

REPORT SUMMARY

REFERENCE NO - 22/03024/FULL

APPLICATION PROPOSAL

Erection of 7 affordable dwellings, with associated access, parking, landscaping and a pedestrian link path to Town Hill (resubmission of 21/02810/FULL)

ADDRESS Lamberhurst Vineyard Furnace Lane 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supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all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 proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to 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 is not considered to be a ‘major’ development due to its local context, and is considered to comply with Paragraph 172 of the NPPF in terms of its impact on the Area of Outstanding Natural Beauty (AONB);
- The development would not be materially harmful to the residential amenities of nearby dwellings;
- The number of residential units and the mix of unit sizes are considered to be appropriate to this site;
- The proposal would deliver 7 affordable housing units at the mix of tenures required by the Development Plan;
- The traffic movements generated by the development can be accommodated without detriment to highway safety and the proposal includes adequate car parking provision;
- The proposal would deliver improvements for pedestrians and cyclists through the improvement of the footpath from Furnace Lane to Town Hill, which will benefit all users, not just the occupants of the new development
- The proposal would deliver a net ecological gain through the scheme of mitigation and enhancement
- Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape and AONB impact of the development and the wider landscaping proposals within the LEMP can be secured by legal agreement.

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):

None

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

<p>The following are not considered to be material to the application:</p> <p>Estimated annual council tax benefit for Borough: 7 x £193.75 = £1356.25</p> <p>Estimated annual council tax benefit total: 7 x £2029.76 = £14208.32</p> <p>Estimated annual business rates benefits for Borough: N/A</p>			
<p>REASON FOR REFERRAL TO COMMITTEE</p> <p>Call in by Cllr Dr Hall and Cllr Knight for following reasons:</p> <ul style="list-style-type: none"> • Overwhelming local interest in the application • Unsustainable site • Impact on AONB • Design • Impact on economic development on Vineyard • Concerns it is not a Rural Exception Site • Furnace Lane is a gateway to the village, and development will harm that impression • Not a requirement for additional following approval of Spray Hill development 			
<p>WARD Goudhurst & Lamberhurst</p>	<p>PARISH/TOWN COUNCIL Lamberhurst Parish Council</p>	<p>APPLICANT Gold Property Ltd AGENT Miss Laura O'Brien</p>	
<p>DECISION DUE DATE 11/01/23</p>	<p>PUBLICITY EXPIRY DATE 02/02/23</p>	<p>OFFICER SITE VISIT DATE 15/12/22</p>	
<p>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</p>			
21/02810/FULL	Erection of 7 affordable houses, with associated access, parking, landscaping and pedestrian link path	Withdrawn	13/10/21
<p>Relevant other sites: Land At Down Farm, Lamberhurst</p>			
22/01882/FULL	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.	Approved by planning committee subject to completion of S106	02/03/23

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is approximately 8 hectares in area and is located within an Area of Outstanding Natural Beauty and west of the Lamberhurst Conservation Area
- 1.02 The site is located on the north side of Furnace Lane in a part of Lamberhurst called Lamberhurst Down. The site also forms part of the Lamberhurst Vineyard which is an operating vineyard growing grapes which are processed off site. The land is currently accessed via the existing driveway into the Vineyard off Furnace Lane, which then travels east towards the Vineyard Public House car park and then north towards to Vineyard Centre. This creates a “L” shapes parcel of land which partially wraps around to the rear of Invicta House, Inglenook and Hall Cott.

- 1.03 The land is reasonably level and is currently used for the growing of grape vines. There is a post and rail fence to the south boundary facing onto the road, and group of conifer trees to the southern boundary behind the residential dwellings.
- 1.04 Furnace Lane where the site is runs along a ridge line, which is elevated and open to the north. There are medium to long distance views of the site from the north and near distance views from Furnace Lane.
- 1.05 The area for the new path follows the access road through the site, passing to the east and then to the north in in the vicinity of the business units car park, before re-entering further vineyard planting (in the Conservation Area) to the north east where it joins the public right of way WT386 and then on to Town Hill.

2.0 PROPOSAL

- 2.01 The application is seeking planning permission for 7 dwelling all of which would be affordable housing. It is proposed that the dwellings would be for social rent.
- 2.02 The dwelling mix would comprise of 3 x 2 bedroom bungalows (one detached and a semi-detached), 3 x 3 bedroom houses (terrace) and 1 x 4 bedroom house (detached)
- 2.03 The existing east-west access road would be retained and resurfaced. A new pedestrian pavement is proposed in front of the properties and leading to Furnace Lane where a new cross point is proposed. The pedestrian pavement would link up to the existing informal footpath that leads to WT386, which would then lead to a new ramped access out onto Town Hill, retaining the existing steps to the road.
- 2.04 The access road would be bounded by green verges including grassland and swales. Also, as part of the proposal is a small natural play space, and a green open space between the 4 bedroom property and Invicta House to the east.

3.0 SUMMARY INFORMATION

	Proposed
Bungalows	
Max height	6.0m
Max eaves height	2.2m
Max depth	9.8m
Max width	9.9m
3 bed houses	
Max height	7.2m
Max eaves height	4.5m
Max depth	6.9m
Max width	8.6m
4 bed house	
Max height	8.5m
Max eaves height	4.5m
Max depth	8.5m
Max width	9.0m
Parking ratio	2 spaces for each unit and one

	visitor Total: 15
No. of affordable units	7

4.0 PLANNING CONSTRAINTS

Agricultural Land Classification Grade 3

Area of Outstanding Natural Beauty (AONB) (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

Biodiversity Opportunity Areas

Outside Limits to built development (LBD)

Adjacent to Conservation Area to south east. (*-statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

Grade II listed buildings at Inglenook, Hall Cott and the Vineyard Public House.

(*-statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021

National Planning Practice Guidance (NPPG)

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 3: Transport Infrastructure

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 6: Housing Provision

Core Policy 14: Development in the Villages and Rural Areas

Tunbridge Wells Borough Local Plan 2006

Policy LBD1: Development outside the Limits to Built Development

H8: Affordable Housing outside the Limits to Built Development

Policy EN1: Development Control Criteria

Policy EN25: Development Control Criteria for all development proposals affecting the rural landscape

Policy H8: Rural Exception Site

Policy TP4: Access to the road network

Policy TP5: Vehicle Parking Standards

Tunbridge Wells Borough Submission Local Plan 2020-2038

Policy STR1: The Development Strategy

Policy STR2: Place Shaping and Design

Policy STR4: Ensuring Comprehensive Development

Policy STR5: Infrastructure and Connectivity

Policy STR6: Transport and Parking

Policy STR7: Climate Change

Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment

Policy PSTR/LA 1: The Strategy of Lamberhurst Parish

Policy EN1: Sustainable Design

Policy EN2: Sustainable Design Standards

Policy EN3: Climate Change Mitigation and Adaptation

Policy EN4: Historic Environment

Policy EN5: Heritage Assets

Policy EN8: Outdoor Lighting and Dark Skies
Policy EN9: Biodiversity Net Gain
Policy EN12: Trees, Woodland, Hedges, and Development
Policy EN14: Green, Grey, and Blue Infrastructure
Policy EN16: Landscape within the Built Environment
Policy EN24: Water Supply, Quality, and Conservation
Policy EN25: Flood Risk
Policy EN26: Sustainable Drainage
Policy H1: Housing Mix
Policy H2: Housing Density
Policy H3: Affordable Housing
Policy H5: Rural Exception Site
Policy TP1: Transport Assessments, Travel Plans, and Mitigation
Policy TP3: Parking Standards

Lamberhurst Neighbourhood Development Plan

Policy L2: Development within the High Weald AONB
Policy L3: Retaining parish character and conserving the landscape
Policy L4: Biodiversity
Policy L5: Public Rights of Way
Policy H1: Location of housing development
Policy H2: Housing mix, tenure and affordability
Policy H3: Rural exception sites
Policy D1: Design of new development
Policy D2: Boundary treatments
Policy D3: Climate change
Policy D4: Dark skies
Policy D5: Housing density
Policy D6: Historic environment
Policy D7: Conservation areas
Policy T1: Sustainable transport
Policy T2: Traffic management

Supplementary Planning Documents/Guidance:

Borough Landscape Character Area Assessment 2002: Second Edition adopted
October 2011
High Weald AONB Management Plan 2019-2024
Tunbridge Wells Borough Council Plan 2022/24 (Building a Better Borough)

6.0 LOCAL REPRESENTATIONS

- 6.01 Four site notices were placed around the site on the 15th December 2022, an advert was also placed in the Kent Messenger newspaper.
- 6.02 The following comments and objections were raised from 194 residents:
- Not an allocated site
 - Will result in further development of the vineyard
 - the footpath would require adoption, who would manage it
 - Impact on AONB and countryside contrary to the NPPF
 - reference made to major development in AONB
 - Outside the LBD of Lamberhurst
 - Loss of Agricultural Land
 - loss of historic Vineyard
 - Change character of village
 - Inconsistent with NDP

- Other housing sites have been identified for the village
- would predetermine the scale and location of development not in accordance with para 49 of NPPF
- concern that the dwellings wouldn't be affordable
- impact on conservation area
- concerns about impact on tourism and brown sites which advertise the vineyard
- impact on habitat and biodiversity
- concerns that new footpath would not be useable by less-abled and the disabled
- impact on dark skies
- plot C1 is out of character with area and not affordable
- Loss of privacy, light and overshadowing at Invita House
- increase in traffic on Furnace Lane and through vineyard
- Too long of a walk into village not sustainable
- Not a rural exception site for social housing
- reference made to social housing on Town Hill
- Concerns about parking
- concerns about infrastructure inc schools and drs
- Affordable housing not required as offered in other sites
- impact on climate
- impact on flooding
- Impact of increased air pollution

7.0 CONSULTATIONS

Lamberhurst Parish Council

- 7.01 Lamberhurst Parish Council wishes to register an objection to this application for the following reasons –

1. Constraints. The application folder notes four Constraints relevant to the application. These are - AONB; Outside Limits to Build development; Agricultural land classification; Biodiversity Opportunity Areas. These constraints in themselves demonstrate that this is an inappropriate site for development.

2. Inconsistencies. The application is inconsistent with the **National Planning Policy Framework** of which **Paragraph 176** The development neither conserves nor enhances landscape/scenic beauty.

Policy EN1 of the Local Plan states that “*Proposals should retain and, where appropriate, enhance ... heritage assets, open spaces, trees/vegetation, features of biodiversity/geodiversity, or other features important to the built or landscape character of the area, especially in the High Weald Area of Outstanding Natural Beauty*”. The development does none of those things. On the contrary, it destroys part of the vineyard.

Policy EN4 states that “*All new development shall contribute to the overall conservation and, where possible, enhancement, of the historic environment of the borough*”. The development does not do this. On the contrary, it destroys part of the vineyard.

Policy EN19 states that “*All development within, or affecting the setting of, the High Weald Area of Outstanding Natural Beauty (AONB) shall seek to conserve and enhance its landscape and scenic beauty*”. Again, the development does not do this, but rather it destroys part of the vineyard.

The application is also inconsistent with the **Lamberhurst Neighbourhood Development**

Plan 2016-2038 (“LNDP”). The LNDP was approved by Lamberhurst residents at a referendum on 16 September 2021 and became a Made Plan on 6 October 2021.

Policy L2 of the LNDP states that “*Development within the Parish will only be permitted where it conserves and enhances the landscape and has regard for the High Weald AONB.*”

Policy H1 “*Housing developments in the countryside will be strictly controlled in the interests of conserving the High Yield AONB*”. As commented above in relation to the issues with the Local Plan, the development does not conserve or enhance anything.

Policy L3 states “*Limit new housing on hillsides, retain distant views and maintain the separate identity of different parts of the Parish*”. The site in question is at the top of a ridge and the development would affect views in both directions across the Teise valley. The vineyard and the valley define the character of this part of the Parish, and the development would harm this.

Policy D1 states that “*All new development must achieve a high quality of design and reinforce local character.*” The proposed development is completely out of character with adjacent listed buildings and the Lamberhurst Down Conservation Area and so would do the opposite of reinforcing local character.

Policy D6 states that “*Great weight will be given to the conservation and enhancement of listed buildings and ancient monuments. ...Development proposals causing any harm or loss to these assets will require clear and convincing justification*”. The vineyard would be harmed by the development. Listed buildings adjacent to the site would be marred by the development. The application provides no convincing justification for this.

Policy T1 states that “*Development should be served, where possible, by sustainable travel arrangements, providing for opportunities for walking and cycling and enabling active lifestyle*”. The site is approximately one kilometre from the village shop, going via the vineyard and Town Hill. That is too far for the elderly and will result in the use of private cars. In addition, Town Hill is steep and not negotiable in a wheelchair, even with the proposed new pedestrian route around part of the perimeter of the vineyard. The pedestrian route itself, with a ramp down to Town Hill, would alter the character of that part of the vineyard.

3. Rural Exception Site (“RES”) – The site is outside the Limits to Build. To overcome this, the application suggests that the site is an RES and that accordingly the development should be allowed to proceed. But the site is not an RES.

The normal process for determining an RES to accommodate affordable housing would be community driven, (often on land donated by a local landowner) and the process would be conducted in partnership with a registered social/affordable housing provider (who would own and manage the houses in perpetuity) and the local housing authority. It seems this has not happened in this case. Any registered provider will have an input into the layout and specification of the properties which as presented in the application look more like those one would expect in a commercial development. We note that the applicant describes itself as “... an SME housebuilder that is actively building out sites through Kent and Sussex ...” It would also be normal for the Parish Council to have some involvement in the process. There are references in the application folder to a “registered social landowner” but these are non-specific. This suggests that the applicant has not identified a suitable provider and will not do so unless and until this application is granted.

In any event, Policy H3 in the LNDP requires that any development on an RES must meet the policies in the LNDP “*particularly in terms of conserving and enhancing the High Weald AONB*”. The development would not do this.

4. Affordable Housing - the Lamberhurst community is supportive of affordable housing as was demonstrated in a residents’ survey. This is reflected in **Policy H2** in

the LNDP - “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”.

Importantly, please also see para 2 of Policy PSTR/LA1 on page 267 of the Local Plan. This envisages the building of approximately 25-30 new dwellings (of which 40 percent will be affordable housing) on land at Spray Hill. That would mean a minimum of 10 affordable homes.

A planning application has been submitted for a residential development of 25 dwellings on the Spray Hill site on behalf of Jarvis Homes (ref 22/01882). The Parish Council is supportive of this application. We understand that a decision on this application may be forthcoming at the TWBC Planning Committee due in January 2023. We also understand that Jarvis Homes would be ready to start work promptly following the grant of permission. This overtakes paras 6.6 and 6.7 of the Affordable Housing Statement.

Provided the requirements of Policy H2 are met, this Spray Hill development will amply provide for the seven units of affordable housing foreseen to be required in the Lamberhurst Housing Needs Survey which was conducted in January 2019.

Unconnected with the Spray Hill development, five new homes are being constructed on Town Hill, with funding from Homes England. See planning application 19/03154. Homes England is a public body that funds new affordable housing in England.

5. Building/site design – we question whether the proposed designs meet the AONB design code or all of the design policies of the LNDP. In addition, the parking provision on the site looks inadequate and at busy times (for example when the Vineyard pub car park overflows) could exacerbate curb-side parking on the Vineyard access road.

6. Viability of the vineyard – the vineyard has been largely uncultivated for about three years and has been generally neglected. But we understand that a local person has taken a lease of the vineyard for ten years and intends to return it to production as an independent business. At around 20/25 acres, the vineyard is arguably only marginally viable. To lose any part of that acreage to development would impair the chances of the vineyard coming back into production successfully.

KCC Flood and Water Management

- 7.02 The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC’s remit as statutory consultee

KCC Economic Development 7.03

Request Summary Per applicable* House (x 7)	Total	Project	
Primary Education	£4,642.00	£32,494.00	Towards expansion of Primary Schools in the Brenchley, Horsmonden and Lamberhurst education planning group
Secondary Education	£4,540.00	£31,780.00	Towards expansion of Mascalls Academy

	Per Dwelling (x 7)	Total	Project
Community Learning/Social Care/ Libraries	£437.21	£3,518.97	Towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care

Youth Service	£65.50	£458.50	Towards equipment and resources youth centres serving the development, and to enable Outreach Youth services.
Social Care	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£1,285.69	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion
Broadband:	<p>Planning Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and gigabit-capable (minimal internal speed of 1000mbps) connections to multi-point destinations and all buildings including residential, commercial and community. The infrastructure shall be installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details. The development should comply with any statutory or non-statutory guidance extant at the time a decision on the application for planning permission is made.</p> <p>Reason: To provide future-proof digital infrastructure in new developments as required by National Planning Policy Framework (NPPF) paragraph 114.</p>		
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>		

Southern Water

- 7.03 The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. The representation sets out the requirements for location of development in accordance with public foul sewer. Identifies that an application for connection to sewers would be required from Southern Water

TWBC Client Services

- 7.04 Bins will be required to be purchased from TWBC by the developer or their client prior to properties being sold or occupied.

KCC Public Rights of Way

- 7.05 The public right of way (WT386) is unaffected by the proposals. The proposed connection with public footpath and the provision of a ramped access south of the existing steps is welcomed. Future maintenance responsibilities for the proposed path and ramp requires clarification. If the intention was for the path to be adopted, this should be discussed and agreed with colleagues in KCC Highways. Informative requested

Environmental Protection

- 7.06 Traffic generation associated with proposal is very small and unlikely to have an impact on air quality. No noise issues are anticipated. No contamination land issues are anticipated. No objection, subject to the informative relating to code of development practice.

Conservation and Urban Design Officer

- 7.07 Previous comments are still applicable and so are repeated here:
'This application proposes 7 dwellings utilising an existing access and road layout. 3 house types are proposed, two of which are single storey. The site is adjacent to the boundary of the Lamberhurst - The Down Conservation Area, and the grade II listed Hall Cottage and Inglenook.
- 7.08 The heritage statement is set out within the planning statement and is somewhat sparse, on the assessment of significance required. It principally discusses how the landscaping and layout of the development will be set back from the heritage assets and screened with landscaping. However, it is concluded that no harm will be caused to the assets. This is because the layout, which has improved greatly since pre-application discussions (as set out in the DAS), responds to the context much better, and the quantum of development is minimal enough to be able to blend in with the existing ribbon development, and cluster of buildings around the crossroads.
- 7.09 In terms of design is that it is unfortunate that the parking area is located next to the road, hidden or not. It is also a retrograde step that none of the houses have chimneys, as was previously proposed. Otherwise, the application can be supported this as sustaining the significance of the listed buildings and the Conservation Area as it would have no impact on that part of setting which forms part of its significance, given the low-key nature of the development, landscaping, and materials proposed (Subject to details of these, which could form a condition).'
- 7.10 The layout has improved in response previous comments and the Landscape and Biodiversity Officer's comments, as set out in the design process explanation in the DAS. It is unfortunate that the DAS does not explicitly demonstrate adherence to the AONB guidance. However, on review it meets many of the criteria - DG2, partially DG3 (proportionate to it being a small site, but the play area is wellplaced), and DG4 and DG5 (the single plot facing Furnace Road and turning the corner to the access road is welcome. Its garden lines the road but there is a pedestrian access there which addresses the road and is welcome and we can include a condition for the boundary treatment, including retention for a suitable number of years. The rest of Furnace Road frontage will need similar in terms of the long term maintenance of the grassland habitat and boundary - the Landscape and Biodiversity Officer may have comments on this but it is welcomed its location here with the rest of the houses facing the access road - as above, given the small number of units this enables it to still fit in with the pattern of development here given that this is an existing access road rather than a created back land development). The parking strategy DG6 criterion is met as they are convenient and do not dominate. Regarding DG7 (building appearance) it is pleasing to see the chimneys reinstated and used as sunpipes. A condition to cover materials details to ensure that they do integrate well with the palette of the area, but otherwise I remain supportive of the contemporary approach to the design but with a vernacular feel to it in terms of scale and proportions.
- 7.11 To conclude, it is still considered that no harm will be caused to the heritage assets because the quantum of the development, the landscaping (to be conditioned) and the appearance responds well to context and blends in with the existing ribbon development and the cluster of buildings at this crossroads. It is pleasing to see the layout improvements which better address Furnace Lane and the reinstatement of the chimneys, as well as the retention of the historic steps which were brought to TWBCs attention by the Lamberhurst History Society. These comments are subject to the views of the Landscape and Biodiversity Officer as well, particularly in terms of layout, the feasibility of the grassland area, the LVIA and biodiversity requirements.

KCC Highways (1st comments)

- 7.12 The vehicular accesses are existing. The access road from Furnace Lane is proposed to be realigned. Vehicle access to the wider vineyard, commercial units and adjoining properties within site is proposed to be maintained. In addition, there is proposed to be a new or altered pedestrian access to and from the site with alterations to the public right of way. There are to be new roads provided within the site which are to remain private. This proposal is for 7 residential units comprised of 3no. 2-bedroom, 3no. 3-bedroom and 1no. 4-bedroom houses with 15 car parking spaces.

Proposed Pedestrian / Cycle Access

- 7.13 This application includes for a new pedestrian access to the east of the main access from Furnace Lane, with a new dedicated crossing point on Furnace Lane to the east of the main access, to tie in with the footway on the opposite side of Furnace Lane. The crossing provides a link to the bus stop. The TS states “the proposed access also achieves a DDA compliant gradient and provides an area sufficient for a wheelchair user or parent with pushchair to wait prior to crossing Furnace Lane”. This gradient needs to be provided and a cross section of the path is recommended. This new path is 2m wide, which offers opportunities for two mobility aids to pass. This new access and crossing point would require technical approval and would be delivered via highway works (S278). Please see the informative below. The existing access from Furnace Lane is proposed to be realigned. In our previous response, it was said that the slight - moderate increase in use of the existing vehicular access point from Furnace Lane is reasonable in our view. The traffic generation has been derived, as shown in the TS. A total of 4 trips are generated at the site in the AM peak, and a total of 3 are generated in the PM peak. Therefore, this is not likely to lead to any significant impact on highway safety or congestion. Drawing number 18217-MA-XX-DR-C-0130 in the TS shows the visibility splays at the main access, which are suitable.
- 7.14 There is a pedestrian footpath proposed within the site which links to existing footways along the B2100. As mentioned in our response to the previous application, the link is also of interest to KCC Highways because we seek to encourage pedestrian permeability and for pedestrian links to be of sufficient quality and design to attract active mode choices. The new path measures 2m in width and formed of stabilised gravel surfacing to be suitable for wheelchair users, mobility scooter users and pushchairs. This footpath route does cross through the existing parking area at Lamberhurst Vineyard and is proposed to be demarcated. However, it does cross the route that vehicles would take when accessing this parking area. To give greater priority to pedestrians and to ensure that vehicle speeds are managed, a raised table could be incorporated on this demarcated section of the pedestrian path. Furthermore, Kent Design Guide states “ribbed tactile paving should be used and raised line markings can be used to assist visibly impaired pedestrians to use the appropriate part of the path and to indicate the presence of side accesses or crossings.” Furthermore, details regarding the gradient of this new footpath are required to ensure it does not exceed the maximum footpath gradient – Kent Design Guide states “to meet design requirements for the mobility impaired, footways should generally be restricted to a maximum gradient of 5%” (1 in 20 maximum gradient). There is an existing PRoW (WT386) which runs east-west to the north of the existing buildings at Lamberhurst Vineyard (some distance from the proposed housing and within the blue line boundary). It is noted that the KCC PRoW team have been consulted and highlighted that WT386 is unaffected by these proposals. The Proposed Site Plan (Dwg no. P1906-IOA-ZZ-ZZ-DR-A-3101) shows that the proposed pedestrian footway in-site links to the existing PRoW and to the existing steps to Town Hill. Furthermore, a pedestrian ramp of gradient 1:15 is proposed to

provide a step-free link from the site to the existing footways which run along Town Hill. The applicant does propose for ramp gradient requirements to be confirmed by building control. This new ramp would not be adopted by the KCC Highways as it is not required to be covered by s278 agreement. The design of the ramp and how it ties into PROW WT386 will need to be discussed with KCC's PROW team

Parking Provision

- 7.15 Parking for plots A1.1, A1.2, A1.3, B1, B2.1 and B2.2 are all proposed to be tandem spaces, with two spaces for each. This quantity and arrangement are acceptable for these two and three-bed dwellings. In addition, plot C, the 4-bed dwelling, has two independently accessible spaces and is also acceptable.
- 7.16 In addition to two spaces per dwelling, one additional car parking space for visitors has been supplied. The total number of spaces for this mix of proposed dwellings in this location is in line with Kent Design Guide.
- 7.17 The TS notes that at least 1 space per property will have EV charging points, with the remainder passive. This is therefore acceptable. For information - All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved charge point model list 1.5m Native Hedgerows border the parking area of plots, where the footway runs along the frontage. Please can the provision of pedestrian visibility splays of 2m x 2m behind the footway on both sides of all accesses with no obstructions over 0.6m above footway level be evidenced. Please can the applicant also provide visibility splays demonstrating the available visibility for vehicles leaving the road / driveway to Houses B1, B2.1, B2.2, A1.1, A1.3 and C1. It is recommended that visibility splays are provided to at least 15mph standards. The applicant should commit to maintaining any planting within the splay to a maximum of 0.6m in height. Dimensions of the parking spaces meet Kent Design Guide Standards.
- 7.18 Cycle parking is proposed to be accommodated for with a shed per unit measuring 3m x 2m for at least 2 bicycles each. Cycle parking should be provided on the ratio of one space per bedroom. Details of secure cycle parking can be covered by condition such that it can be evidenced how these sheds will accommodate the bike quantum i.e. 4 bicycles for the 4-bedroom plot and 3 bicycles for the 3-bedroom plots.

Internal site layout

- 7.19 The new internal road layout is labelled 'new road surface' on the proposed site layout – please can it be clarified as to the material. It needs to be ensured that the material is bound and drains towards the curtilage of the site.
- 7.20 Tracking has been supplied for plot C1 and shows that a large car can enter the driveway here. It is noted that the width of the road surface outside of plots A1.1, A1.3, B1 and B2.1 is 4m. This aisle width falls short of the 6m width that is required to allow for vehicles manoeuvring in to and out of car parking spaces that are perpendicular. Therefore, it would be recommended that tracking of a car is provided for the driveways of these plots to show that a car can manoeuvre in and out. Furthermore, this aisle width of 4m is circa 60m in length. In order to allow two-way flow, at least 4.8m carriageway width is expected. If this cannot be met, as per Kent Design Guide there should be sufficient space for two cars to pass each other at least every 40m and these spaces should be intervisible, which is not met in this case. Therefore, we would ask either for the width of this section to be increased or for the passing places to be provided at intervals in line with Kent Design Guide.

- 7.21 Can the applicant confirm if they are intending to retain the 5mph speed limit? If so, will this be formalised within the site entrance?

Delivery and servicing

- 7.22 It has been proposed for deliveries and servicing to take place in site and therefore away from the highway. This proposal would require for vehicles to enter from Furnace Lane, turn around within site and egress out of the site.
- 7.23 For refuse collection, the tracking of an 11m refuse vehicle has been provided in the TS. We expect an 11.4m vehicle to be tracked as this is the vehicle employed by the highway authority for design purposes and ensures that the development is future proofed.
- 7.24 For delivery, a 10m rigid vehicle has been tracked at the main access from Furnace Lane. This shows that a left-in turn would require for the vehicle to overrun the centre line within the site. The tracking of this vehicle for a left-turn out shows that this vehicle would need to overrun the centre line on Furnace Lane, approaching the proposed crossing point.
- 7.25 The tracking of this vehicle turning around within site shows that turning is tight and would need to overhang some boundaries including the area of the 1.5m hedgerow.
- 7.26 Therefore, more turning space is required both at the site access and within site. It is important that vehicles are able to turn within site such that they are able to exit in a forward gear. Reversing on to highway would not be acceptable.
- 7.27 For emergency fire access, it is recommended that Kent Fire and Rescue are consulted (if not done so already) to ensure that their requirements are met. It is further recommended that tacking of fire tender is provided, to ensure fire tender are able to enter and turn within site.

2nd comments

Proposed Pedestrian / Cycle Access

- 7.28 The cross-sectional gradient of the crossing point to the east of the main access has been indicated to be of 1:50 max. It is confirmed that this would not exceed 1:20, which would meet design requirements for the mobility impaired as per Kent Design Guide. As mentioned previously, the works to realign the access and crossing point would require technical approval and would be delivered via highway works (S278), which should be covered by condition. Internal Site Layout
- 7.29 Noting that the internal layout is not for adoption.
- 7.30 A raised table with tactile pavement has now been incorporated into the footpath within site where it crosses the vehicular routing. For the demarcated section, it is recommended for raised line markings to be used to assist visibly impaired pedestrians.
- 7.31 For the vehicular access from The Down, is this planned to still be utilised by vehicles? If so, a raised table should be incorporated into this section where the pedestrian route passes the vehicular route here, too.
- 7.32 The stabilised gravel used for the footpath within site should be DDA compliant.

- 7.33 Tracking of a 4.8m car has been provided at each unit's parking areas. This shows that there is the space for vehicles to manoeuvre out of the parking areas. A passing place has now been provided along the 4m wide section. This widens the carriageway width to 5m, at that passing place, which allows for two vehicles to pass. This is shown on the new Proposed Site Plan drawing no. P1906-IOA-ZZ-ZZ-DR-A-3101 in the TN.
- 7.34 Noted for 5mph limit signing to be retained throughout the site.
- 7.35 Details regarding the gradient of the new footpath throughout the site is still required to ensure it does not exceed the maximum footpath gradient – Kent Design Guide states “to meet design requirements for the mobility impaired, footways should generally be restricted to a maximum gradient of 5%” (1 in 20 maximum gradient).

Parking

- 7.36 2m x 2m pedestrian visibility splays from the back of footway have been. The hedging now accommodates for these splays and is confirmed that any planting within the visibility splays will be maintained to a maximum height of 0.6m.

Servicing and Delivery

- 7.37 A 11.2m refuse vehicle and a 12m rigid vehicle have been tracked. The vehicle overhangs the footway, and not the 1.5m hedgerow, of which is also shown in the Proposed Site Plan. The plans show that the vehicle is able to turn around within the site. However, there are still concerns with the turning of these vehicles left-out from the access.
- 7.38 Therefore, providing better radii at the site access is recommended, such that the access can accommodate the turning of the refuse vehicle without overrun of the centre line on Furnace Lane. A fire tender has been tracked and is shown to be able to turn around in site.

3rd Comments

- 7.39 Drawings 18217-MA-XX-DR-C-7000-P03 and 18217-MA-XX-DR-C-7002-P03 show that a refuse vehicle and LGV are able to turn left-out from the site access. This access has been altered from that of the existing, to provide more space for turning vehicles out of the site. Further to my previous comments on the above planning application I confirm that provided the suggested requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority:

KCC Archaeology

- 7.40 No comments to make

Landscape and Biodiversity Officer

- 7.41 The comments of the Conservation officer have been read and I am in broad agreement. This is a much improved scheme. In response to the previous application there were a number of concerns raised including:
1. The layout does not respect the settlement pattern of the AONB and should front the highway
 2. Concerns about parking arrangements
 3. Harm to the landscape.
 4. Insufficient information to demonstrate a net gain for biodiversity
 5. It is also recommended that the drainage scheme consists of balancing ponds, which have drainage, landscape and biodiversity benefits.

- 7.42 Matters 1 and 2 have been satisfactorily addressed and are covered by the comments of the Conservation Officer.
- 7.43 The landscape harm, stems from the use of greenfield land in the AONB but also effects on settlement pattern and/or design. On the latter point I think that the design has greatly improved and now represents an appropriate response to the development of the site for housing. Of course, developing a green field site will result in landscape harm and that will need to be weighed against the benefits. The application is supported by a LVIA which has been carried out by a suitable professional to a recognised methodology. However as is common with such studies that contain a great deal of professional and subjective judgement I do not agree with all that it states or concludes. It is notable that as a vineyard the site exhibits little in the way of landscape features or components that are important to the natural beauty of the High Weald but as cultivated land on the edge of settlement with open views it still makes a strong local positive contribution to the landscape character of the area. The significant effects are most likely to be very local and the LVIA expresses this as an effect on the Local Landscape Character Area (page 35) as Moderate effect. I do not disagree with this conclusion but this is a significant effect. In terms of visual effects the LVIA has assessed 22 representative view points and noted significant adverse effects of at least moderate from 3 view points (16, 17 and 18) all from nearby. The overall conclusion of localised adverse Moderate landscape and visual effects I would accept and is not unexpected for a green field site and is significant. However, it is important to note that the effects are very localised but also to note that the AONB Management Plan is supportive of small scale developments and affordable homes. An indicator of success for Objective S2 is a greater proportion of new homes delivered through re development or small developments. It is particularly notable that this application is for entirely affordable homes and comprises “The dwelling mix comprises 3 x 2-bedroom wheelchair accessible bungalows, 3 x 3-bedroom houses and 1 x 4-bedoom house all of which will be social rented affordable housing to meet identified local needs”. The inclusion of bungalows has been welcomed in other villages and does enable people as they get older to downsize and remain in the community. I see this as a positive with regards the AONB Management Plan.
- 7.44 On matter 4 Biodiversity the applicant has submitted a Biodiversity Net Gain Assessment (Urban Edge October 2022). I am satisfied that this has been carried out by a suitable professional in general conformity with current guidance. This shows a net in area habitats of 18.58% and linear habitats of more than 2000%. Whilst some judgements within the metric for habitat areas might be challenged it seems highly likely that the proposal will, subject to the landscaping being secured and properly managed through conditions, achieve or exceed the required 10% net gain. It is then policy compliant for biodiversity. Further enhancements such as bird and bat boxes (which are not included in the metric) can be secured by condition.
- 7.45 On matter 5 I note that the application has an FRA report and now includes a swale. I have no further comments on this matter.

Affordable Housing Officer (updated)

- 7.46 As of January 2023 in regard to the housing need currently, 888 applications for housing need in Tunbridge Wells

Bedroom	1 Bed Need	2 Bed Need	3 Bed Need	4 Bed Need
Applicant #	310	266	243	66
percentage	35%	29%	27%	8%

Avg Yearly Let	153	93	23	4
Avg Wait Time	22 Months	3 Years Months	67 Years 5 Months	14 Years 9 Months

7.47 The scheme provides 100% affordable housing, (7 units) which meets and exceeds current planning policy and the new affordable housing policy requirements of the new Local Plan, (40% affordable housing on greenfield sites furthermore the scheme complies with new local plan by providing 100 per cents of social rent with the requirement currently being 60 Percent social and 40% to intermediate schemes the council very much welcomes

7.48 The new planning application for the site consists of 3 x 2-bed bungalows, 3 x 3-bed houses and 1 x 4-bed houses at a social rent level that would be beneficial in providing housing needed to the Lamberhurst area and has taken advice from previous affordable housing consultations this will also have a positive impact on the housing register essentially moving overcrowded which will domino effect and free up existing stock for availability to the housing register.

7.49 Below is a table for specific housing needs in Lamberhurst taken from the housing register as of January 2023 there are 170 applications out of 888 housing need applications of the housing register seeking affordable housing within the borough

	Housing Need	Local Connection	Level 1 Mobility	Level 2 Mobility	Level 3 Mobility
1 Bed	62	5	1	0	14
2 Bed	46	3	2	3	2
3 bed	46	1	1	0	1
4 Bed	15	1	1	0	1

Level 1 mobility means that the household require a home that is accessible for a wheelchair user. Those with a level 3 and 2 mobility require level access living with potential for further adaptations in the future.

- 14 current one-bed unit households application need a two-bedroom and have Lamberhurst as a preferable area of wanting
- 32 current two bedrooms households applications need a three-bedroom property and have Lamberhurst as a preferable area of wanting
- 9 current three-bed unit households application need a four-bedroom and have Lamberhurst as a preferable area of wanting

7.50 The developer will seek to bring the development scheme forward with a Registered Provider, who will manage the scheme as Social Rented affordable housing in perpetuity, to meet local housing needs. And have identified English Rural Housing Association as a possible RP partner.

7.51 A further 10 Affordable Units are being developed in Lamberhurst in planning application 22/01882/FULL Land At Down Farm site which consists of 6 social rented units and 4 shared ownerships rented which will further add 3 x 2-bedroom houses, 2 x 3 bedroom Houses and 1 X 4 bedroom to the Lamberhurst area. The Bungalows being proposed at the vineyard site will be of interest to applicants seeking accommodation within the Lamberhurst area that have a level-access housing need whilst the two-bedroom houses at Down Farm will be subject to bids from all those with a two-bedroom housing need including overcrowded families in one-bed units and those that are possibly downsizing. A total of 6 three-bedroom properties will be

available across both sites which will greatly benefit those housing applications that are currently overcrowded in a two-bedroom property awaiting a three- bedroom with the borough wanting to live in the area (currently 32 housing applications), and as 4 beds very rarely become available in the borough, the development of two units across two sites will drop the 4-bedroom housing need waiting times significantly. Local Connection to Lamberhurst will be given priority on rural exception sites, and the site at Down Farm could have an impact on this during the shortlist stage but the allocation from the housing register for both these sites will be beneficial to the housing need throughout the Tunbridge Wells Borough. Intermediate housing in the form of Shared-ownership is only currently being proposed on the Land at Down Farm.

- 7.52 Out of the the 170 households, 10 households on the housing register have a strong local connection to Lamberhurst Parish and would therefore qualify for rural exceptions housing, (the requirement for a strong local connection to the Parish) *a cascade approach should be taken into consideration regarding the local connection to filter to neighbouring parishes within the borough.*

Planning Policy

- 7.53 Comment from the previous withdrawn application have been sent again. There is a link to the SHELAA site assessment carried out to inform the TWBC Local Plan, and confirmation that the site (that formed part of a larger site submission) was subsequently reviewed again as part of the emerging Local Plan, the Planning Policy team considering that it had scope for a small-scale residential development (e.g. 6-8 residential units). However, given the small-scale capacity identified, it was not included as a site allocation within the TWBC Reg 19 Submission Local Plan, sites being allocated being for 10 dwellings or more.

- 7.54 It is noted that the document submitted with the current application titled 'Affordable Housing Statement' includes the Lamberhurst Housing Needs Survey 2019 completed by Rural Kent in association with TWBC & Lamberhurst PC - the outcome of these assessments have previously for other parishes provided evidence to support the delivery of Rural Housing Exceptions Sites.

- 7.55 Previous comments from Policy states the following:

- 7.56 The site application area forms a relatively small part of Sheela Site 423

Sheela Outcome: (assessment is for the whole of the Sheela site)

Unsuitable: There is concern about the scale of this site, being major development in the AONB landscape. Also, concern about impact on the landscape character and heritage setting of the settlement. These concerns would also relate to proposals for a lower amount of development within part of the site.

This site is considered unsuitable as a potential site allocation. Reason: There is concern about the scale of this site, being major development in the AONB landscape. Also, concern about impact on the landscape and heritage setting of the settlement, located in the AONB.

- 7.57 The site was subsequently reviewed again as part of the emerging Local Plan. The Planning Policy team consider that it has scope for a small-scale residential development (e.g. 6-8 residential units). However, given the small-scale capacity identified, it has not been included as a site allocation within the Reg 19 Pre Submission Local Plan

Affordable Housing

7.58 The comments provided assume that the proposed scheme is for the delivery of housing to meet local needs (ref para 1.3 & 1.4 of the Affordable Housing Statement that supports the planning application).

7.59 Housing Needs for Lamberhurst:
Lamberhurst Parish Council commissioned (through Rural Kent) a housing needs survey in January 2019 to inform the development of the Lamberhurst Neighbourhood Development Plan (LNDP), which identified a total need for 12 affordable homes in the Parish; 3 of which are for older persons. (40% affordable housing requirement at Spray Hill would deliver 10 - 12 dwellings)

Delivery of affordable housing in rural areas

7.60 TWBC Local Plan Policy H8 ,parts8, parts of which are now superseded by NPPF 2019, para 77 & 78 in particular

7.61 Para 78 of the NPPF states: *'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this'*.

7.62 Para 79 of the NPPF continues to state that *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'....*

7.63 Policy H8 of the Local Plan requires that any development is well related in scale and location to the village it serves. The revised scheme includes a pedestrian link from the site to the north-east linking to the B2100, which helps to improve the sustainability credentials of the scheme.

7.64 Emerging Policy H5 Rural Exceptions Housing of the Reg 19 TWBC PSLP provides for the delivery of affordable housing outside the LBD 'where no site is available to meet local needs' and includes a number of criteria that development should meet.

7.65 In the circumstances where it is evident that this site would deliver affordable housing to meet local needs that could not be delivered elsewhere within the locality in a suitable location, this site is considered to be similarly located to local facilities as the Spray Hill site (Policy AL/LA1 in the PSLP), taking account of the pedestrian footway that is being proposed as part of this application.

Lamberhurst Neighbourhood Development Plan (LNDP)

7.66 As per Planning Policy's previous advice, the LNDP referendum was held on 16th September and following a positive outcome, the LNDP is now part of the development plan for Lamberhurst Parish.

https://tunbridgewells.gov.uk/_data/assets/pdf_file/0003/396156/1628245218_LamberhurstNDPaccessible.pdf

LNDP Chapter 8 Housing & Design

7.67 Ensure an adequate supply of affordable housing in order to meet the needs of parish residents now and in the future, to include potential rural exception sites with local nomination rights. Maintain a strong community by ensuring a mix of homes that integrate various types and tenures of housing within the village. Enable local people who wish to do so, to remain in the village throughout their lifetime, ensuring that housing stock meets the requirements of residents of all ages.

Policy H1: Location of housing development. Ref criteria (c) relating to delivering rural exception sites

Policy H2: Housing mix, tenure and affordability. Mix of dwellings in terms of size should reflect outcome of most recent housing needs survey

Policy H3: Rural exception sites. All of the policy criteria should be met by the proposed scheme

LNDP Chapter 10 Business & employment

- 7.68 Sustain and grow Lamberhurst as a business-supportive Parish especially for home and farmstead based “Small and Medium Sized Enterprises”.
- 7.69 The proposals should demonstrate that development of this part of the vineyard will not have an adverse impact upon the longer term financial viability of the existing enterprise or any of the other commercial activities located to the north-west of the site.
- 7.70 The LNDP also includes policies on landscape, environment and design –any relevant criteria will need to be met by these proposals
- 7.71 Policy L3: Retaining parish character and conserving the landscape Criteria (1) and (10) may apply

8.0 APPLICANT’S SUPPORTING COMMENTS

- This application proposes a sensitive, modern village extension to meet an affordable housing need.
- The design team have undertaken a robust contextual and historic analysis in order to propose a development which is appropriate and rooted in the vernacular of the area.
- Care has been taken to design a proposal with an embedded sense-of place that provides improved pedestrian links between Furnace Lane and Lamberhurst Village.
- The visual impact of the proposal on the surrounding area and AONB has been considered from the outset. Massing has been reduced and broken up; new landscaping and trees soften boundaries and screen views.
- The development provides good public amenity which can be used by new and existing residents.
- The architecture, detailing and materials are of a high modern quality and care will be taken to ensure the design intent is carried through into any built scheme.

9.0 BACKGROUND PAPERS AND PLANS

Application form
Site location plan
Existing site plan
Proposed site plan
Proposed plans and elevations
Proposed Town Hill ramp details
Affordable Housing Statement
Biodiversity net gain report
Ecological impact assessment
SUDs strategy
Landscape and Visual Impact Assessment
Planning and Heritage statement
Statement of Community Involvement

Transport Statement
Arboricultural impact assessment
Design and access statement

10.0 APPRAISAL

Principle of Development

- 10.01 The site is outside the Limits to Built Development in a countryside location where there is general policy restraint against policy. The National Planning Policy Guidance (NPPF) seeks to promote sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities and avoid isolated new homes in the countryside.
- 10.02 Paragraph 79 of the NPPF states that the local planning authority (LPA) should avoid isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
 - d) the development would involve the subdivision of an existing residential dwelling;*
or
 - e) the design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
- 10.03 It is considered that the proposal would not meet with any of these circumstances. However, the site is located within Lamberhurst Down where there are a number of other dwellings and the Vineyard Public House. It is considered that the site would not be classed as isolated.
- 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 between 5% and 20%, depending on particular circumstances of the LPA.
- 10.05 The Borough Council currently cannot demonstrate a five-year housing supply (4.49 years as of April 2022), 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, permission should be granted unless:
- "i. the application of policies in this Framework (listed in footnote 7) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

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

10.06 As the site is within an AONB it needs to be considered whether the proposal meets with the requirements of criteria i and constitutes sustainable development. Para 11 of the NPPF details that there is a presumption in favour of sustainable development which should be seen as a golden thread running through decision taking.

10.07 Para 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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

10.08 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.

10.09 From the Planning Policy comments above it can be seen that the whole of the Vineyard was submitted for the SHEELA. It was deemed unsuitable for development due to its scale and being a major development in the AONB. There was also a concern about the impact on the landscape character and heritage setting. However, the site was subsequently reviewed again as part of the emerging Local Plan. The Planning Policy Team considered that it did have scope for a small scale residential development (6-8 residential units). However given the small scale capacity identified, it was not included as an allocated site. Site allocations were only made for sites with a yield of 10 or more dwellings with any smaller sites that materialise through the course of the plan period contributing to supply through the windfall allowance.

Rural Exception Site (RES)

- 10.10 The proposal is considered to comply with policy for a Rural Exception Site. The proposal is for a small number of dwellings at 100% affordable social rent. The agent has a registered landlord lined up to take on the site and the affordable housing officer has identified that there is a need for the houses in Lamberhurst (see below)
- 10.11 Policy H8 of the Local Plan would be relevant here, however parts of it have been superseded by the current NPPF, paragraphs 78 and 79 in particular.
- 10.12 Paragraph 78 of the NPPF states that Local Planning Authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. It states:

In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

- 10.13 Para 79 of the NPPF continues to state that *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'...*
- 10.14 The NPPF defines RES as:

Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

- 10.15 Policy H8 of the current local plan is also relevant here, and states the following:

1. Where no alternative site is available to meet local housing needs within the LBD, the LPA will permit residential development outside the LBD provided all of the following criteria are satisfied:

- a) The site would be well related in scale and location to the village or town and its services;
- b) The local needs exist within categories identified in (4) below and are documented in a comprehensive appraisal of the parish or town;
- c) The local needs would not otherwise be met;
- d) The development would be of a suitable size and character in terms of layout, materials and landscaping in relation to the village or town; and
- e) The development does not contain any speculative or general demand housing;

2. The Local Planning Authority will not grant planning permission for housing justified on the grounds of local needs, unless the initial and subsequent occupancy of such developments is controlled through planning agreements or conditions or Registered Social Landlords, to ensure that the accommodation remains available in the future to meet the purposes for which it is permitted;

3. A financial appraisal of the scheme, providing that it will meet the defined needs, shall accompany any planning application; and

4 In assessing local needs, regard will be had to households or persons in households, otherwise unable to gain access at affordable cost *(1) to existing local accommodation suited to their needs and who fall into one or more of the following categories:

- (i) Those in the parish or town currently in accommodation unsuited to their circumstances through physical, medical or social reasons, and which is incapable of being improved or rendered suitable *(2) at reasonable cost, and who can demonstrate continuous residence in the parish or town for the previous three years, or residence for a total of at least five years out of the previous 10;
- (ii) Those who formerly have been members of households which comply with the residential qualifications in (i) above and who have recognised local connections *(3); and
- (iii) Those in permanent, full time employment in the parish or town or who will be taking up permanent full time employment there, or who provide an important service requiring them to live locally *(4).

10.16 The Lamberhurst NDP also has a policy (H3) relating to RES which states the following:

Proposals for small scale developments of affordable housing on rural exception sites will be supported provided they meet the criteria set out in the development plan.

Proposals for such housing schemes on rural exception sites on the edge of the village, beyond the "limits to built-development "(Policy H1), where housing would not normally be permitted by other policies, will be supported where:

- *the proposals are drawn up on the basis of a detailed study of local housing need which identifies the type and tenure of housing required, and the rent/shared ownership arrangements which can be afforded, by local people in housing need*
- *the dwellings are owned and managed in perpetuity by a registered social landlord*
- *the development meets the other policies of the Neighbourhood Plan, particularly in terms of conserving and enhancing the High Weald AONB.*

10.17 The proposal is to have all 7 properties as affordable units (100% of the gross provision) which meets and exceeds the affordable housing policy in the submission Local Plan. All the units are to be social rented with the requirement currently being 60% social and 40% to intermediate schemes.

10.18 The Affordable Housing Officer has been consulted on the application and states that the proposal would be beneficial in providing housing need to the Lamberhurst area and also have a positive impact on the housing register, essentially moving overcrowded properties which will then have a domino effect and free up existing stock for availability to the housing register.

10.19 Below is a table for specific housing needs in Lamberhurst taken from the housing register as of January 2023 there are 170 applications out of 888 housing need applications of the housing register seeking affordable housing within the borough

	Housing need	Local Connection	Level 1 Mobility	Level 2 Mobility	Level 3 Mobility
1 Bed	62	5	1	0	14

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4 Bed	15	1	1	0	1

Level 1 mobility means that the household require a home that is accessible for a wheelchair user. Those with a level 3 and 2 mobility require level access living with potential for further adaptations in the future.

10.20 The developer will seek to bring the development scheme forward with a Registered Provider (RP), who will manage the scheme as Social Rented affordable housing in perpetuity, to meet local housing needs. In the submitted affordable housing statement it has been identified that talks with English Rural Housing Association have taken place and it is a type of site they would be interested in.

10.21 Of the 170 households on the housing register, 10 households have a strong local connection to Lamberhurst Parish and would therefore qualify for rural exceptions housing, (the requirement for a strong local connection to the Parish), and a cascade approach should be taken into consideration regarding the local connection to filter to neighbouring parishes within the borough. Significant weight can be attached to this in considering whether the proposal comprises sustainable development.

10.22 A further 10 affordable units have recently had a resolution to grant under application 22/01882/FULL Land at Down Farm. This development included 6 social rented units and 4 shared ownership rented units which will further add 3 x 2-bedroom houses, 2 x 3 bedroom Houses and 1 X 4 bedroom to the Lamberhurst area. The Housing Officer has updated their comments to reflect the position with regard to the Land at Down Farm application and states that the bungalows being proposed at the vineyard site will be of interest to applicants seeking accommodation within the Lamberhurst area that have a level-access housing need. Whilst the two-bedroom houses at Down Farm will be subject to bids from all those with a two-bedroom housing need including overcrowded families in one-bed units and those that are possibly downsizing. A total of 6 three-bedroom properties will be available across both sites which will greatly benefit those housing applications that are currently overcrowded in a two-bedroom property awaiting a three- bedroom within the borough wanting to live in the area (currently 32 housing applications). In addition, 4 beds very rarely become available in the borough, the development of two units across two sites will drop the 4 bedroom housing need waiting times significantly.

10.23 While the table above shows that there are 10 housing need applications with a local connection to Lamberhurst, and there are 10 affordable units on the Down Farm site there is still 160 households on the housing need list and the 7 additional units on this site would go on to further help with housing need. Local Connection to Lamberhurst will be given priority on rural exception sites, and the site at Down Farm could have an impact on this during the shortlist stage. However, the allocation from the housing register for both these sites will be beneficial to the housing need throughout the Tunbridge Wells Borough. Intermediate housing in the form of Shared-ownership is only currently being proposed on the Land at Down Farm. Furthermore, the Housing Need Register is not an indication of the maximum level of provision or a reason to cap the provision of affordable housing. It is more of an indication of the under provision for housing and insufficient levels of affordable housing in the borough.

10.24 Alongside the above the Tunbridge Wells Borough Council Plan 2022/24 (Building a Better Borough) defines five priorities for the borough. One of these priorities is “Genuinely affordable housing and social rental housing”. It notes that quality housing

remains unaffordable for too many and that the council can play a transformative role in the lives of many of the borough's residents. While it is not a planning document it does show the council's views and importance of providing social rented housing as a material consideration. This is considered particularly relevant when this proposal is for 7 social rented units.

- 10.25 Reference has been made from some residents about a recent development for four houses on Town Hill, which was submitted by Town and Country Housing. However, as this proposal was only for four units it did not meet policy requirements for affordable housing and it was not conditioned or had a S106 on it for them to remain as affordable houses. Therefore, there is nothing stopping them being sold as standard market houses.
- 10.26 The proposal would result in an increase of 7 dwellings and a modest contribution to the supply of housing in the Borough, which is currently beneath the "five year" requirement as discussed above. Future occupiers would make a contribution to the social vitality of Lamberhurst, as they are likely to use the settlement for some services. As economic benefits for the construction of 7 houses would be short-term, these are limited and would carry little weight. There would be some contribution to the economic vitality of Lamberhurst however, from the use of shops, services etc. by the new residents.
- 10.27 Policy H2 of the NDP relates to housing mix, tenure and affordability. The scheme is considered to meet with this policy as it would provide smaller and 100% affordable dwellings. The development would also provide 43% 2 bed and 14% at 4+bed which meets with the policy requirements.
- 10.28 The housing density for the site is low to ensure that it is in character with this part of Lamberhurst Down, in accordance with policy D5 of the NDP.

Locational sustainability

- 10.29 With regard to the proposed dwellings, a key consideration is whether future occupants of the dwellings would be likely to meet some/all day-to-day needs by walking to facilities, therefore reducing the need to travel by private car which would reduce greenhouse gas emissions (para 152 of the NPPF).
- 10.30 Whilst the LBD as a restraint on new housing development in itself is not "up-to-date" with the NPPF (for the reasons set out above), the sub-text to Policy LBD1 in the Local Plan (para 3.39) sets out that the one of the purposes of the LBD is to direct development to built up areas to ensure sustainable development patterns. Policy H1 of the Lamberhurst Neighbourhood Plan states that the location of new housing will be provided by any development allocations in the adopted LP or appropriate small scale development within or adjoining the LBD.
- 10.31 The site is located approximately 577 metres from the edge of the built up area of Lamberhurst following along the roads to the village. There are paved public footpaths from the site along Furnace Lane to the village centre. However, there is also currently an informal footpath from the site to Town Hill which reduces the distance to approximately 493 metres.
- 10.32 The pavement, whilst leading directly to the village centre (another 400m from the LBD edge), is unlit for much of the way and would involve crossing the road at the Vineyard Pub. This will discourage walking, particularly in poor weather or when it is dark. It is considered that purely in terms of distance from services, its sustainability

credentials are limited. The site is reasonably remote from services and would likely result in future occupiers relying on private vehicles.

Previously Developed Land

- 10.33 The site forms part of a vineyard, therefore, it would be considered undeveloped and greenfield which would be a negative impact on the landscape and AONB if the land was to be developed with residential properties. This is further discussed under the visual amenity section.

Impact upon designated heritage assets (Conservation Area)

- 10.34 The proposed development is adjacent to the Lamberhurst Down Conservation Area (CA) which is adjacent to the south east corner and runs along to the north and south from this point. Inglenook, Hall Coll and The Vineyard Public House (also known as The Swan) are Grade II listed buildings which are located to the southeast of the site.
- 10.35 Para 192 of the NPPF states that Local Planning Authorities should take account of the desirability of new development sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality is highlighted, as is the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.36 Paras 195 and 196 require a balance of public benefits to be applied should new development be considered substantive in harm, or less-than-substantive, to the significance of a heritage asset.
- 10.37 Impact on the CA also falls to be considered under LP policy EN5; then more broadly under EN1 and CS Policy 4, which seeks to conserve and enhance the Borough's urban environments (including CAs) at criteria (1) and (5).
- 10.38 The Conservation Officer (CO) has been consulted on the application and they have concluded that no harm will be caused to the heritage assets from the proposed development. The site has been amended greatly since the initial pre-app discussions and the proposal responds to the context much better, and the quantum of development is minimal enough to be able to blend in with the existing ribbon development and cluster of buildings at the crossing. The layout improvements since the previous application better address Furnace Lane and the reinstatement of the chimneys, as well as the retention of the historic steps which were brought to our attention by the Lamberhurst History Society. Therefore, policy D6 and D7 of the NDP is considered to have been met.

Archaeology

- 10.39 With any greenfield site there is the potential for archaeological finds. KCC Heritage have been consulted but had no comments to make.

Trees

- 10.40 There is a line of conifer trees to the southern boundary with the existing residential properties. It appears that most of the trees are outside of the CA, with the possibility that the ones to the east are encroaching into the CA so might be protected. However, these are to be retained as part of the application and be reduced to 5m in height. This is considered reasonable, and their retention can be conditioned. There are also three small Alder trees on the eastern boundary of the development site which are not protected and are proposed to be removed as part of the application.

These are not considered to have a significant impact on the visual amenity of the site.

- 10.41 Lastly the proposal includes the removal of a number of Ash trees leading along the proposed footpath to Town Hill and along Town Hill where the ramp is proposed. Some of these are within the CA, however the submitted Arboricultural report states that they are either in poor condition with a shorter lifespan or already dead. Therefore, there is no objection to their removal.

Economic considerations

- 10.42 The proposal would see a reduction in the size of the Vineyard. Concerns has been raised about the impact this might have on the viability of the vineyard business. The submitted details state that wine production no longer takes place on the site and the site is used for growing of grapes which are then sold for production off site.
- 10.43 The total area of planted vineyard that would be lost to the proposed development is 5%. The remainder of the site would be retained for the continued growing of grapes. It is therefore considered that this relatively small loss of cropping area would be unlikely in itself make any significant difference to the viability of the business.

Impact on AONB and landscape

- 10.44 Adopted Development Plan Policy (including Core Policies 4 and 14) requires the conservation and enhancement of the AONB and rural landscape. The NPPF within paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. Paragraph 177 relates to major development in the AONB and states that “*Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*” Footnote 55 states that ‘*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.*’. In this case, given that the proposal is for 7 dwellings and a reasonably small plot it would not be classed as a major development.
- 10.45 The site is within the Local Character Area 8: Bayham Wooded Farmland which is described as having the following characteristics:
- An elusive area composed of medium to large deciduous woodland blocks, linked by thin strips of shaw woodland enclosing grazed pasture. Permeability is limited to a small number of roads. There is comparatively little settlement which, along with the extensive woodland cover, creates a very secluded rural area. Bayham Abbey, both house and ruins, is an important feature and the grounds are one of the best surviving examples of a Repton landscape.*
- 10.46 The landscape strategy for the area states that the valued features and qualities of the landscape should be conserved and enhanced including the following:
- 1) *Maintain the essentially wooded and rural character of the area and sense of comparative ‘emptiness’ and seclusion with an absence of settlement on any significant scale.*
 - 2) *Where appropriate follow the existing pattern of settlement, i.e. occasional small scale, scattered isolated farmsteads and rural buildings with no clustered settlements.*

3) Avoid erosion of the tranquillity of the rural lanes. Discourage the introduction of new access routes where possible and ensure that where developments require them they are designed sensitively for the rural character of the area.

- 10.47 Design and layout are integral to the success of the scheme particularly given the AONB and landscape setting. The Conservation and Urban Design Officer (CO) and the Landscape & Biodiversity Officer (LBO) have commented in detail about this aspect of the development.
- 10.48 The CO notes that the submitted Design and Access Statement not explicitly demonstrate adherence to the High Weald Housing Design Guide. However, it is considered that it meets many of the criteria - DG2 (connecting beyond the site), partially DG3 (layout and structuring the site with it being a small site and the play area being well placed. DG4 (using buildings to define streets and spaces) and DG5 (The right built form). The single plot facing Furnace Road and turning the corner to the access road is welcome. Its garden lines the road but there is a pedestrian access there which addresses the road and is welcomed. The location of the grassland facing Furnace Road is also welcomed with the rest of the houses facing the access road. Given the small number of units this enables it to still fit in with the pattern of development in this location given that this is an existing access road rather than a created back land development.
- 10.49 Policy D1 of the NDP is about the requirement for high quality design which reinforces local character. As stated above the development is considered to comply with the High Weald Housing Design Guide. While objections from the Parish have been received which consider that only the 4 bed house being acceptable in design, it is considered that the other properties are acceptable too. While the buildings have more of a contemporary style to them this is not considered unacceptable, and would use traditional materials including brick and clay tiles and lime render around the windows, these details can be conditioned to ensure a satisfactory finish.
- 10.50 The parking strategy in the AONB guide (DG6) is met as they are convenient and do not dominate. Regarding DG7 (building appearance) the CO is pleased to see the chimneys reinstated and used as sun pipes.
- 10.51 The CO has recommended a condition for materials to ensure that they do integrate well with the palette of the area, but they remain supportive of the contemporary approach to the design but with a vernacular feel to it in terms of scale and proportions.
- 10.52 With regard to Policy D2 of the NDP, Boundary treatments would be hedging to the outer boundaries and shared boundaries within the site with only a small portion of close boarded fencing. This is considered to reflect the rural locality and would help with the improvement of biodiversity in the site.
- 10.53 The LBO has noted an improvement to the scheme since the pre-apps and previous application. They agree with the CO in regard to the settlement pattern of the AONB and the improvement to the parking area.
- 10.54 With regards to the landscape harm, this is mainly from the use of greenfield land in the AONB but also effects on settlement pattern and/or design. The LBO considers that the design has greatly improved and now represents an appropriate response to the development of the site for housing. While it is noted that the developing of a green field site will result in landscape harm this will need to be weighed against the benefits of the proposal.

- 10.55 The application is supported by a LVIA which the LBO has confirmed has been carried out by a suitable professional to a recognised methodology. However, it is noted that currently as a vineyard the site exhibits little in the way of landscape features or components that are important to the natural beauty of the High Weald but as cultivated land on the edge of settlement with open views it still makes a strong local positive contribution to the landscape character of the area.
- 10.56 The significant effects are most likely to be very local and the LVIA expresses this as an effect on the Local Landscape Character Area (page 35) as Moderate effect.
- 10.57 In terms of visual effects, the LVIA has assessed 22 representative viewpoints and noted significant adverse effects, of at least moderate, from 3 viewpoints all from nearby. The LBO has stated that the overall conclusion of localised adverse Moderate landscape and visual effects would be accepted. It is noted that there are some concerns that the development would impact views across the site, however it would retain any long distance views from the footpath (including to Bayham Abby), and a large part of the view from Furnace Lane into the Vineyard.
- 10.58 The effects are very localised and the AONB Management Plan is supportive of small scale developments and affordable homes. An indicator of success for Objective S2 is a greater proportion of new homes delivered through re development or small developments. It is particularly notable that this application is for entirely affordable homes. The inclusion of bungalows has been welcomed in other villages and does enable people as they get older to downsize and remain in the community. The LBO sees this as a positive with regards the AONB Management Plan.
- 10.59 With reference to NPPF Paragraph 127 (which states that developments should be *'visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*). There is potential (subject to final detail being secured by condition) to the development being visually attractive and to provide appropriate landscaping. Para 127 go on to state that development should be *'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging innovation or change (such as increased densities)'*.
- 10.60 Policy L2 of the NDP relates to development within the High Weald AONB. It states that development will only be permitted where it conserves and enhances the landscape and has regard for the High Weald AONB. The policy lists some objectives which are considered to have been met in the following ways:
- LVIA has been submitted with the application and it is considered that the impacts from the development would be modest and localised.
 - Respects settlement pattern with the continuation of the ribbon development
 - While it is on a ridge top with the land sloping off to the north, would only have a localised impact and would be read alongside the existing development on Furnace Lane.
 - No damage to historic route ways or loss of woodland or historic features such as historic field boundaries.
 - Would results in a biodiversity net gain
 - A condition is included for a landscaping plan which can control the use of native plants
 - Includes a SUDs scheme within the development

- While it was noted that the design and access statement does not mention the High Weald Housing Design Guide it does meet with many of its criteria as set out in para 10.34

10.61 Policy L3 seeks to retaining parish character and conserve the landscape. It is considered that the proposal would still retain the linear form of the village and follow the ribbon development along Furnace Lane. While it is on a ridge top location as stated above the LVIA identifies that the impacts are modest and localised, any long views are preserved. The design of the proposed dwellings are considered to be in keeping with the character of Lamberhurst Down. The proposal would not have an impact on the list of important views identified in policy L3.

10.62 The amended scheme is considered to respect the local character and history of the area, and the layout would follow the ribbon development while keeping a low density with green areas to harmonise with the existing green on the junction with Furnace Lane and Furnace Avenue. The scenic beauty of the AONB would be preserved and the LBO does not raise objections to the proposal.

Ecology

10.63 The applicant has submitted a Biodiversity Net Gain Assessment (Urban Edge October 2022) which the LBO has been consulted on. They are satisfied that this has been carried out by a suitable professional in general conformity with current guidance.

10.64 The assessment shows a net gain in area habitats of 18.58% and linear habitats of more than 2000%. Whilst some judgements within the metric for habitat areas might be challenged it seems highly likely that the proposal will, subject to the landscaping being secured and properly managed through conditions, achieve or exceed the required 10% net gain. It is therefore considered policy compliant for biodiversity. Further enhancements such as bird and bat boxes (which are not included in the metric) can be secured by condition.

10.65 Policy L4 of the NDP states that 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. As discussed above this is considered to have been met.

10.66 A condition has been included for details of external lighting to ensure that the dark skies over Lamberhurst are protected in accordance with policy D4 of the NDP.

Drainage surface water and foul water

10.67 KCC Flood and water management have been consulted on the application but due to the proposed developments size it falls outside their remit as a statutory consultee. However, a Flood Risk Assessment and surface Water Drainage Strategy have been submitted as part of the application.

10.68 The site falls within Flood Zone 1 and therefore does not require the sequential and exception tests and is therefore considered appropriate for development.

10.69 The drainage strategy identifies that the development would consist of a sustainable urban drainage systems including trench soakaways, filter drains, swales and pervious surfaces. It is considered that the increased surface water runoff from the scheme can be managed through these proposed SUDS without increasing the risk of flooding elsewhere.

10.70 It is intended for foul water to discharge to the existing Southern Water sewer which runs through the site. The developer requires consent to discharge foul drainage from the new development into the public sewer through an application to Southern Water, which sits outside the planning process. There are not considered to be any significant drainage issues at this site which cannot be dealt with by planning conditions.

Residential Amenity

10.71 Policy EN1 also addresses a loss of outlook from nearby occupiers. For an 'outlook' to be substantially harmed the impact must be far greater than a simple change of view. The preservation of a private view or the corresponding impact on adjoining property values through the loss of that view are not material planning considerations.

10.72 The closest neighbouring properties to the proposal are Invicta House, Inglenook, Hall Cottage and Ridge Farm Bungalow. These are all located to the south/east of the site. Due to the orientation of the site, it is not considered that the proposal would result in a loss of sunlight for the neighbours.

10.73 The closest distance between the existing residential properties and the proposed is between unit B1 and Invicta House which has a separation of 11m between the rear wall of unit B1 and the shared boundary. The property is a bungalow and there is the existing tree planting on this boundary and the additional hedgerow. Therefore, it is considered that the separation and the type of property would not result in a loss of privacy or outlook for the neighbours.

10.74 Other separation distances between existing residential properties and the development site are larger (between 24-44m from building to building). Therefore, it is considered that there would not be an unacceptable relationship between the existing and the proposed.

Summary of whether the proposal comprises sustainable development

10.75 The conclusion as to whether the principle of development is acceptable rests on whether it is considered to comprise sustainable development.

10.76 In terms of negative aspects;

- The proposal is considered to cause localised harm to the AONB through the introduction of a residential development (with the introduction of built form and domestic presence within the countryside) within greenfield land;
- The site is in a moderately unsustainable site due to its distance to the facilities within Lamberhurst

10.77 In terms of the positive aspects:

- The provision of 7 houses at the prescribed mix including bungalows, is a positive addition to aid in addressing the Borough's housing shortfall, particularly where there is a lack of a five-year housing supply, to which significant weight can be attached;
- The provision of 100% social rented housing.
- The proposal would deliver improvements to pedestrian access to Lamberhurst village centre via the creation of the accessible ramp onto Town Hill and the pedestrian crossing on Furnace Lane.

- The proposal will be a moderate positive in terms of improving the economic and social vitality of the area (less so during construction and more so through the introduction of new residents).
- The site is close to the LBD and is not proposed for an 'isolated' rural location.
- The proposal would be moderately well located to the local primary school and is sitting on a bus route.
- The proposal would deliver a net ecological gain through a scheme of mitigation and enhancement.
- Additional landscaping is proposed which would reduce and mitigate (to a degree) the landscape impact of the development.

10.78 This summary takes into consideration the requirement of NPPF paragraph 11, which indicates that development should be restricted where AONB policies indicate so. There are overall significant social and economic benefits to the proposal and with this in mind, it is considered on balance that the proposal comprises sustainable development in NPPF terms.

10.79 It is considered that the social and economic benefits from the proposal outweigh the acknowledged moderate (but localised) harm to the AONB. Having regard to the presumption in favour of sustainable development and the requirements of paragraph 11 of the NPPF, planning permission should therefore be granted unless any other material considerations indicate otherwise. The following sections of the report therefore assess whether the proposal accords with other elements of policy in the NPPF (and Development Plan).

Highways and Parking

10.80 NPPF Paragraph 103 states that the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Para 109 states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

10.81 A transport statement (TS) has been submitted with the application and KCC Highways have been consulted on the application and made the following points.

Proposed Pedestrian / Cycle Access

10.82 KCC requested a cross section to show the gradient of the path which was submitted and shows that it would not exceed 1:20 and meets with design requirements. It is also wide enough to allow two mobility aids to pass one another.

10.83 The existing access from Furnace Lane is proposed to be realigned, KCC consider that the slight - moderate increase in use is reasonable and not likely to lead to any significant impact on highway safety or congestion. The visibility splays for the main access are considered suitable.

10.84 The pedestrian footpath measures 2m in width and formed of stabilised gravel surfacing to be suitable for wheelchair users, mobility scooter users and pushchairs.

10.85 This footpath route does cross through the existing parking area at Lamberhurst Vineyard. KCC requested that that a raised table is incorporated into the design. The agent has amended plans in the TS to accommodate this.

- 10.86 The proposed new ramp would not be adopted by the KCC Highways as it is not required to be covered by s278 agreement. The design of the ramp and how it ties into the existing PROW has been discussed with PROW team. (See sperate section on the proposed ramp)

Parking Provision

- 10.87 The parking spaces for the properties are considered acceptable. The proposal includes two spaces per dwelling and one additional visitor parking space. The TS notes that at least 1 space per property will have EV charging points, with the remainder passive, this is considered acceptable. A condition has been included for the required type of EV charger.
- 10.88 There are 1.5m high native hedgerows that border the parking area of plots, where the footway runs along the frontage. KCC have requested that the provision of pedestrian visibility splays for safety purposes. This has been shown on an amended drawing in the Transport Statement. Cycle parking is proposed to be accommodated for with a shed per unit. Details of the secure cycle parking can be covered by condition.

Internal site layout

- 10.89 Tracking has been supplied for plot C1 and shows that a large car can enter the driveway here. It is noted that the width of the road surface outside of plots A1.1, A1.3, B1 and B2.1 is 4m. This aisle width falls short of the 6m width that is required to allow for vehicles manoeuvring into and out of car parking spaces that are perpendicular.
- 10.90 Comments from KCC have asked for car tracking on the driveways and for a wider carriageway within the site and a speed restriction of 5mph. The agent has confirmed that the internal layout is not going to be adopted by KCC but has carried out tracking of a 4.8m car for each unit's parking areas. This shows that there is the space for vehicles to manoeuvre out of the parking areas safely. A passing place has now been provided along the 4m wide section. This widens the carriageway width to 5m, at that passing place, which allows for two vehicles to pass and a 5mph limit signing is to be retained throughout the site.

Delivery and servicing

- 10.91 It has been proposed for deliveries and servicing to take place in site and therefore away from the highway. This proposal would require for vehicles to enter from Furnace Lane, turn around within site and egress out of the site.
- 10.92 For delivery, a 10m rigid vehicle has been tracked at the main access from Furnace Lane. This shows that a left-turn in would require for the vehicle to overrun the centre line within the site. The tracking of this vehicle for a left-turn out shows that this vehicle would need to overrun the centre line on Furnace Lane, approaching the proposed crossing point.
- 10.93 A 11.2m refuse vehicle and a 12m rigid vehicle have been tracked on amended plans and now shows that a refuse vehicle and LGV are able to turn left-out from the site access. This access has been altered from that of the existing, to provide more space for turning vehicles out of the site. The plans also show that the vehicle is able to turn around within the site. A fire tender has been tracked and is shown to be able to turn around in site too.

- 10.94 Following the amended drawings, the Highways Officer confirms that provided their suggested requirements are secured by condition or planning obligation, then they would raise no further objection on behalf of the local highway authority.
- 10.95 The development includes EV charging points and bike sheds to encourage sustainable transport methods. The proposal also includes the upgrading of the informal pedestrian and cycle path from Furnace Lane to Town Hill which will encourage both existing residents and future residents to use more sustainable methods of getting into the village centre. The site is also located on a bus route and the scheme includes a pedestrian crossing to provide a better access to the bus stop. Lastly the scheme includes sufficient parking for future residents, so they do not have to park on the existing highway. These are considered to comply with the requirements of policy T1 of the NDP.
- 10.96 As stated above KCC have reviewed the details submitted for the access, turning and additional traffic movements and consider them acceptable. Therefore, policy T2 of the NDP is considered to have been met.

Access to Town Hill and ramp

- 10.97 The application includes the provision of the public/cycle footpath from Furnace Lane to Town Hill. This would link up to the existing public footpath WT386. The Public Rights of Way Officer from KCC has commented on the proposal and considered that the existing PROW is unaffected by the proposal and the connection with the public footpath with the provision of the ramped access is welcomed.
- 10.98 The KCC Officer had some comment about the future management of the path and whether it was to be adopted by KCC. The agent has confirmed that the intention was for it to be a permissive path and not adopted, but it would be managed by a management company associated with development.
- 10.99 Policy L5 of the NDP states that Public Rights of Ways will be preserved and unchanged. The proposal includes the improvement of the informal route through the vineyard and linking up to footpath WT386 which will remain unaffected and would offer a pedestrian and cycle route into the village centre

Other Matters

- 10.100 In terms of refuse storage, the submitted plans show bin storage in the front garden for each property.
- 10.101 In terms of future development to dwellings within the scheme, it is considered necessary to restrict permitted development rights here due to the potential impact upon the street frontage and the appearance of the development. As such, classes A, B, C, D, E and F would be restricted in order to ensure the overall character of the dwellings is retained.
- 10.102 The future occupiers of the properties would each have reasonable to good sized private gardens (as shown on the indicative plans) which would provide adequate amenity space.
- 10.103 The development includes EV charges and bike sheds and the improvement to the footpath and the crossing to the bus stop which will encourage more sustainable means of travel. If included the application also includes a condition for details of the proposed sustainable energy measures

Section 106 contributions

10.104 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.

10.105 The requirement for developments to provide or contribute towards the services for which they create a need is set out in Core Policy 1 of the CS and requirements relating to various types of contributions, for instance for education, recreation, transport etc. are referred to in various CS and LP Policies and in relevant sections of this Report.

10.106 KCC has assessed the proposal for contributions towards meeting the additional needs for infrastructure and services generated by the proposed development as summarised below:

	Request Summary Per applicable* House (x 7)	Total	Project
Primary Education	£4,642.00	£32,494.00	Towards expansion of Primary Schools in the Brenchley, Horsmonden and Lamberhurst education planning group
Secondary Education	£4,540.00	£31,780.00	Towards expansion of Mascalls Academy
Community Learning/Social Care/ Libraries	£437.21	£3,518.97	Towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
Youth Service	£65.50	£458.50	Towards equipment and resources youth centres serving the development, and to enable Outreach Youth services.
Social Care	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£1,285.69	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion
Broadband	<p>Planning Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and gigabit-capable (minimal internal speed of 1000mbps) connections to multi-point destinations and all buildings including residential, commercial and community. The infrastructure shall be installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details. The development should comply with any statutory or non-statutory guidance extant at the time a decision on the application for planning permission is made.</p> <p>Reason: To provide future-proof digital infrastructure in new developments as required by National Planning Policy Framework (NPPF) paragraph 114.</p>		

Highways

<i>Kent Highway Services will respond separately</i>
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- 10.107 While KCC have made a request for contributions it is considered unreasonable for this application. The NPPG states that planning obligations should only be sought for residential developments that are major developments. For residential development, major development is defined in the NPPF as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.
- 10.108 The KCC Developer Contributions Guide also states that the threshold for seeking contributions is 10 dwellings and above or a site size of 0.5ha or more.
- 10.109 The application is proposed for 7 social rented homes and therefore below the threshold in terms of dwellings. In addition, while the site that is marked out with the red site line is just over the 0.5 hectares a significant proportion of this is not developable land but relates to the pedestrian/cycle route that extends all the way from Furnace Lane to Town Hill. The inclusion of this route was proposed by planning officers at pre-application stage and identified as a wider benefit of development coming forward on this site. The capacity of the developable area of the site is well below the 0.5ha threshold and this site does not have capacity to accommodate 10 or more dwellings. In this instance it is considered that the 0.5ha threshold should not therefore be applied rigidly and the developer contributions are unreasonable.
- 10.110 The agent has been asked whether part of the contributions could be made, however they explained that as the proposal is for social rent and rather than affordable rent or shared ownership and therefore have a lower value. They state the cost of building the homes will be greater than their value once constructed. Therefore, the only way that the scheme can be built is through grant funding via a Registered Provider making up the difference. The development will not therefore be 'viable' in its own right but can be brought forward if an RP is able to secure funding for it. Any additional costs, such as education contributions, make this much more difficult.

Summary

- 10.111 In conclusion, whilst the proposed development is considered to cause significant harm to the landscape and AONB by virtue of the introduction of new build development on the site, when assessed against the requirements of para 172 of the NPPF and having particular regard to the emphasis in the NPPF and NPPG on supporting sustainable development and contributing to the 5 year housing land supply, this harm is considered to be outweighed by the housing supply benefits. Based on the finding above the proposal is considered to be sustainable development. It would also provide significant public benefits, which have been outlined earlier and which outweigh the 'less than substantial' harm to the CA. The development would not cause significant harm to neighbouring amenity, ecology or the surrounding landscape character. Overall, the proposed development is considered to be acceptable in the balance of issues discussed within this report and there are not considered to be any other material considerations which would indicate a refusal of planning permission.

11.0 RECOMMENDATION –

- A) Grant 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 7 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;

And subject to the following CONDITIONS

Implementation

- 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.

Approved Drawings

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

A1 proposed plans, drawing number: P1906-IOA-01-ZZ-DR-A-3201 rev Co1
A1 proposed elevations, drawing number: P1906-IOA-01-ZZ-DR-A-3261 rev Co1
B1 proposed plans, drawing number: P1906-IOA-02-ZZ-DR-A-3202 rev Co1
B1 proposed elevations, drawing number P1906-IOA-02-ZZ-DR-A-3262 rev C01
B2 proposed plans, drawing number: P1906-IOA-03-ZZ-DR-A-3203 rev Co1
B2 Proposed elevations, drawing number: P1906-IOA-03-ZZ-DR-A-3263 rev Co1
C1 Proposed plans, drawing number: P1906-IOA-04-ZZ-DR-A-3204 rev Co1
C1 proposed elevations, drawing number: P1906-IOA-04-ZZ-DR-A-3264 rev Co1
Proposed site plan, drawing number: P1906-IOA-ZZ-ZZ-DR-A-3101 rev Co2
Proposed site plan – extract 1, drawing number: P1906-IOA-ZZ-ZZ-DR-A-3102 rev C02
Proposed Site Plan - Extract 2, drawing number: P1906-IOA-ZZ-ZZ-DR-A-3103 rev Co1
Proposed site plan – Extract , drawing number: P1906-IOA-ZZ-ZZ-DR-A-3104 rev C02
Proposed Town Hill Ramp Details, drawing number: P1906-IOA-ZZ-ZZ-DR-A-3801 rev Co2

Reason: To clarify which plans have been approved.

Parking & Turning provision

- 3) 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.

- Landscaping
- 4) 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 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
- 5) 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 Details
- 6) 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, shall be submitted to the Local Planning authority and approved in writing. 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 layout, position and widths of all proposed roads, footpaths, and parking areas (including the method of delineation between the road and the footpath) and the means of connecting to the existing highway, the materials to be used for final surfacing of the roads, footpaths and parking forecourts;
- d) The positions, design, materials and type of boundary treatment;
- e) The storage and screening of refuse and recycling areas;
- f) The bike shelters
- g) 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.

External Lighting

- 7) 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

- 8) Electric Vehicle chargers shall be provided for the homeowners in the approved residential properties prior to their first occupation, and thereafter retained. These must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

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

Biodiversity Enhancement

- 9) 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. 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 into the development prior to

construction. Such details are fundamental to the application and are therefore required prior to its commencement.

Surface Water Drainage

- 10) 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 11th October 2022 prepared by Markides Associates 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.

Visibility Splays

- 11) Prior to the commencement of any works on site, the visibility splays shown on approved drawing 18217-MA-XX-DR-C-0130 in the Transport Statement (within which there shall be no obstruction in excess of 0.9m in height above the carriageway edge) shall be provided at the access and the splays shall be so maintained at all times thereafter.

Reason: In the interests of highway safety. This is a pre-commencement condition as the visibility splays will need to be provided from the start of the construction phase.

Off Site Highway Works

- 12) Details of off-site highway works (access, footpath and crossing point) to be submitted to the Local Planning Authority for approval prior to the use of the site commencing. Planning permission does not convey any approval for works within the highway for which statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Reason: In the interests of highway safety.

Drive surfacing

- 13) The driveway hereby approved shall be surfaced in a bound material for the first 5 metres of the access from the edge of the highway.

Reason: In the interests of highway safety.

Cycle Storage

- 14) No development shall take place until details of bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

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

Pedestrian Visibility Spays

- 15) Provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the accesses to each parking area, as show on the submitted plan, with no obstructions over 0.6m above footway level prior to the use of the site commencing.

Reason: In the interests of pedestrian safety.

Construction Management Plan

- 16) Submission of a Construction Management Plan before the commencement of any development on site to include the following:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Provision of measures to prevent the discharge of surface water onto the highway.

Reason: In the interests of highway safety.

PD Removal

- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A, B, C, D, E or F of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order) without prior permission from the Local Planning Authority.

Reason: In the interests of protecting amenity and the character of the countryside and AONB.

Footpath linkage

- 18) Prior to the commencement of above ground works of the dwellings hereby approved, details and timetable for installation of the footway linking Furnace Lane with Town Hill, shall be submitted to and approved in writing by the local planning authority. These detailed plans shall include details of the width, gradient, surfacing, drainage, lighting, boundary treatments and long term management of the proposed footway. The footway shall be fully implemented in accordance with the approved details prior to first occupation and maintained in accordance with the approved long term management details.

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

Sustainable Energy

- 19) 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.

INFORMATIVES

- 1) As the development involves demolition and / or construction, broad compliance with the Mid Kent Environmental Code of Development Practice is expected.
- 2) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read Southern Water's New Connections Services Charging Arrangements documents which is available to read on their website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>
- 3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at: <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The applicant is advised that they will need to enter into an agreement with the highway authority under S278 of the Highways Act 1980 for works to the access. As the development is to remain private the developer should also Serve Notice under S.31 of the Highways Act 1980 declaring that the streets are to be privately maintainable in perpetuity.
- 4) The applicant is recommended to ensure that Broadband 'fibre to the premise' (Superfast fibre optic broadband) to all buildings of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings is provided.
- 5) In regards to the public right of way:
 - No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
 - No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
 - This planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
 - No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, this would take six weeks notice to process.
- 6) Once work begins on site please apply for street naming and numbering at: <https://tunbridgewells.gov.uk/planning/support-services/street-naming-and-numbering>
Applying early to officially register new addresses will prevent delays with council, utility, postal and emergency services.

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.

Case Officer: Charlotte Oben

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.