on plan P07 (October 2022) and including details of width, gradient surfacing, drainage and any signage and lighting be submitted for approval. These two footpath links shall be provided in accordance with approved details prior to first occupation and should remain open and unobstructed at all times.
  - Layout details, access and turning It is noted that no technical drawings at 1:500 scale as previously requested have been provided and these would be required if adoption was proposed. Whilst it is proposed that the development remains private it should be noted that further revision to the internal layout would be required to meet adoptable standards . This would include for example the provision of additional footway and an improved relationship between parking and access to the dwellings at a number of plots.
  - The access will be adopted and revisions will be required here to meet adoptable standards, including provision of a footway around both radii and easing of the radii to more satisfactorily accommodate larger vehicles. It is also recommended that the arrangements at plots 14/15 be further considered to avoid indiscriminate parking at the entrance to the site . A condition is therefore recommended that further detail of the access and plots 14/15 be submitted for approval , notwithstanding details on approved plans.
  - Turning Head definition - It is also recommended that the turning head is clearly defined within the site so as to ensure that it remains unobstructed at all times as any

gates erected along the private drives to the individual plots could result in future obstruction . This may also be covered by condition requiring further details of the definition of the turning head be provided.

- Revisions should also be considered to address the comments of the Fire Service.
- Conditions and informatives are also recommended to cover the following matters :

\*Provision and retention of the visibility splays as shown on Stantec plan 48354/5501/001 D (0.9m)

\*The off site highway works including upgrading of the footway and provision of dropped kerb crossing as shown Stantec plan 48354/5501/001 D for indicative purposes only to be carried out prior to first occupation .

\*Provision of parking and turning areas as shown

\*Details of EV charging and cycle parking to be submitted

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

\*CEMP to be submitted

- Standard informatives recommended.

- 7.57 07.12.22 – comments follow earlier responses and the HA's responses of 05.08.22 and 21.10.22. Visibility splays as shown on the Site Access plan 48354/5501/001 rev C are adequate. Drawings of a minimum scale of 1:500 scale showing the site layout and also tracking diagrams at this scale for the refuse vehicle and the fire appliance in respect of both the site access and the site layout are requested along with the extent to be offered for adoption.
- 7.58 Drawing Number PO7 dated October 2022 illustrates the proposed footpath strategy. A new footpath is proposed to link the site with the existing PRoW WT387 and this would provide a route for pedestrians from the development to the school and the village centre. However, as expressed previously KCC H&T have concerns that the existing PRoW WT387 is in places extremely narrow and there is a gradient. Details are therefore required of the proposed new footpath in terms of width and gradient and also of proposed improvements to the existing footpath WT387 to demonstrate that safe and suitable access can be provided in line with NPPF paragraph 110 (b) and 112 (a) and (b).
- 7.59 21.10.22 in relation to comments from the applicant team regarding Counsel Opinion and KCC HA's previous response, comments can be summarised as follows;
- The Counsel's Opinion has been considered and the HA would advise that the consultation response was based on an assessment of the information provided with the application and it was considered that the application does not demonstrate that safe and suitable access for all users, including those with disabilities and reduced mobility, can be provided between the development and the village centre as required by the NPPF paragraph 110 (b) and 112 (a) and (b).
  - To clarify; the application includes proposals to improve the Public Right of Way (PRoW) WT388 and provide a new footpath to link the site with the existing PRoW WT387 and this would provide a useful path for pedestrians from the development to

walk to the school and the village centre. However, as expressed during pre-application discussions, KCC H&T have concerns that the existing PRoW WT387 is in places extremely narrow and there is a gradient and therefore may not be suitable for pedestrians with disabilities, reduced mobility and for double buggies. Without either improvements to the PRoW or an alternative footway, those pedestrians with reduced mobility requiring access to the school, bus stops and the village centre would be likely to travel by car or use/walk along the carriageway without the benefit of a footway.

- Policy AL/LA1 as included in the TWBC submitted Local Plan includes the requirement for the 'Provision of a pedestrian footway from the site westwards along Sand Road to link with the wider footway network.' It is agreed that a footway along Sand Road is not feasible and so the Spray Hill option is the one that TWBC had sought to include in their emerging policy AL/LA1 at the examination in replacement of the Sand Road option.
- The provision of a footway along Spray Hill has been put forward by the applicant in pre application discussions. A meeting was held between the applicant team and KCC H&T on 14 December 2022 when the applicant agreed to submit drawings showing a 1.2m minimum width footway along Spray Hill, wider where possible, avoiding incursion into the embankment and impacting only moderate to low value trees. The drawings were to be submitted to KCC Asset Managers for technical review but were never received.
- Additional information is requested to demonstrate safe and suitable access for all users in line with NPPF paragraph 110 (b) and 112 (a) and (b). This could include evidence of the suitability of the route via PRoW WT387 and/or drawings showing a route along Spray Hill as discussed at pre application stage.

7.60 05.08.22 – initial comments - in the absence of evidence in relation to the footways the Highway Authority would object on the basis that safe and suitable access for all users may not be possible. KCC HHA commented as follows;

7.61 The submitted Transport Statement has been reviewed and comments are as follows;

**Access**

7.62 A new vehicular access is proposed to serve the site from the B2169 Sand Road as shown on Drawing number 48354/5501/002. The radii of the junction should be increased to allow easier access by the refuse vehicle and HGVs. Visibility splays of 2.4m x 43m are proposed which is appropriate for the 30mph speed limit. It is considered that the footway along the site frontage should be widened to 2m to allow improved connectivity for pedestrians to the existing PRoW footpaths.

7.63 The site Policy AL/LA1 as included in the Tunbridge Wells Borough Submission Local Plan and criterion (3) requires '*provision of a pedestrian footway from the site westwards along Sand Road to link into the wider footway network.*' This is in addition to the further requirement set out under the same Policy AL/LA1 criterion (4) which also requires provision of '*pedestrian (and cycle) linkages to Public Right of Way WT388 to include sensitive lighting and surfacing of footpath, as well as a connection to WT380 to provide ready pedestrian (and cycle) links to Scotney Castle Estate, in liaison with the National Trust about how these links could be delivered.*'

7.64 NPPF paragraph 112 is referenced that development should give priority first to pedestrian and cycle movements – and second - so far as possible – to facilitate access to high quality public transport and appropriate facilities that encourage public transport use.

- 7.65 KCC HA comment that provision of a footway to connect the site with existing footways and facilities in the village is necessary to facilitate safe access for all pedestrians. The PRow footpath improvement will provide improved permeability and connection between the Public Rights of Way but this does not negate the need for a footway connection to the village, bus stop, school and other facilities.
- 7.66 Pedestrian accessibility to the site has been the subject to lengthy correspondence and discussion during pre-app advice, some correspondence is included in Appendix A of the Transport Statement. Assessments by the site promotor indicate that the delivery of even a minimum width footway along Sand Road in accordance with Policy AL/LA1 (3) may not be possible due to the width of the carriageway and land constraints on Sand Road.
- 7.67 Alternative options for a footway connection between the site and Lamberhurst village via Spray Hill (located immediately adjacent to the east of the site) were therefore pursued and these were discussed at length with the applicant. There is currently no footway along the majority of Spray Hill, and the proposal would benefit both existing and future pedestrians.
- 7.68 For a Local Distributor Road such as the B2162 Spray Hill, the Kent Design Guide recommends a typical footway/cycleway width of 3m, a minimum footway width of 1.8m, a typical carriageway width of 6.75m and a minimum carriageway width of 6m. During pre-application discussions with the applicant, bearing in mind the setting of this site, the constraints and the existing lack of any footway to link with the village, KCC Highways have agreed that a minimum footway width of 1.2m with a minimum carriageway width of 6m would be acceptable with wider dimensions provided where possible, using the highway verge available either side of Spray Hill to facilitate the footway with minimal impact to trees.
- 7.69 The pedestrian links are required prior to occupation of the development to allow safe and suitable access for pedestrians. Unfortunately, the detailed drawings and safety audit for such a scheme has not been included in this application.

### **Public Transport**

- 7.70 Para. 3.3.1 of the Transport Statement states that 'the nearest existing bus stop to the proposed site, with a regular bus service, is located in the village centre on High Street. This is approximately 700m (8minute walk) to the north of the site access on Spray Hill.' The application submitted proposes a site access onto Sand Road and not Spray Hill so this information requires updating. It would also be useful to have a plan showing the location of the bus stop.

### **Recommendation**

- 7.71 KCC HA consider additional information is required to demonstrate that safe and suitable access can be provided for pedestrians to link the site with the village of Lamberhurst, local services and the wider footway network. Request for drawings to demonstrate a footway link between the site access and the wider footway network along the west side of Spray Hill with a minimum road width of 6m and a minimum footway width of 1.2m (wider where possible). A RSA1 and detailed drawings are required. These should show dimensions, the incursion into the verge and the trees and tree roots affected. The impact on the trees should be kept to a minimum and it may be appropriate to take highway land from both sides of Spray Hill in order to safely deliver the footway with minimum impact to trees. Once this information is provided it will ensure it is reviewed in a timely manner and any comments provided.

In the absence of such evidence, the Highway Authority raise objection to the development as safe and suitable access for all users may not be possible and this would have an unacceptable impact on highway safety. Standard informatives attached.

### **KCC Strategy Planning**

- 7.72 13.12.2022 – KCC's Minerals and Waste Planning Policy Team raise no minerals or waste management capacity safeguarding objections or comments to make regarding this proposal.

### **KCC Public Rights of Way Team**

- 7.73 Final comments can be summarised below;
- 7.74 19.12.22/ 25/01.23/ 07.02.23 – No objection - no comments in respect of the revised plans. Further to the PROW Officers previous email of 19.12.22 – contact has been made with the applicant, it is understood that whilst the boundary fencing will need to be retained along the public right of way, the applicant agrees to move this to provide additional width along the footpath but also provide the level passing places which would be wider. Fencing would be more relatively open stock fencing or post and rail and an additional 1m width from its current position to be acceptable to the PROW Team. The location should be agreed with KCC in advance. Previous advice 19.12.22 - PROW team - estimate for the cost of improving the section which is adjacent to the development site and continuing north to Pearce Place, a total length of 172m. The cost is based on an estimate of £50/sq metre which will include the costs of vegetation clearance, some additional edging and installation of suitable cross drains where required. The path would be overlaid with tarmac to a width of 2m and the existing kissing gates removed to improve accessibility.
- 7.75 The total area is 344 sq metres @ £50/sq metre = £17,200. If acceptable, this could be secured by s106 agreement and the sum should be index linked. KCC PROW can then arrange the improvements.
- 7.76 In addition, the PROW team would also welcome the removal of the boundary fencing on the development side of the path to create a more open aspect to the footpath and the provision of two or three level landing or resting /passing places where appropriate with the opportunity to step off the main path and provide a rest from the natural slope of the path. As this is within the site boundary, it is understood that the developer would be willing to arrange these works, but details of them were requested in advance but subsequently agreed to be secured through condition. Advice provided that one complaint has been logged on the reporting system complaining about the surface however the PROW team was not sure that the complaint had been logged against the correct path given the reference to the adjacent field being cultivated – other than this, there are no recent reports on this path, but several complaints about the vegetation and flooding issues that date from 2015 and earlier.
- 7.77 18.07.22 – No objection raised. Public Footpath WT388 crosses the site and public footpath WT387 is adjacent to the site. The locations are shown on the applicant's landscape masterplan.
- 7.78 The proposed new footpath link to the prow from the site is welcomed. The proposals retain public footpath WT388 on its existing line. Clarification over the proposed width for this path across the site was sought, KCC PROW Team would generally ask for a minimum of 2m to be provided. The plans show 1.8m brick wall boundary to the adjacent properties which is set back from the path,

which in principle is acceptable.

Please bring the following to the applicants attention:

- No furniture may be erected on or across the highway without express consent;
- There must be no disturbance of the surface of the PROW or obstruction of its use either during or following any approved development without express consent of the HA;
- No hedging to be planted within 1m of the edge of the PROW;
- Planning consent confers no consent or right to close or divert any PROW; and;
- No TRO's will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. Six weeks notice require to process a temporary traffic regulation order whilst works are undertaken.

#### **TWBC Economic Development**

7.79 No comments received

#### **TWBC Environmental Health**

7.80 07.12.22 – No objections raised- previous comments have been reviewed and the drainage plans submitted and the Environmental Health team have no further comments to make. No further conditions recommended and an informative regarding compliance with the Mid Kent Environmental Code of Development Practice is recommended.

7.81 08.08.22 – No objection raised, subject to comments made and the conditions and informatives set out in the EHO's response.

7.82 Site is located in a rural area, and traffic noise is unlikely to be significant. It is noted that the site is outside of the Tunbridge Wells AQMA and the scale of this development and/or its site position does not warrant either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. However the installation of EV charging points would be a useful promotion of a sustainable travel option.

7.83 Based on information from the contaminated land & historic maps databases there is an indication of land contamination some 30m to the South-West. This and the historical use of the site for agricultural purposes, it would therefore be prudent to attach a contaminated land condition to any permission granted.

7.84 The application form states that foul sewage will be dealt with via mains system; and there are no known Private Water Supplies in the vicinity. Southern Water apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 85 metres from the Lamberhurst Wastewater Treatment Works. The applicant will need to contact Southern Water to discuss and agree the Scope of an odour assessment. Details of lighting should be required by condition. Any demolition or construction activities may have an impact on local residents and so the usual conditions /informatives should apply in this respect. Any demolished building should be checked for asbestos and only removed by a licensed contractor. Recommended conditions include submission of lighting details, EV charging points, construction method statement, four point contaminated land condition, submission of odour assessment, informatives should include noise and vibration transmission and asbestos.

#### **TWBC Conservation & Urban Design Officer**

- 7.85 Final comments – 8/2.23 – ADDENDUM – The elevations for plots 3, 4, 21 and 23 have been amended and the proposals can be supported.
- 7.86 24.11.22 – ADDENDUM – previous comments reviewed as well as the additional information submitted, which is summed up in the design response document. Notwithstanding the CO's comment on heritage impact, all of the concerns raised in the CO's design comments have been addressed in this document and the CO is satisfied that the proposal has sufficiently referenced the High Weald AONB Design Guide in order to better integrate it into the landscape and built form. Specific comments on the house types have also been addressed, although it does not appear that the amended drawings have been submitted, the CO queries this (plots 3 and 4 tile hanging stopping on the side, and the materials for plot 23). The CO would materials not to be mixed and matched on the same house type and would also prefer this to be amended, but it doesn't dilute the quality of the scheme to the extent that the CO would insist upon it. Subject to amended house elevation drawings, the CO can support the proposals. Conditions to cover hard and soft landscaping, details of external materials (including source and type, material and colour where appropriate) boundary treatment details and the footpath signage are suggested.
- 7.87 21.07.22 – Comments made.

#### HERITAGE ASSETS

- 7.88 The heritage statement submitted is nicely researched and written, and explains well that the more visually sensitive parts of the site are kept free of development, which may answer some of the questions below about the layout. However, the layout and density of the proposals does not, in the CO's view respond well to the character of the adjacent conservation area, Lamberhurst Down, with its scattered and historically loosely developed built form. The assessment of development patterns with figure ground plans in the DAS is good, but doesn't recognise the distinction between the Lamberhurst Conservation Area, and the Lamberhurst - The Down Conservation Area, which is much looser in form than the centre of the village. The CO considers, therefore, the proposals will cause less than substantial harm to the conservation area, but as it is outside the conservation area, the Sand Road section addresses the road, and the layout is fairly informal, the harm would be at the lower end. (Comments below raise concerns about boundary treatments facing Sand Road, however). This relates also to any potential harm to the setting of the listed oasts and Down Farm, as any harm to the significance of these through change in setting would be to do with the rural approach to them, which is developed but with landscaped boundaries.

#### DENSITY AND LAYOUT

- 7.89 The density and layout are not necessarily consistent with this location but otherwise the layout is coherent, and the CO acknowledges the allocation numbers which are in the Submission Local Plan. It is understood from the DAS, the layout is landscape and biodiversity led and it would be helpful to have a more thorough explanation of this and how it relates to the road layouts in Lamberhurst, other than the informality.

#### PARKING

- 7.90 The CO doesn't believe the courtyard on Sand Road is a satisfactory arrangement even if screened. It doesn't appear convenient for all users. This is also a comment on landscaping, but whilst the intention is appreciated, the CO doesn't believe it's necessary for such large green spaces as they are arranged - not quite a green, not quite front gardens, and it is considered it would be better to have the houses closer to each other for better interaction, with frontage parking but still defensible space



and room for (managed) tree planting. CO is happy to discuss this further - the widened green space here may be about legibility for the PROW?

#### BOUNDARY TREATMENTS

- 7.91 Concern raised about the fact that rear boundaries face both roads - we would not want to see close boarded fencing here. The red line of the site boundary covers this in the landscape strategy document making it difficult to see what is proposed.

#### CONNECTIVITY

- 7.92 The termination of the road with garages framing the entrance to the footpath is welcome – it is considered this works well, along with the circular pedestrian route internally, and the new route to the castle gatehouse. The right hand footpath from Sand Road abruptly ends, though – not clear how users will understand the route or is it because the section beyond is more of a shared surface?

#### HOUSE DESIGN

- 7.93 The CO would have liked to see the contemporary vernacular as proposed during the pre-app, as the proposals for the house designs are more generic now, with a mix of vernacular (e.g. external chimneys and hipped roofs) and Polite (e.g. the canted bay windows, and mixing and matching of these details, which dilutes the design intent and character and can look odd, such as the tile hanging and bay windows at plots 12 to 15, and the slate roofs on the same house types as clay tile roofs. The detailing in principle looks of good quality, however, based on the scale of the elevations so far. Plots 3 and 4 - the tile hanging ends abruptly on the side elevation – it would be preferred to see it continued on all elevations as this is how it would have been done historically (with very minor exceptions) as the top floor would have been timber framed. Plot 21 is a strange mix of domestic (chimney, full brick elevation to rear) and agricultural (midstrey, first floor black weatherboarding). Likewise, black weatherboarding is proposed for plot 23 but the design is otherwise like a vernacular farmhouse - black weatherboarding was only historically used on agricultural buildings.

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

- 7.94 23.12.22 – No objections raised - comments can be summarised as follows;
- These comments follow submission of revisions to the scheme and additional supporting information, and a joint site visit. Some of the information in the design pack is not evident in the drawings, such as the 1m set back from the hedgerows, it will be necessary to ensure any conditions for landscape and ecology should be 'notwithstanding the approved plans'.
  - The LBO previously concluded they are able to support the application subject to resolution of design matters – and the LBO confirms that a review of the additional information resolves matters to the extent that subject to appropriate conditions, they are able to support the application.
  - Conditions are needed to secure a landscaping/layout scheme and details in accordance with the revised material – this should specifically include hard and soft landscaping, fencing/boundary treatments, levels, landscape and tree protection measures, soil management and levels. Conditions are also required for a scheme of ecological mitigation and enhancements and a LEMP for the management of the green space to the north and communal features within the site. The LEMP should follow the TWBC standard LEMP condition requirements and should be for the lifetime of the development with any changes requiring approval by the Council.
  - There has been a lot of discussion about the existing PROW and footways and a large part of the recent site visit was taken up looking at the existing PROW and the possibility of a footway along Spray Hill. The LBO view is that the existing PROW,

together with the new footpath through the site does provide sufficiently reasonable access into Lamberhurst and the school but would benefit from improvements which can be secured through s106. Whilst a footway along Spray Hill might be desirable the likely tree loss makes this option prohibitive. The north end of the PROW where it meets the school could be improved further (to reduce the steepness of the path) but this would require land within the school. This could be conditioned but as the land is outside the control of the applicant it would have to be 'subject to landowner agreement'.

- 7.95 26.08.22 – Observations made on the following matters; layout and design, ecological survey, Biodiversity Net Gain report and Metric, and LVIA. The overall conclusion is that matters of design should be resolved and then the LBO is likely to be able to support the application subject to conditions and legal agreement. It should be noted that both the biodiversity net gain and landscape assessment reply upon the wider landscape being secured and this should be covered by the LEMP and legal agreement. Comments can be viewed under the full record, but comments can be summarised as follows;

#### **Layout and Design**

- The general pattern and distribution of units and the road layout make sense but the links between the AONB design guide are not transparent and therefore are some points of detail to be looked at preferably prior to determination rather than detailed design stage. Eg parking for units 26, 17, 13 and 1 are not well located, garaging for 21 and 22 would not be overlooked but would form part of the new permissible route;
- Question why the geometry and nature of the drives across the village green are different, the space for the existing PROW needs to be detailed to give the width requested by KCC and interpretation panel to explain the historical significance of the route is required – further details of the link to Spray Hill are needed;
- the site pedestrian access and pedestrian route along Sand Road needs to be investigated and a suitable provision made which may include a permissive path inside the site. This was discussed at the EiP as well as the connection to the Scotney estate;
- allied to this last point is the treatment of boundary hedgerows as rear garden, that will compromise the ecological function, and vulnerable to modification/removal by residents and most likely lead to the erection of close boarded fences on the boundaries. These need to be removed from gardens and placed within a maintenance strip as part of the management of communal spaces on both Sand Road and Spray Hill;
- proposals for garden brick walking are welcome but for units 21, 22, 23 these should be only 1.2m where on property frontages and for units 21 and 23 they should be set back closer to the dwelling;
- there is some work to do on frontage detailing that can be addressed as part of the landscape condition;
- northward link and inclusion of the wider landscape is welcome and a very significant positive addition. It appears that the new path will be fenced from the wider land which the LBO supports;
- number of positive details indicated in the DAS and these will need to be pocked up through conditions.

#### **Ecological Survey**

- 7.96 This has been carried out by a suitable professional, to a recognised methodology and as such the findings are broadly accepted. General and species specific

mitigation is recommended. This can be delivered within the application site and within the scope of the proposal and it can therefore be secured by condition.

- 7.97 Small roosts of two common species of bats are present and will be lost to the development but suitable mitigation is proposed. The site is used more widely by a number of species. A licence is required from Natural England for the loss of the roost but this is likely to be granted. Further mitigation and enhancements can be provided within new dwellings and further mitigation is needed for foraging bats. In particular the boundary hedgerows will need to be retained – supporting the comments above that they should be removed from rear gardens.
- 7.98 GCN – present and a District Licence has been sought and secured by the applicant. The Council will however require under condition a detailed mitigation strategy that will include amphibians.
- 7.99 Dormice are present- mostly it would appear within the northern part of the site - and although most optimal dormouse habitat will be retained a licence will still be required for the removal of some areas of vegetation. The licence is likely to be granted. Conditions will be required regarding future management (LEMP) and lighting to protect the ecological value of the site.
- 7.100 Biodiversity Net Gain – report prepared by a suitable professional and provides a clear explanation of habitats identified, proposed and condition scores. As such the results are broadly accepted but with some notable caveats.
- The gain of 30.08% in hedgerow units is not challenged.
  - The gain in area units of 12.01 (39.18%) is challenged as it relies upon:
  - Vegetated rear gardens 1.12 units (parts of which will be paved or put to amenity use)
  - Urban trees 11.18 units ( given as 3.47 ha which seems high and some of which are in amenity areas)
- 7.101 However even if these units are reduced by half the gain would still be some 20%. Given the general poor quality of habitat in the area to be developed and the extent of landscape included with the application this is not a surprise. In essence even such to changes requested and any agreed re calibration the proposal is likely to exceed policy requirements for biodiversity net gain.

#### **LVIA**

- 7.102 Prepared by a suitable professional to a recognised methodology, as is comment with such reports that contain a great deal of professional and subjective judgement LBO does not agree with all that it contains or concludes. In essence the assessment relies upon the containment offered by the boundary hedgerows to come to a conclusion that there would be no long term adverse effects upon the receiving landscape/visual environment and that the proposal can be successfully integrated into the landscape.
- 7.103 This conclusion is considered to underplay slightly the effect of the new built development but if such a conclusion is to be accepted it is imperative that the boundary hedgerows and trees are retained and secured in the long term by removing them from rear gardens.
- 7.104 Whilst the LBO may disagree with the degree of effects and effectiveness of mitigation they do agree that effects are very localised, that the scheme offers some

landscape benefits in terms of securing the wider land into positive management and that overall despite some residual harm which is likely to be at an acceptable level, the scheme can be successfully integrated in to the landscape.

### **TWBC Trees**

- 7.105 Updated comments – 15.11.22 – No objections raised, having reviewed the revised report, it is noted that the plans have not been revised to remove the section of footpath to the north west of tree T50. However, the revised Tree Survey has now indicated that the extent of the impact to the RPA of the tree as 15.6% of the RPA. The report does not state whether this is of the full RPA or the existing unsurfaced areas of the RPA which the 20% recommendation relates to in section 7.4.2.3. However, the proposed village green area does adequately retain sufficient soft landscape to the north, providing additional rooting volume. As long as the recommended AMS condition, includes details to suitably protect the tree and provided sufficient information for the demolition of existing structures and hard standing within the RPA and construction of the new hard surfacing the tree will be able to be retained.
- 7.106 The Tree Survey now clearly indicates the impact upon tree T54. If a revised new footpath access up Spray Hill was considered, it will need to be accompanied with a Arboricultural Impact Assessment, to indicate the impact the works may have.
- 7.107 29.07.22 – initial comments that the submitted documents indicate that a total of 20 individual trees and 12 groups or hedges categorised as grade 'C' and 4 individual trees categorised as grade 'B' will be require removal to facilitate the development. These trees are of either low to moderate quality and/or are primarily located towards the centre of the site.
- 7.108 Comments - In addition to the above – the report highlights one category 'B' Oak as being retained, with an encroachment of less than 3% of the tree's root protection area (RPA). Due to the limited impact, it has been deemed within the report that conventional construction methods can be used. However, it is not clear if the impact refers to just the proposed built structure or the structure and the car parking too. The total encroachment of the built structure and the car park would appear greater. Precaution should be given around this tree due to its roadside location and the possibility of the tree having formed an asymmetrical rooting system due to the steep bank and adjacent highway.
- 7.109 Tree T50 a category 'A' Oak is highlighted as being retained in the Tree removal section of the report and within the Draft Tree Protection Plan. However, no indication of the impact of the proposed works within its RPA has been provided. Due to the over mature nature of this tree, its stem size and the features within it, there is an indication that this tree is a possible veteran and should warrant the appropriate protections. The retention of this tree in a large soft landscaped area, is seen positively and the report does discuss a low impact approach to the construction of the new access road and footway but does not specifically mention tree T50 and it would be beneficial if this can be addressed. Although this is indicated in the Draft Tree Protection Plan. In addition, it would appear that there is a section of footpath to the west that ends just past the tree, the loss of this section of the path and an increase in the soft landscape would be beneficial to this valuable tree.
- 7.110 Conclusion - the proposed landscaping plan would look to mitigate the loss of these trees with replacement trees located throughout the site – in line with policy EN14 of the emerging new Local Plan. The impact upon T50 and T54 have not been fully assessed and it would be necessary that details in regards to these are given to

allow the Tree Officer to make full assessment. Therefore refusal recommended until further details can be supplied on the full impact of these trees. If minded to approve a tree commencement condition (pre-commencement) is proposed to be applied.

### **TWBC Housing**

7.111 22.09.22/15.11.22 - no objections raised. The development at Down farm is a site that meets the 40 percent provision of affordable housing as the site comprises of 10 affordable properties out of a 26 unit site. The 10 affordable will consist of 6 properties at social rent levels and four shared ownership properties. This aligns with the Councils pledge to provide more social rented housing which is genuinely more affordable than its affordable rent counterpart.

7.112 The social rent properties are broken down below

- 3 Two Bedrooms
- 2 Three Bedrooms
- 1 Four Bedrooms

The Shared units will also consist of

- 3 Three-Bedroom property
- 1 Two-Bedrooms

7.113 As previously set out, the housing register data indicates the need for three and four bed properties within the area, the Housing Team are pleased to see a housing mix that needs this housing need criteria and will garner interest. TWBC Housing are satisfied that the housing mix for the scheme will help meet housing need within the parish of Lamberhurst and providing affordable housing that meets the Councils commitments in delivering good quality affordable housing.

7.114 In regards to the housing need currently, there are 162 housing applications out of 915 with an interest in residing in Lamberhurst, out of those applications there are 9 applicants with a confirmed local connection to the area the housing need is broken down as follows;

TWBC Lamberhurst Data							
Bedroom Size	Current Housing Need	Average Yearly Housing Need	Lets 18/19	Lets 19/20	Lets 20/21	Lets 21/22	Average Yearly lets
1 Bed	62	47.5	27	25	30	34	29
2 Bed	43	46.5	2	5	22	17	11.5
3 Beds	43	34.25	3	0	1	1	1.25
4 beds	14	11.5	0	1	1	0	0.5

7.115 Though there is a greater number of one-bed applications with interest in Lamberhurst, the waiting times for the one-bed applicants seeking suitable housing in the area are significantly less than those waiting for a three-bed in the same location. The data indicates the need for three-bedroom properties within the area, as both one-bed and two-bed applicants have a higher chance to be offered a property in Lamberhurst, with 95% of the affordable housing that has become available in the last 4 years fall into that property size criteria furthermore on average across the borough applicants with a housing need of 3 bedrooms are likely to wait over 3-4 times longer for a suitably sized property; than those applicants seeking a two-bedroom.

7.116 The parish of Lamberhurst is included in the High Weald Area of Outstanding Natural Beauty (AONB) and has a strong sense of community as evidenced by the number of different clubs and societies found operating within the parish, the LNDP indicates

the need of delivering well-balanced affordable housing mixed schemes for young families and elderly individuals of the community.

### **TWBC Planning Policy**

- 7.117 Confirmation that the site has been considered through the plan making process and discussed at the Local Plan Hearing Sessions. Paragraph 40 of the Hearing Statement Matter 7 issue 3 proposed a modification to criterion 3 - (3) *Provision of a pedestrian footway from the site westwards along Sand Road on Spray Hill from the site to link into the wider footway network. Note: 'westwards' should read 'eastwards'* – to reflect the advice from KCC Highways who did not support the promoters scheme, as submitted in the current planning application. The hearing session on July 6 (am) discussed a further modification to criteria (3) to include 'or the provision of a footpath within the site' (to link into Sand Road). Additionally, the developer's option (referred to in the hearing session as a third option) was referred to by TWBC as a realistic option and it was confirmed that officers would consider it further, to include discussions with KCC and the site promotor.

### **TWBC Parking Services**

- 7.118 11.2022- Confirmation received that TWBC Parking Services have no comment to make on this application.

### **TWBC Parks**

- 7.119 18.01.22 – Confirmation received that TWBC Parks do not have any comments to make – generally for any applications in the Parish areas of the Borough it is better for Parish Clerks to be consulted as they know the requirements for their play areas or sports.

### **TWBC Client Services**

- 7.120 07.07.22 – No objection – bins to be purchased from TWBC by the developer or their client prior to the properties being sold or occupied. Each property to place containers out for collection adjacent to the highway for collection.

### **Kent Wildlife Trust**

- 7.121 No comments received.

### **National Trust**

- 7.122 The proposed development lies less than 200m to the west of the Scotney Estate. Having carefully reviewed the documents the National Trust wish to comment on the boundary treatments. It is also noted that there are proposed ecological enhancement measures as shown on the Proposed Landscape strategy document. If the LPA are minded to approve a condition is requested requiring that existing trees and hedgerows, as shown in the plan, are retained and protected throughout construction and that the proposed trees and hedgerows are planted within one planting season of completing the development and retained or replaced for at least three years. The National Trust would welcome this condition to ensure that the historic setting of Scotney Castle is maintained and to ensure that a suitable habitat for dormice is maintained on site.

### **Lamberhurst Local History Society**

- 7.123 Comments received – including the request to ensure that this last surviving 'pristine' section of ancient routeway is given due protection and consideration. Appendix sets out that the route of footway 388 is the last tangible, and perhaps pristine, remnant of the greenway and boundary ditch contained within the cited perambulation charter of 1070.

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

- 8.1 The applicant concludes that high level support in principle is clear from pre-application engagement. The Borough's Five-year housing land supply, Housing Delivery Action Plan and its relationship to surrounding development is considered that the proposed residential development satisfies relevant planning criteria.
- 8.2 The applicant is in control of the site and are a locally-based house builder with an established track record in delivering sustainable development. This site is appropriately located in relation to services and facilities in Lamberhurst alongside nearby educational opportunities.
- 8.3 The proposed development has been prepared in line with the provisions of proposed allocation AL/LA1 'Land West of Spray Hill'. The site's southern extent provides an opportunity for a logical extension to the built confines of Lamberhurst. Key planning policies and technical considerations have been identified and examined through the submission, drawing on a suite of technical assessments and plans submitted as part of a full application. There are considered to be a range of material planning benefits to the proposed development which are considered to including, but not limited to;
- Re-development of partially developed land, and making effective use of an enclosed site adjacent to the village;
  - Delivery of net 25 dwellings towards the Borough's housing land supply, significant in light of its acute housing need;
  - The delivery of 40% affordable housing on-site;
  - Introduction of new residents who will contribute towards the vitality of the village and community and support local services;
  - Provision of net-biodiversity gain in line with the Environment Act;
  - Landscape and biodiversity enhancements are targeted at enhancing the setting of the AONB;
  - Opportunities to enhance the arboricultural and ecological credentials of the site;
  - Provision of construction related services, significant albeit short-term employment and economic boost; and;
  - Contributions achieved through the planning process.
- 8.4 The proposal is considered to roundly accord with the objectives of the development plan for the Borough and the emerging provisions for its proposed allocation under the new local plan. It is concluded that the proposals are demonstrably deliverable and the masterplan describes a high quality and locally distinguishable new residential offering for Lamberhurst.

## **9.0 BACKGROUND PAPERS AND PLANS**

- Application form
- 48354/5501/0001D – proposed site access
- Tree Constraints Plans
- Tree Protections Plans
- LO1 Site Location Plan
- PO1 Masterplan
- PO2a Masterplan South
- PO2 Masterplan South
- Existing Floor plans and Elevations sheets 1-3
- SK03 Existing Block Plan
- PO3 October 2022 Affordable Housing Plan

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- PO4 October 2022 Landscape Strategy
- PO5 October 2022 Parking Strategy
- PO6 Drainage Strategy
- PO7 October 2022 Footpath Strategy
- P100 Plots 1 & 2 Floor plans
- P101 – Plots 1 & 2 Elevations
- P102 Plots 3 & 4 Floor plans
- P103 Rev A – Plots 3 & 4 Elevations
- P104 Plots 5 & 6 Floor plans
- P105 – Plots 5 & 6 Elevations
- P106 Plots 7 & 8 Floor plans
- P107 – Plots 7 & 8 Elevations
- P108 9, 10, 11 Floorplans
- P109 – 9, 10, 11 Elevations
- P110 Plots 12 & 13 Floor plans
- P111 – Plots 12 & 13 Elevations
- P112 Plots 14 & 15 Floor plans
- P113 – Plots 14 & 15 Elevations
- P114 Plot 16 Floor plans
- P115 – Plot 16 Elevations
- P116 Plots 17 & 18 Floor plans
- P117 – Plots 17 & 18 Elevations
- P118 Plot 19 Floor plans
- P119 – Plot 19 Elevations
- P120 Plot 20 Floor plans
- P121 – Plot 20 Elevations
- P122 Plots 21 Floor plans
- P123 Rev A – Plot 21 Elevations
- P124 - Plot 22 Floor plans
- P125 - Plot 22 Elevations
- P126 - Plot 23 Floor plans
- P127 Rev B– Plot 23 Elevations
- P128 Rev B – Plot 23 Elevations
- P129 – Plot 24 Floor plans
- P130 – Plot 24 Elevations
- P131 – Plots 25 & 26 Floor plans
- P132 Plots 25 & 26 Elevations
- P200 – Car Barns Plots 7 & 8
- P201 – Car Barn Plots 9-10 14-15 and 16
- P202 – Car ports for 19, 21, 22 and 24
- P203 – Garage for Plot 20
- 48354/5501/016 Adoption Plan
- 48354/5501/001 D Proposed Site Access Plan
- 48354/5501/007 A Fire Tender Tracking Plan
- 48354/5501/005 B Refuse Tracking Plan
- Foul Drainage Strategy July 2022
- Arboricultural Report 11.08.22
- Ecological Appraisal April 2022
- Biodiversity Net gain report
- DLL Enquiry Form
- Landscape and Visual Impact assessment June 2022
- Planning Statement



- Design and Access Statement
- Heritage statement
- Flood Risk Assessment and Surface Water Drainage Strategy 10.06.22
- Great Crested Newt License
- Design Response
- Odour Constraints Assessment September 2022
- Road Safety Audit 06/01/2023
- Transport Statement June 2022

## **10.0 APPRAISAL**

- 10.01 The site is outside the LBD, where there is a presumption against new development. The adopted Development Plan policies seek to direct new residential development in sustainable locations, which is indicated by the LBD. However, the fact that the Council cannot demonstrate a 5 year housing land supply is highly relevant to the consideration of this application and will be addressed in the principle of development.
- 10.02 The main issues are considered to be the principle of development at this site including whether the proposal can be considered to comprise sustainable development and whether the proposals would accord with paragraph 176 of the NPPF that sets out that great weight should be given to conserving and enhancing landscape and scenic beauty which have the highest status of protection and where the scale and extent of development within the designated areas should be limited. It will also be necessary to consider whether the scheme would accord with Paragraph 199 of the NPPF and paragraph 202 in relation to heritage assets and whether the level of identified harm can be balanced against the public benefits.
- 10.03 Other material considerations including the impact on the landscape, design issues, residential amenity, highways – access, accessibility by alternative modes to the car and parking, the impact upon ecology and Biodiversity Net Gain (BNG), heritage assets, drainage and any other relevant matters will also need to be considered.

### **Principle of Development**

- 10.04 Paragraph 74 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be an additional buffer of 5% or 20%, depending on particular circumstances of the LPA. At present the Council considers that it can demonstrate a housing land supply of 4.49 years, therefore the Council considers that it does not currently have five year housing land supply. One of the core planning principles in the NPPF is for local planning authorities to make every effort to meet objectively assessed needs for housing.
- 10.05 Paragraph 11 sets out that there is a presumption in favour of sustainable development. Paragraph 11 (d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (Footnote 8), permission should be granted unless:

*“i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); 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 Footnote 8 to the NPPF states that this includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).
- 10.07 “Protected areas or assets of particular importance” referenced in footnote 7 include heritage assets, such Lamberhurst The Down Conservation Area that is located to the west of this site, and designations such as the AONB – that washes over Lamberhurst Village. Whilst legislation still provides for planning decisions to be made in accordance with the provisions of the adopted Development Plan, the weight afforded to the NPPF and NPPG as “other material considerations” has grown, particularly in relation to housing supply and delivery.
- 10.08 When considered as a whole, the Council does not consider the ‘basket’ of the most important Development Plan policies against which this application would be determined (Local Plan: EN1, EN25, TP3, TP4, TP5, R2, CS4, Core Strategy CP1, CP3, CP4, CP5, CP6, CP14) to be out of date. Except for the sections specifically relating to housing supply targets/numbers, the policies are not considered to be irrelevant. NPPF Para 219 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 10.09 As set out above, Tunbridge Wells Borough Council has submitted the Submission Local Plan (SLP) to the Inspectorate (November 2021) which has a plan period which extends to 2038. The Submission Local Plan has been through Regulation 18 and 19 stages and was Examined during March – June 2022. The Inspectors letter has been received. The plan holds limited weight but is a material consideration, although some policies are considered to hold more weight due to consistency with the Framework, and the existing development plan, and having regard to the degree to which there are unresolved objections. Policy PSTR/LA1 sets out the strategy for Lamberhurst Parish. This includes building approximately 25-30 new dwellings of which 40 percent shall be affordable housing - on land at Spray Hill allocated under the subsequent allocation policy. Developer contributions to be sought either in kind and/or financial, from residential schemes to be used towards the provision of medical facilities that cover Lamberhurst parish, provision of allotments, amenity/natural green space and youth play space, improvement to sports provision in Lamberhurst; and other mitigation measures which are directly related to the development and fairly and reasonable related in scale and kind.
- 10.10 SLP Policy AL/LA1 Land to the west of Spray Hill proposes to allocate the southern part of this site for residential development. It is important to note that whilst the connectivity to surrounding footpaths was subject to discussion at the examination, the Inspector did not raise any objections to the policies in the emerging plan that deal with Lamberhurst. The SLP is supported by a full suite of supporting evidence (which is publicly available on the Council’s website) and has informed land allocations for housing and employment in response to identified need as set out within the evidence base. Policy AL/LA1 is criteria based and the requirements are set out below, it is considered appropriate to discuss these requirements in the context of how this proposal seeks to meet the policy objectives.

10.11 Policy AL/LA1 – is shown to be allocated for approximately 25-30 residential dwellings, of which 40% shall be affordable housing. The northern area is to be retained as a landscape buffer to help prevent coalescence between the main settlement of Lamberhurst and The Down and to provide landscape and ecological mitigation for built development on the other part of the allocation. The development on the site shall accord with the following requirements;

1. *Residential development to be located on the southern part of the site only, on land indicated as residential use, as shown indicatively on the site layout plan;*

The submitted proposal focuses the development on the southern land parcel of the site, and development would not extend northwards into land shown on the inset map as landscape buffer. In this respect the proposal would accord with the indicative site layout.

2. *The development should have a single point of vehicular access onto Sand Road, to be informed by a transport assessment;*

The application is supported by a Transport Statement, that addresses/justifies the access that is shown to serve the site and is located on Sand Road. The single access road would also have a footpath located along the eastern side of the carriageway. The applicant has also submitted a RSA subsequent to the submission of the application, along with a revised site access plan that seeks to address the RSA Stage one problems, that include lowering the raised covers on the footway, incorporation of drainage arrangements in the detailed design stage at the site entrance as proposed, and the inclusion of a dropped kerb crossing along Sand Road in the vicinity of the site. The RSA also suggests extended visibility splays which are shown on the raised access plan. The HA have not objected to the proposals in terms of visibility or the point of access, although conditions will be required to agree the final details.

3. *Provision of a pedestrian footway from the site westwards along Sand Road to link into the wider footway network;*

The provision of the footway was discussed at the Local Plan Examinations in the Summer of 2022. Whilst the policy criteria sets out that pedestrian access should be taken along Sand Road – it was noted in the Examinations that such a link would be difficult due to the restricted width and there were doubts as to whether such a link could be achieved. Within the Access, Accessibility and parking section of this report (paragraph 10.51) – the matter of providing safe and suitable access for all is addressed. However, what is of note, is that the applicant proposes a footway link the north, to which the PROW officer does not object to. A footway strategy has been submitted by the applicant that makes provision for pedestrian access, both to the north towards Lamberhurst village and to the south east corner of the site, to gain onward access to Scotney Castle.

4. *Provide pedestrian (and cycle) linkages to Public Right of Way WT388 to include sensitive lighting and surfacing of footpath, as well as a connection to WT380 to provide ready pedestrian (and cycle) links to Scotney Castle estate, in liaison with the National Trust about how these links could be delivered;*

The applicant has considered the footway links as set out above. A footway link would be made into the north, to link into the existing public rights of network. A connectivity diagram also indicates how the scheme would link into the extensive

PROW network in this area and enhance it through the northern link proposed. In addition, improvements are to be made to the southern tip of the site, improving the existing footway from a loose stone finish to tarmac and reducing the height of raised covers on the footway. This path then leads to the junction of Sand Road, Spray Hill and the access and footway into Scotney Castle to the south east. This would enable an enhanced route connecting the site and public rights of way into Scotney Castle. There are potential connections, and improvements to make these connections and may be secured by an off-site works condition.

- 5. The development to be sensitively designed in relation to the site's location on the edge of the settlement, nearby heritage assets, and the location of the PRow that runs through the site and provides a suitable edge to the settlement, including through the layout and design of the scheme being informed by a landscape and visual impact assessment and heritage assessment;*

An LVIA supports the application, along with a Heritage Statement, the design and layout is addressed in other sections of this report, however, the applicant has also set out how they consider that the design and layout addressed the High Weald AONB Design Guide and the settlement pattern. The scheme would also preserve the existing PROW that runs east to west in the detailed layout. The number of units, at 26, accords with the anticipated 25-30 that the site is proposed to be allocated for, care has been taken in regard to the overall quality of the scheme. The CO is satisfied that the proposal has sufficiently referenced the High Weald AONB Design Guide. It can also be concluded that the effects of the proposal would be very localised. It is considered that this criteria has been satisfactorily addressed.

- 6. Regard shall be given to existing hedgerows and mature trees on the site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment;*

The layout seeks to preserve and protect the mature trees on the site, in particular the mature oak located on footpath. Subject to conditions this criteria has been satisfactorily addressed.

- 7. This site lies within, or very close to, the relevant impact risk zone for Scotney Castle SSSI, and so an assessment of potential adverse effects on the SSSI as a result of the development will be required as part of any application and, if required, the proposal shall include adequate mitigation measures, both during construction and on completion, to the satisfaction of Natural England to ensure no adverse effects on the SSSI as a result of the proposed development;*

The LBO has confirmed that there are no objections in terms of impact on ecology and biodiversity and conditions may be applied.

- 8. Regard to be given to the Groundwater Source Protection Zone affecting the site, in consultation with the Environment Agency;*

The EA have been consulted regarding this application and raise no objections. They considered that this application represents a low environmental risk and have no comments to make on the scheme. The EA do comment that drainage may be restricted in a Source Protection Zone or over an aquifer where groundwater is at shallow depths, and comment is made the foul drainage should be discharged to mains sewers where possible. KCC LFA confirm no objections and that the drainage scheme shall demonstrate that silt and pollutants resulting from the site can

be adequately managed to ensure that there is no pollution risk to receiving waters. Conditions would be applied to any consent and it is not considered that there are any matters here that could not be addressed at detailed design stage.

9. *Provision shall be made for on-site amenity/natural green space;*

The applicant has made provision for a 'green' at the centre of the green which provides a focal point. The applicant has also been asked to consider providing some natural play opportunities within the development and along the footpath link, that could include small natural opportunities using wood from trees cut from within the site and/or contours in the land. The details of this can be secured by condition.

10. *Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/LA 1.*

Obligations have been requested by Kent County Council and the NHS. These have been assessed and following discussion with the applicant, these have been agreed. The contributions will assist in mitigating the impacts of the scheme. The contributions requested are set out later in this report. The comments of the Lamberhurst Parish Council are awaited regarding potential contributions towards recreation.

- 10.12 The design, layout and quantum of development is considered to have addressed the main requirements of this policy in terms of the type of development, patterns of development and layout, appearance and architectural style, indication of materials and use of landscaping and landscape buffers, the scheme is considered to relate to context as much as it is able, when taking into account the characteristics of the surrounding area, constraints and the need to meet housing need. The submitted scheme is in general conformity with the requirements of the draft policy and is considered to be acceptable in that regard.

Sustainable Development

- 10.13 In view of the lack of 5 year housing land supply, it is important to consider whether or not the proposal would represent sustainable development, having regard to local planning policies and the NPPF. The issue of sustainability is multi-faceted, incorporating economic, social and environmental considerations.

*Economic objective*

- 10.14 Future occupiers would make a contribution to the social vitality of Lamberhurst, as they are likely to use the settlement for some services. Any economic benefits during the construction of 26 dwellings would be short-term, and therefore would carry little weight. The proposal would also secure financial contributions towards secondary education and the Tunbridge Wells Cultural Hub to provide modest economic benefits that address the needs of future occupiers.
- 10.15 Employment opportunities within this rural area are limited and it is likely that most future residents would travel outside of the village for employment purposes and commute to other areas. This could provide further stimulus to the economic vitality of the wider rural area. It is considered that limited weight may be attached to the economic benefits of the scheme, including local spend, in the balance of considerations.

*Social objective*

- 10.16 In terms of location, the site is located away from the LBD, which is situated further north of the school and north of the application site. The SLP proposes to exclude

the northern part of the site from a new LBD at Lamberhurst Down, but would include the southern section where housing development is proposed. The site would be in reasonably close proximity to the existing village core located to the north and would be in close proximity to residential development in the immediate vicinity. The proposal seeks to provide a pedestrian link to the north through the landscape buffer, that would enable future occupants to walk from the site to the facilities on offer in the village and achieve connectivity to the wider area by alternative modes to the private car. The SHELAA noted (site 279) that adjoining uses include the school to the north and residential, as well as the fields. The site was considered suitable for development, in part, and sets out that some parts are well related in terms of existing built development at Lamberhurst Down. The site is not considered 'isolated' in terms of the meaning in the NPPF (paragraph 80) and the SHELAA concluded that the sensitive landscape can be managed through appropriate scheme design. Development on the southern portion of the would deliver development in a reasonably sustainable location.

- 10.17 The issue of integration of the development with Lamberhurst and the design rationale will be assessed in more detail below, however, the Conservation and Urban Design Officer (CO) has commented that whilst the layout doesn't appear to recognise the distinction between Lamberhurst Conservation Area and Lamberhurst The Down, and the scheme would result in less than substantial harm, the layout is considered to be coherent in the context of the number of dwellings to be allocated on this site. The CO confirms that the proposal has sufficiently referenced the High Weald AONB Design Guide in order to better integrate it into the landscape and built form, this accords with the approach set out in the Lamberhurst NDP Policy L2.
- 10.18 The proposal would contribute towards the provision of housing when the Council is unable to demonstrate a five-year housing land supply and would deliver 10 units of affordable housing, contributing towards the social element of sustainable development, providing significant benefits toward meeting housing need, and specialist housing need in the form of affordable housing, including social rent, that is considered to be more affordable.

*Environmental objective*

- 10.19 In terms of heritage assets (being The Down Conservation Area and the listed oasts), the nature of the contribution of the site towards significance is to do with the rural approach to them and any change in this setting which is developed but with landscaped boundaries.
- 10.20 The site forms part of the approach on Spray Hill which has a rural character to it, which is part of the experience of entering Lamberhurst, a small village. The CO concludes that the harm would be caused would be at the low end of less than substantial, due to the site's position outside of the CA, the development at the Sand Road section addresses the road, and the layout would be fairly informal. Any potential harm to the significance of the Oasts and Down Farm would be through change in setting would be to do with the rural approach to them, which is developed but with landscaped boundaries. In accordance with paragraph 202 of NPPF 2021, the proposal may be balanced against the public benefits, given the level of harm.
- 10.21 In terms of landscape, the AONB designation washes over this site, however the Landscape and Biodiversity Officer (LBO) raises no objections in landscape terms. The approach in terms of impact on landscape is the reliance on containment offered by the boundary hedgerows to conclude no long term adverse effects upon the landscape/visual environment and that the proposal can be successfully integrated into the landscape. It is agreed that the effects of the scheme would be vert

localised. It is also agreed that there would be benefits in terms of securing the wider land into positive management. In considering the impact on BNG – the submitted report demonstrates that, whilst elements may be challenged, that generally given the poor quality habitat of the area to be developed, and the extent of landscape included with the application, that even if adjustments were made, the any agreed recalibration of the proposal is likely to exceed policy requirements for biodiversity net gain. The impact on trees is considered to be acceptable.

- 10.22 On giving consideration to the existing dwelling and buildings that are already located on the southern portion of the site, part of the site can also be considered to be previously developed land, that weights in favour of the scheme.

Conclusion on Sustainable development

- 10.23 The application site has been allocated for housing development in the emerging plan, but at present the allocation holds limited weight. The Council is unable to demonstrate a 5 year housing land supply, and the proposal would contribute to both overall housing numbers but also provision of affordable housing at a level that exceeds the adopted policy of 35%. The SHELAA (site 279) January 2021, scored most positively of all the sites and concludes the site is suitable as a potential allocation for the reason that whilst parts of the site are sensitive in landscape terms, which can be managed through an appropriate scheme design, development would be provided in a sustainable location. In view of the contribution of affordable housing, and agreement by the applicant to being allocated on a cascade basis, the scheme is likely to contribute toward meeting local housing need.
- 10.24 The Sustainability Appraisal October 2021, that accompanies the SLP acknowledges that generally all sites in this parish were let down by the limited range of facilities, services and transport options. Part of the site comprises previously developed land. The proposal would result in less than substantial harm to designated heritage assets, that may be balanced against public benefits. It is not considered that the constraints of the site (AONB designation and heritage assets) provide a clear reason for refusing the development. The site is in single ownership and available for re-development.
- 10.25 Having regard to the presumption in favour of development set out in paragraph 11 of the NPPF 2021, permission should be granted unless other material considerations indicate otherwise.
- 10.26 All other material considerations should be satisfied, and these are addressed below.

**Impact on Listed Buildings and the CA's**

*Heritage*

- 10.27 The CO considers the heritage statement to be well researched and written. The statement explains well that the more visually sensitive parts of the site are kept free of development, however, it is further explained that the layout and density of the proposals are not considered to respond well to the character of the adjacent conservation area, Lamberhurst Down, with its scattered and historically loosely developed built form. The assessment of development patterns is good but does not recognise the distinction between the Lamberhurst CA and Lamberhurst Down CA which is much looser in form than the centre of the village. It is for this reason that the proposals are considered to result in less than substantial harm to the CA. The layout of the scheme, whilst quite informal and relatively low density for a modern housing development, would still result in a layout and density that in the CO's view, does not respond well to the character of the adjacent CA, Lamberhurst Down Conservation Area which is much looser in form than the centre of the village.

However, the site is outside the CA and it is considered that the Sand Road section would address the road, furthermore the road layout is fairly informal, and therefore the harm is considered to be at the lower end. Comment is made regarding the need for suitable boundary treatments, given that the rear gardens would face onto Sand Road and Spray Hill with the exception of units 14 & 15 that are turned slightly and would address the access road. The CO goes on to set out that this also relates to the potential harm to the setting of the listed Oasts and Down Farm – as any harm to the significance of these through the change in setting would be to do with the rural approach to them, which is developed but with landscaped boundaries. Both the CO and LBO conclude that the existing boundaries and enclosure of the site with existing vegetation is an important part of the character and rural approach, both in terms of heritage assets and the AONB. The applicant proposes to address the need to retain existing boundary vegetation, through the detailed design of the boundary treatments. In accordance with policy D2 of the NDP it is considered that plans indicate that the boundary treatments can be designed to reflect the character and appearance of the locality and improve biodiversity.

- 10.28 Historic England's comments set out that Lamberhurst is a good example of a Kentish village, which was historically a centre for the iron industry and later turned to arable farming. The site forms the immediate rural setting of The Down CA and helps us understand its modest rural origins. Whilst comment is made that the construction of the houses here would erode the village's important verdant setting, and the existing soft edge to development on the principle road, and there would be some harm to significance of the Conservation area as it would be detrimental to its rural character. It is also noted in revised comments that the harm identified would be less than substantial, the 1m buffer to Sand Road and Spray Hill is noted and the long term securing of the buffer and retention of trees, is considered to help protect the historic agricultural setting of the Down Conservation Area however, the noise and lighting from the proposed access is considered to signal an urbanising effect. The amended details are considered to result in a slightly diminished level of harm to the significance of the CA, however, Historic England conclude, in line with the CO, that the scheme would result in less than substantial, and at the low end of that range. The heritage harm would therefore need to be weighed against the public benefits of the proposal as described in paragraph 202.

*Heritage Balance*

- 10.29 The public benefits of the scheme are set out at paragraph 10.85 of your reports. The harm to heritage assets, including the Down CA and the Oasts, is considered to be less than substantial, and at the lower end. The CO and HE are agreed on this. The siting of development on the southern side of the site, along with the informal layout, retention and enhancement of the landscaped boundaries assist in mitigating the development and retaining features that contribute to the significance of the CA. In accordance with S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the scheme would at least preserve the special character and appearance of the CA.
- 10.30 Paragraph 202 of the Framework sets out that where the development proposal would 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. The public benefits are a significant contribution towards meeting housing need, provision of a range of dwelling types and sizes and to include specialist housing in the form of social rent and shared ownership dwellings, in a reasonably sustainable location. The scheme would provide in excess of the adopted policy of 35% of affordable housing in major schemes. The scheme would secure the long term management over the proposed buffer to the north. It is also noted that existing footpaths are to



be incorporated into the scheme, and existing footways to the northern side of Sand Road to be enhanced over the existing situation and allowing better access to Scotney Castle to the south-east. Economic benefits would be limited. Overall the wider public benefits are considered sufficient to outweigh the less than substantial harm identified. It is considered that the mitigation proposed in the scheme would be sufficient to 'preserve' the character and appearance of the CA and its setting. The proposals are considered to comply with Core Policy 4, and EN5 of the 2006 Local Plan.

**Visual impact/ landscape impact including the AONB**

- 10.31 As set out above the site is entirely washed over by the AONB. The site is also located in a rural village, a Tier 3 in the settlement hierarchy. The NPPF 2021 is clear (para 176) that "*Great weight should be given to conserving and enhancing landscape and scenic beauty in the National Parks, the Broads and Areas of Outstanding Natural Beauty which have a highest status of protection in relation to these issues*". The scale and extent of development within all these areas should be limited, however, this does not create a blanket presumption against new housing development in such locations.
- 10.32 Key AONB components that are particularly relevant in this case relate to historic routeways in terms of the public rights of way and historic settlement pattern. The High Weald AONB Management Plan sets out that the High Weald AONB is characterised by dispersed historic settlements of farmsteads and hamlets. Key characteristics include the following; the absence of large scale settlement extensions, high concentrations of historic buildings, dark skies, limited palette of local materials and the green-ness of roads and streets, with trees, hedges and verges dominating. The separation between settlements formed by fields associated with individual historic farmsteads is also referenced. It is an objective of the management plan to protect the historic pattern and character of the settlement – indicators of success include maintaining physical and perceived separation between settlements and a greater proportion of new homes to be delivered through re-development or small developments.
- 10.33 The CO commented that they are satisfied that the AONB Design Guide has been sufficiently referenced, in order to better integrate it into the landscape and built form. The layout is considered to be coherent. The scheme does seek to address the existing footpaths, including WT388 that crosses the site and is a historic routeway. The built development is to be concentrated on the southern section of the site, as identified on the SLP, leaving the land to the north, located on higher levels and more visually apparent, to be a landscape buffer as shown on the SLP. The more visually sensitive parts of have this are to be kept free from development, which is supported by specialist officers. This will assist in maintaining a buffer between Lamberhurst and The Down. One of the concerns raised by the CO is the potential impact from the boundary treatments and the potential for change in the setting of heritage assets and the rural setting of the assets and Lamberhurst village itself. The applicant has addressed this matter through a subsequent Design Response and set out that, whilst boundary treatments can be conditioned, existing boundary hedgerows are to be reinforced with new native planting but can also be protected by post and rail fencing with protective stock fencing, to include a 1m offset to create a buffer and management/maintenance strip.
- 10.34 The LBO has set out in their comments that the LVIA has been prepared by a suitable professional to a recognised methodology, and whilst not all of the conclusions are agreed with it does rely upon the containment offered by the boundary hedgerows to come to the conclusion that there would no long term

adverse effects upon the receiving landscape/visual environment. Whilst the LBO considers this underplays slightly the effect of the new built development but if this conclusion was to be accepted it is imperative that the boundary hedgerows and tress are retained and secured in the long term by removing them from rear gardens. Whilst there is some disagreement of effects and effectiveness of mitigation, the LBO agrees that the effects are very localised, that the scheme offers some landscape benefits in terms of securing the wider land into the positive management. The LBO concludes that despite some overall residual harm which is likely to be at an acceptable level, the scheme can be successfully integrated into the landscape.

- 10.35 The Landscape Character Assessment 2017 identifies the site as being in Landscape Character Area 10 Kilndown Wooded Farmland which is identified as rolling upland landscape, incised by valleys, with a dispersed settlement pattern of small hamlets and isolated farmsteads hidden in a framework of extensive blocks of woodlands that surround medium large fields of arable and small fields of pasture farmland. The SPG acknowledges the ancient network of droveways, the highly varied and intermittent views caused by topography, along with the well-wooded appearance. It is noted that elements of character related to the AONB are particularly valued in this character area and this includes these elements and acknowledges settlement patterns is typical of the High Weald landscape and comments that Oasts, Manor Houses and historic parks and gardens survive a remnants of the historic evolution of settlement in the landscape. The Landscape strategy for this area includes the need to maintain the essentially wooded and rural character of the area, and protect the existing settlement pattern – including the notable absence of development on the plateau top (except Kilndown).
- 10.36 The NPPF advises that planning decisions should support development that makes efficient use of the land. In this case, land is retained to the north as a landscape buffer, and the density of the site would naturally be reduced due to this buffer. Whilst the SLP sought a higher density, it is considered that the proposal as submitted, seeks to achieve suitable dwelling numbers whilst respecting the rural settlement. Whilst the scheme would achieve a minimum number of dwellings allocated on this site, it is not considered reasonable to refuse the scheme in this context. The DAS sets out that the scheme equates to 15 DPH.
- 10.37 Density is just one reference by which to assess a scheme and this scheme seeks to produce a landscape and biodiversity led scheme. The Design response set out the proposal responds to the context of the site and the surrounding settlement patterns, and by definition the AONB, through the layout, design and appearance of the scheme. Furthermore,
- Layout & Design*
- 10.38 As set out above, the scheme seeks to focus built form on the southern parcel of land, as anticipated in the SLP, leaving the higher land to the north, as a landscape buffer and free from development, and therefore maintaining the green space between Lamberhurst and Lamberhurst Down. The development would be 25 dwellings (net) that falls within the number of dwellings anticipated for this site (25-30 dwellings in the SLP).
- 10.39 The scheme proposes two storey development – that is considered to be in keeping with the scale of neighbouring development, which is generally two storey and materials have been selected to accord with those commonly used in the area including stock bricks, boarding and plan tile roofs. Final materials would be subject to condition. The dwellings themselves would be designed to be locally distinctive and make use of features seen in the wider area including weatherboarding, hipped

and half hipped rooves and working chimneys built in natural materials. Some amendments have been made and explanations in the Design Response that has satisfied the concerns raised by the CO regarding initial design comments. The layout has sought to respect the building line along Sand Road. The access point itself would not be heavily engineered and the layout of the dwellings would ensure active frontages onto the main access road. The appearance, scale and massing of the buildings are considered acceptable and would accord with policy EN1 of the 2006 Local Plan and D1 of the Lamberhurst NDP.

- 10.40 Whilst the scheme would represent a modern incursion, the development would infill the southern plot and there are dwellings in the vicinity, set in large plots. The scheme proposed would provide detached, semi-detached and some terrace dwellings, each provided with its own rear garden amenity space. Furthermore, whilst a number of larger dwellings are proposed, these have been designed as landmark buildings, in particular plots 21- 22 and 23 – with substantial units set in larger gardens. Whilst it is acknowledged that there is a balance to be struck between providing more homes, in this case, these units would not be out of character with dwellings seen in the wider area. Furthermore, they (along with unit 20) add to the range of homes in accordance with the Government's objective of significantly boosting the supply of homes. Many of the features within the proposal, including the built form, but also the open spaces within and around the buildings and proposed landscape and ecological mitigation, seek to address Buildings for a health Life (July 2020), and includes consideration of a varied housing mix in terms of tenure and forms across the site, responding to existing features, and creating well defined streets and spaces. Attention has been particularly given to the spaces in this scheme, with the layout making provision for a central green, that could be used by occupants, provide a central focus, but also would incorporate the PROW that runs across the site east to west.
- 10.41 The road would terminate to the north, with garages framing the entrance to the footpath, this is welcomed by the CO. The arrangement will frame the entrance to the proposed footpath to access the PROW to the north. These would be carports and therefore open structures that would be more welcoming. Car parking has been located behind the front building lines and use made of parking courtyards with soft native landscaping bounding them - these features take their cue from the High Weald Design Guide. The parking has also been arranged to accommodate the village green that was included in the applicant's design brief and to protect a mature tree located within the site – which also serves to provide a focal point in the development. The position of car parking also serves to avoid the car dominating the layout, in accordance with both the High Weald AONB Design Guide and the NPPF priority of securing well-designed, attractive and healthy places.
- 10.42 A central green would be provided that may be a focus for the community where there is an expectation that this green may be used for informal community events, informal play, as well as exercise, the NPPF is clear in Chapter 8 that planning decisions should aim to achieve health, inclusive and safe places and promote social interaction, an aim that the applicant seeks to achieve. The roads in this area have been adjusted to give more space over to this greenspace. The scheme seeks to provide the village green, framed by the dwellings, and their associated front gardens are proposed to front onto this public space, which directly relates to the recommendations in the High Weald AONB Housing Design Guide.
- 10.43 As set out above the layout seeks to provide a 1m set back to provide a management buffer outside of the private gardens, to ensure that the existing and enhanced

boundary vegetation that contributes to the historic and landscape character will continue to contribute to the ecological function of the site.

- 10.44 The layout has been designed to provide residents with a suitable standard of accommodation, whilst meeting parking and access standards, and incorporating enhanced landscaping and accommodating existing footpaths and mature trees. Consideration has been given to the built form but also spaces around the buildings. The CO and LBO conclude the layout is suitable, the CO acknowledges that the layout is coherent, and the application is supported by both specialists. The development is considered to be of a high quality design and would respect the context of the site and surrounding area. The layout in the context of the site and surrounding area respects policy L3 of the Lamberhurst NDP that seeks to limit housing on the hillsides, retain distance views and maintain the separate identity of different parts of the Parish.

#### **Residential Amenity & Amenity of Future occupiers**

- 10.45 Given the significant distance from neighbours to the north on Spray Hill, and levels, it is not considered that the proposal would result in any detriment to neighbouring amenity to the north. To the east there are no immediate neighbouring dwellings and to the south, Sand Road separates the site from neighbours to the south west of Spray Road.
- 10.46 The main occupiers that would be affected by the scheme are Anglefield Cottages - particularly 2 Anglefield Cottages. However, at present there is already a dwelling facing this neighbour and located at a closer position to the boundary – some 7.8m compared to 11m as proposed. Windows face this neighbour at first floor level. Furthermore there is a significant area of parking and a garage in close proximity to the shared boundary as existing. Given the scale and proximity of the existing buildings on the site, it is not considered that the siting of the dwellings and garages as proposed would result in a loss of light and privacy.
- 10.47 Within the site dwellings are positioned a sufficient distance to prevent any loss of light or privacy internally, where windows do face one another they serve bathroom/en-suite windows, where there would be some expectation that windows would be obscure glazed. In terms of the closer relationships, including plots 2 & 3 11 & 12, 13 & 26, and 19 & 20 it is considered appropriate to condition bathroom windows to ensure privacy is maintained. This condition is set out in Section 11 of this report. Whilst Plot 23 would be set back from Plot 24, it would be separated by some 15m and slightly off-set. Buyers would be aware of the side flank to side flank wall relationship when purchasing dwellings. In accordance with policy EN1 of the 2006 Local Plan, the design would not cause harm to residential amenities of adjoining occupiers and would provide adequately for the residential amenities for future occupiers of the development.

#### **Dwelling mix and affordable housing**

- 10.48 The NPPF sets out that achieving sustainable development includes ensuring sufficient number and range of houses to meet the needs of present and future generations, with accessible and open spaces that reflect current and future needs to support community health, social and cultural well being. Sustainable development should be approved without delay (Paragraph 11 of the NPPF).
- 10.49 Core Policy 6 sets out the type and size of market and affordable dwellings should reflect current and projected housing need but also contribute to a balanced housing market. The Strategic Housing Market Assessment 2015, as updated 2017, indicates a recommended mix for Tunbridge Wells as follows;

	<b>1 bed</b>	<b>2 bed</b>	<b>3-bed</b>	<b>4+bed</b>
Market	5-10%	25-30%	35-40%	20-25%
Affordable	35-40%	30-35%	20-25%	5-10%
<b>All Dwellings</b>	<b>15-25%</b>	<b>25-30%</b>	<b>30-35%</b>	<b>15-20%</b>

Dwellings As Proposed.

	<b>1 bed</b>	<b>2 bed</b>	<b>3-bed</b>	<b>4+bed</b>
Market	0 (0%)	3 (11.5%)	6 (23%)	7 (27%)
Affordable	0 (0)	5 (19%)	4 (15%)	1 (4%)
<b>All Dwellings</b>	<b>0%</b>	<b>8 (31%)</b>	<b>10 (38%)</b>	<b>8 (31%)</b>

- 10.50 Overall the scheme would provide a range of housing size, type and tenure. In accordance with paragraph 60 of the NPPF, the scheme would significantly boost the supply of homes, and it is set out that land with permission should be developed without delay. The distribution of the affordable housing would be throughout the site and tenure blind. Whilst the scheme would provide a higher number of larger units, this is also as a result of the design and layout, and larger dwellings are seen in the wider area. Overall, the scheme would provide a spread of affordable dwellings and recent Inspectors have noted that there is a substantial need for market and affordable housing. In accordance with H2 of the Lamberhurst NDP, the scheme would deliver 40% of the dwellings (based on net), integrated throughout the development. With the affordable housing being offered at social rent which is generally considered to be more affordable, both the number of type of affordable housing would be in keeping with emerging policy and exceed current adopted policy at 35%. The TWBC housing team have also confirmed that the scheme would align with the Council's commitment to provide more social rented housing which is generally more affordable than affordable rent. Furthermore the housing register data indicates a need for three and four bedroom properties – in this respect the scheme would be able to provide a number of larger units and meet the identified needs. Housing register details indicate that in Lamberhurst there is a current need that exceeds that offered on this site. The mix is considered acceptable on balance and the contribution to housing and affordable weighs in favour of the scheme.

## Highways

### Access

- 10.51 The development proposals include a single point of access onto Sand Road in the form of a priority junction. The submitted RSA deals with the preliminary design for the junction and footway on the north eastern side of the B2169 Sand Road to serve the residential development. The access road into the development would have an initial width of 5.5m, and the design includes visibility splays from the priority junction onto Sand Road of 2.4m by 43m in each direction, in accordance with Manual for Streets for a 30mph speed limit. It is also proposed that the existing gravel-surfaced footway on the north-east side of Sand Road between the site access and Spray Hill is to be surfaced in asphalt.
- 10.52 The RSA design team deals with the length of the visibility splays and sets out that whilst a speed survey has not been carried out, due to the large verge on the north side of Sand Road, the design team have been able to extend the north-west visibility splay to achieve a splay of 2.4m x 103m which is in accordance with the Manual for Street standards for a 40mph road and the RSA considers this provides a further factor of safety.

- 10.53 A second problem (B) that has been addressed is the concern of loss of control collisions if surface water overtops the ditch along the back of the footway and flows into the carriageway of Sand Road. The access would interrupt a drainage ditch running just beyond the back of the footway along Sand Road. The recommendation of the RSA is that suitable drainage arrangements should be made to ensure that the flow of water in the highway ditch is not interrupted by the new access junction.
- 10.54 It is considered that the visibility splays can be secured under conditions and the drainage required should be able to be addressed through detailed design. Also to be secured through conditions. KCC HA have been re-consulted and whilst conditions are recommended to seek further details in respect of further details of the access and plots 14/15 to be submitted for approval, and details of the definition of the turning head, KCC HA are not objecting to the scheme. The HA note that it is proposed that the development remains private, that further revisions would be required to the layout if adopted. The applicant has been clear that this is a landscape led scheme and does not seek to over engineer the development. Subject to conditions to secure the provision and retention of visibility splays as shown on the proposed site access plan, along with details of offsite works and a condition for the access to secure an easing of the radii and provision of footway around both radii, KCC HA raise no objections.

*Parking*

- 10.55 In terms of parking - KCC HA do not raise any specific objections in this regard. At 67 parking spaces, provided as surface level spaces, within car barns and within car parking courts, this number of parking spaces would accord with the required 54 parking space. The parking level on the site is considered to accord with the adopted standards.

*PROW/Alternative modes of transport*

- 10.56 There has been extensive discussions both through the emerging local plan process and during the course of this application, regarding pedestrian access to this site. KCC HA had initially sought to encourage the applicants to provide pedestrian access along Spray Hill that runs north/south. Discussions had taken place during the SLP Examination regarding the suitability of providing pedestrian access along Sand Road. It has been concluded by all parties that pedestrian access cannot be taken along Sand Road due to the road width. However, whilst the HA have indicated a preference for access to be taken up Spray Hill, the scheme proposed is for 25 net units and the requested access and infrastructure must be proportionate to the scheme. Whilst KCC HA have requested a footpath up Spray Hill in their written comments, it is not considered that such a scheme would be proportionate to meeting to needs of pedestrians. It is also considered that if a pedestrian route was to be proposed along Spray Hill, there are significant number of mature trees to the western side of the carriageway and it is likely that many of these would have been lost. The Tree Officer had noted that such a scheme would have required the tree impacts to have been considered.
- 10.57 As set out in the paragraphs above, the approach into Spray Hill is part of the rural setting to heritage assets, including the CA and listed buildings. The impact upon trees along this route would be likely to be harmed if a full length pedestrian route was pursued, indeed the LBO comments that, in their view, that the existing PROW together with the new footpath through the site would provide sufficiently reasonable access into Lamberhurst and the school but it would benefit from improvements which can be secured through the S106 agreement. They note that whilst the footway along Spray Hill might be desirable the likely tree loss would make

this option prohibitive. It is noted that the northern end of the PROW near the school could be improved, however, this would require land from within the school.

- 10.58 Notwithstanding the above, whilst a scheme may have been discussed at pre-application stage, the scheme presented within the Planning Application, is a scheme that would install a link from the northern part of the residential site through a landscaped area to the north, and this is the pedestrian scheme that must be considered on its planning merits. The suitability of a footpath along Spray Hill would have resulted in planning harm from the loss of trees, the change in character of the road and subsequent impact on the AONB. Therefore, for these reasons the proposed pedestrian linkage is considered most appropriate.
- 10.59 The pedestrian route to the north would link up with WT387 – an existing footpath, that is well used and KCC PROW team report that only one recent issue with complaints on this path, that related to the surface but makes reference to the adjacent field being cultivated so there is some concern the complaint may not have been allocated to the correct path. Otherwise, no recent reports on this path but several complaints about vegetation and flooding that date from 2015 and earlier. It has to be noted that the footway link would access this existing PROW, that leads to the school and village services. The applicant confirms that the school is not able to offer land to provide for improvements to this path. However, the path and the school would be within KCC's ability to make improvements and notwithstanding this, there has been limited concerns raised regarding the existing situation and the applicant proposes to link to this path. Furthermore, KCC PROW Team do not object to this solution and the applicant has agreed the sum developer contribution of £17,500 for the footpath upgrades on the section of path adjacent to the development site and continuing north to Pearse Place – a total length of 172m – KCC would make these improvements. The applicant has also agreed to widen the footpath to 2m on land they are in control of and comment that the land will need to be enclosed, although this could be some form of stock fencing. It is considered that the final details of boundary treatments to the north and the provision of two or three level landing/passing places where appropriate to be able to step off the path and provide a rest from the natural slope, as requested by the KCC PROW team, can be secured through conditions.
- 10.60 Further to the northern footpath link, the applicant proposes a pedestrian at the south eastern corner of the site, to exit onto Spray Hill, to make an accessible link into the PROW to the south east of the site, that leads to Scotney Castle.
- 10.61 It is also noted that the RSA has addressed the footway between the access junction and the south eastern end of the proposed resurfacing – and there is a risk of pedestrian trips and falls on the raised covers. It is noted that the current surface is compacted stone of a relatively rough appearance. Visually impaired pedestrians would have to take extra care. Furthermore, there are two raised covers on this stretch of footpath. The RSA recommends the raised covers should be lowered to match the level of the resurfaced footway. The RSA also recommends further improvements to pedestrian access on the south western side of Sand Road, by installing dropped kerbs to access the PROW opposite the site, PROW WT352. Whilst these matters can be addressed through the detailed design and secured as part of the off-site works – it is also of note that this potentially would enhance the existing PROW network and the route for pedestrians accessing Scotney Castle, which represents a modest benefit weighing in favour of the scheme.
- 10.62 Lamberhurst is served by a number of bus routes and associated bus stops, that are located both to the north and south of the village, on Sand Road and to the north

within the village. Whilst the site is located in a village location, the village is served by public transport routes and is closer relatively to the Tier 1 settlement than other villages within the Borough. It is considered that the proposal would accord with Core Policy 3 – of the 2010 Core Strategy and L5 and T1 of the Lamberhurst NDP – in that the scheme seeks to provide for, and enhance, sustainable modes of transport including walking and links to public transport options. It is considered that the overall package of improvements to the public right of way network in the vicinity of the site, along with financial contribution, would represent significant public benefits in the planning balance. Furthermore, given the topography of the surrounding area and constraints on access over the school land to the north, the improvements to the public right of way to the north would represent an enhancement of the public right of way network that seeks to work with existing constraints, it is considered that the applicants approach to providing pedestrian access is reasonable in this instance. The alternative referenced by KCC HA is likely to result in harm to mature trees and its not part of the application proposals in any case. It is considered that the scheme seeks to provide for alternative modes of transportation than the car, in accordance with paragraph 104 of the NPPF the scheme will take opportunities to promote walking, cycling and use of public transport. In accordance with paragraph 106 of the NPPF the scheme seeks to provide for attractive and well-designed walking networks in particular. It is of note that KCC HA and PROW teams raise no objections subject to conditions and developer contribution to improve the existing public right of way. It is considered that the footpath strategy is suitable.

#### **Ecology & Biodiversity Net Gain (BNG)**

- 10.63 The ecological survey has been carried out by a suitable professional and to a recognised methodology therefore the LBO broadly accepts the findings. General and species specific mitigation is recommended that can be secured through condition, as set out in Section 11 of your reports.
- 10.64 In relation to bats, suitable mitigation is proposed for the loss of small roosts of two common species of bats. The site is more widely used by a number of species. LBO comments that a licence is required from Natural England for the loss of the roost, which is likely to be granted. Further mitigation and enhancements can be secured by condition within the new dwellings. Further mitigation will be required for foraging bats, in particular the need to retain boundary hedgerows, highlighting the importance of removing the hedgerows from private gardens, and considered to be resolved through the amended plans.
- 10.65 GCN are present and a District Licence has been secured by the applicant. A condition will be required for a detailed mitigation strategy that will include amphibians. Dormice are present – mainly in the northern part of the site. Whilst more optimal dormouse habitat will be retained a licence will still be required for the removal of some areas of vegetation and the LBO considers a licence is likely to be granted. Loss of hedgehog habitat can be compensated for through mitigation.
- 10.66 As set out above, the management of hedgerows and landscaped boundaries will be vital to this scheme in relation to protecting the character of the CA and preventing long term adverse effects upon the landscape and visual environment, as well securing ecological function and BNG – and therefore a condition securing the long term future management (LEMP) of the landscaped areas along with the hedgerows and boundaries is recommended.
- 10.67 In terms of the BNG the report and supporting metric have been prepared by a suitable professional and provides clear explanation of habitats identified, proposed and condition scores, and therefore the results are broadly accepted with some



notable caveats. However, even with potential adjustments, it is clear that the gain would still be some 20% that would comply with development plan policy and that requires no net loss of biodiversity (Core Policy 4) and would accord with the emerging policy in the SLP, EN9 that seeks a minimum of 10% BNG. To conclude, the impact on ecology is considered acceptable and not in conflict with Core Policy 5 of the 2010 Core Strategy, subject to conditions to secure a LEMP, mitigation for protected species and lighting. The proposals would accord with L4 of the Lamberhurst NDP that seeks to ensure development proposals utilise all opportunities to protect and enhance natural habitats and encourage biodiversity.

### **Impact on trees**

- 10.68 There are a number of mature trees on the site and its boundaries. An amended Arboricultural report dated 11.08.22 sets out the direct tree loss from the development on this site. It is noted that the trees on the site are not covered by a Tree Preservation Order (TPO) or within a CA. A total of 20 individual trees and 12 groups or hedges categorised as grade C and 4 individual trees of grade B will require removal to facilitate the development. The tree officer confirmed that these trees are either low to moderate quality and/or are primarily located towards the centre of the site.
- 10.69 It is set out that the majority of the trees to be removed are Category C - and self seeded silver birch and Goat Willow along with lapsed hedging. Four Category B trees to be removed are Oak (T10), Beech (T26 & 27) and the Alder (T52) and sections of the boundary hedgerows require removal due to their proximity to the proposed development. Significant landscaping is proposed and may be secured through conditions set out in Section 11 of your reports. The Tree Officer initially queried the total encroachment of the built structure and car park that would appear greater than shown and precaution should be given around this tree due to its roadside position. Comment was also made that Tree T50 a category A Oak is highlighted as being retained in the tree removal section of the report and draft tree protection plan – but no indication of the impact of the proposed works within its RPA has been provided. The Tree Officer highlights that due to the over mature nature of this tree, stem size and features, there is an indication this tree is a possible veteran and should warrant appropriate protections. Retention within a landscaped space is positive and the report does discuss a low impact approach to the construction of the new access road and footway but does not mention specifically tree T50 and it would be beneficial if this can be addressed. An increase in the soft landscape to the west was also considered to be beneficial loss of footpath to the west.
- 10.70 Following the submission of further details to assess the impact on T50 and T54, the Tree Officer confirmed that the Tree Survey now clearly identifies the impact on tree T54. The Applicant has not revised the footpath to the west of T50, however, this is the existing PROW. The Tree officer is satisfied that as long as the recommended AMS condition includes details to suitably protect the tree and provide sufficient information for the demolition of existing structures and construction of the hardstanding within the RPA, the tree will be able to be retained.
- 10.71 The proposed landscaping scheme seeks to mitigate the loss of trees, throughout the site which accords with policies EN1 and EN25 of the 2006 Local Plan and paragraph 131 of the NPPF.

### **Other Matters**

#### *Air Quality & Pollution*

- 10.72 The Environmental Protection confirm that as a rural area, traffic noise is unlikely to be significant and the scale of the development and/or its position does not warrant

an air quality assessment or air quality emissions reduction condition applied to it. However, the provision of vehicle charging points on site would be a useful promotion of a sustainable transport option. This is considered appropriate here and such provision could be secured by condition to require charging points for all dwellings with on-plot parking as well as publicly accessible charging points elsewhere within the development. This would assist in supporting sustainable travel and would be beneficial for air quality. The applicant has accepted a condition to secure the EV charging in principle.

- 10.73 Environmental Health further comment that there is an indication of land contamination based on the information from the contaminated land database and historic maps databases, the historical use of the site for agricultural purposes indicates it would be prudent to attach a contaminated land condition if planning permission were granted. Regarding lighting, these details should be required through condition, as recommended in Section 11 of your reports.
- 10.74 EHO also note that foul sewage will be dealt with through the mains system and there are no known private water supplies in the vicinity. Southern Water's precautionary buffer zone for any development within 500m of the boundary to the WWTW is also noted and the location of the Lamberhurst Wastewater Treatment Works some 85m distant is noted and the need for an odour assessment. In conjunction with SW, the applicant has prepared an Odour Assessment the contents of which have been reviewed by SW and the EHO. No objections have been raised from the EHO and Southern Water have responded that they are satisfied that the proposed development would not constitute a significant risk to operations at Lamberhurst WWTW with regard to odour. SW note that the relatively small scale nature of the WwTW operations and the absence of complaints from existing receptors, suggests there is not an established odour issue in the local area, which is not expected to change as a result of the occupation of new residential properties at the proposed development location, which is generally upwind of prevailing wind conditions and c.400m from the WWTW boundary. The modelling suggest that odour emissions will be effectively dispersed close to source and is unlikely to be a concern at the proposed development site. Although odour may still be detected on occasions, repeat complaints are not expected. Given the comments of Southern Water it is not considered that the scheme would be in conflict with Core Policy 5.

#### *Drainage*

- 10.75 Surface water drainage will be developed at the detailed design stage. An attenuation basin is shown on the initial strategy, and permeable paving anticipated over a number of driveway/parking areas. The Flood Risk Assessment and SW Drainage strategy concludes that the proposed development is safe and in accordance with national and local planning policy requirements. The main source of flood risk for the site is surface and the data shows this to be a direct result of the topography within the site. Mitigation anticipated at this stage against the residual risk is to raise the ground level by 150mm and exceedance routes will direct surface flows away from residential units.
- 10.76 Foul drainage is to be designed and detailed to adoptable standards to accommodate the flows from 26 dwellings. An on-site foul sewer network will drain to the base of the site, where it will be pumped to the existing public foul system at a selected manhole. A pump will be required as the base of the site is below the selected manhole. This connection will be subject to agreement with Southern Water and via a Water Industry Act Section 106 application.

#### *S106 and Developer Contributions*

- 10.77 Legislation requires that planning obligations (including Legal Agreements) should only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development and;
  - Fairly and reasonably relate in scale and kind to the development.
- 10.78 The requirement for developments to provide or contribute towards the services for which they create a need is set out in Core Policy 1 of the Core Strategy and requirements relating to various types of contributions, including education, recreation, transport etc. are referred to in various Core Strategy and Local Plan policies.
- 10.79 KCC are seeking the following sums toward Secondary Education (the enlargement of Bennett Memorial or Mascalls School) Tunbridge Wells Hub/libraries, a sum towards outreach youth services and a sum towards the Tunbridge Wells Waste Transfer Station.
- 10.80 These sums would ensure that the provision of services locally is sufficient to accommodate the development. KCC Economic Development have set out justification for the requests and it is considered that the relevant CIL tests are met. The contribution towards secondary school provision is requested towards meeting the need created, and cumulatively with other developments, and can only be met through the enlargement of Bennett/Mascalls Schools, and has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment. Whilst the applicant has expressed concern at the selection criteria for Bennett, the school meets the need for secondary education and is not an unexpected request.
- 10.81 The NHS have also made a request for sums to be used to meet the needs of approximately 69 new patient registrations based on the dwelling mix. Sums are expected to be used towards the refurbishment, reconfiguration and/or extension of Lamberhurst and/or towards new general practice premises development in the area. The NHS confirm that there is currently limited capacity within existing general practice premises to accommodate growth in this area. It is considered that the sum directly relates to new patient registrations generated by the scheme and the sums are considered to be CIL compliant.
- 10.82 A sum of £719 per bedspace could be sought towards Adult and Youth Recreation. Lamberhurst Parish Council's comments have been sought as to proposals to enhance such facilities. There is a four-phase renovation of the Village hall. Advice is awaited from the Parish Council regarding the potential to contribute towards the renovations that can be quantified and justified and be of benefit, to enhance shared recreational facilities. Furthermore the LBO advises that a sum of £5,000 would be reasonable to provide funds to improve the area around The Down, especially the quarry and pond area to the south west that will undoubtedly have increased recreational activity and resulting pressure. The site is in the Conservation area and part of the Common Land and wildlife site (SLNVCV). Some improvements here to the path and interpretation material would help offset the affects. The sum would be within that that may be justified under the Recreation Open Space SPD and would provide for works to the path (£2.5K), renew interpretation material (£1k) and assist with some vegetation management through volunteer activity days (£1.5k). To ensure the funds are spent appropriately the S106 should refer to these specific works to be implemented by the KHWP or other approved body. The Lamberhurst NDP is clear that developer contributions will be sought for investment in off-site infrastructure as

required and in other projects that enhance community life. The sums proposed under the recreation element would benefit the wider community. The applicant has agreed to this sum and is to be included in the recommendation as set out in section 11 of this report.

### **Conclusion**

- 10.83 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed in NPPF Para 47. S38 (6) affords the development plan primacy in determining the application. The Development Plan policies as a whole are not out of date and still carry significant weight. This is consistent with the Government's clear statement that the planning system should be genuinely 'plan-led.' (NPPF Para 15).
- 10.84 In terms of the policies in the NPPF it has been considered above that the policies in the Framework that protect areas or assets of particular importance would not provide a clear reason for refusing this development (paragraph 11d – i). In terms of the 'planning balance' in this case, whilst there are negative aspects including the harm caused to the rural approach and the setting of Lamberhurst – and localised harm to the AONB, there are positive aspects that are set out below;
- 10.85 In terms of positive aspects;
- The provision of 26 dwellings (25 net) at a suitable mix attracts significant weight.
  - Provision of 40% affordable housing, at the prescribed tenure set out in the emerging SLP and with the rented element being 'social rent' which attracts significant weight.
  - Substantial landscape buffer to the north, significant positive addition to bring the wider land into positive management, significant weight can be attributed and a financial contribution has been secured towards infrastructure improvements to the Down area;
  - Footway links to the north, along with improvements to existing public right of way network would offer significant benefits;
  - The site is not in an 'isolated' position, and is accessible in terms of services and proximity to public transport, which attracts significant weight;
  - There is Previously Developed Land (brownfield land) on part of this site, which also attracts moderate weight;
  - The proposal will be a moderate positive in terms of improving the economic and social vitality of the area (during construction and through the introduction of new residents);
- 10.86 Based on the above assessment, the proposed development is considered acceptable in principle. The scheme has been designed to respect its rural context and key features regarding the significance of this site, and suitable mitigation is proposed where harm had been identified. It is therefore recommended that this application be approved subject to the conditions set out below.
- 11.0 RECOMMENDATION –**
- A) Grant planning permission subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended), in a form to be agreed by the Head of Legal Partnership Mid Kent Legal Services by 31 May 2023 (unless a later date be agreed by the Head of Planning Services) to secure the following;**

- The provision of 10 dwellings for affordable housing within the site comprising at least the following mix and built to M4 (2) standards where possible, and on a cascade basis;
  - 5 x Two bedroom dwelling
  - 4 x Three bedroom dwelling
  - 1 x Four bedroom dwelling
- Improvements to PROW - £17,200 – towards improvement to Footpath WT387.
- Secondary Education - £113,500.00 towards expansion of Bennett Memorial Diocesan School and / or Mascalls Academy.
- Community learning - £10,930.25 – towards Tunbridge Wells Cultural Hub -Libraries, Adult education/social care.
- Youth service - £1,637.50 towards equipment and resources for local youth centres, and to enable outreach Youth Support services local to the development
- Waste - £4,591.75 – towards the Tunbridge Wells Waste Transfer Station and HWRC expansion.
- NHS CCG - £24,912 Towards refurbishment, reconfiguration and/or extension of Lamberhurst and/or towards new general practice premises development in the area.
- Adult/youth and child play space – £5,000 towards upgrading the path, renew interpretation material and assist with some vegetation management through volunteer activity days – to be implemented by the KHWP or other approved body.

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

- 48354/5501/0001D – proposed site access
- Tree Constraints Plans
- Tree Protections Plans
- LO1 Site Location Plan
- PO1 Masterplan
- PO2a Masterplan South
- PO2 Masterplan South
- PO3 October 2022 Affordable Housing Plan
- PO4 October 2022 Landscape Strategy
- PO5 October 2022 Parking Strategy
- PO6 Drainage Strategy
- PO7 October 2022 Footpath Strategy
- P100 Plots 1 & 2 Floor plans
- P101 – Plots 1 & 2 Elevations
- P102 Plots 3 & 4 Floor plans
- P103 Rev A – Plots 3 & 4 Elevations
- P104 Plots 5 & 6 Floor plans

- P105 – Plots 5 & 6 Elevations
- P106 Plots 7 & 8 Floor plans
- P107 – Plots 7 & 8 Elevations
- P108 9, 10, 11 Floorplans
- P109 – 9, 10, 11 Elevations
- P110 Plots 12 & 13 Floor plans
- P111 – Plots 12 & 13 Elevations
- P112 Plots 14 & 15 Floor plans
- P113 – Plots 14 & 15 Elevations
- P114 Plot 16 Floor plans
- P115 – Plot 16 Elevations
- P116 Plots 17 & 18 Floor plans
- P117 – Plots 17 & 18 Elevations
- P118 Plot 19 Floor plans
- P119 – Plot 19 Elevations
- P120 Plot 20 Floor plans
- P121 – Plot 20 Elevations
- P122 Plots 21 Floor plans
- P123 Rev A – Plot 21 Elevations
- P124 - Plot 22 Floor plans
- P125 - Plot 22 Elevations
- P126 - Plot 23 Floor plans
- P127 Rev B– Plot 23 Elevations
- P128 Rev B – Plot 23 Elevations
- P129 – Plot 24 Floor plans
- P130 – Plot 24 Elevations
- P131 – Plots 25 & 26 Floor plans
- P132 Plots 25 & 26 Elevations
- P200 – Car Barns Plots 7 & 8
- P201 – Car Barn Plots 9-10 14-15 and 16
- P202 – Car ports for 19, 21, 22 and 24
- P203 – Garage for Plot 20
- 48354/5501/016 Adoption Plan
- 48354/5501/001 D Proposed Site Access Plan
- 48354/5501/007 A Fire Tender Tracking Plan
- 48354/5501/005 B Refuse Tracking Plan
- Arboricultural Report 11.08.22
- Ecological Appraisal April 2022
- Biodiversity Net gain report
- Great Crested Newt License
- Design Response
- Odour Constraints Assessment September 2022
- Road Safety Audit 06/01/2023

Reason: To clarify which plans have been approved.

#### Construction and Demolition Environmental Management Plan

- 3/ No works shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and been approved in writing by the local authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

- o All works and ancillary operations which are audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 hours and 18:00 hours on

Mondays to Fridays, 08:00 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays. Unless in association with an emergency or with the prior written approval of the Local Planning Authority.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5228, Noise and Vibration Control on Construction and Open Sites shall be used to estimate LAeq levels and minimise noise disturbance from construction works.
- Measures to minimise the production of dust on the site(s).
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
- Design and provision of site hoardings.
- Management of traffic visiting the site(s) including temporary parking or holding areas.
- Provision of off road parking for all site operatives. Measures to prevent the transfer of mud and extraneous material onto the public highway. Measures to manage the production of waste and to maximise the re-use of materials.
- Measures to minimise the potential for pollution of groundwater and surface water. The location and design of site office(s) and storage compounds. The location of temporary vehicle access points to the site(s) during the construction works.
- The arrangements for public consultation and liaison during the construction works.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Soil management and disposal.

Works on site shall be undertaken in accordance with the approved Construction/ Demolition Environmental Management Plan

Reason: In the interests of the amenities of surrounding occupiers and highway safety. This is a pre-commencement condition as the necessary measures will need to be provided from the start of the construction phase.

#### Vehicle parking/turning

- 4/ The area shown on the approved plans as vehicle parking space, garages 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 first occupation of the dwelling being served, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking, garaging and turning space. The approved details shall be implemented in full, prior to the first occupation of the dwellings.

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.

#### Hedges and Hedgerows

- 5/ All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining

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

Reason: In the interests of protecting the visual amenities and character of the site and locality.

#### Landscaping

- 6/ Notwithstanding the submitted drawings and all supporting documentation, prior to the first occupation of any part of the development, full 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; 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 approved details shall be implemented in full.

Reason: In order to protect and enhance the amenity of the area.

#### Landscaping Implementation

- 7/ The approved landscaping scheme shall be carried out fully in accordance with the approved programme. 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.

#### Tree Protection

- 8/ Notwithstanding the details submitted, no development shall take place until details of tree protection in accordance with British Standard BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. These details shall be set out in a standalone Arboricultural Method Statement (AMS) and scaleable Tree Protection Plan (TPP) or, where appropriate, a combined AMS/TPP or set of statements and plans.

The approved AMS and TPP shall be provided to the site foreman prior to commencement of development, and all contractors on site shall be made aware of the specified tree protection measures.

The AMS and TPP shall cover all trees to be retained which could be impacted by the development, and shall include specific measures to protect these trees through all phases of the development, including measures for:

- the location of site facilities and materials storage;
- demolition of existing structures/hard surfaces;
- changes in ground levels, including the location of construction spoil;
- excavation, including for drainage and other services;
- installation of new hard surfaces; and



- preparatory works for new landscaping

where these may encroach into root protection areas and/or present canopy spreads. All demolition and construction activities shall be carried out in accordance with the approved AMS and TPP, unless otherwise agreed in writing by the Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, to safeguard existing trees to be retained, mitigate impacts from development which could lead to their early loss and protect the public amenity and character of the local area.

Additional design details

9/ Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of development (excluding 'Initial Enabling Works') detailed plans and information regarding the following aspects of the proposed development. The development shall be carried out in accordance with the approvals:

- a) Details relating to window glazing and joinery (including recess depths dimensions) and dormer windows and location of utility boxes and meters (which shall not be positioned on principle elevations unless previously approved in writing);
- b) Written details including source/ manufacturer, and photographic samples of bricks, tiles, roofing and cladding materials and all other materials to be used externally;
- c) The positions, design, materials and type of boundary treatment;
- d) The storage and screening of refuse and recycling areas;
- e) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure, including parking forecourt gates;

Reason: To ensure the build quality of the development. The details are fundamental to the scheme and are therefore required prior to the commencement of the development.

Levels

10/ Notwithstanding the submitted drawings and all supporting documentation, no development (excluding 'Initial Enabling Works') shall take place until details of existing and proposed levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved levels and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the build quality of the development. The details are fundamental to the scheme and are therefore required prior to the commencement of the development.

Land Contamination

11/ The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1.A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2.A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3.A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4.A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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

#### External lighting

- 12/ Notwithstanding the submitted documentation, prior to the installation of any external lighting in public areas (if any) full details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a lighting layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

#### EV Charging

- 13/ Prior to the occupation of the development, details of EV charging and cycle parking for each dwelling within the development with on-plot parking, as well as publicly accessible charging points elsewhere within the development, shall be provided to and approved in writing by the Local Planning Authority, to include a timetable for implementation and details of output of the EV chargers. The development shall be carried out in accordance with the approved details prior to first occupation and subsequently maintained as such thereafter.

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

#### Energy Technologies Condition

- 14/ Full details of the proposed sustainable energy measures within the development (that could include provision of PV panels and low NOx boilers) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

15/ Ecological Enhancements

Prior to commencement of the dwellings hereby permitted, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of avoidance, mitigation and enhancement of habitat and include a detailed mitigation strategy to include amphibians. The scheme shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and enhance such provision is incorporated in to the development prior to construction. Such details are fundamental to the application and are therefore required prior to its commencement.

LEMP

- 16/ Prior to the first occupation of the dwellings hereby permitted, details of a Landscape and Environmental Management Plan (LEMP) for the site in accordance with BS42020 Biodiversity to include details of the management for the development as well as the long term management of the open space and boundary hedging/landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following, as a minimum:

- a) A plan identifying the extent of the area to be covered by the LEMP, which shall include all of the application site that are not part of private residential properties.
- b) Ecological trends and constraints on site and wider environmental issues that might influence management and in particular consider the likely effects of climate change.
- c) Landscape and ecological aims and objectives of the management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions for each identified habitat and feature covered.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward for the lifetime of the development) with recommendations for periodic review.
- g) Details of the body or organisation responsible for implementation of the plan and the resources both financial and personnel by which the LEMP will be implemented. This shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured post development with the management body(ies) responsible for its delivery.
- h) Ongoing monitoring and remedial measures including regular review by accredited professionals including setting out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning landscape and biodiversity objectives of the originally approved scheme.

- i) Details of community engagement connected with raising awareness of and/or volunteering for the management of retained and created habitats and features on site for biodiversity. To be delivered by the Kent High Weald Partnership, Kent Wildlife Trust or other approved organisation with a minimum of two events per year.
- k) details of on-site play along the footpath that will link to WT387.

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

Reason: In the interests of the protecting the landscape character of the site and preserving/enhancing its habitats and ecological value.

#### Archaeology

17/ Prior to the commencement of development the applicant, or their agents or successors in title, will secure:

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
- iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated. These details are required prior to commencement to ensure features of archaeological features are preserved.

18/ Prior to commencement of development the applicant, or their agents or successors in title, will secure the implementation of

- i archaeological landscape works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological landscape remains and/or further archaeological landscape investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological landscape interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological landscape remains and where possible the integration of key landscape features in the detailed masterplan and landscape design.

#### Drainage

19/ Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Surface Water Drainage Strategy dated 10th June 2022 prepared by Stantec UK Limited and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

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

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

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

- 21/ Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul water. These details are required prior to the commencement of development as they are fundamental to the proposal and to ensure suitable drainage is incorporated at an early stage.

#### Obscure Glazing

- 22/ Before the first occupation of the building hereby permitted the windows(s) on the upper floors of; the south eastern elevation of Plot 2, northern elevation of Plot 19, and southern elevations of Plots 12 and 26 shall be fitted with glass that has been obscured in the manufacturing process to Pilkington level 3 or higher and shall be non-opening up to a maximum height of 1.7m above internal floor level. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.

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

#### Off site works

- 23/ Notwithstanding the details submitted, prior to commencement of development, details of the off-site highway works to include improvements to the footways and kerbs on Sand Road and Spray Hill and any accommodating works, shown on plans 48354/5501/001D and plan 242 P07 October 2022 for indicative purposes only, shall be submitted for approval and the approved scheme shall be implemented in accordance with the agreed standards and specification prior to first occupation of the development hereby permitted.

Reason: In the interests of highway safety. This is a pre-commencement condition to ensure appropriate works to the highway are provided for at the early stage of development.

- 24/ Prior to commencement of work on site the visibility splays shown on 48354/5501/001D shall be provided and anything greater in height than 0.9m above the level of the adjoining highway shall be removed. The splays shall be maintained thereafter.

Reason: In the interests of highway safety. This is a pre-commencement condition to ensure appropriate works to the highway are provided for at the early stage of development.

- 25/ Notwithstanding the details submitted, prior to commencement of development, the following details shall first have been submitted to and approved in writing by the local planning authority; the layout, position and widths of the access road and associated footpaths, including the method of delineation between the road, footpath and turning head, materials to be used for final surfacing of the roads and footpaths. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety. This is a pre-commencement condition to ensure appropriate works to the highway are provided for at the early stage of development.

#### Footpath links

- 26/ Prior to the commencement of above ground works of the dwellings hereby approved, details and timetable for installation of the footway linking the housing scheme to Public Right of Way WT 387 as shown on plan No. 242 P07 Footpath Strategy, along with improvements to this public right of way, shall be submitted to and approved in writing by the local authority. These detailed plans shall include details of the width, gradient, surfacing, drainage, lighting and boundary treatments of the proposed footway and level passing places on the existing public right of way and the proposed pedestrian link as necessary. The improvements to the existing public right of way and new footway link shall be fully implemented in accordance with the approved details prior to first occupation and maintained in perpetuity.

Reason: In the interests of highway safety and visual amenity.

### **B IF THE APPLICANTS FAIL TO ENTER INTO SUCH AGREEMENT BY 31 May 2023 THE HEAD OF PLANNING SERVICES SHALL BE AUTHORISED TO REFUSE PERMISSION FOR THE FOLLOWING REASON (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES):**

1. In the absence of a completed legal agreement the proposal would fail to provide affordable housing and would therefore conflict with Core Policy 6 of the Tunbridge

Wells Borough Core Strategy 2010, the National Planning Practice Guidance and the National Planning Policy Framework 2021.

2. In the absence of a completed legal agreement the proposal would fail to provide developer contributions towards the Tunbridge Wells Cultural Hub, Secondary School education, youth services, public right of way improvements and waste as requested by Kent County Council, and would therefore conflict with Core Policies CP1 of the Tunbridge Wells Core Strategy 2010 the National Planning Practice Guidance and the National Planning Policy Framework 2021.
3. In the absence of a completed legal agreement the proposal would fail to provide for Adult and Youth recreation and would therefore conflict with Core Policies 1 and 8 of the Tunbridge Wells Core Strategy 2010 and Policy R2 of the Tunbridge Wells Borough Local Plan 2006.
4. In the absence of a completed legal agreement the proposal would fail to provide for health care improvements or enhancements to mitigate the additional demand on services from future residents and would therefore conflict with Core Policy 1 of the Tunbridge Wells Core Strategy 2010 and paragraphs 55-57, 93 & 96 of the National Planning Policy Framework 2021.

Case Officer: Marie Bolton

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.