

REPORT SUMMARY

REFERENCE NO - 22/00296/OUT
APPLICATION PROPOSAL Outline Planning Permission (Access not reserved) - Village hall and a residential development of up to 68 dwellings and associated infrastructure (amended description)
ADDRESS Land South Of Brenchley Road Brenchley Road Horsmonden Tonbridge Kent
RECOMMENDATION - to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation).
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD)) are “out-of-date”. • Paragraph 11 and Footnote 8 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied). The NPPF requires local authorities to significantly boost the supply of housing. Whilst the site is positioned outside of the LBD it is not considered to be within an ‘isolated’ location. • The application of policies in the Framework that protect areas or assets of particular importance would not, in this case, provide a clear reason for refusal of the development proposed. This includes both landscape assets and heritage assets, which has relevance to the proposed development, on this site. • The harm to identified heritage assets is considered to be at the very low end of less than substantial harm, to Milestone Cottage (Grade II listed), the Horsmonden Conservation area and no impact on Sprivers, the Historic park/Garden located to the west. This harm is considered to be outweighed by the public benefits of the proposal in accordance with para 202 of the National Planning Policy Framework. • In terms of landscape harm, the site is within the setting of the AONB but not within it. It is concluded that there would be a significant adverse landscape and visual effect but this would be very localized and to be expected of any greenfield development. There is no landscape objection to the scheme. • The proposals would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and local policy in respect of these material considerations. • The proposal would deliver 68 dwellings towards the housing supply, of which 27 would be affordable housing that weighs in favour of the scheme. • The scheme would make provision to meet the aspirations of the Parish Council to make provision for a new village hall, and the indicative layout indicates a scheme could be delivered of a suitable quantum of development, layout and design that would be appropriate and in keeping with the context of the site and the surrounding area, and without detriment to the amenities of neighbouring occupiers. • Subject to the approval of a satisfactory reserved matters application, it is not considered that there are any landscape, design or highway safety matters that could not be addressed, the development could be designed to prevent significant adverse impact on the landscape and heritage setting.
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):

- Primary Education - £ 315,656.00 Towards the expansion of primary schools in the Brenchley, Horsmonden and Lamberhurst Education Planning Group.
- Secondary Education - £308,720.00 Towards the expansion of Mascalls and/or provision in the District and Neighbouring Planning Groups through expansion of existing secondary schools
- Community learning - £1,116.56 – towards additional equipment and resources for Adult Education Centres, including outreach provision serving the development.
- Youth service - £4,454.00 towards equipment and resources for Kent Youth Service, and to include outreach Youth Support services local to the development.
- Library Bookstock £3,770.60 towards additional resources, equipment and bookstock at local libraries serving the development including Paddock Wood Library and the mobile service.
- Social care - £9,987.84 towards specialist care accommodation, assistive technology systems and equipment to adapt homes, community facilities and changing places in TW Borough.
- Waste - £12,489.56 – towards the Tunbridge Wells Waste Transfer Station and HWRC expansion.
- NHS CCG – Approx. £60,300 (based on 68 chargeable units at 2.4 people per dwelling) Towards refurbishment, reconfiguration and/or extension of Howell Surgery, Waterfield House and Lamberhurst and/or towards new general practice premises development in the area.
- Adult/youth and child play space – £719 per bedspace toward the new village hall
- Biodiversity Net Gain Contribution £90,000 towards – a local scheme of biodiversity offsetting.

Net increase in numbers of jobs: N/A

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

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

Estimated annual council tax benefit for Borough: £12,150.24

Estimated annual council tax benefit total: £121,502.40

Estimated annual business rates benefits for Borough: N/A

REASON FOR REFERRAL TO COMMITTEE

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

WARD Brenchley & Horsmonden	PARISH/TOWN COUNCIL Horsmonden Parish Council	APPLICANT Rosconn Strategic Land AGENT Mr Gary Mickelborough	
DECISION DUE DATE 03/05/22 EOT	PUBLICITY EXPIRY DATE 13/01/23	OFFICER SITE VISIT DATE Various including 23.12.22	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
Reference	Proposal	Decision	Date
92/01352/FUL	Retrospective - siting of 1 No mobile toilet unit	Refused	12/02/93

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This application relates to a site of some 3.6 hectares of grazing land, located to the southern side of Brenchley Road, Horsmonden. The site is currently open, with no structures on the land. At the time of the site visit the land was partly mown. There is a drainage ditch along the site frontage and a field gate located to the west. Ancient Woodland is located to the west and includes some of the trees within the boundary. The 30m buffer extends into the site.
- 1.02 The field is currently well contained, with a hedgerow to the frontage, along Brenchley Road. To the south side, there is a post and wire fence, with barbed wire. Post and rail bounds the eastern edge of the site. The site is generally edged in woodland, with a mature oak to the north east corner with Brenchley Road.
- 1.03 Along the site frontage, Brenchley Road is subject to a 30mph speed limit. There is a village gate to the north west on Brenchley Road, indicating the approach to the village and the 30mph zone. A speed limiter is located to the north east on this road.
- 1.04 The site has a gentle undulation with land rising to the north and south from the middle of the site, with what appears to be a drainage feature within the centre of the field. To the north, there are sporadic residential properties, set in large plots. To the east there are bungalows (Fromandez Drive), with windows and private gardens backing onto the site.
- 1.05 The site is located outside of, but in the setting of, the High Weald Area of Outstanding Natural Beauty (AONB) – with its boundary being located directly to the northwest. The Horsmonden Limits to Built Development (LBD) (in the adopted Local Plan) directly abuts the eastern boundary with the site and the Horsmonden Conservation Area is located further east, close to the core of the village, the Conservation Area is approximately 85m to the east. The historic park of Sprivers is located to the west of the site. Milestone Cottage, is a listed building located to the northern side of Brenchley Road and Remingtons and Tompsett's Cottage are located further south east, some distance from the boundary with the application site.
- 1.06 There is an existing foul sewer run across the site, east to west.
- 1.07 The site is a proposed allocation for residential development in the emerging local plan and to be included within the revised LBD in the emerging local plan and has also been acknowledged within the Horsmonden Neighbourhood Development Plan (NDP).

2.0 PROPOSAL

- 2.01 The application seeks outline planning permission for the erection of Village Hall and a residential development of up to 68 dwellings and associated infrastructure. The scheme would deliver 40% affordable housing (27 dwellings) comprising 60% social rent and 40% intermediate tenure split. The planning application has been amended during the course of the application. Amendments have been submitted to address a number of concerns raised by key consultees. Access is the only matter that will not be reserved.
- 2.02 There would be a single main access to be taken from the north-east corner of the site, directly onto Brenchley Road. An emergency access and pedestrian access is shown to the north-west, into Brenchley Road.

- 2.03 Revised plans indicate an increase in the amount of green infrastructure, a greater woodland buffer, parameter plans now indicate that it is possible to slightly increase the dwelling numbers from that previously proposed (65) to 68, whilst reducing the developable area. The parameter plans indicate that the development would have the space to provide a tree lined primary street that would follow a path, east to west, through the site. The revised Masterplan indicates that the Green Street, to be positioned centrally, east to west, would have the re-aligned culvert below it, with tree planting to the north of this road and rain gardens to the south.
- 2.04 The children's play area is shown to be relocated from the western part of the site adjacent to the woodland as shown in the initial submission, to a position just south of the proposed village hall site. Both would be in the northeastern corner of the layout, the plot of land for the hall would be set back from Brenchley Road with footpath intervening and the proposed play area south of the associated car park.
- 2.05 The proposals are to consist of varied designs, that the applicant seeks to respect the characteristics and vernacular of traditional homes, building types and built form found in and around Horsmonden, with a range of eaves and ridge heights. Materials will be chosen to respond to the village context, and consist of a mixture of red facing brickwork and render, with key plots and frontages articulated through considered materiality and to provide legibility. It is anticipated that dwellings would be predominately 2 storeys in height with the occasional room in the roof (2.5 storeys) to be used as appropriate, where the detailed design proposals indicate that they are appropriate in the wider context of the site.
- 2.06 To inform the development at reserved matters stage the applicant has adopted a parameters plan approach, with a focus on key boundaries and features. The DAS sets out the approach to the indicative street typologies. Key principles include;
- An increased amount of green infrastructure;
 - A greater woodland buffer (25m);
 - Relation of the proposed children's play area;
 - Illustrative layout that more efficiently uses the reduced development area;
 - Solutions being shown include a tree lined street;
 - Confirmation that a street network could be delivered with fewer dead-ends than previously shown;
 - Significantly reduced biodiversity net loss.
- 2.07 The Design and Access Statement (DAS) sets out illustratively how the edges of the site will be treated. The key to the Western Edge is to generally respect a 25m development off-set - with no dwellings within the off-set zone. An indication is given that this area of woodland could be enhanced with filtered low level planting. This area could contain a community orchard, for ecological but also provide a positive feature for future residents. A management company is likely to maintain this area and it would become the new edge of the settlement.
- 2.08 The Northern Edge shows that a green corridor could be reserved along this boundary, including retention of the existing hedgerow, but with space beyond for the provision of a continuous path linkage. Dwellings along this route seek to continue the existing pattern of development at the edge of the village.
- 2.09 The Southern Edge would incorporate a new continuous hedgerow along this edge, with potential for a new informal mown path through this corridor, with retained boundary trees to the southeast and the potential community orchard to the south west.

- 2.10 The scheme indicates there would be space to provide two attenuation basins at the low point of the site, split to avoid an existing culverted surface water sewer crossing the site. Details have been included that show an access and movement hierarchy, that includes a potential pedestrian link to the west into Sprivers, and a pedestrian link across the front of the site, behind the hedgerow frontage, with routes through the public space to the south of the scheme. The hierarchy indicates that the primary street would take access off the Brenchley Road, and run through the centre of the site running west to east, with a combination of lanes and private drives being accessed off this primary street. A secondary, emergency access is provided for in the north west corner of the site, onto Brenchley Road.
- 2.11 The DAS also sets out an approach to the street typologies within the street hierarchy that includes village street at the entrance to the site, to form a sense of arrival, with a potential for a landmark building on entry, and a view opening out to a green space, but framed by buildings both sides.
- 2.12 The central access road is shown to be “Green Street”, which in contrast to the entrance, would be a much wider corridor with houses set back from the footpath, with space for trees and potential “rain” gardens, dwellings could be set back further from the road. “Rain” gardens would introduce an element of blue infrastructure in the street scene.
- 2.13 Edge Lane is shown to run parallel to Brenchley Road, creating an internal loop in the site, to assist in creating a more permeable structure to the scheme. The DAS identifies that this could be a shared surface street, with use of differing materials. Finally, Back Lane is shown to the southeast of the entrance, and would provide permeability.

3.0 SUMMARY INFORMATION

	PROPOSED
Site Area total	3.60 Hectares
Residential area	2.06 Ha
Village Hall Plot	0.17 Ha
Green space	1.16 Ha
Existing use	Grazing land
Proposed use	Residential & Community Hall
Existing parking	None
Car parking spaces (Inc. disabled)	168 spaces
No. of residential units	Up to 68
No. of affordable units	27

The indicative mix is as set out below;

	Affordable housing	%	Market	%	Totals	
1 bed	6	22%	0	0%	6	9 %
2 bed	15	56%	11	27%	26	38 %
3 bed	6	22%	21	51%	27	40 %
4 bed	0	0%	9	22%	9	13 %
Total	27	39.7 %	41	60.2%	68	%

4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3

- Ancient Woodland Ancient Woodland + 30M Buffer Area – to the west, there is ancient woodland both within the site boundary and immediately adjacent to it.
- Potential Archaeological Importance Potential Archaeological Importance – washes over the entire site.
- AONB - whilst outside the AONB, the site is within the setting given the proximity of the AONB to the west, AONB is subject to 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
- Conservation area – Horsmonden CA is located some 85m to the east.
- Historic Park/Garden – Sprivers is located to the western boundary with the application site.
- Listed buildings, none on the site, Milestone to the north of Brenchley Road is the closest and Grade II.
- Limits to built development - the site is outside however the boundary lays immediately to the east.
- Local Wildlife Sites 15M Buffer All Within TWBC See Portal For Site Name
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- Public Access Land Horsmonden Village Green (located to the east of the site in the village core).
- Public Rights of way – KCC Public footpaths WT282 and WT 346 are located to the west within some 80 – 98m respectively.
- Allocation PSTR/HO1 – The Strategy for Horsmonden Parish
- Allocation AL/HO2 – Land South of Brenchley Road and West of Fromandez Drive

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021

National Planning Practice Guidance (NPPG)

Development Plan:

Site Allocations Local Plan (2016)

Policy AL/STR1 – Limits to Built Development

Core Strategy Development Plan Document (2010):

Core Policy 1 (Delivery of Development)

Core Policy 3 (Transport Infrastructure)

Core Policy 4 (Environment)

Core Policy 5 (Sustainable Design and Construction)

Core Policy 6 (Housing Provision)

Core Policy 8 (Retail, Leisure and Community provision)

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

Tunbridge Wells Borough Local Plan 2006:

Policy LBD1 (Development outside the Limits to Built Development)

Policy EN1 (Development Control Criteria)

Policy EN8: Outdoor Lighting

Policy EN10 (Archaeological Sites)

Policy EN13: Tree and woodland protection

Policy EN16: Protection of Groundwater and other watercourses

Policy EN18 (Flood Risk)

Policy EN25: The Rural Landscape of the Borough

Policy H2: (Dwelling mix)

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

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

Policy CR3: Location of proposals for small-scale (less than 500 sq metres gross floorspace) A1, A2, A3, A4, A5, B1, C1, D1 and D2 uses within defined Primary Shopping Areas, Neighbourhood Centres and Village Centres

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

Policy TP3: Multi-modal access for large-scale residential developments

Policy TP4 (Access to the Road Network)

Policy TP5 (Vehicle Parking Standards)

Policy TP9: Cycle Parking

Supplementary Planning Documents:

- Renewable Energy SPD 2007
- Affordable Housing SPD 2007
- Recreation Open Space SPD July 2006
- Landscape Character Area Assessment Dec 2017

Other documents

- Kent Design Guide Review: Interim Guidance Note 3 (Residential parking)
- High Weald AONB Management Plan 2019-24
- AONB Setting Analysis Report HDA November 2020
- Tunbridge Wells Landscape Character Assessment

Horsmonden NDP

The Neighbourhood Planning Referendum has now been held and was successful, therefore the NDP immediately becomes part of the development plan for the area covered by Horsmonden Parish. There are a number of policies relevant to the application. Allocation policies are not included and it is noted that TWBC policies AL/HO1, 2 & 3 are not strategic policies but the site assessment did not identify any viable alternatives and therefore the NDP policies do not allocate but focus on design, environmental sustainability and access that should be applied to all development sites in the parish.

Notable objectives include creating a 'walkable village' for all, new development should bring with it the opportunity to provide improved community, health and leisure facilities to existing and new residents of the parish, design policies that can be applied to any new development proposals in the parish to help ensure that they are sustainable and in keeping with local character, and reflect the character and respond positively to its location on the edge of the High Weald AONB. Objectives include meeting the needs of the local community, particularly for smaller homes and should regenerate PDL and be affordable and in walking distance of village facilities. Policies are proposed to support these objectives.

- Policy 2.1: Walkable village
- Policy 2.2: Minimising traffic speeds
- Policy 2.3: Enhancing Public Rights of Way
- Policy 2.4: Adequate pavements
- Policy 2.5: New parking Development proposals must include sufficient allocated and visitor parking provision in accordance with standards set out in Figure 15.
- Policy 4.1: Financial contributions may be required towards new medical facilities where new housing development justifies such contributions.
- Policy 4.3: Facilities for children and young people
- Policy 4.4: New village hall
- Policy 5. 1 Design of new development

- Policy 6.1 Meeting housing need
- Policy 7.1 Local Green Spaces
- Policy 7.3: Impacts on BNG
- Policy 7.4: Trees and hedgerows
- Policy 7.5 New Open Spaces
- Policy 7.7 Light pollution
- Policy 7.9 Development adjacent to the AONB
- Policy 7.10 Development adjacent to Ancient Woodland

Submission Local Plan 2021

- Site Allocations PSTR/HO 1 Strategy for Horsmonden Parish
- AL/HO 2 Land south of Brenchley Road and west of Fromandez Drive
- Open Space Landscape Buffer
- Community Use - HO2 HO3 BM2 HA6 PE1
- STR1 Inside/Outside the LBD
- STR 2: Place shaping and design
- STR 5: Infrastructure and connectivity
- STR 6: Transport and parking
- STR 7: Climate change
- STR 8: Conserving and enhancing the natural, built, and historic environment
- STR10: Neighbourhood Plans
- EN1 – Sustainable Design
- EN2 – Sustainable Design Standards
- EN3 – Climate change mitigation and adaption
- EN4 – Historic Environment
- EN5 – Heritage Assets, Environment Historic Parks and Gardens
- EN9 - Biodiversity Net Gain
- EN10 - Protection Of Designated Sites And Habitats
- EN13 - Historic Environment; Ancient Woodland
- EN14 – Green, Grey and Blue Infrastructure
- EN18 – Rural Landscape
- EN19 – AONB Border /AONB
- EN20 Agricultural Land
- EN21 – Air Quality
- EN24 – Water Supply, Quality and Conservation
- EN25 – Flood risk
- EN26 – Sustainable drainage
- H1 – Housing mix
- H2 – Housing density
- H3 – Affordable Housing
- TP3 – Parking standards

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

6.0 LOCAL REPRESENTATIONS

- 6.1 6 no. site notices displayed on 17th February 2022 in the following locations;
- 4 No. along the Brenchley Road frontage, and to the east; and;
 - 2 No. to the east in Fromandez Drive.

- 6.2 A full re-consultation was carried out and 6 site notices erected in similar positions and erected 23.12.22 for 21 days.
- 6.3 The application has also been advertised within the local press.
- 6.4 5 No. of letters of objections received (from 7 No. of individuals), comments can be summarised as set out below;
- Concern raised that a number of properties flooded during a storm in 2020;
 - Concern regarding the drainage generally in Horsmonden/overfilled ditches.
 - Excess surface water ran into HO2 during recent flood events – flowing from Sprivers.
 - Concerned that the mitigation will not cope.
 - The site is greenfield – which soaks up a large amount of water.
 - The TA shows vehicles regularly exceeding the 30mph speed limit, the proposed access falls between two ATC locations, concerns raised that the vehicle access will be problematic.
 - Concern that the new access and necessary sight lines will adversely impact on the hedge which is part of the heritage of the village.
 - Car ownership data is now out of date (derived from the 2011 census) there has been significant development in Horsmonden since then (HO1 and HO3) and development in neighbouring villages.
 - A new pedestrian footway along the south side of Brenchley Road on the public highway land is essential for this development to be approved, to walk to amenities.
 - Question the construction of the proposed narrow footway, which includes an uncontrolled crossing point, without significantly narrowing the road.
 - Pedestrian safety.
 - Pavement width would not meet the requirement in the draft Horsmonden NDP.
 - Peak predicted trips appears low. Transport assessment analysis appears flawed.
 - TWBC local plan identifies 3 sites in Horsmonden where 240-320 dwellings are planned, concerned with the build out/phasing given planning status of the other sites, Phasing should be over the next 16 years to enable the village to adjust/develop infrastructure.
 - The primary school is small and the GP is already under pressure.
 - Concern with the location of the village hall, alternative siting could benefit more villagers and pool resources.
 - Concern that that increase in population will increase the need for a bigger hall and more parking.
 - Horsmonden already has a good hall/proposed development at the Sports Club.
- 6.5 Following re-consultation – one letter of objection (from a previous neighbour) and two objections raising the following additional matters over those set out above;
- The runoff water needs to go away from the village and not towards it.
 - Ponds should not be next to a children play area.
 - The development is greed ruling over common sense.
 - 25m buffer to the woodland is insufficient, buffer of 50m should be applied – especially in light of the now adopted NDP.
 - Footway link to village should be a minimum of 1.5m under the Equalities Act 2010.
 - Existing road is very dangerous.
 - No access to mains gas.
 - Loss of wildlife habitat.
 - Extensive number of homes already being built in the area.
 - Lack of public transport – village relies on cars.

- There is no pavement on the south side of Brenchley Road, land on the existing pavement is within occupiers' ownership -builders would be expected to purchase it.
- Village already suffers in terms of power supplies, majority of households rely on delivery of oil for heating which necessitates the constant flow of oil tankers in Horsmonden.
- Heating is an important consideration re sustainability and carbon reduction.
- Ecological impact, loss of flora and fauna, use of agricultural land should be last resort.

7.0 CONSULTATIONS

Horsmonden Parish Council

11.01.23

- 7.01 Objections to the scheme on the grounds of;
- Inadequate provision on the Brenchley Road for 6m carriageway and acceptable footpath width recognising the increased pedestrian traffic that will occur – ideally this would be 2m footpath with 6m carriageway.
 - Concerns regarding pedestrian safety when crossing the Brenchley Road.
 - Allocated hall site is in adequate (0.2ha) as originally stated and inadequate provision for car parking.
- 7.02 In regards to developer contributions, Horsmonden PC were asked to consider, without prejudice, what infrastructure contributions, that could be justified by development plan policy, would meet identified needs of the occupants of Horsmonden parish. Concern were raised by the PC regarding the contribution of the hall, whether the developer would provide the land but also contributions towards build costs, or perhaps provide the shell. Concern was also raised that if land only were to be provided that this alone may be insufficient to afford to build. The PC raise the matter of potentially needing to introduce some flexibility into the legal wording and potentially use the sum towards refurbishment/extension of the existing hall.
- 7.03 Details provided in relation to potential S106 agreements and 4 estimates set out (that the PC consider may now be out of date). The sums include;
- a whole new place area, (£73,428.00);
 - Outdoor Gym equipment (£11,704.00);
 - 6 x charging point for electric vehicles (£8,561.97);
 - New village hall to support increase in Parish population needs, construction, landscaping, fees etc (£935,352.00).

22.02.22

- 7.04 Object on the grounds set out below and recommend refusal;
- Inadequate infrastructure.
 - Narrow access to site.
 - 15 metre buffer zone to the ancient woodland would be insufficient.
 - Drainage at front of site and throughout inadequate.
 - Village Hall would not have enough parking.
 - More details required of footpath link to the village.
 - More data required for the traffic flow combined with data from the Furnace Lane development.
 - Location of play area would be inappropriate.

National Highways
29.03.22 & 6.01.23

- 7.05 No objection raised, following the submission of amended plans, NH confirm that the amendments do not alter the initial response of National Highways.
- 7.06 The SRN is a critical national asset and as such NH work to ensure it operates and is managed in the public interest. NH conclude that the proposals will generate minimal additional traffic on the SRN in Peak Hours and that the traffic is able to be accommodated. NH consider that the development will not materially affect the safety, reliability and/or operation of the SRN.

Historic England

15.02.22 & 22.12.22

- 7.07 No objection raised, based on the information available to date, HE do not wish to offer any comments, it is suggested that TWBC's specialist advisors for conservation and archaeology be consulted as relevant.

Natural England

08.03.22 & 18.01.23

- 7.08 No objection is raised by Natural England, following the submission of amended plans, NE confirm that initial advice applies to the amendments, and are unlikely to result in significantly different impacts on the natural environment than the original.
- 7.09 NE is a non-departmental public body, whose statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 7.10 NE considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Their comments can be summarised as set out below;
- The site is within or close to a nationally designated landscape, the High Weald AONB and advises that the planning authority uses national or local policies, together with local landscape expertise and information to determine the proposal.
 - NE set out the policy and statutory framework to guide to decision.
 - The decision should be guided by paragraph 172 of the NPPF, which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks.
 - Advice provided in relation to paragraph 172 and 'major development' and a recommendation to consult the AONB partnership or conservation board.
 - NE advise that the proposals as presented have the potential to adversely affect woodland classified on the ancient Woodland Inventory. NE refers to Standing Advice on Ancient Woodland and veteran trees.
 - Reference is also made to Priority Habitat, SSSI – Impact Zones, protected species and other natural environment issues.

NHS CCG West Kent

14.02.22 & 25.05.2023 (updated sums).

- 7.11 No objections subject to financial contributions towards the projects set out below. The request follows an assessment of the implications of this proposal on delivery of general practice services and the CCG is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.
- 7.12 The sum has been updated and is generated by calculating that this proposal for up to 68 dwellings will generate approximately 168 new patient registrations when using an average occupancy of 2.4 people per dwelling. The proposed development falls

within the current practice boundaries of Howell Surgery, Waterfield House and Lamberhurst. The request is considered to comply with the Community Infrastructure Levy Regulations 2010.

	Total Chargeable units	Indicative Total (See Appendix 1)	Project
General Practice	68	£60,300	Towards refurbishment, reconfiguration and/or extension of Howell Surgery, Waterfield House and Lamberhurst and/or towards new general practice premises development in the area.

It is requested that the obligation should include the provision for the re-imbursement of any legal costs incurred in completing the agreement. It is noted that there is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore be met through the creation of additional capacity in general practice premises.

Kent Police

05.01.23

- 7.13 No objections raised, additional comment that whilst the previous comments remain valid, that PAS 24:2022 supersedes PAS 24:2016 as a minimum security standard. Further, a condition is requested as part of any planning approval, to ensure crime prevention is addressed affectively. It is recommended that the applicant applies for an SBD award to demonstrate official commitment. A list of certified products is also referenced, along with the need for site security at construction stage.

25.02.22

- 7.14 Extensive comments made initially and the main issues raised can be summarised as set out below;
- It is strongly recommended that the applicant bases the design on the Secure By Design Homes 2019 guide/ specifications for doorsets, windows, lighting, fencing etc, but also consult a local Designing out crime officer or qualified specialist to help design out the opportunity for crime, fear of crime and anti-social behaviour.
 - Overall the layout and orientation of the proposed dwellings is compliant with SBD standards. Comments relate to boundary treatment (which should be well established, minimum height of 1.8m to aid security and privacy. Corner properties to have well established boundaries, to avoid desire lines.
 - Access control - relating to apartment blocks.
 - Emergency doors require alarms to prevent unauthorised access/doors being left open.
 - Comment on recessed entrances.
 - Car parking should be designed to minimise opportunity for crime. Visitor spaces to be clearly marked as such. EVC points to be covered by natural surveillance.
 - Village Hall – gates are recommended to the entrance of the car park to prevent nuisance vehicles gathering when the hall is not in use.
 - Cycle and bin stores to meet SBD specifications.
 - Any lighting to be approved by a professional lighting engineer.
 - Specifications provided for doorsets, windows and mail delivery.
 - Landscaping/planting should protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting, especially in car parking areas.

- The proposed natural play does not benefit from natural surveillance and has the potential to generate crime and anti-social behaviour at night time.

Kent Fire & Rescue

02.06.23

- 7.15 No comment to make on this application. It is noted that there has been correspondence between the applicant and the Fire and Rescue service regarding the need for alternative emergency access routes, given the proposal is for more than 50 dwellings. Alternative access roads are essential for Kent Fire and Rescue emergency access when main roads are blocked, and it was considered prudent to follow the Kent Design Guide in this regard.
- 7.16 It was made clear that applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010. Kent Fire & Rescue note that the issue of an alternative emergency access route has been addressed.

UK Power Networks

15.02.22 & 23.12.22

- 7.17 No objection, no comment made, details of the records which show the electrical lines and/or electrical plant are provided, along with Safe Digging fact sheet.

Scottish Gas

15.02.22 & 23.12.23

- 7.18 On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Where required, the position should be confirmed using hand dug trial holes. Safe digging practices are referenced and that direct and consequential damage to gas plant can be dangerous, and repairs will be incurred to the developer. Documentation such as Dig Safely measures provided. (*Officer note – no gas pipes are shown in the vicinity of the site*).

Southern Water

02.03.22 & 11.01.23

- 7.19 No objection raised, comment specific to this application can be summarised as follows;
- The submitted information indicates that the applicant is proposing to divert a public foul sewer, that would need to be approved by SW under Section 185 of the Water Industry Act, application to be made using the Southern Water Developer Portal,
 - No soakaway, swales, ponds watercourses or other surface water retaining or conveying features should be located within 5 m of a public foul sewer.
 - Reference to restrictions on tree planting is made, including reference to relevant guidance notes.
 - Should any other public sewer now deemed to be public be found crossing the site, during construction, an investigation of the sewer will be required to ascertain ownership before further works commence.
 - Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. A formal application will be required to connect.
 - SuDs will be adopted by SW should this be requested by the developer. Where part of a continuous sewer system adoption will be considered if such systems comply with the latest Sewers for Adoption and CIRIA guidance.

- Where SuDs are not adoptable, the applicant will need to ensure arrangements exist for the long term maintenance of the SuDS and effectiveness maintained in perpetuity. Good management is required to prevent inundation of the Foul.
- The Council's technical staff and relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.
- The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

7.20 An informative is requested that seeks details of the foul and surface water.
(Officer note – this would normally be included as a condition, and it therefore included as such within Section 11 of your report. Surface Water details are recommended to be addressed through conditions recommended by KCC Lead Flood Authority).

Environment Agency

01.06.23

- 7.21 No comment to make on the scheme, the EA has assessed this application as having low risk.
- 7.22 Non planning consents - although the EA have no comment the applicant is advised that other consents may be required directly from them. The applicant should consult the EA website to confirm whether consent will be required.

KCC Lead Flood Authority

18.01.23

- 7.23 Following submission of amendments, whilst KCC LLFA confirm that with the drainage strategy being unchanged, comments remain valid, they note several comments made on the application relating to existing flooding issues in the area. Therefore KCC LFA raise the additional matter of the need for a CCTV investigation, both upstream and downstream, of the culvert to be undertaken as part of the detailed design submission, to understand the condition of the culvert and demonstrate flows and volumes can be accommodated within the network. Consideration is needed as to the existing culvert, the flows and the impact this may have on the wider area. An additional condition is therefore requested - demonstration of an effective outfall for surface water is provided for within the layout.
- 7.24 Anticipated diversion of the sewer will need land Drainage Consent, furthermore, as of 10th May 2022, the Environment Agency's climate change allowances have been updated.
- 03.03.22
- 7.25 No objection raised, to the application as submitted the FRA and Drainage Strategy prepared by JPP dated January 2022 has been reviewed and is agreed in principle.
- 7.26 The surface water strategy has not been included however, it is mentioned and will be managed through a series of piped networks and permeable paving with an attenuation basin prior to discharging into a culvert that runs west to east through the site to Greenfield runoff rate of 7l/s.
- 7.27 The information submitted to support the outline component of the planning application has demonstrated how surface water may be managed with an indicative layout. Given the high-level strategy presented:

- KCC LFA agree that the approach as outlined within the Flood Risk Assessment with attenuation of surface water to 7 l/s is appropriate and demonstrates that surface water can be accommodated within the proposed development area.
- KCC would refer the applicant to information within KCC's Drainage and Planning Policy Statement which describes policy in relation to drainage operational requirements and consideration of other matters in relation to layout and design.
- The Drainage Strategy Report does not detail this pipe network or contain calculations to demonstrate what impact this network will have on the culvert and the upstream and downstream networks. This will need to be completed at the detailed design stage.
- KCC LFA note that as permeable paving is proposed it is recommended that other underground services, such as foul sewers, are routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered for adoption.
- At the detailed design stage, KCC expect to see the drainage system modelled using 2013 FeH rainfall data in any appropriate modelling or simulation software. Where 2013 FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2019).
- Advice provided in relation to the design and side slopes where swales and basins are proposed. Conditions requested regarding seeking detailed SuDs scheme to be submitted to the LPA and agreed, and a verification report.

KCC County Archaeologist

11.03.22 & 27.01.23

- 7.28 No objections raised subject to standard conditions. Confirmation received that, following submission of amendments, there are no additional comments.
- 7.29 The site lies in a general area of potential associated with Prehistoric and later use and travel through the Wealden forest. North of the site is a milestone and Milestone Cottages are considered to be of 18th century date and designated.
- 7.30 Archaeological issues may be addressed through conditions, but it is also recommended that there is consideration of the milestone, an archaeological asset, which needs protecting to ensure its retention and conservation, ie construction stage. Standard condition is recommended seeking details of archaeological field evaluation works, further investigation and recording and reporting.

KCC Highways Authority (HA)

06.06.23

Final clarifications confirm the following;

- 7.31 1/ Details related to the relocation of highway signage, proposed drainage arrangements and proposals to accommodate plant from various statutory undertakers, including two telegraph poles and possibly a third at the junction with Furnace Lane, will be addressed as part of the detailed design through the S278 process. The HA expects the full costs of the section 278 process, including these works to be met in full by the applicant.
- 2/ The highway works to provide the footway requires successful enforcement of the highway boundary affecting approximately 10 properties as shown on the Ardent plan 197720 011B since the footway will be constructed on highway land. The HA has strongly encouraged the applicant to engage directly with the affected properties who will presumably require new boundary treatment.

3/ No contribution to sustainable transport has been requested for this site, the HA has requested the applicant provides a marked permanent bus stop on the south side of Brenchley Road, to be included in the details design of the highway works. A contribution towards bus service enhancements which would serve the development on Brenchley Road is not being sought from the applicant.

Various comments - can be read in full under the record. Comments summarised as set out below.

21.04.23

7.32 The initial TA was dated January 2022 and following our comments of 8 /3 /2022, further information was received in a Technical Note dated 7/11/22 . Additional clarification was also received in emails dated 31/1/23 and 7/2/23, to which the case officer was also copied in. The submission also includes a RSA1 dated January 2022 (received by email 16/11).

7.33 **PROVISION OF A FOOTWAY**

As set out in KCC's earlier comments the highway authority requires any proposals to provide safe and suitable access for all modes. In this setting, for this local distributor road which also carries a bus route and in accordance with KDG, we have previously advised that minimum dimensions of a 6.0m carriageway and 1.2m footway are required. Inspection on site has confirmed that this arrangement will maintain the general existing carriageway width.

7.34 The proposals include construction of a footway from the development along the south side of Brenchley Road which then continues on the northside towards Furnace Lane. The footway will be constructed on highway land which is currently obstructed by a number of local residents in Brenchley Road and has been for a number of years. To date KCC has not taken enforcement action as there has been no need to do so. The provision of the footway will therefore require successful enforcement of the highway boundary affecting about 10 properties as shown on Ardent plan 197720 011B, although this number may vary depending on the detailed design.

7.35 The proposals shown on Ardent plan 197720 008D demonstrate a minimum carriageway width of 6.0m together with a minimum footway width of 1.2m. However it is considered that wherever possible within the highway boundary additional footway width should be made to accommodate improved conditions for people with a mobility impairment or people walking with children or buggies etc and also passing opportunities. As currently shown the proposals include realignment of the kerb line at points on both sides of Brenchley Road within the highway boundary.

7.36 There are a number of significant matters which require further consideration such as the relocation of highway signage, proposed drainage arrangements and proposals to accommodate plant from various statutory undertakers, including two telegraph poles and possibly a third at the junction with Furnace Lane, which must not obstruct the provision for pedestrians. However these matters will be addressed as part of the detailed design through the S.278 process, but will require full and early consideration in the design process. The full costs of the footway including any statutory undertaker plant will be met by the applicant in full.

7.37 Therefore with regard to the proposed development, in principle the highway authority would not raise objection to the proposal subject to the completion of the proposed footway in accordance with approved plans and it is considered most

important that the footway should be delivered prior to the commencement of any other works on site.

- 7.38 However it is noted that to date, the developer has not addressed additional costs which will fall to both the highway authority or the affected property owners who will presumably require new boundary treatment, nor have they engaged with the individual affected property owners.

- 7.39 The highway authority would strongly recommend that if the LPA has not already done so, the developer should contact each of the affected households in the first instance. The highway authority would also welcome the opportunity to discuss a mechanism by which these additional costs to the highway authority and property owners, which arise from the development, could be addressed by the developer.

7.40 **JUNCTION TREATMENT**

Throughout the negotiations the proposals have included various options for traffic calming at the junction of Brenchley Road with Furnace Lane including surface treatment, which would assist in slowing speeds on approach to the proposed crossing point. The details of the proposed crossing points and traffic calming including any signing and lining etc will be worked up during detailed design and as surface treatment is proposed a commuted sum will be secured through the S. 278 agreement.

7.41 **BUS STOP**

In keeping with our protocols, the scheme has been considered by KCC's Asset Managers and a request has been made regarding provision of a marked permanent bus stop on the south side of Brenchley Road. As this hasn't as yet been explored by the developer with KCC's Public Transport Team, it is recommended that the matter is covered by condition, to be included in the detailed design of the highway works.

7.42 **EMERGENCY ACCESS**

Given the scale of the development and that it includes the new village hall, provision of an emergency access is recommended in keeping with KDG. The layout of the site would readily accommodate this through the proposed pedestrian access to the west of the site and it is recommended that details are secured by condition.

7.43 **CONTRIBUTION TO SUSTAINABLE MODES**

Comments awaited from KCC's public Transport Team regarding any appropriate contribution to sustainable transport, which will be secured through the S106 (subsequently confirmed to be no contribution given the recommendation to secure a Permanent marked bus stop).

The highway authority supports provision of a pedestrian link to Sprivers wood and recommends details are covered by condition

7.44 **INTERNAL MATTERS**

As this is an outline application KCC won't at this stage comment on the detailed layout. However it is noted that there is a high proportion of tandem parking which can undermine the success of a scheme and more independently accessible spaces are recommended. It is also noted that there is scope to extend car parking for the village hall if required, in accordance with KCC's parking standards, once further details are known.

- 7.45 Standard informatives recommended and a Grampian condition to cover details of the off-site works, and the following;

With regard to bus stop provision Please contact Bus.Stops@kent.gov.uk for further discussion

*Visibility splays at entrance to be provided and maintained.

*Details of emergency access to be submitted for approval and to be provided and maintained thereafter.

*Details of pedestrian link into Sprivers wood to be submitted for approval and to be provided and maintained thereafter.

*REM matters to include details of parking and servicing , cycle parking and EV charging etc

It is also recommended that the following matters should also be considered within the S106

*Appropriate funding for sustainable transport initiatives

*Mechanism to ensure that appropriate funding is available to meet the costs of new boundary treatment to affected properties, details to be agreed with landowners and funding to assist with enforcement action if required, as discussed above.

08.03.22

7.46 Objection – additional information is required and holding objection lodged due to a lack of information.

7.47 The NPPF requires sage and suitable access for all, and development should promote sustainable choices. The HA need complete confidence that the site can deliver a safe and suitable footway link from the site to the village, before it can support the development.

7.48 In pre-application discussion the highway authority advised that absolute minimum dimensions of 1.2m footway and 6.0m carriageway are required. The highway is very constrained in this location and the highway authority requires absolute certainty that the minimum standard is capable of delivery. Ideally a footway of 1.8m would serve the development. Additional information is therefore requested in order to give the highway authority confidence that the works can be delivered within the highway boundary. Unless and until the applicant provides satisfactory evidence to that effect, KCC maintain a holding objection to this scheme on highways grounds.

7.49 1) The following details were requested to re-consider the position;

- More detailed survey based plans at improved scale clearly identifying the highway boundary, supported by records from KCC Highway Definition Team, and clearly identifying each property, with dimensioned areas on the affected properties, and clearly identifying what is to be removed.
- A series of spot measurements taken on site confirming that proposed dimensions can be achieved within the highway boundary.
- Identification of all stats and confirmation from the undertakers that they can be readjusted/relocated.
- Identification of all street furniture to be relocated and how this is to be managed as it cannot be accommodated within the minimum footway width.
- An indication as how the gullies are to be accommodated.
- RSA stage 1 for all works to the highway. This includes the access itself, the proposed footway and any other works to the highway such as traffic calming measures (discussed below)
- Details of visibility splays at the proposed pedestrian crossing points with confirmation that these are adequate.

2) Additional information is also required to address the following matters:

- Details of calculations for the visibility splays are requested and should confirm that dry weather speeds have been employed, in keeping with CA185.
- The junction counts should be cross reference with other data (TW/18/01976 includes an earlier count for reference) and the analysis should take account of the committed development in the area, unless expressly included in Temprow.
- Queue length data should be analysed and summarised.
- Clarification as to whether any works to the highway is envisaged to address the policy requirements regarding access/parking for Sprivers Wood.
- In accordance with KDG developments of more than 50 homes need to consider a secondary emergency access point.
- The proposed raised table at the junction with Furnace Lane has been discussed with KCC HA Schemes Team and can advise that vertical deflection is not acceptable due to the lack of street lighting. However consideration could be given to the removal of the centre line and introduction of channel lines on Brenchley Road.

3)Initial consultation with KCC's PT team has been undertaken regarding contributions to improve PT services in the area and will update you shortly.

4)National Highways requested consultation on schemes in surrounding villages which may affect the A21 and KCC HA seek confirmation that this has been done.

KCC Developer Contributions

16.05.23, 09.06.23 & 23.06.23

- 7.50 No objection – following amendments that increase the number of dwellings on the site, the requested contributions have been updated and amended accordingly. Following clarification with the Economic Development Team – the set out in the tables below are confirmed as necessary.

	Per applicable dwelling (x 68)	Total	Project¹
Primary Education	£4,642.00	£315,656.00	Towards the expansion of primary schools in the Brenchley, Horsmonden and Lamberhurst Education Planning Group serving the development
Secondary Education	£4,540.00	£308,720.00	Towards the expansion of Mascalls Secondary School and/or provision in the District and Neighbouring Planning Groups through the expansion of existing secondary schools.

	Per Dwelling (x 68)	Total	Project
Community Learning	£16.42	£1,116.56	Towards additional equipment and resources for Adult Education Centres, including outreach provision, serving the development
Youth Service	£65.50	£4,454.00	Contributions requested towards additional equipment and resources for the Kent Youth Service, including outreach provision, to serve the development.
Library Bookstock	£55.45	£3,770.60	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Paddock Wood Library and the mobile library service attending Breachley
Social Care	£146.88	£9,987.84	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within Tunbridge Wells Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£12,489.56	Towards new WTS and new and improved HWRCs to serve Tunbridge Wells residents
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>		

16.02.22 & 09.06.23

- 7.51 Initially, requests were made on the application as submitted and updated following a change to the description of the proposal. A condition for broadband and requirement for M4(2) accessibility were also requested. A notable change to the requests is that, following an increase in the potential number of dwellings, a Primary School contribution has been requested and a contribution towards the land cost for secondary school provision as well as expansion had been included and subsequently removed from the request.

CPRE

18.03.22

- 7.52 CPRE objects to this application. The objective of CPRE is to retain and protect a beautiful and thriving countryside that is valued by everyone. Their position is that LPA's should seek to ensure that the impact of development on the countryside, directly and indirectly, is kept to a minimum and that development is sustainable in accordance with the NPPF.
- 7.53 Comments can be summarised as follows;
- The allocation for this site in the new Local plan for 80-100 dwellings and a village hall (AL/HO2) are noted. It is unclear why this application is for 65 dwellings on what is a slightly larger site are due to the addition of a small area of woodland in the southwestern corner.
 - Whilst housing numbers required by Government Policy is not agreed, CPRE question whether the current application for housing development at 36DPH represents effective use of a greenfield site outside the Horsmonden LBD.
 - 2 and 3 bed dwellings supported but consider the compact form of development could reflect a rural village location rather than outer suburbs, achieving an improved quantum of housing. If granted, it is likely to lead to more green fields being lost to development, possibly Horsmonden.

- Outline nature of the application is recognised, but concerns regarding the indicative design include the following;
- Given the setting of the AONB landscape and design are extremely important – question the cul-de-sac design. Amendments should be made, to follow the High Weald AONB Design Guide.
- 15m buffer to the ancient woodland is insufficient, should be 25m in accordance with the new Local Plan.
- Buffer appears to be counted as part of the open space – would expect this area to be restricted.
- Attenuation basins also appear to be regarded as public open space, they should be fenced.
- Children's play is poorly located. Layout lacking in a larger area of open space for informal ball games etc. Horsmonden Sports ground is on the other side of the village, a larger area co-located to the village hall would benefit the existing community as well as residents.
- There should be increased renewable energy opportunities.
- It is not agreed that the site is located where there are realistic alternative modes of transport to the car.
- If approved a developer contribution should be sought for the re-instatement of the Hop Pickers Line as a cycle route between Horsmonden and Paddock Wood.

National Trust

7.02.23

- 7.54 Comments received that confirm the National trust are the owners of Sprivers Historic Park and Garden that adjoins the site. National Trust, as set out in the amended DAS (submitted 21 December 2022), have been in discussions with the developer of this site, exploring potential for a pedestrian link from the new development through the woodland to adjoin the existing public rights of way footpath (ref WT 346).
- 7.55 This historic park is open to the public, it is anticipated that the new residents will fully utilise this natural resource on their doorstep for the benefit of their health and wellbeing. Nearest formal point is off Brenchley Road. The continuous footpath link to the village is welcome and links to the wider footpath network, as this will provide a safe access point into Sprivers to the benefit of the residents and Horsmonden wider community, although evidence will be needed to be formulated to determine the exact route of the path at the expense of the developer, it is considered a route nearer the northern edge of the woodland would have less impact.
- 7.56 A new path through the woodland is agreed in principle, this would be conditional and to be secured through a planning condition and/or other means such as S106 agreement. A maintenance agreement would need to be secured. Given the additional numbers of visitors, the National Trust would welcome the opportunity to discuss additional S106 agreements to improve the path network within the Sprivers Estate for the benefit and enjoyment of both the new residents and wider community. whether the path is delivered or not, a 6 foot fence between the development and woodland would be required.

TWBC Housing

2.2.23, updated response 17.05.23 (included in the commentary below).

- 7.57 No objections raised, comment made that as of February 2023, there were 849 applicants registered for housing in Tunbridge Wells broken down as follows;

Bedroom	1 Bed Need	2 Bed Need	3 Bed Need	4 Bed Need
Applicant #	298	248	237	66
percentage	35%	29%	27%	8%
Avg Yearly Let	153	93	23	4
Avg Wait Time	22 Months	3 Years 6 Months	7 Years 5 Months	14 Years 9 Months

7.58 Below is a table for specific housing needs in Horsmonden taken from the housing register as of February 2023 there are 158 applications out of 888 housing need applications on the housing register seeking affordable housing within the borough.

Bedroom Need	Housing need want	Local Connection	Level 1 Mobility	Level 2 Mobility	Level 3 Mobility
1 Bed	49	2	1	1	12
2 Bed	44	2	1	1	4
3 bed	48	5	1	0	1
4 Bed	16	1	1	0	2

7.59 *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.*

- 16 current one-bed unit households applications need a two-bedroom and have Horsmonden as a preferable area of wanting
- 31 current two-bedroom unit household applications need a three-bedroom property and have Horsmonden as a preferable area of wanting
- 10 current three-bed unit household applications need a four-bedroom and have Horsmonden as a preferable area of wanting.

7.60 The data illustrates the housing need in the borough and specifically within Horsmonden, with a strong emphasis within the borough to provide more affordable housing at a social rent level as well as a need for more three-bedroom and four-bedroom units as the applicants with this housing need have an extraordinary waiting time within the borough.

7.61 Overall, a need for up to 18 affordable homes for the following households living in Horsmonden was identified last year in the Horsmonden neighbourhood plan;

- 7 single people
- 4 couples
- 7 families

7.62 The household questionnaire asked residents if there was a need for new homes in the parish, and the majority said that there was (60.3%). Asked what type of new homes were needed the following were identified as most in need; • Retirement or sheltered housing (61%) • Houses with one or two bedrooms (60%) • Houses with 3 or 4 bedrooms (44%) • Shared ownership (37%). This indicates that houses are deemed preferable to flats in the area and as there is a growing need for housing amongst the elderly within the area the need for level-access homes has increased therefore bungalows should also be considered.

7.63 The new local plan states that the affordable housing provision on Greenfield sites is 40%, thus LPA would be able to insist on a minimum of 28 dwellings to be provided as Affordable Housing, out of the 28 it would be expected that 60%, 17 units would be delivered as social rent whilst the remaining 11 units could be delivered as intermediary rent/shared ownership.

- 7.64 It also recommended that if the application is to facilitate affordable housing on site then the applicant should seek to enter early discussions with RP's for the scheme and confirm the housing mix, Schemes with less than 40 Affordable housing dwellings are normally less attractive due to grant funding.

TWBC Client Services

11.2.22 & 21.12.22

- 7.65 No Objections raised - initial comment was made that bins/containers to be purchased from TWBC by the developer or their client prior to any properties being sold or occupied.
- 7.66 In relation to the amendments, comment is made that the application shows twin axle fire tender swept path, TWBC would be using 6 x 4 tonne gross refuse/recycling freighters for collections all roads and access to properties (Edge Lane, Back lane are assumed will not be adopted by KCC Highways and therefore these will need to be able to sustain use by these vehicles.

TWBC Landscape and Biodiversity Officer (LBO)

Various including 03.02.23, 15.02.23, 15.03.23 12.06.23

- 7.67 With regards to BNG – subject to a legal agreement for the off-site provision, LBO is satisfied with the response provided and comments that the sum will be towards land owned by the Borough Council and contribute towards improvements to the sites in Pembury and Hawkenbury. With regard to reptiles, confirmation received that a Grampian Condition may be possible but would like to have further information from the ecologist with regards to likely population and/or area required for mitigation. LBO comments that the Ecological Technical note suggests that there is sufficient evidence with regards to reptiles and can be addressed through condition. LBO recommends a suitable condition in relation to Reasonable Avoidance Measures (RAMS)/Translocation as required for reptiles.
- 7.68 Confirmation that the Excel sheet for BNG confirms that whilst there are elements that may be contested, overall the calculations appear reasonable. It does confirm the loss which is a loss of around 3.4 biodiversity units. In order to achieve a 10% gain above the Baseline a further 1.58 units would be required. Therefore in order to achieve the 10% gain offsite 5 biodiversity units need to be secured. If the applicant wishes to use the Council's scheme this would equate to 5 x £18,000 = £90,000.
- 7.69 Comments follow a review of the additional information. Previous comments principally raised concerns regarding layout/design and ecology. With regards Landscape and Visual Impact LBO notes that "*the overall conclusion is that there will be an adverse landscape effect on the site at year 1 of Major/moderate to moderate and on the localised landscape in the context of Horsmonden it is slightly less i.e. moderate/minor adverse*". LBO's view was that this was not unreasonable but that it would take 15 to 20 years for this to reduce to Moderate on site and minor beyond. The definition of onsite the LBO takes to include the immediate environs of the site. There is then a significant adverse landscape and visual effect but this is very localised and what would be expected of a development on a green field site and this site was in landscape terms considered suitable for development as part of the Submission Local Plan and in that context the LBO remains of the view that it is acceptable such that if all other matters are satisfied there would not be a landscape objection.

- 7.70 With regards to layout and design the scheme has been greatly improved. Noting that this is outline the parameter plan has been considered, that provides a revised indicative layout and the LBO is satisfied that a successful scheme can be developed and secured at reserved matters stage.
- 7.71 With regards ecology a new ecological report has been provided that in general builds on and plugs any gaps in the previous work. In general it appears that a suitable scheme of avoidance and mitigation can be provided for species and general enhancements for biodiversity can be provided. A dormouse licence will be required but this likely to be granted and suitable mitigation is provided for on site. A more general pre-commencement scheme of mitigation and avoidance can be secured by condition. To ensure the continued benefit of the proposed ecological enhancements and landscaping the management of communal space/ecological mitigation should be secured by a Landscape and Ecological Management Plan – the area should be defined by a plan in the legal agreement and the details of the LEMP secured by condition.
- 7.72 There are just two clarifications needed.
- 7.73 Reptiles: It is acknowledged that a receptor site (on or off site) is required but there are no indications of size or location. Ideally this should be provided prior to determination but if not it should be a Grampian condition because if needed off site there may be financial or legal implications with regards the land required. The Council may be able to assist with this.
- 7.74 Biodiversity Net Gain: The revised ecology report offers new calculations for BNG predicting a **21.45% decrease in biodiversity units** and **22.20% net gain in hedgerow units**. It refers to the full spread sheet in Appendix 8. The spread sheet is not available and the report has very little further information on the calculations and so they cannot be checked. In any event the shortfall is considerable and whilst as the report says there is some opportunity within the development to improve the predicted outcomes through detailed design this is unlikely to wipe out the deficit and extremely unlikely to deliver the 10% gain required. Any shortfall can be made up, where appropriate through off site provision but this needs to be agreed prior to determination as the contribution will need to be secured by legal agreement. Without the spread sheet and further information it is not possible to agree what the shortfall is. LBO comments that this is an appropriate site for an off site contribution to net gain subject to maximising gains on site but until the unit figure is agreed the financial contribution cannot be agreed.

14.02.22

- 7.75 Initial comments set out that although the layout is illustrative the development is likely to be of a similar form and scale, the general dispersal of elements and road geometry is not unusual and may work as a detailed design worked up. The LBO raised concerns regarding the proposed parameter plans and can be summarised as follows;
- The location of the playspace is hidden from view, difficult to access and likely to interfere with ecological/ancient woodland mitigation and should be more central;
 - Design approach in the DAS was to create a tree lined boulevard for the main access road, but illustrative details show that the road typology and limited space for planting will not support this and so we are left with a typical estate road which officers little in terms of legibility or sense of place, exacerbated by the lack of any meaningful green space. Spaces for tree planting are often very tight indicating there will be undue reliance upon small ornamental trees.

- Insufficient detail in relation to balancing ponds to ensure they can be successfully integrated into the landscape/that there is sufficient space. They are constrained between road, dwellings, and trees and therefore greater reliance on underground storage which should not be necessary in a rural location.
- Buffers to the ancient woodland and hedgerows appear to be inadequate.
- Overall lack of connectivity to the west where there is a PROW just beyond the woodland which is a national trail and connects to a wider range of PROWs and offers a walking route to Brenchley to the west and Goudhurst to the east.
- Rather than divert the culverted watercourse, it would be better and more in keeping with policy to open up the water course and allow it to flow naturally, use to inform layout, provide a sense of place and contribute to flood mitigation/drainage.
- Fundamental concerns, that requires further detail and revisions to receive support.
- In terms of ecology, the reports are generally accepted in so far as they go, but significant concerns raised regarding mitigation, lack of BNG and some absence of information, including survey of GCN, lack of provision for badgers (concern also with proximity to new activity and possible construction effects), lack of meaningful buffer along the northern boundary for reptiles, bats and dormice, comment made in relation to reptile translocation being limited, the loss of BNG on the site and the lack of justification in relation to the proposed 15m buffer to the ancient woodland. Emerging policy default is 25m.
- LVIA considered to have been carried out by a suitable professional to a recognised methodology. Findings are broadly accepted. Overall conclusion is that there will be an adverse landscape effect on the site at year 1 of Major/moderate to moderate and on the localised landscape in the context of Horsmonden is slightly less ie moderate/minor adverse. This will reduce over time and the prediction at year 10 is Moderate on site and Minor beyond. This is considered slightly optimistic in timescale but LBO agrees that overtime these effects would reduce but a timescale of 15-20 years is more reasonable.

TWBC Conservation and Urban Design Officer (CO)

05.01.23

- 7.76 Comments relate to the amended plans, including DAS addendum, a parameter plan, an illustrative layout plan and feasibility plan. No objections are raised, the conclusions of the CO's comments are that some positive elements of the design had been supported, but also some concerns. Whilst deferring to the LBO's additional comments, it is considered the amendments otherwise address concerns raised initially by the CO, as far as they can be with an outline application. The removal of the north/south tree lined boulevard is welcomed in terms of concerns regarding formality of the layout adjacent to the grade II listed Milestone Cottage, but the CO remains of the view that the overall conclusion is a low level of less than substantial harm will be caused to it and to the Horsmonden Conservation Area. Comments on the amendments may be summarised as set out below;
- 7.77 HERITAGE ASSETS – CO's view remains the same - that less than substantial harm would result, and at the low end of the scale – to Milestone Cottage and the conservation area. The removal of the tree-lined boulevard (indicatively) and softening of the edge of the road is welcome, although harm is still identified, as per the CO's previous comments;

'This is an 18th century cottage named, at some point, after the milestone adjacent to it on the road to the south. The milestone indicates a location outside of the confines of the built development of the village, as it names the distance to it for travellers. This therefore forms part of the significance of Milestone Cottage; a historic cottage in isolation and a landmark noting the approach to town. I

acknowledge the approved, low density development to the east of the cottage, but this is on the town side. The proposed development in this application would extend further to the west and compete with the prominence of the cottage.'

7.78 DESIGN – The DAS helpfully responds to consultee comments and amendments are considered to address the CO's comments which can be summarised as follows;

- *'I feel it is a missed opportunity to provide public space to the south of the hall rather than the houses as proposed. The children's play area is not convincing at all in terms of space or accessible location. It would be more accessible to the public and legible if located near to the hall.'* The relocation of the play area to the south of the village hall is welcome and much more accessible.
- *'I appreciate the reference to the draft NP guidelines and how it may relate to these, but these will need to be looked at in detail at a later stage if applicable. I am unclear about how it relates to the Kent Design Guide – it would be better to reference the NDG'.* The DAS addendum goes a little bit further with this in terms of the street typologies and discussion of how the landscaping within these could be maintained. This is welcome but will be down to the details within any reserved matters application. The principle of what is proposed is acceptable to the CO.
- *'Opportunity to enhance access to the historic park and garden at Sprivers, but I am unsure how this will be achieved?'* Indicating the potential for this in the parameters plan is welcome as it acknowledges what is outside the boundary of the proposal site and how it relates to it in terms of potentially connectivity. The CO is satisfied that it is acknowledged and the opportunity provided as far as is possible in terms of land ownership. This includes the discussions held with the National Trust to allow for a designed opportunity for the start of a new footpath onto their land.
- Concern over *'the number of vehicular dead-ends'*. The revised indicative layout and corresponding parameters plan, which will carry weight in any reserved matters application, is much improved in this respect. There is one main street and two secondary lanes, all of which are linked with footpaths. Importantly, the illustrative layout includes key nodal buildings as landmarks which will assist in way finding. The improvements to the layout as set out in section 2.2 of the DAS addendum are all welcome.
- *'The footpath to the village in my view is absolutely essential given the lack of other connections, but this is shown only as being 'potential'.* The application now demonstrates a commitment to the delivery of a pedestrian connection to the village as per the additional Transport Technical Note.

22.02.22 – Conclusion – based on the plans as submitted, the development would cause less than substantial harm at the lower end of the scale to Milestone Cottage and the Horsmonden Conservation Area, including the impact of the access due to increased vehicular activity and removal of hedgerow with visibility splays. There are some positive elements on the earlier scheme and comments are summarised as;

7.79 The site is within the western approach to the village of Horsmonden, just outside the CA boundary and separated from the historic core by a small section of 20th century development. To the north is the grade II listed Milestone Cottage, and to the west is the non-designated heritage asset of Sprivers Historic Park and Garden which is

part of the Kent Compendium of historic parks and gardens. Given the prevalence of heritage assets within the area, it is difficult to fully comment on the impact of the proposals with only details of the access provided. The access proposals appear largely to retain the hedgerow to the front which is welcome, subject to the comments of LBO and KCC HA.

7.80 Comments of the LBO are supported, permeability is key to integrating the development and new hall into the village and surrounding countryside, vehicular and importantly, pedestrian.

7.81 Initial comments note:

- There's a missed opportunity to provide public space south of the village hall rather than the houses;
- Children's play space is not convincing in terms of space or accessibility, would be more legible to provide this near the hall;
- There is insufficient evidence in general about connectivity - the CO would refer to the advice in the National Design Guide.
- HERITAGE - Comment regarding the Milestone Cottage are repeated above regarding the significance and the development competing with the prominence of the cottage - although this is noted to be one element of significance and to do with setting – other elements include its architectural character as a surviving vernacular dwelling typical of the area, and its tightly defined historic and current domestic curtilage - neither of which would be affected by the proposals. Therefore, a low level of less than substantial harm would be caused to its significance, based on the quantum of proposed development and indicative layout, in accordance with paragraph 202 of the NPPF. The CO was not convinced that a tree lined boulevard as a vista to it would be a mechanism for respecting setting which could potentially formalise its otherwise rural, informal setting and therefore no need to protect any views to it from within the site. Otherwise the CO agrees with the conclusions of the Heritage Statement.
- CONSERVATION AREA - The approach to the village from this historic route, which takes in the surrounding countryside, forms a part of its significance as it identifies it as a rural village. The loss of the open space in this approach therefore will have a harmful impact, in a similar manner as described to Milestone Cottage. Because of the modern development on this side of Horsmonden already in existence, the harm will be on the low end of less than substantial, but because of the loss of the open space and the extension of the modern development which dilutes the historic character of the village core, there will be harm to significance. The CO recognises that there will be opportunities to mitigate this harm through use of the existing topography, layout and landscaping and retention of the hedge to the front as indicated, but does not consider it will be possible to conclude that no harm would be caused, through mitigation. The site unfortunately appears self-contained, until we see further details of connectivity, and the layout as indicated does not seem to relate well to historic patterns, with the exception to this possibly being the row of houses addressing the road, as per historic ribbon development and guidelines in the draft NDP. The CO disagrees with the conclusion in the heritage statement that no harm would be caused, as this appears to be solely related to distance from the core of the village. Given that it is a settlement rather than an individual listed building, it has a wider setting that needs to be taken into consideration.
- HISTORIC PARK AND GARDEN – SPRIVERS - It appears from the first edition OS map that part of the site may have belonged to Sprivers at one point, and was woodland, but this is not definite. In any case, this changed further into the 19th century. The boundary of the HPG stops short of the site as it is an open field not related to its characteristics, and has been for some time. In the CO's view the

proposed development, given the buffer indicatively proposed, would not have an impact on the significance of the HPG.

DESIGN - In response to the DAS, the following is supported:

- Locating the access at the eastern, more built-up end
- Retention of the historic hedges subject to the advice from the LBDO.
- The CO appreciates the reference to the draft NP guidelines and how it may relate to these, but these will need to be looked at in detail at a later stage if applicable. CO is unclear about how it relates to the Kent Design Guide – it would be better to reference the NDG.
- A general perimeter block form with the intention to turn corners, though as below it is not permeable enough, in my view.

7.82 Otherwise, in reference to the National Design Guide, BfL12 and the High Weald Design Guide, the CO identified potential concerns about the following:

- The number of vehicular dead-ends
- The points raised by the Landscape and Biodiversity Officer
- The footpath to the village is absolutely essential given the lack of other connections, but this is shown only as being 'potential'.

TWBC Environmental Protection

27.01.23

7.83 No objections raised – it is noted that the amendments are not related to Environmental Health issues, it is noted that the site is in a semi-rural area, but traffic noise is unlikely to be an issue, that the site is outside the Tunbridge Wells Air Quality Management Area and it is not considered that the scale of this development and/or its position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. However, it is noted that installation of Electric Vehicle charging points would be a useful promotion of a sustainable travel option. Subsequent comment agrees the imposition of a condition seeking details of air quality mitigation rather than the Emissions reduction condition requested in both comments.

7.84 There is no indication of land contamination based on information from the contaminated land database & historic maps databases, but the agricultural use of the site indicates a contaminated land condition would be appropriate. The application form states that foul sewage will be dealt with via mains and there are no known Private Water supplies in the vicinity. Details of lighting should be required as a condition. Usual conditions/informatives should apply in respect of demolition/construction activities. No objection subject to conditions relating to lighting, EV Charging, construction method statement, industrial/commercial noise rating level, noise management plan, air quality offsetting emissions (calculation of mitigation/compensation) land contamination and details of foul disposal.

15.02.22

7.85 No objection raised in principle, comments are raised however on the following matters, in terms of noise, the impact on nearby residential premises during the construction phase is likely and inevitable, and best managed by good constructor practices. In terms of long term use the most likely disturbance is likely to be from the use of the village hall for events and plant associated with its use.

7.86 Air quality – the site is not within the air quality management area, and is not likely to cause local quality to be significantly affected. Due to the size it should incorporate mitigation for its overall emissions at this early stage.

- 7.87 Land contamination – the site is not within an area that has been identified as potential contaminated land under the Part 2A regime. The long history of agricultural use raises potential for land contamination specially from the use of pesticides which may affect future residents. No objections raised subject to conditions that relate to the following;
- 7.88 Contaminated land, noise in relation to plant and equipment, noise management from the village hall, DEFRA Air Quality Emissions toolkit, EV charging and code of construction practice. Standard Informative.

TWBC Trees

22.05.23

- 7.89 No objection raised, the Tree Protection Plan needs to be conditioned in the event that the proposals is given permission.

TWBC Planning Policy

- 7.90 Various comments setting out the emerging policy position on this site, including Final comment that can be summarised as follows;
- It is acknowledged that the proposed modifications as set out in the Hearing Statement do not carry any weight at this time.
 - It is noted that Policy AL/HO2 is referred to at various points within the NP supporting text, which includes highway matters, pedestrian access, trees and green spaces, meeting housing need, pollution and development adjacent to the AONB and Ancient Woodland.
 - Policy AL/HO2 currently requires residential development plus a replacement village hall, including the wording that a suitable legal mechanism shall be put in place to ensure that the provision of the replacement village hall and associated car parking is tied to the delivery of the housing. It was understood that the site promoter suggested they were working on the assumption of delivering the land plus a capital contribution towards the delivery of the hall.
 - It was understood that the PC have continued with their aspirations for the delivery of a new hall on the site (due to the constraints of the existing site and especially parking). The current village hall is considered to be well located, especially in terms of pedestrian access and proximity to existing residential areas.
 - Rosconn Strategic Land comments that as the draft policy recognises, development brings the need to mitigate impacts on local infrastructure including medical, education and recreation provision. They considered these requirements have been informed by a comprehensive understanding of local infrastructure needs. They also set out that whilst the site can provide for the land, it can also provide a proportionate capital contribution however, it is also considered necessary for other sites allocated to provide financial contributions towards the village hall in order to mitigate the impact of these sites and it is noted that 18/01976/FULL in relation to Gibbets Lane/Furnace Lane has already secured such a financial contribution.
 - The promoter requested a modification to draft Policy PSTR/HO 1 to recognise the need for the new village hall and requires for sites coming forward to contribute to its provision. The promoter remained committed to providing both land and capital.
 - The TWBC IDP lists the requirement for additional parking at the existing village hall and a separate requirement for a new village hall.
 - The aspiration for a replacement village hall was put forward when TWBC officers met with HPC. The Horsmonden NP identifies;
 - A lack of parking to serve the hall;
 - Objective 4.4 New Village Hall;

- Para 135 summarises the approach in AL/HO2 for delivering a new hall and comments that if that is not possible contributions will be sought from developers for a new community centre and sports facility on the other side of the village, and;
- 4.4 New village hall – development proposals for a new village hall will be supported provided it is a walkable distance from the village centre and has adequate safe pedestrian access.

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.1 The applicant sets out a vision for the application site, that the development will provide a high quality and sustainable extension to the edge of Horsmonden creating a distinctive sense of place that will be carefully integrated into the existing natural and built environment.
- 8.2 A development that is able to contribute towards delivering the new community hall, promoting the health and wellbeing and supports the ongoing sustainability of the village.
- 8.3 The scheme seeks to provide a high-quality network of open spaces linked together by attractive pedestrian routes, that connect people to nature and provide opportunities for active living.
- 8.4 Whilst a detailed layout would be determined by reserved matters, an Illustrative Masterplan demonstrates how proposals may come forward such that concerns previously raised may be addressed, but not prescriptively so. Key themes include a formation of an arrival space at the site entrance, creation and alignment of the primary street so as to create a journey through the site. Single-sided lanes at the development edge would enhance internal permeability. The Masterplan indicates a commitment to the delivery of pedestrian connection to the village, along with a commitment to enhance pedestrian links to the wider area. The layout also seeks to provide for more space in the layout for future occupants, including the community orchard in the vicinity of the 25m buffer to the ancient woodland and more open space around the attenuation ponds.

9.0 BACKGROUND PAPERS AND PLANS

- Application Form
- Site Location Plan
- Arboricultural Report dated 21st December 2021
- Arboricultural Report – Tree Retention and Protection Plan dated 21st December 21
- Archaeology and Heritage Statement dated January 2022 ref BSA-214_1b
- Badger Information dated 18th January 2022
- Bat Activity Survey dated 14th Jan 2022
- Biodiversity Unit Calculations dated 14th January 2022
- Design and Access Statement Rev A dated January 2022
- Dormouse Survey and Mitigation Strategy dated 5th January 2022
- Flood Risk Assessment and Drainage Rev B dated 8th January 2022 ref R-FRA-23685-01-B
- Archaeology & Heritage Statement January 2022
- Habitat Report Updated dated 18th January 2022 ref 2019/09/23
- Illustrative Masterplan dated December 2021 Rev B ref 1591115.2.06
- Landscape and Visual Impact Assessment REV 002 dated 14th January 2022
- Landscape Strategy Plan dated December 2021 ref. 7720/ASP3/LSP
- Landscape Masterplan 7720/ASP3/LSP Dec 2021
- Parameters Plan 1591115.2.02 Revision B dated 31.08.2022

- Planning Statement dated Rev D dated 20th January 2022
- Preliminary Ecological Appraisal dated 1st November 2019 Ref 2019/09/23
- Reptile Survey and Mitigation Strategy dated 18th January 2022
- Transport Assessment dated January 2022 Ref 197720-02A
- Village Hall Landscape Vignette dated December 2021 Ref 7720/ASP4/VHLV
- DAS Addendum dated October 2022
- Ecological Assessment November 2022
- Transport Technical Note 07.11.2022
- Tree Constraints, Tree Impacts and Tree Protection method Statement for residential development rev 18th September 2022.
- Amended parameter plan 004A
- Amended Illustrative Layout 006 Rev A
- Amended Feasibility plan 007 Rev A
- Technical Note :Reptile survey and mitigation

10.0 APPRAISAL

- 10.01 The site is outside the LBD, where there is a presumption against new development. The adopted Development Plan policies seek to direct new residential development in sustainable locations, which is indicated by the LBD. However, the fact that the Council cannot demonstrate a 5 year housing land supply is highly relevant to the consideration of this application and will be addressed in the principle of development.
- 10.02 The main issues to consider in the determination of this application are, the principle of development at this site including whether the proposal can be considered to comprise sustainable. It will also be necessary to consider whether there are any policies in the Framework that protect areas or assets of importance that provides a clear reason for refusing the scheme, which in this case includes the setting of the AONB (located to the west) and impact on designated and non-designated heritage assets, and consideration of paragraphs 176 of the NPPF 2021 in relation to the setting of the AONB and paragraphs 199 and 202 of the NPPF in relation to heritage assets and concluding on whether the level of identified harm can be balanced against the public benefits.
- 10.03 Other material considerations include impact on the landscape, design issues, residential amenity, highways – access, accessibility by alternative modes to the car and parking, the impact upon ecology and Biodiversity Net Gain (BNG), heritage assets, drainage and any other relevant matters will also need to be considered.

Principle of Development

- 10.04 Paragraph 74 of the NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition, there must be an additional buffer of 5% or 20%, depending on particular circumstances of the LPA. At present the Council considers that it can demonstrate a housing land supply of 4.49 years (at 1 April 2022, work on the supply position at the 1 April 2023 is currently being undertaken), therefore the Council considers that it does not currently have five year housing land supply. One of the core planning principles in the NPPF is for local planning authorities to make every effort to meet objectively assessed needs for housing.

- 10.05 Paragraph 11 sets out that there is a presumption in favour of sustainable development. Paragraph 11 (d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (Footnote 8), permission should be granted unless:
- “i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or*
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 10.06 Footnote 8 to the NPPF states that this includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74).
- 10.07 “Protected areas or assets of particular importance” referenced in footnote 7 include heritage assets, such as Horsmonden Conservation Area that is located to the east of this site, Milestone Cottage located to the north, and designations such as the AONB – lies to the west/north-west. Whilst legislation still provides for planning decisions to be made in accordance with the provisions of the adopted Development Plan, the weight afforded to the NPPF and NPPG as “other material considerations” has grown, particularly in relation to housing supply and delivery.
- 10.08 When considered as a whole, the Council does not consider the ‘basket’ of the most important Development Plan policies against which this application would be determined (Local Plan: EN1, EN25, TP3, TP4, TP5, R2, CS4, Core Strategy CP1, CP3, CP4, CP5, CP6, CP14) to be out of date. Except for the sections specifically relating to housing supply targets/numbers, the policies are not considered to be irrelevant. NPPF Para 219 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 10.09 As set out above, Tunbridge Wells Borough Council has submitted the Submission Local Plan (SLP) to the Inspectorate (November 2021) which has a plan period which extends to 2038. The Submission Local Plan has been through Regulation 18 and 19 stages and was Examined during March – June 2022 (EiP). The Inspector’s 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.
- 10.10 Policy PSTR/HO1 sets out the strategy for Horsmonden Parish. This includes building approximately 240 – 320 new dwellings of which 40 percent shall be affordable housing - on three sites, including the application site which is proposed to be allocated under the subsequent allocation policy AL/HO 2 (although this does not reflect the amended capacity at the application site). This site was discussed at the EiP during the summer of 2022. The Local Plan Inspector set out their initial findings on the SLP in their letter dated November 2022. This followed the Council’s note dated 31.08.2022 and published on the Council’s website, the note as requested by the Inspector dealt with Action point 18 where the Inspector asked the Council to clarify matters in relation to the speed limit in the vicinity of the site, information on the existing footways linking the site to the Horsmonden Village

centre, explain the Council's expectation in relation to pedestrian linkages and set out the view of KCC HA in relation to pedestrian linkages. Clarification was also made in this Examination Note as to the proposed capacity of the site.

- 10.11 The application must be determined on the basis of policy and the NPPF at the time of determination, however, the SLP and proposed allocation is a material consideration and the Examination Note (Action point 18) is the latest policy position on the proposed allocation of this site for housing, although it is acknowledged to be in the context of the SLP carrying limited weight. Through the Examination process it was clear that the allocation for 80-100 dwellings needed to be revised as discussed at the examination hearings, through modification to the plan. Through the examination process and Examination Note for the Inspector, the Council proposed to modify the site allocation policy wording including dealing with capacity (approximately 70 dwellings) and dealing with the matter of pedestrian access expectations.
- 10.12 The SLP is supported by a full suite of supporting evidence (which is publicly available on the Council's website) and has informed land allocations for housing and employment in response to identified need as set out within the evidence base. Policy AL/HO 2 is criteria based and the requirements are set out below, it is considered appropriate to discuss these requirements and how the proposed development seeks to address them.
- 10.13 The amended policy is as set out below;

1. Provide a vehicular access link from the site onto Brenchley Road;

The submitted proposal would take vehicular access from the northeast of the site directly onto the Brenchley Road.

2. The overall design of development, including vehicular access into the site (including the design of visibility splays), should reflect the location of this site within the rural approach into Horsmonden, details of which shall be informed by a highways assessment and landscape and visual impact assessment;

The application has been submitted as an outline planning application and the detailed design would be secured through reserved matters. However, the scheme is supported by a Transport Statement, Transport Technical Note and LVIA. The Design and Access Statement, along with Parameters plans indicate that the site could accommodate up to 68 dwellings on the site, whilst reserving sufficient space for a village hall, but being able to demonstrate that the ancient woodland to the west may be protected, whilst retaining parts of the hedgerow to the site frontage. The parameter plans indicate a softer southern edge could be created to the countryside, whilst adopting a pattern of development that would not be out of character with the existing development to the east. These matters will be discussed further below, however it is considered there would be sufficient space on this site to enable a scheme that respects the site and its surrounding context, whilst actively addressing the context and constraints that impact this site.

3. Development proposals for the site shall include the provision of a 1.2 metre minimum width footway whilst maintaining a 6 metre minimum width carriageway, between the site and Furnace Lane, to link with the existing footway east of Furnace Lane to the site. The proposals shall also include provision of safe crossing facilities on Brenchley Road;

The Transport Technical note demonstrates that it is possible to accommodate the road width and required footpath into the centre of Horsmonden, although there will be a need to address encroachments that have historically occurred, within the adopted highway. This will require action by KCC as Highways Authority.

4. Proposals for the site shall include a site layout that includes a pedestrian link through the site which links with the western site boundary adjacent to Sprivers Historic Park and Garden (to help facilitate, subject to discussion between the Council and the National Trust, public access to the Historic Park and Garden);

The applicant has shown such a link to the west, they are understood to have had initial discussions with the National Trust regarding access through, to enable cross boundary connectivity. It is considered that this requirement could be further advanced through conditions on any approval and the reserved matters application.

5. Residential development shall be located on the areas identified for residential use on the indicative site layout plan, with the provision of a village hall on the land indicated for community use on the indicative site layout plan;

Retained land for the village hall, with associated car parking, is shown in the northeast corner of the parameter plan. The DAS also sets out the indicative space set out for each use. Whilst in outline, the DAS indicates efficient use of the site can be made to design a scheme in keeping with the context of the site and surrounding area, whilst providing for a land parcel for the village hall, parking and appropriate buffers. The parameters plan generally accords with the allocated parcels of land allocated to each use and the buffers, as shown in the SLP.

6. The open space and landscape buffer indicated on the site layout plan shall include a buffer to ancient woodland on the western part of the site, and reinforcement of the southern landscape boundary;

The revised DAS specifically addresses the provision of a 25m offset from woodland and shows a potential community orchard between the ancient woodland buffer and the built form could be achieved. The parameter plans and DAS show a “Southern Edge” that could comprise continuous hedgerows, with an informal path behind and retained existing boundary trees. There is potential within the proposed parameter plan to provide a suitable buffer to the west and a green and enhanced corridor to the southern side of the development.

7. Proposals shall so far as possible be given to incorporate existing hedgerows and mature trees on-site, and protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;

An Arboricultural Survey has been submitted, to the satisfaction of the TWBC Tree Officer and LBO. During the course of the application, the applicant has sought to demonstrate suitable buffers to the west, to the Ancient Woodland. The LBO is now satisfied with the information as it relates to an outline scheme and that suitable conditions may be applied to secure additional planting on site.

8. The scheme shall be designed sensitively so as not to harm the setting and significance of the adjacent historic farmstead (Oasthanger) and the conservation area and historic park and garden on the Kent County Council Compendium, a local heritage asset (Sprivers, located to the south of the site), and the Grade II listed building, Milestone Cottages (located opposite the site to the north);

These matters are addressed in further detail in subsequent sections, however, the CO considers that the proposals would not harm the significance of the HPG, and that the low end of “less than substantial” harm that would result from the development in relation to the Milestone cottage and the Horsmonden CA is such that this may be balanced against the benefits of the development.

9. Provision of on-site amenity/natural green space and children’s play space;

The children’s playspace is provided for to the north-east corner of the site, to be south of the proposed siting of the village hall. The parameters plan shows how informal paths may be provided for within the final layout, and green spaces, buffers and a potential community orchard. The space within the site would allow for these elements of open space, to serve as buffers and/or amenity space for the benefit of future occupiers on site, but also pedestrian links to provide access to amenity opportunities off-site in the surrounding area.

10. Prior to the grant of planning permission for the housing development, a suitable legal mechanism shall be put in place to ensure that the land required for the provision of the new village hall and associated parking (shaded purple on Map 61) is transferred to the Parish Council prior to first occupation of the housing development;

The applicant has safeguarded an area on the parameter plan for the Village Hall and has indicated that the land would be provided to the Parish. It is considered that the areas shown for the village hall and car parking could be secured through the S106 agreement and a plan attached to the agreement identifying the areas to be secured for the village hall and associated car parking.

11. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/HO 1.

Obligations have been requested by Kent County Council and the NHS. These have been assessed and following discussion with the applicant, these have been agreed and are considered necessary to support infrastructure to meet the needs of future residents. The contributions will assist in mitigating the impacts of the scheme. The contributions requested are set out later in this report.

The requests of the Parish Council have been considered and taken into account and addressed later in the appraisal. The applicant is to provide the land for the village hall and has been requested to provide a sum of £719 per bedspace towards construction of the hall, which would be approximately £174,717 based on the anticipated number of bedspaces.

- 10.14 Overall, it is considered that there is sufficient space within the site, to provide an appropriate layout for the quantum of development identified so as to be in general conformity with the requirements of the draft allocation policy as amended following the EiP and proposed changes. The final details would be secured by the reserved matters scheme and conditions.
- 10.15 Furthermore whilst the detailed design of the buildings and layout would also be secured through reserved matters/conditions, it is considered that the DAS and parameter plan provide sufficient confidence that a scheme could be delivered that would respect the type and patterns of development, layout, appearance, materials and use of landscaping and landscape buffers, that the scheme is considered to relate to context as much as it is able, when taking into account the characteristics of the surrounding area, site specific constraints and the need to meet housing need.

Sustainable Development

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

Economic objective

- 10.17 Future occupiers would make a contribution to the vitality of Horsmonden, as they are likely to use the settlement for some services. Any economic benefits during the construction of 68 dwellings and village hall would be generally short-term, and therefore would carry limited weight. The proposal would also secure financial contributions towards primary and secondary education and the library services of Paddock wood and those serving Brenchley to provide modest economic benefits, however these would address the needs of future occupiers.
- 10.18 Employment opportunities within this rural area are limited and it is likely that most future residents would travel outside of the village for employment purposes and commute to other areas. This could provide further stimulus to the economic vitality of the wider rural area. It is considered that limited weight may be attached to the economic benefits of the scheme, including local spend, in the balance of considerations.

Social Objective

- 10.19 In terms of the location, the site is a greenfield site, outside of the LBD – however, the LBD lies immediately adjacent to the site on the eastern boundary. The site would be in reasonably close proximity to the existing village core that lies to the east and would also be adjacent to existing, modern residential development to the east.
- 10.20 The proposals seek to make a meaningful attempt to provide pedestrian access to the village centre, through a pedestrian link, linking the site via a footway along the southern side of Brenchley Road, and whilst there will need to be enforcement by other authorities, it would appear reasonable efforts have been made by the applicant to secure access on foot to the village. A Grampian condition could be used to secure the path into the village centre.
- 10.21 The site is not considered ‘isolated’ in terms of the meaning in the NPPF (paragraph 80). It is considered that the development would deliver housing, and facilities to serve the wider village within a sustainable location.
- 10.22 The SHELAA identified the site for development, and identifies the site as site number 162. The site was noted to be adjacent to the LBD and in proximity to the centre of Horsmonden and in this context considered to be likely to be sustainable. It was noted that the development of the site would be a logical extension. The site was considered suitable particularly for residential development. Whilst there were some negative scores in the Sustainability assessment, reflecting the lack of key services and facilities at Horsmonden (a tier three settlement in the Core Strategy Settlement Hierarchy) and a lack of public transport options, it is of note that Horsmonden itself is closer to the tier one settlements (Tunbridge Wells and Southborough) and the small rural town of Paddock Wood (tier two) than many other of the villages. Maidstone is also accessible (by car) from the site. Facilities and opportunities arise from the proximity of these larger settlements.
- 10.23 Overall, with regard to the above, the location and accessibility to services to meet the needs of future residents, is considered to be sustainable.

- 10.24 The proposal would contribute towards the provision of housing when the Council is unable to demonstrate a five-year housing land supply and would deliver up to 68 dwellings of which 27 would be affordable housing (indicated to be a split of social rent and intermediate types), therefore contributing towards the social element of sustainable development, providing significant benefits toward meeting housing need, and specialist housing need in the form of affordable housing. The Feasibility plan indicates that there is space within the layout to provide the dwellings in a variety of types and tenures, including a range of 1, 2, 3 and 4 bed dwellings, and detached, semi-detached and terrace, adding to the number and range of homes to meet the needs of present and future generations (para. 8 of the NPPF 2021).

Environmental Objective

- 10.25 The main heritage assets to consider are, the impact on Milestone Cottage and the Horsmonden Conservation area. Harm to significance of both assets is considered to arise from the impact on their rural setting. The CO concludes harm would be caused, which includes harm from the increased vehicular activity from the access to the Milestone Cottage, but this harm to be less than substantial and at the low end. A similar conclusion on harm is reached in relation to the impact on the Horsmonden Conservation Area. The harm is the loss of this site as open space on this approach to the Conservation Area due to the loss of the space and the extension of the modern development, diluting the historic character of the village core. However, in accordance with the low level of harm identified, this may be balanced against the identified benefits.
- 10.26 In relation to the impact on the landscape, the LBO has confirmed that there would be no landscape objections to the proposed development, for the reasons set out within this report. The scheme would result in significant adverse landscape and visual effects, but this would be very localised and to be expected of any greenfield development.
- 10.27 In considering the impact on BNG – the applicant has agreed to a contribution to achieve 10% net gain, and the scheme would accord with the NPPF in this respect. BVM land - the loss of this site to agriculture has been accepted through the proposed allocation of the site for housing development. Furthermore, the site is quite contained and with Sprivers to the west, and modern housing development to the east, it does not clearly relate to a wider landholding. The loss of this site as agricultural land was accepted in recommending it as an allocated site in the SLP, and in this context it is not considered that there would be a reason to refuse the application.

Conclusion on Sustainable development

- 10.28 The application site has been allocated for housing development in the emerging plan, but at present the allocation holds limited weight. The Council remains unable to demonstrate a 5 year housing land supply, and the proposal would contribute to both overall housing numbers but also provision of affordable housing at a level that exceeds the adopted policy of 35%. The SHELAA (site 162) January 2021, concludes the site is suitable as a potential allocation for the reason that the site is adjacent to the LBD and is in proximity to the centre of Horsmonden, the site is likely to be sustainable in this context and it would form a logical extension to the LBD. In view of the contribution of affordable housing, and agreement by the applicant to being allocated on a cascade basis, the scheme is likely to contribute toward meeting local housing need.

- 10.29 The proposal would result in less than substantial harm to designated heritage assets, that may be balanced against public benefits. It is not considered that the constraints of the site (AONB setting and heritage assets) provide a clear reason for refusing the development. Whilst some harm would arise from the development, it is considered that the proposals overall comprise sustainable development.
- 10.30 Having regard to the presumption in favour of development set out in paragraph 11 of the NPPF 2021, permission should be granted unless other material considerations indicate otherwise.
- 10.31 All other material considerations should be satisfied, and these are addressed below.

Impact on Listed Buildings and the CA's

Heritage

- 10.32 The site is within the western approach to the village of Horsmonden, just outside of the CA boundary and separated from the historic core by a small section of 20th century development. To the north is the grade II listed Milestone Cottage, and to the west is the non-designated heritage asset of Sprivers Historic Park and Garden which is part of the Kent Compendium of Historic parks and gardens. Given the prevalence of heritage assets the CO was initially concerned about only having details of access. However, additional details and a revised parameters plan have been submitted that enable the CO to conclude harm to the assets would be less than substantial, and at the low end of the scale, to Milestone Cottage and to the Horsmonden Conservation Area.
- 10.33 The main constraint to consider in terms of impact on listed buildings is the impact on the Milestone Cottage, an 18th century cottage named, as some point, after the milestone adjacent to it on the road to the south. The milestone itself indicates a location outside of the confines of the built development of the village, as it names the distance to it for travellers. This therefore forms part of the significance of the Milestone Cottage, a historic cottage in isolation and a landmark noting the approach to town.
- 10.34 The CO acknowledges the approved low-density development to the east of the cottage but this is on the town side. The proposed development would extend further west and compete with the prominence of the cottage. This is considered one element of significance and to do with setting, other elements include its architectural character as a surviving vernacular dwelling typical of the area, and its tightly defined historic and current domestic curtilage, neither of which would be affected by the proposed development. The plans as originally submitted included a tree lined boulevard as a vista to the cottage, the CO does not consider that there is a need to protect any particular views to it from within the site. Otherwise, the conclusions within the heritage statement are agreed with.
- 10.35 The CO has considered the heritage statement submitted in relation to the Conservation Area and does not agree with its conclusion that no harm would be caused, as this appears to be solely related to distance from the core of the village. However, part of the significance of the CA is the approach to the village which takes in the surrounding countryside and identifies Horsmonden as a rural village. Given this is the historic core of the settlement rather than individual building, it has a wider setting that needs to be considered. The loss of this open space in the approach will have a harmful impact, in a similar manner as described in relation to Milestone Cottage. This is due to the loss of open space and extension of modern development diluting the historic character of the village core, therefore there would be harm to the significance with the development of the site and resulting loss of the

open space. The level of harm is considered to be less than substantial due to the modern development this side of Horsmonden already in existence, the harm would also be on the low end of less than substantial.

- 10.36 In terms of Sprivers Historic Park and Garden (HPG), which borders the site to the west, the first edition OS Map indicates that part of the site may have belonged to Sprivers at one point, and was woodland, although this is not definite. Notwithstanding this, there was change in the 19th century and the boundary of the HPG stops short of the site as it is an open field not related to its characteristics, and has been for some time. The CO is satisfied that the development, with a suitable buffer as shown, would not impact on the significance of the HPG.

Heritage Balance

- 10.37 The proposals therefore are considered to affect the significance of both Milestone Cottage and Horsmonden Conservation Area. No other assets are identified that would result in harm. Paragraph 197 of the NPPF sets out that in determining applications LPAs should take account of, amongst other criteria, b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and c) the desirability of new development making a positive contribution to local character and distinctiveness. The CO has confirmed that in terms of the design of the scheme, their concerns have been addressed through amendments, and they had been supportive of positive elements of the design. It is acknowledged that the harm identified can be mitigated to some extent.
- 10.38 The harm identified would be less than substantial and at the lower end for both assets. The plans have been amended during the course of the application and amendments to the parameters plan and the DAS indicate a scheme that removes the indicative principle of the boulevard, and sets out how the layout could include a softening of the edge to the road, both of which are supported by the CO. This would result in a less formal arrangement and retention of key features such as the majority of the front hedge would assist in respecting the existing character. There is an opportunity to mitigate harm through use of the existing topography, layout and landscaping along with the retention of the hedge to the front as indicated, and these details can be secured through the reserved matters scheme and conditions. In accordance with S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the scheme would at least preserve the special character and appearance of the CA. It is considered that the parameter plans and DAS sufficiently demonstrate a detailed scheme can be developed that would contribute to the supply of housing and meeting an aspiration of providing a new village hall.
- 10.39 Paragraph 202 of the Framework sets out that where the development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The public benefits of the scheme are set out in paragraph 10.104 and include a significant contribution towards meeting housing need, provision of a range of dwelling types and sizes, to include affordable housing in the form of social rent and intermediate dwellings, at the 60/40% split set out in the emerging plan, and located in a reasonably sustainable location. The scheme includes an indicative feasibility plan that includes 2 No. 2 bed bungalows at M4(3) standard that would further add to the range of housing to be provided. The scheme would provide in excess of the adopted policy of 35% of affordable housing for major housing schemes. The scheme would also deliver land for a new village hall. Footpaths to benefit future occupiers of the site and the wider population are now shown to potentially connect Sprivers through the site, to the village core. Overall the wider public benefits are

considered sufficient to outweigh the low level of less than substantial harm identified. It is considered that the mitigation proposed in the scheme would be sufficient to 'preserve' the character and appearance of the CA and its setting. The harm to the listed building is considered be outweighed by the benefits that weigh in favour of the scheme. The proposals are considered to comply with Core Policy 4, and EN5 of the 2006 Local Plan and the NPPF. The proposals are not considered to be in conflict with Objective 5 Design and Character (policy 5.1), of the Horsmonden NP, and Objective (Policies 7.9 & 7.10) 7 in terms of the impact of development on the landscape and environment.

Landscape and Visual impact

Impact on landscape and setting of the AONB

- 10.40 The application site is located relatively close to the AONB boundary but is separated from the wider AONB by woodland and tree belts. The site falls within the LCA 2 Horsmonden Fruit Belt as set out in the Tunbridge Wells Landscape Character Assessment 2017. The area is distinguished by the virtual absence of ghyll woodlands, with only very small copses surviving with very intensively cultivated landscape. Horsmonden village is the main focus of the settlement. The character area is much more open, and agricultural in character than in the rest of the High Weald with a reduced sense of enclosure. It is noted in the Landscape Character Assessment that overall the dispersed settlement pattern, and the nucleated village of Horsmonden, creates a sense of balance and harmony. It is also noted that although a sizable village, Horsmonden is situated away from the highest ground, meaning it is not especially visually prominent.
- 10.41 It is also noted in the Landscape Character Assessment that the survival of a number of historic buildings along the roads contributes to the distinctive character of the village. Vernacular materials include red brick and tiles, tile hung upper floors, timber-framed house with red and blue chequered brick and half hipped roofs. The strong focus of the village and wooded backdrop is noted. It is also noted that views towards the west from Horsmonden to Brenchley connect this area to its wider landscape, providing a visual transition to the High Weald AONB.
- 10.42 The application site itself is located just west of the village core. The CO acknowledges that the proposals would not change the architectural character of the Milestone Cottage, nor its immediate curtilage. The significance of the Horsmonden CA relates to the rural setting and prominence of the cottage, and the site itself is noted to be self-contained. Design elements have been incorporated that retain key features, such as the hedge to the front of the site, that would soften the approach to the site and the village centre, whilst retaining key features seen in the surrounding area and the character of the existing, and seeks to comply with policy 5.1 of the HNP.
- 10.43 The scheme seeks to retain and protect the woodland, another key recognisable feature in the settlement. The indicative design and layout is addressed specifically in subsequent paragraphs, however, from a landscape perspective, the Landscape and Visual Impact Assessment has been carried out by a suitable professional, to a recognised methodology. The findings are broadly accepted by the LBO. The overall conclusion is that there will be an adverse landscape effect on the site at year 1 of Major/moderate to moderate and on the localised landscape in the context of Horsmonden it is slightly less ie. Moderate/minor adverse. This will reduce over time and the prediction at year 10 is Moderate on site and Minor beyond. The LBO considered that this part is probably slightly optimistic in terms of timescale but they agree that over time these effects would reduced but a timescale of 15 to 20 years is more reasonable. Following the submission of amended details, LBO comments

that the definition of on site is taken to include the immediate environs of the site. LBO comments that there is a significant adverse landscape and visual effect but this is considered to be very localised and what would be expected of a development on a greenfield site and notes that this site was considered suitable for development in landscape terms as part of the SLP. In this context, and subject to all other matters being satisfied, the LBO confirms their view that there would be no landscape objection to the scheme.

- 10.44 Paragraph 176 of the NPPF notes that great weight should be given to conserving and enhancing landscape and scenic beauty Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues and goes on to set out that scale and extent of development within all the designated areas should be limited, “while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”. The LBO raises no objection in relation to landscape matters, which includes the setting of the High Weald AONB. In terms of impact on their setting, the amended plans and DAS seek to demonstrate that a suitable scheme can be developed on the site that responds to the context of the site and surrounding area, but also demonstrates high quality in design that seeks to minimise adverse impacts on the site and its wider setting, responding specifically to specialist officer comments on heritage assets and landscape features.

Impact on Trees

- 10.45 In respect of the impact on trees and vegetation on the site, key features, including the hedgerow to the front of the site, and ancient woodland to the west, have been considered as part of the green infrastructure on this site, which now, with appropriate buffers, comprises some 36% of the overall site. Key trees are located on the boundaries and not within the site itself. The Tree Officer does not object to the proposed scheme, subject to conditioning the Tree Protection Plan. Within the scheme, the illustrative layout shows that there is sufficient space within the layout for street planting to mature. It is not considered that there are any objections to the scheme based on the impact on trees. The scheme would accord with Paragraph 131 of the NPPF, that acknowledges the important contribution trees make to the character and quality of urban environments, that opportunities should be taken to incorporate trees and secure their long term maintenance, whilst retaining existing trees wherever possible.
- 10.46 Whilst comment has been made that there should be a 50m buffer to the ancient woodland following the positive referendum result of the NDP Policy 7.10 of the HNP)– the guidance is that for ancient woodlands, the proposal should have a buffer of at least 15m from the boundary of the woodland to avoid root damage. The applicant in this case has sought through amended plans to increase the buffer to the ancient woodland, furthermore, the emerging SLP sets out that in the absence of site surveys and detailed assessments, the Council will assume a buffer of 25m from the edge of the woodland. The parameter plans demonstrate that such a buffer can be achieved within the layout and therefore it is not considered that there would be conflict with the development plan, including the NDP. Policy 7.10 of the HNPD goes on to say that the 50m buffer must be included unless the applicant can demonstrate very clearly how a smaller buffer would suffice. In this case the LBO and Tree Officer are both satisfied that the buffers proposed would be suitable in this case.

Layout & Design

- 10.47 In demonstrating that a successful scheme could be developed on the site, and addressing comments in relation to the design and layout, and the need to respect

local context and settlement pattern, amended plans and supporting information have been submitted. Whilst the scheme is submitted in outline, it is reasonable to assume the amended layout would form the basis of the scheme to progress into a detailed reserved matters application.

- 10.48 The Conservation & Urban Design Officer comments that the DAS addendum helpfully responds to consultee comments, amendments have been made that address their comments. The DAS addendum now goes further in explaining the street typologies proposed and sets out how the landscaping within these could be maintained. Whilst the details will need to be secured through the reserved matters application the principle of what is proposed is acceptable. The parameters plan is welcomed in relation to indicating that the permeability that can be achieved and linkages by foot within the site and to the east and west (the village and Sprivers respectively), demonstrating connectivity within and outside of the site. The revised plan demonstrates that a scheme could be developed that removes vehicular dead-ends – and a layout could be created that provides for one main street, and two secondary lanes, all of which are linked with footpaths. The amended layout provides for increased permeability, that would enable easier movement around and through the site.
- 10.49 The illustrative layout includes key nodal buildings as landmarks which will assist in wayfinding. The parameter plan and illustrative layout now indicate a scheme that is considered to be greatly improved, that demonstrates a scheme can be developed and secured at reserved matters stage. The LBO and CO are satisfied that the proposals can be developed, through reserved matters and conditions, that would be in keeping with the context of the site and surrounding area.
- 10.50 The on-site improvements in the layout, show that the children's play area can be accommodated to the south of the proposed village hall, and would be more accessible. This space would be subject to greater surveillance, creating a safer environment. Suitable buffers are now indicated to the ancient woodland to the west of the site. legibility at key nodal points and permeability have been incorporated, which are key elements of good design. The management of the public spaces would be set out within the LEMP, to be secured by condition, which will include maintenance of the landscaped areas. Opportunities have been identified to increase permeability on the site and will be key to integrating the new housing and village hall into the village and surrounding countryside.
- 10.51 The amendments have sought to remove the more formalised approach in what is otherwise a rural, informal setting. The parameter plan and illustrative layout indicates development along the frontage, behind the retained hedge, that seeks to carry on the form of development to the east, where there is existing ribbon development. The dwellings on the north side of the site, would be set behind the building line to the east. The development proposed would be viewed against the existing, deeper modern development to the east, with a set back from the front of the site and retain features such as hedgerows and the woodland buffers, the rural edges of the site would be retained and would soften the development on the approach into Horsmonden whilst accommodating the development and would assist in retaining the wooded, rural character of the area.
- 10.52 The location of the access to the east has been supported, along with the retention of the historic hedges and general form of development is supported by the CO. It is considered that the amended scheme does respond to the surrounding settlement patterns, the form of development would be in keeping with development to the west and attention has been given to private spaces within the scheme as well as the

public spaces that reflect key constraints. Suitable separation between buildings and uses can be achieved within the layout provided. The inclusion of land for a village hall seeks to provide facilities for existing village occupants and occupiers of the development, in accordance with policy 4.4 of the HNPD and the aspiration of the village for a new hall, that is within walkable distance from the village centre.

- 10.53 The layout demonstrates a design approach that addresses the site and surrounding area and the illustrative layout is considered to be a coherent pattern of development. The scale of building height would be expected to be controlled by conditions, as well as detailing of the buildings. Whilst the scale and appearance of the buildings would be addressed within the reserved matters and conditions, the DAS indicates early consideration of these matters, including setting out that the height of the proposed buildings would be anticipated to be 2 storey, with the occasional room-in-the-roof – (2.5 storeys) in appropriate locations. Such heights would be in keeping with the heights of buildings within the surrounding area. In addition, the DAS sets out that materials and detailing will be chosen at the detailed design stage, but that they would be chosen to positively respond to the character of the village and local context. It is anticipated that the material palette would consist of a mixture of red facing brickwork and render with red/brown and grey roof tiles. Materials would be considered through submission of details however, there is a commitment to respond positively to the context of the site, in accordance with policy EN1 of the 2006 Local Plan.
- 10.54 The DAS also acknowledges there will be a need to consider the use of appropriate vertical demarcation of plot boundaries, particularly to active street frontages and at exposed elevations. It will be necessary on a site such as this to give careful consideration to the on-plot boundaries and site wide boundaries, to carefully integrate the development into the surrounding countryside. It is considered that such matters can be addressed through detailed design and conditions.
- 10.55 It is not considered the scheme would conflict with the aims of Core Policy 4, in accordance with Core Policy 5 – the scheme seeks to create a safe, accessible and legible environment for future occupiers whilst meeting needs for new housing development and community hall. The proposals are considered to accord with the aims of policy EN1 of the 2006 Local plan and 5.1 of the HNPD.

Residential Amenity & Amenity of Future occupiers

- 10.56 The NPPF requires that planning decisions should seek to secure a good standard of amenity for existing and future occupiers of land and buildings. Local Plan policy EN1 requires that proposals should not cause significant harm to the residential amenities of adjoining occupiers.
- 10.57 Given the distance to neighbouring occupiers to the north, Milestone Cottage, with intervening road, it is not considered that the proposed development would result in any detriment to neighbouring amenity to the north. To the south and west there are no immediate neighbours to be impacted by the proposed development.
- 10.58 To the east, there are bungalows set back from the shared boundary, and although there are windows facing the site, the proposals are in outline form only, and the detailed design can be addressed in reserved matters. Furthermore, given the distance to the boundaries of these dwellings, along with the positioning of the proposed village hall, it is not considered that the proposal would result in a harmful impact on residential amenities, (light or privacy) of occupiers to the eastern boundary of the site.

- 10.59 The position of the village hall is shown to be in the northeast corner of the development. Environmental Health have not objected to the scheme in terms of noise generation and it is considered that a new village hall would be designed to modern standards and any noise issues addressed through imposition of conditions. The siting, scale and design of the village hall, along with layout and landscaping, including boundary treatments will be subject of a future reserved matters application.
- 10.60 The illustrative layout shows that the quantum of development can be provided for whilst allowing for private amenity space and suitable separation distances can be achieved whilst providing a setting to the buildings. The illustrative layout indicates that the dwellings can be provided for, providing sufficient separation distances, and the detailed design would be expected to explore internal relationships between the dwellings, hall, roads, private space and public space further as the detailed plans are progressed. In accordance with policy EN1 of the 2006 Local Plan, the layout indicated in the parameters plan would not cause harm to residential amenities of adjoining occupiers and the detailed design would be expected to provide adequately for the residential amenities for future occupiers of the development.

Dwelling mix and affordable housing

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

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

- 10.63 The indicative/feasible dwelling mix shown in the submitted documents indicates the following dwelling mix;

	1 bed	2 bed	3-bed	4+bed
Market	None	11	21	9
Affordable	6	15	6	None
All Dwellings	6 (9%)	26 (38%)	27 (40%)	9 (13%)

Overall housing provision

- 10.64 Overall the scheme would provide a range of housing size, type and tenure. In accordance with paragraph 60 of the NPPF, the scheme would significantly boost the supply of homes, and it is set out in the NPPF that land with permission should be developed without delay. The illustrative layout indicates a higher number of 2/3 bed dwellings, compared to the SHMA, however, overall the scheme would provide for a mix of dwellings, and the mix is not considered to be refusable in its own right. In accordance with the Neighbourhood Plan, the majority of dwellings would be 1, 2, and 3 bedroom dwellings. The scheme demonstrates a genuine mix of dwelling sizes and tenures that would meet local needs. The final mix would be designed through and secured by the reserved matters application. In the site's context the

proposals are considered to comply with the requirements of the NPPF (para. 60) Core Policy 6 of the 2010 Core strategy and policy 6.1 of the Horsmonden NDP.

Affordable housing and accessibility

- 10.65 The distribution of the affordable housing is shown to be throughout the site within the illustrative layout, that would assist in ensuring a tenure blind development. The indicative scheme indicates that two x 2 bed bungalows could be provided at M4 (3) standard which is an enhanced level of accessibility and not able to be secured under development plan policy, which would add variety to the range and type of housing offered. The TWBC Housing Officer has commented that the household questionnaire within the neighbourhood plan asked if there was a need for new homes in the parish and it was acknowledged that there was a need for one, two, three and four bedroom homes, as well as housing for the elderly including bungalows. This scheme seeks to include a range of bedspaces, along with bungalows. Furthermore, the Housing Officer's comments demonstrate that there is a need in Horsmonden for one, two and three bedroom affordable dwellings, 18 affordable homes required for local households living in Horsmonden as identified in the Horsmonden NDP. The Housing Register data indicates a higher need for one and three bed properties (49 and 48 respectively) and 44 households seeking two bed accommodation. It is also demonstrated that there is a need for Level 3 Mobility (two-bed) within the parish. Housing register details indicate that in Horsmonden there is a current need that exceeds that offered on this site. It is also noted that the waiting time for a two and three bed dwellings in the borough is significant, being 3 years and 6 months and 7 years and 5 months respectively.
- 10.66 The NPPF sets out at paragraph 63 that where there is a need for affordable housing, it is expected to be met onsite. At 27 dwellings (39.7%), the scheme would offer just below the *emerging* policy requirement of 40% affordable dwellings on greenfield sites. The contribution would, however, be in excess of the adopted standard at 35% (Core Policy 6). The dwellings would be tenure blind and the offer of 2 units at M4 (3) would represent 7% of the affordable homes, in addition, the applicant proposes a 60/40% split in favour of social rent and intermediate that accords with emerging policy. The mix is considered acceptable and the contribution to housing and affordable weighs in favour of the scheme. Overall the contribution towards affordable housing would meet existing policy requirements and would help to meet known, local demand and affordable rent is considered acceptable in this context. The contribution towards affordable housing is considered to be a significant benefit and will be considered as such in the overall planning balance. Subject to the completion of a legal agreement and the mix and layout being determined through the reserved matters, there is no objection to this aspect of the proposal and to accord with Core Policy 6 and the Affordable Housing SPD 2007. Affordable housing should be provided on a cascade basis that would enable priority to be given to those in need within the Parish of Horsmonden in the first instance, then surrounding Parishes before offering from within the wider housing area. Two dwellings are to be provided at M4 (3) standards, that would offer enhanced accessibility but also allow simple adaptations of the dwelling to meet the needs of occupiers who use wheelchairs. Both M4 (2) and M4 (3) standards are optional standards within the Building Regulations. The addition of two dwellings at M4 (3) standard will assist in providing a range of dwellings to meet identified housing needs that would contribute to meeting identified needs. The proposals would meet local housing need, that meets the latest identified local need, and there is no conflict with policy 6.1 of the HNPD that would justify refusal of the application.

Highways

- 10.67 Following extensive discussions between the applicant, agent and KCC Highways (as the Highway Authority) the scheme is now considered satisfactory to the Highway Authority subject to conditions and S278 agreement between the applicant and KCC Highways. The applicants have considered the issues raised by the HA as matters of detail – whilst concern has focused predominantly around provision of a pedestrian footway link into the centre of Horsmonden, all outstanding matters are considered to have been addressed. The applicant has submitted a Transport Technical Note that includes the RSA/Designers Response for all works to the highway.

Access

- 10.68 Access onto the Brenchley Road would be taken from the northeast corner of the site, the siting in relation to the more built up area is supported by the CO. KCC HA have not objected to this and request that a condition be applied seeking details of the visibility splays at the entrance, to be provided and maintained. Comment is also made by the HA and Kent Fire & Rescue that, given the scale of the development, that an emergency access is recommended in keeping with Kent Design Guide. The HA note this can be accommodated within the layout, the illustrative layout indicates an emergency access to the north west of the site, which is acceptable in principle, and it is proposed that the emergency access be secured through condition, as set out in Section 11.
- 10.69 Additional information has now been provided, that includes detail of the calculations for the visibility splays, junction counts and analysis of the committed development in the area and no specific concerns have been raised by KCC Highways regarding the access and its position.
- 10.70 The wider impact of the scheme has raised a number of highway safety issues including providing safe and suitable access to the village on foot and associated highway works required to achieve this.

Footway access to the village

- 10.71 KCC HA have made it clear through their comments that it is necessary to demonstrate any proposals on the site demonstrate safe and suitable access for all users (in accordance with paragraph 110 of the NPPF). The NPPF also makes it clear that in assessing applications appropriate opportunities to promote sustainable transport modes can or have been taken up. In accordance with KDG, the HA have advised throughout consideration of this application that the minimum dimensions of a 6.0m carriageway and 1.2m footway are required. Inspection on site has confirmed that this arrangement will maintain the general existing carriageway width.
- 10.72 The applicant has now submitted details that demonstrate how the footway may be delivered to allow access on foot into Horsmonden, the plan indicates that the footway may be achieved along the south side of Brenchley Road which then continues on the northside towards Furnace Lane, the footway would be constructed on highway land which is currently obstructed by a number of local residents in Brenchley Road and the HA comment this has been the case for a number of years. KCC acknowledge that to date enforcement action has not been taken as there has been no need to do so. The provision of the footway will therefore require successful enforcement of the highway boundary affecting about 10 properties as shown on Ardent plan 197720 011B although this number may vary depending on final design.
- 10.73 KCC HA go on to set out that Ardent plan 197720 0008B demonstrate that a minimum carriageway width of 6.0m together with a minimum footway width of 1.2m can be achieved however, wherever possible within the highway boundary, additional

footway width should be made to accommodate improved conditions for people with mobility impairment or people walking with buggies etc along with passing opportunities.

- 10.74 Whilst there will be matters of detail that require further consideration that includes relocation of highway signage, drainage arrangements and relocation of utility infrastructure such as telegraph poles, KCC HA accept the pedestrian link is achievable and the footpath link, as shown, in principle. The link would also require safe crossing facilities. KCC HA confirm that these matters would be addressed through the detailed design in the S278 process. The full costs of off-site works, including any statutory undertaker plant, would be expected to be met by the applicant in full, however, this would be through the S278 process.
- 10.75 The draft policy as proposed sets out that it is expected that the applicant provide the 1.2m minimum width footway whilst maintaining a 6m width carriage way. Suitable crossing points are to be provided. Whilst this is proposed amendment to the SLP proposed allocation, the allocation of the site has been discussed at length through the local plan review. KCC HA have made representation on the allocation of the site through the local plan review and set out their position, which identifies that KCC Highways have no objection to the allocation of this site subject to the provision of the southern footway along Brenchley Road. The applicant has now demonstrated it is possible to provide the necessary widths, and KCC Highways recommend that a Grampian condition is imposed that will require prior to commencement of development that the details of the off site works be provided, and that the scheme be implemented in accordance with the approved plans prior to commencement of works on the site. It is therefore considered that there is sufficient confidence that the scheme can be implemented, subject to the applicant agreeing the condition.
- 10.76 KCC HA further comment that they strongly recommend that the developer should contact the affected households and they would welcome a discussion to discuss a mechanism by which the additional costs to the HA and property owners which arise from the development could be addressed. However, further confirmation has been received that makes it clear that the highway works to provide the footway require the successful enforcement of the highway boundary affecting approximately 10 properties as shown on Ardent plan 197720 011B, since the footway will be constructed on highway land. Whilst it is strongly encouraged that the applicant engage directly with the affected properties, the HA are not objecting in the absence of a contribution towards the enforcement of the obstructions on the highway. The enforcement of obstructions on the highway is not considered to be a planning matter that may result in developer contributions to enforce.
- 10.77 Overall, it is considered that the applicant has addressed the matter of the footway, demonstrated that it can be achieved within the highway and there is sufficient certainty that the footway would be delivered with the imposition of a Grampian Condition, that was expected to be a requirement in the consideration of the draft allocation. As expected within the emerging policy, and expectations of the National Design Guide and development plan policy – it is considered that the proposal will enable accessibility and movement, by alternative modes to the car, to the facilities available to the east within the village centre, by providing safe access along the southern side of Brenchley Road.

Permeability of the scheme

- 10.78 The footway to the east will allow for accessible and easy movement around the site, along with the indicative link shown into Sprivers wood to the west. As set out previously the applicant has made contact with the National Trust and it is considered

that these connections can be secured through conditions as set out in Section 11. The detailed plans at reserved matters stage can progress this matter, along with conditions as set out in Section 11 of your reports.

Parking & Internal matters

- 10.79 KCC HA do not provide comment in the internal arrangements given the outline nature of the application. However, they have noted that there is a high proportion of tandem spaces. It is also noted that there are opportunities to extend the parking to the village hall. Parking levels on the site for both the dwellings, and proposed hall, will be addressed through any reserved matters application and would be expected to be in accordance with adopted standards at the time of determination.
- 10.80 In terms of wider implications on highways and accessibility as a result of the scheme, junction improvements that are considered necessary, that include traffic calming and surface treatment in the vicinity of the crossing point further east, are acknowledged to be a matter to be developed through the detailed design of the scheme and S278.
- 10.81 Following discussion with the Asset Managers at KCC a request has been made to provide a marked permanent bus stop on the south side of Brenchley Road, KCC HA request this be dealt with by condition, and to be included in the detailed design of the highway works. Such a provision would contribute towards alternative modes of transport and therefore a S106 sum has not been requested in relation to sustainable transport (bus service enhancements).
- 10.82 The Transport Technical note sets out the required visibility splays and that these are achievable, and identified on plan number 197720-008 Rev D. The Highways authority confirm that visibility splays should be secured through condition. There are matters of detail that Highways confirm can be dealt with through conditions and/or S278 agreement. Policy TP4 of the Local Plan seeks to ensure that there is sufficient capacity within the road network and any traffic generated by the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. Paragraph 112 of the NPPF seeks to ensure that priority is given first to pedestrian and cycle movements – and secondly, as far as possible, facilitate access to high quality public transport. Places should be safe and secure and minimise the scope for conflict. The proposed scheme has addressed pedestrian access and shown potential for internal and external pedestrian links. The modelling has been undertaken using 100 dwellings, village hall and TEMpro growth up to 2017. Ardent has clarified that the AM peak traffic generation of the proposals would addition 31 (two-way) vehicles to the junction with Furnace Lane/Brenchley Road with a PM peak hour traffic generation of 30 (two-way) – mainly on the Brenchley Road. KCC HA have not objected to the scale of development nor the impact on the wider network. Subject to conditions, the impact on the highway network, provisions for those using alternative modes of transport to the car, are considered acceptable and the levels of car parking will be addressed through conditions and detailed design.

Ecology & Biodiversity Net Gain (BNG)

- 10.83 In terms of ecology, the LBO requested further detail of the population of reptile population. A Technical note regarding the reptile population has been subsequently submitted that draws together the work on reptiles, including the size for the receptor site, but also the inherent value of habitats within the site to support reptile species. It is noted in the Technical Note that whilst there are general opportunities for reptiles, the site is subject to fairly regular management, which results in a relatively short sward, which represents less than optimal habitat.

- 10.84 The applicant comments that the provision of more tussocky and diverse wildflower grassland within a receptor area would provide better opportunities for this group compared to the existing situation. On this basis it is commented that the provision of hibernacula or similar features could represent a significant enhancement for local populations in a situation where there are limited hibernating opportunities. Comment is also made that, with regard to ongoing management provisions, with the adoption of a long-term management strategy which will safeguard reptiles but also ensure management of habitats, taking into account other factors such as connectivity, the applicant considers that it would be possible for a receptor site to be smaller in physical size than the donor site as long as the carrying capacity can be adequately improved and they consider that the final details of the reptile mitigation strategy can be secured through condition. The LBO comments is satisfied with this approach and recommends a condition to address this matter, that is included in section 11 of this report.
- 10.85 The Landscape & Biodiversity Officer has reviewed the revised information in relation to ecology, and a new ecological report that they consider builds on and fills gaps in the previous work. LBO comments that in general it appears that a suitable scheme of avoidance and mitigation can be provided for species and general enhancements for biodiversity can be provided, a dormouse licence will be required but it is considered that this is likely to be granted and suitable mitigation is to be provided for on site. Supporting information concludes there are three potential badger setts present in the woodland to the south west of the site and includes proposals for dealing with the setts at the point of construction and provision of a 15m buffer for enhanced biodiversity the western boundary.
- 10.86 The Bat Activity Survey concludes a total of 181 bat passes of five species of bats were recorded during the 2021 transect surveys. Eight species have been recorded using the site with foraging activity, with most activity along the boundaries and hedges. Impacts include loss of grassland as potential foraging habitat for bats, potential fragmentation (or loss of foraging habitat) for some bats via increase in artificial lighting throughout. Recommendations include consideration of the lighting, as this can be detrimental to roosting, foraging, and commuting bats, the relevant guidance have, and will be considered, in the design of the development, a buffer is retained to the ancient woodland boundary and new foraging opportunities proposed, a new 230m section of hedge/scrub will be planted along the south boundary, using native species, to provide new foraging opportunities and a dark corridor to shield the areas to the south of the development. New foraging opportunities have also been considered.
- 10.87 The LBO has reviewed the submitted information and concludes a more general pre-commencement scheme of mitigation and avoidance should be secured through condition. The proposal is considered to accord with Core Policy 4 in respect of the protection of biodiversity and creation of opportunities for biodiversity enhancements.
- 10.88 In respect of securing Biodiversity Net Gain (BNG) - protection of the boundaries and landscape edge will be important in terms of visual impact and character but also in relation to securing the ecological function and BNG, therefore a condition securing the long term future management (LEMP) of the landscaped areas along with the hedgerows and boundaries will be important. In regard to BNG calculation, there are elements that are may be contested but overall the LBO considers that the calculations appear reasonable. The LBO sets out that the scheme would result in the loss of around 3.4 biodiversity and that to achieve a 10% gain above the baseline, as set out in the NPPF, a further 1.58 units would be required. Therefore to achieve a 10% gain offsite 5 biodiversity units need to be secured. The applicant

has agreed to a sum of £90,000 that would equate to 5 x £18,000 towards biodiversity offsetting and improvements on land owned by the Borough Council at Marshley Harbour Snipe and Bassetts Woods located at Pembury and High Woods located in Hawkenbury. To conclude, the impact on ecology is considered acceptable and not in conflict with Core Policy 4 of the 2010 Core Strategy, subject to conditions to secure a LEMP, mitigation for protected species and lighting. The proposals would accord with policy 7.3 of the Horsmonden SLP that seeks to ensure development proposals utilise all opportunities to protect and enhance natural habitats and encourage biodiversity.

Other Matters

Air Quality & Pollution

- 10.89 The Environmental Health team have considered the application on the basis of noise, air quality and land contamination. The EHO raises no objections in principle, however they have commented that the construction phase is likely to result in short term impact on nearby residential premises- considered to be inevitable and best managed by good constructor practices. In terms of long-term use impact, the most likely source would be the village hall and from any plant associated with its use. However, the EHO has recommended a condition, should permission be granted, to request details of the noise management, which is considered reasonable and included with the conditions set out in section 11 of your report.
- 10.90 In terms of air quality, the site is acknowledged not to be in the air quality management area and is not likely to cause local quality to be significantly affected. However, the EHO goes on to say that due to its size, the scale should incorporate mitigation for its overall emissions at this early stage. Whilst a condition is recommended in this regard, it is not considered that the condition is precise and enforceable as to meet the conditions test. The EHO has therefore been requested to consider the use of a condition that seeks to provide air quality mitigation, which is considered to be more reasonable in this instance.

Drainage

- 10.91 The site lies entirely within Flood Zone 1 and therefore has a low-medium risk of flooding from groundwater, as set out in the submitted FRA. The FRA also concludes that the majority of the site is shown to be located in an area of very low risk of surface water flooding in a given year.
- 10.92 The submitted Flood Risk Assessment confirms that a culverted watercourse is shown to cross the development site, flowing from west to east. The ditch network along the south of Brenchley Road is suggested to be culverted across the site, in a southerly direction, connecting with the west-east culvert. As part of the development, these culverts will be investigated further, and, where appropriate, either repaired or diverted. The applicant considers that an improvement will be achieved compared to the existing situation.
- 10.93 The surface water strategy will comprise a piped network with a single restricted outfall to the existing culverted watercourse that runs across the site, and will be restricted to the greenfield run-off rate of 7.0 l/s. Attenuation is to be provided in online detention basins, one either side of the existing culverted watercourse. A total volume of 1, 126m³ of attenuation will be provided in the form of buried attenuation geocellular storage. Tanked permeable paving will also be used for all private drives. KCC Lead Flood Authority raise no objections but noted through the re-consultation that comment has been made regarding the existing flooding issues in the area. Therefore the Lead Flood Authority are seeking the application of an additional condition to request a CCTV investigation, both upstream and

downstream, of the culvert to be undertaken as part of the detailed design submission, to understand the condition of the culvert and demonstrate flows and volumes can be accommodated within the network. This is not an unusual request and the requested condition is set out in section 11. Furthermore, it is noted that land drainage consent will be required for the anticipated diversion of the sewer, and it is proposed to be included as an informative. At this stage, it is anticipated that the foul water drainage strategy will be to discharge to the foul water sewer that crosses the site.

- 10.94 In conclusion, with regard to flood risk and drainage matters, the requirements of the NPPF, are considered to be complied with and final details will be agreed through planning condition.

S106 and Developer Contributions

- 10.95 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.

- 10.96 The requirement for developments to provide or contribute towards the services for which they create a need is set out in Core Policy 1 of the Core Strategy and requirements relating to various types of contributions, including education, recreation, transport etc. are referred to in various Core Strategy and Local Plan policies.

- 10.97 KCC are seeking sums towards Primary schools in the Brenchley, Horsmonden and Lamberhurst Education Planning Group, a Secondary Education sum (towards expansion of Mascalls Secondary School and/or New provision in the District and Neighbouring Planning Group) libraries additional resources, equipment and book stock at local libraries serving the development including Paddock Wood and mobile library, a sum towards outreach youth services, social care and a sum towards the Tunbridge Wells Waste Transfer Station.

- 10.98 These sums would ensure that the provision of services locally is sufficient to accommodate the development. KCC Economic Development have set out justification for the requests and it is considered that the relevant CIL tests are met. The contribution towards primary school need is generated through the additional 19 primary school pupil places required during the occupation of the development.

- 10.99 Secondary school provision is requested towards meeting the need created, and cumulatively with other developments, and can only be met through the enlargement of Mascalls School, and has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment. The proposal is projected to give rise to an additional 14 secondary school pupils from the date of occupation of this development. Following discussion with KCC Economic Development it is agreed that a contribution towards secondary land is not required.

- 10.100 The NHS have also made a request for sums to be used to meet the needs of approximately 168 new patient registrations based on the dwelling mix. Sums are expected to be used towards the refurbishment, reconfiguration and/or extension of Howell Surgery, Waterfield House and Lamberhurst and/or towards new general practice premises development in the area, a new GP surgery site is identified in

Horsmonden as part of the emerging allocation at Bassetts Farm. The NHS confirm that there is currently limited capacity within existing general practice premises to accommodate growth in this area. It is considered that the sum directly relates to new patient registrations generated by the scheme, is based on current practice boundaries and the sums are considered to be CIL compliant.

10.101 A sum of £719 per bedspace could be sought towards Adult and Youth Recreation. Horsmonden Parish Council's comments have been sought as to proposals to enhance such facilities. The Horsmonden NDP includes the provision of the new hall under policy 4.4, and the S106 estimates include the provision of the new village hall to support the increase in Parish population needs. The sums proposed under the recreation element would benefit the wider community and it is clear that the promotor of the site anticipated provision of the land and a financial contribution to assist the community in realising the aspiration of a new village hall. The applicant has agreed to this sum and is to be included in the recommendation as set out in section 11.

10.102 In relation to the sum for BNG this directly relates to the number of units required on the site and is considered to fairly and reasonably relate in scale and kind to the development.

10.103 In relation to securing the land for the village hall, it is considered that this may be included within the S106 agreement, to secure the area of land to provide the village hall and parking area, prior to commencement of development on the site.

Conclusion

10.104 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. This is reaffirmed in NPPF Para 47. S38 (6) affords the development plan primacy in determining the application. The Development Plan policies as a whole are not out of date and still carry significant weight. This is consistent with the Government's clear statement that the planning system should be genuinely 'plan-led.' (NPPF Para 15).

10.105 In terms of the policies in the NPPF it has been considered above that the policies in the Framework that protect areas or assets of particular importance would not provide a clear reason for refusing this development (paragraph 11d – i). In terms of the 'planning balance' in this case, whilst there are negative aspects including less than substantial harm (on the very low end) to Milestone Cottage and the Horsmonden Conservation Area and significant adverse impact in terms of landscape and visual effect but very localised and to be expected of any greenfield development, there are positive aspects that are set out below;

10.106 In terms of positive aspects;

- The provision of up to 68 dwellings, with potential for a suitable indicative mix with the potential for 2 No. bungalows at M4(3) standard, attracts significant weight.
- Provision of affordable housing above the level required by the adopted LP Policy (27 dwellings from the maximum possible of 68 represents 39.7%), which attracts significant weight.
- The site is not in an 'isolated' position, and is accessible in terms of services and proximity to public transport, which attracts significant weight;
- Provision of land for the community hall which attracts significant weight;
- Footway links to the east, along with improvements to existing public right of way network would offer moderate benefits;

- The proposal will be a moderate positive in terms of improving the economic and social vitality of the area (during construction and through the introduction of new residents).

10.107 Based on the above assessment, the proposed development is considered acceptable in principle. The supporting documents show a scheme can be designed to respect the rural context and key features regarding the significance of this site, and suitable mitigation is proposed where harm had been identified. It is therefore recommended that this application be approved subject to the conditions set out below.

11.0 RECOMMENDATION – 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 August 2023 (unless a later date be agreed by the Head of Planning Services) to secure the following;

- Primary Education - £315,656.00 Towards the expansion of primary schools in the Brenchley, Horsmonden and Lamberhurst Education Planning Group.
 - Secondary Education - £308,720.00 Towards the expansion of Mascalls and/or provision in the District and Neighbouring Planning Groups through expansion of existing secondary schools
 - Community learning - £1,116.56 – towards additional equipment and resources for Adult Education Centres, including outreach provision serving the development.
 - Youth service - £4,454.00 towards equipment and resources for Kent Youth Service, and to include outreach Youth Support services local to the development.
 - Library Bookstock £3,770.60 towards additional resources, equipment and bookstock at local libraries serving the development including Paddock Wood Library and the mobile service.
 - Social care - £9,987.84 towards specialist care accommodation, assistive technology systems and equipment to adapt homes, community facilities and changing places in TW Borough.
 - Waste - £12,489.56 – towards the Tunbridge Wells Waste Transfer Station and HWRC expansion.
 - NHS CCG – Approx. £60,300 (based on 68 chargeable units at 2.4 people per dwelling) Towards refurbishment, reconfiguration and/or extension of Howell Surgery, Waterfield House and Lamberhurst and/or towards new general practice premises development in the area.
 - Adult/youth and child play space – £719 per bedspace toward the provision of a new village hall for the Parish of Horsmonden.
 - Biodiversity Net Gain Contribution £90,000 towards – a local scheme of biodiversity offsetting.
- I. The provision of 27 dwellings for affordable housing and at least 2 built to M4 (3) standards and the remaining at M4(2) where possible, and on a cascade basis with Horsmonden residents first, then neighbouring Parishes, then Borough residents.
- II. Transfer of the land to Horsmonden Parish Council for the Village Hall and associated car parking area.

and subject to the following conditions:

- 1/ Approval of the details of the layout, scale, appearance, internal access roads, and landscaping of the development (hereafter called "the Reserved Matters") for each development phase shall be obtained from the Local Planning Authority in writing before development within that particular phase commences and the development shall be carried out as approved.

The first reserved matters application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to establish a timescale for the submission of reserved matters and implementation, having regard to the scale of the development.

- 2/ Details of the appearance, landscaping, layout and scale (the 'reserved matters') of the village hall that is the subject of the outline permission shall be submitted to and approved in writing by the Local Planning Authority before any development on that phase begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and the development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 and the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

197720-002C Proposed Access Arrangements as set out in the Transport Assessment January 2022, and in accordance with the Transport Technical Note dated 7 November 2022.

Reason: To clarify which plans are approved.

- 4/ No development shall take place, until a scheme detailing the phasing of the construction of the development and an indicative programme for the development of the entire site including dwellings, the village hall and children's play area, has been submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the approved Phasing plans unless otherwise agreed in writing by the Local Planning Authority.

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

- 5/ Prior to the commencement of development, a Construction and Demolition Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction and demolition works shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of Dust From Construction Sites.
- The Plan shall include:
- a) Routing of construction and delivery vehicles to and from the site.
 - b) Parking and turning areas for construction and delivery vehicles and site personnel.
 - c) Timing of deliveries.
 - d) Measures to prevent the transfer of mud and extraneous material onto the public highway.
 - e) Details of temporary traffic management/signage.
 - f) Measures to minimise the production of dust on the site.
 - g) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barriers.
 - h) The location and design of site office(s) and storage compounds.
 - i) Details of materials storage.
 - j) Management of traffic visiting the site, including an undertaking that HGVs must not reverse into or out of the site, unless under the supervision of a banksman.
 - k) Measures to minimise the potential for pollution of groundwater and surface water.
 - l) The arrangements for public consultation and liaison during the construction works.
 - M) Soil management and disposal

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

- 6/ The reserved matters for any part of the site shall be in general conformity with the principles set out in the Parameter Plan Drawing number n1872 004 A, Illustrative layout n1872 006 A and Feasibility Plan n1872 007 A and Design and Access Statement Addendum October 2022 and shall be accompanied by a Design Statement.

Reason: To ensure that individual reserved matters follow masterplanning principles and do not prejudice the ability to deliver the development in an acceptable manner.

- 7/ The development hereby permitted shall not be for any more than 68 dwellings.

Reason: To ensure the development is delivered in accordance with the details hereby approved.

- 8/ The details of scale to be submitted in accordance with Condition 1 shall not exceed the storey heights indicated within the Design and Access Addendum October 2022, being no more than 2 and a half storeys in height unless otherwise agreed by the Local Planning Authority.

Reason: To control the development of the land in the interests of protection the visual amenity of the area.

- 9/ Details pursuant to Condition (1) shall show the provision and distribution of affordable housing. Development shall be carried out in accordance with those approved details.

Reason: In order to ensure that the development and location of the affordable housing is appropriate.

- 10/ No development (excluding 'Initial Enabling Works') shall take place on any phase of the development, until details of the finished ground floor levels, shown in relation to the proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

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

- 11/ Details pursuant to Condition 1 shall include details of hard and soft landscaping and a programme for carrying out the works. 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. Hard landscaping works shall include all hard surfacing materials, and street furniture. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with an implementation programme approved by the local planning authority.

Any trees or plants which, within a period of five years from the completion of the development, 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 the interests of visual amenity and biodiversity grounds.

- 12/ All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within 5 years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of biodiversity and visual amenity.

- 13/ Notwithstanding the details submitted, details pursuant to Condition 1 shall include the following details, and the development shall be implemented in accordance with the approved details:

- (i) A schedule of all proposed tree works;
- (ii) A Tree Protection Plan; and

(iii) An Arboricultural Method Statement, detailing all suitable methods required to ensure the effective protection of trees to be retained, including but not limited to proposed methods for:

- changes in ground levels, including the location of construction spoil;
- The location of site facilities
- The location of all drains and other services

(iv) The contact details of the arboriculturist to be appointed by the developer or their agents to oversee tree protection on the site, including the frequency of visits and the reporting of findings.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality. This is a pre-commencement condition to ensure protection measures are in place at an early stage of development.

- 14/ For each phase of development within any part of the site, no equipment, machinery or materials shall be brought onto that part of the site prior to the erection of approved barriers and/or ground protection (approved under Condition 13) except to carry out 'Ecological Enabling Works'. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

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

1.A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

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

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

4.A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any

post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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

- 16/ 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 and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approvals:

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

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

- 17/ 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 Drainage Strategy prepared by jpp dated January 2022 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.

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

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

- 19/ No development shall take place until the details required by condition 1 demonstrate that an effective outfall for surface water is provided for the development layout. This information may include details of surveys of watercourses and culverts and / or details of any works that may be necessary to deliver an effective outfall for surface water.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water

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

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

- 21/ Prior to the first use of the village hall hereby permitted, details of the noise levels emitted from plant and equipment to be installed in the village hall shall be submitted to the Local Planning Authority and approved in writing. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible, expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the details should reflect an agreed site specific target level, agreed in consultation with the Environmental Protection Team. The agreed scheme to control noise shall be implemented in full and maintained thereafter.

Reason: In the interest of residential amenity.

- 22/ Prior to first use of the village hall, a noise management plan for the use of the Village Hall shall be submitted to and approved in writing by the local planning authority. The approved management plan shall be implemented to the satisfaction of the planning authority and maintained as such thereafter.

Reason: In the interest of residential amenity.

HIGHWAYS

- 23/ Prior to commencement of any development on site, details of the offsite works being provision of the footway to link the development site with Furnace Lane together with pedestrian crossing points and including alterations and treatment to the junction of Brenchley Road and Furnace Lane as shown on Ardent Plan 197720 008D for indicative purposes only and to also include provision of a marked permanent bus stop on the southern side of Brenchley Road along with a timescale for implementation shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a minimum carriageway width of 6.0m together with a minimum footway width of 1.2m but with additional width wherever possible to accommodate passing opportunities for pedestrians. The scheme shall be implemented in accordance with the approved plans and approved timescale for implementation, in keeping with highway authority standards and specification unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety. These details are sought prior to commencement on site, as securing pedestrian linkages will be fundamental to being a sustainable development.

- 24/ Prior to the commencement of development a strategy for the provision of proposed pedestrian routes within the site (to connect with routes leading to main destinations in the locality of the site) shall be submitted for approval. The strategy shall identify the location of each of the routes, the phase of development during which the route would be completed, and provide an outline of the type, width, surfacing and lighting of the route together with a maintenance strategy for each of the routes and timescale for implementation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure connectivity with adjacent development and local facilities and to provide adequate sustainable transport measures. This is a pre-commencement condition to ensure sustainable transport is included within the scheme at an early stage of detailed design.

- 25/ Notwithstanding the details hereby approved, no above ground works shall commence until details of the internal road layout, including footpaths and cycleways, have been submitted to and approved in writing by the Local planning authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: In the interests of highway safety and proper masterplanning for the site.

- 26/ The vehicular access from the site onto the Brenchley Road hereby approved and as shown on drawing number 197720-002C Proposed Access Arrangements, along with the visibility splays within which there should be no obstruction to vision above 0.9 metres in height measured from the carriageway edge, shall be provided in

accordance with details and an implementation timetable which shall be submitted to and approved in writing in advance by the Local planning authority.

Reason: In the interests of highway safety.

- 27/ The development hereby permitted, shall not be occupied until such time as the emergency access identified on plan number Parameter Plan Drawing number n1872 004 A has been implemented, in accordance with details and an implementation timetable, to be submitted to and approved in writing in advance by the Local Planning Authority.

Reason: In the interests of highway safety and proper masterplanning for the site.

- 28/ Details pursuant to condition 1 shall include facilities for the parking and turning of vehicles for each phase, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground construction works. The works shall be carried out in accordance with the approved plans and completed prior to the first occupation of the dwellings they serve/use of the hall. The parking and turning areas shall thereafter 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 as amended (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 29/ Prior to the commencement of construction works, pedestrian visibility splays 2m x 2m with no obstruction over 0.6m above the access footway level shall be provided at the vehicular access and thereafter retained.

Reason: In the interests of highway safety.

Ecological Enhancements

- 30/ Prior to the commencement of above ground construction, a detailed scheme for biodiversity mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. The approved scheme shall include details of avoidance, mitigation and enhancement of habitat and include a detailed mitigation strategy to include dormice. The scheme shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

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

LEMP

- 31/ Prior to the first occupation of the dwellings hereby permitted, details of a Landscape and Environmental Management Plan (LEMP) for the site in accordance with BS42020 Biodiversity to include details of the management for the development as well as the long term management of the open space and boundary

hedging/landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following, as a minimum:

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

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

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

- 32/ No development hereby permitted or site clearance or cutting of vegetation shall commence until a strategy for the translocation of reptiles from the application site has been submitted to, and approved in writing by, the local planning authority. The strategy shall provide:
- i proposals for a scheme of Reasonable Avoidance Measures (RAMS) /translocation as required for reptiles;
 - ii details of the baseline survey that informed the suitability of any receptor site/area;
 - iii details of any enhancements that will be required in advance of the RAMS methodology and/or translocation, informed by the baseline survey;
 - iv a detailed of the methodology by for the implementation of the RAMS and/or translocation to the receptor site, and;
 - v a detailed timetable for the above

The implementation of RAMS and provision of the translocation site and any enhancements for reptiles shall take place entirely in accordance with the approved

strategy. No development (including any demolition, ground works or vegetation clearance) shall commence until the strategy has been complied with.

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.

- 33/ Prior to the commencement of 'Above Ground Works' on any phase of the residential development, details of measures to limit overlooking of other dwellings adjoining and within the development shall be submitted to the Local Planning Authority for approval. Such details shall indicate which windows will be fitted with obscured glass (privacy level/grade 3 or higher) and the window opening arrangements that will relate to them. The approved details shall be implemented complied with before the development is occupied and thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties. Such details are fundamental to the application and are therefore required prior to its commencement.

- 34/ Prior to first occupation of any dwelling within each phase of the development, details of the children's play areas and informal outdoor recreation facilities to be provided within that phase (where proposed to be delivered), together with a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details means of enclosure, surfacing materials, play equipment and/or structures, seating, litter bins, signs and lighting. The facilities shall be provided in accordance with the approved details and the approved timetable for implementation.

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

- 35/ 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

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

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

- 37/ Full details of the proposed sustainable energy measures/air quality mitigation within each phase of 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.

- 38/ Prior to commencement of development the applicant, or their agents or successors in title, will secure the implementation of
i archaeological field evaluation works accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority;
and
ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

- 39/ No dwelling shall be occupied until a residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained within three months of the first occupation of any dwelling hereby permitted.

Reason: In order to realise a sustainable pattern of development in the area.

- 40/ Details pursuant to condition 1 shall include written and illustrative details for renewable energy technologies shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

- 41/ Prior to the commencement of above ground construction works, written and illustrative details for energy conservation shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

INFORMATIVES

- 1/ The applicants attention is drawn to the comments of KCC Lead Flood Authority, where attention is drawn to the potential need for Land Drainage Consent in relation to the anticipated diversion of the sewer.

**B IF THE APPLICANTS FAIL TO ENTER INTO SUCH AGREEMENT BY 31 August 2023
THE HEAD OF PLANNING SERVICES SHALL BE AUTHORISED TO REFUSE**

PERMISSION FOR THE FOLLOWING REASON (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES):

1. In the absence of a completed legal agreement the proposal would fail to provide affordable housing and would therefore conflict with Core Policy 6 of the Tunbridge Wells Borough Core Strategy 2010, the National Planning Practice Guidance and the National Planning Policy Framework 2021.
2. In the absence of a completed legal agreement the proposal would fail to provide developer contributions towards the library Bookstock, Primary/Secondary School education, youth services and waste as requested by Kent County Council, and would therefore conflict with Core Policies CP1 of the Tunbridge Wells Core Strategy 2010 the National Planning Practice Guidance and the National Planning Policy Framework 2021.
3. In the absence of a completed legal agreement the proposal would fail to provide for Adult and Youth recreation and would therefore conflict with Core Policies 1 and 8 of the Tunbridge Wells Core Strategy 2010 and Policy R2 of the Tunbridge Wells Borough Local Plan 2006.
4. In the absence of a completed legal agreement the proposal would fail to provide for health care improvements or enhancements to mitigate the additional demand on services from future residents and would therefore conflict with Core Policy 1 of the Tunbridge Wells Core Strategy 2010 and paragraphs 55-57, 93 & 96 of the National Planning Policy Framework 2021.
5. In the absence of a completed legal agreement the proposal would fail to provide for Biodiversity Net Gain to mitigate the impact of the development on biodiversity and ecology and would therefore conflict with Core Policy 6 of the Tunbridge Wells Core Strategy 2010 and paragraphs 174, 179 & 180 of the National Planning Policy Framework 2021.

Case Officer: Marie Bolton

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